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# LEGISLATIVE RECORD.

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PROCEEDINGS

OF THE

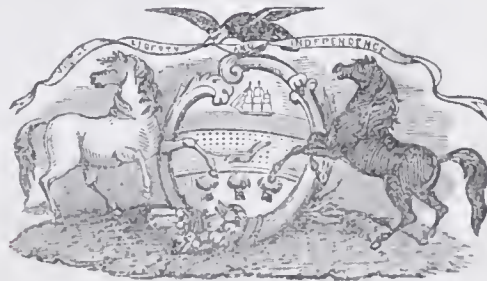
GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

FOR THE SESSION

COMMENCING JANUARY 4, 1859.



HARRISBURG, PENN'A :  
PUBLISHED AT THE PATRIOT AND UNION OFFICE.  
1859.

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# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 1.

## SENATE.

TUESDAY, Jan. 4, 1859.

The hour of 3 o'clock, P. M., having arrived, Mr. CRESSWELL, Speaker, arose and announced that this being the fourth day of January, 1859, the day fixed upon by the Constitution for the assembling of the General Assembly of the Commonwealth, and as there was present, in the chamber, a quorum, he would call the Senate to order.

The Sergeant-at-Arms then announced the Secretary of the Commonwealth, who announced to the Senate that he had the honor, in obedience to the laws of the Commonwealth, to transmit the returns of the recent election for members of the Senate.

The SPEAKER ordered the returns to be opened and read by the Clerk.

The SPEAKER then directed the Clerk to call the roll of Senators.

Upon the roll being called, the following Senators answered to their names.

1. Philadelphia.—*Samuel J. Randall, Richardson L. Wright, I. N. Marsellis, \*John H. Parker.*
2. Chester and Delaware.—*Thos. S. Bell.*
3. Montgomery.—*\*John Thompson.*
4. Bucks.—*\*Mahlon Yardley.*
5. Lehigh and Northampton.—*\*Jeremiah Shindel.*
6. Berks.—*\*Benj. Nunnemacher.*
7. Schuylkill.—*\*Robert M. Palmer.*
8. Carbon, Monroe, Pike, and Wayne.—*Thos. Craig, Jr.*
9. Bradford; Susquehanna, Wyoming, and Sullivan.—*E. Reed Myer.*
10. Luzerne.—*George P. Steele.*
11. Tioga, Potter, M'Kean, and Warren.—*Glenni W. Scofield.*
- 12.—*Clinton, Lycoming, Centre, and Union. \*Andrew Gregg.*
13. Snyder, Northumberland, Montour, and Columbia.—*\*Reuben Keller.*
14. Cumberland, Juniata, Perry, and Mifflin.—*Henry Fetter.*
15. Dauphin and Lebanon.—*John B. Rutherford.*
16. Lancaster.—*Bartram A. Shaeffer, Rob't Baldwin.*
17. York.—*\*Wm. H. Welsh.*
18. Adams, Franklin, and Fulton.—*George W. Brewer.*
19. Somerset, Bedford, and Huntingdon.—*Wm. P. Schell.*
20. Blair, Cambria, and Clearfield.—*John Cresswell, Jr.*
21. Indiana and Armstrong.—*Titian J. Coffey.*
22. Westmoreland and Fayette.—*Jacob Turney.*
23. Washington and Greenc.—*George W. Miller.*
24. Allegheny.—*Edward D. Gazzam, \*John P. Penny.*
25. Beaver and Butler.—*John R. Harris.*
26. Lawrence, Mercer, and Venango.—*Wm. M. Francis.*
27. Erie and Crawford.—*\*Darwin A. Finney.*
28. Clarion, Jefferson, Forest, and Elk.—*\*K. L. Blood.*

On motion of Mr. BREWER, the Senate proceeded to the election of a SPEAKER.

Messrs. Bell, Blood, Brewer, Craig, Fetter, Keller, Marselis, Miller, Nunnemacher, Randall, Schell, Scofield, Shindel, Steele, Turney,

Welsh and Wright—17 voted for JOHN CRESSWELL, Jr.

Messrs. Baldwin, Coffey, Cresswell, Finney, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penny, Rutherford, Shaffer, Thompson and Yardley—16, voted for GLENNI W. SCOFIELD.

Mr. CRESSWELL, having received a majority of the votes cast, was declared SPEAKER of the Senate.

Mr. CRESSWELL was conducted to the Chair by Mr. SCOFIELD, after which he addressed the Senate as follows;

SENATORS:—Before taking upon myself the solemn obligation that will consummate the acceptance of the office which you have assigned to me, allow me to express my acknowledgements for this mark of your confidence and esteem, and to profoundly thank you for the honor conferred upon me.

The duties of Speaker of a deliberative body are always necessarily of an arduous and delicate character.

Acting as your Speaker, and presiding officer, my highest ambition shall be, to discharge the duties incumbent upon the position truly and faithfully to the Constitution and laws of the State, and impartially to the rights and privileges belonging to you as Representatives.

Ours is a great Commonwealth—an empire almost in itself—and to our care and fidelity have been confided great and diversified interests and cherished rights. We should be ever active and vigilant in the promotion of the one and the preservation and protection of the other. If our deliberations result successfully in maintaining the rights and interests of the people, in advancing their welfare, prosperity and happiness—in fostering and encouraging the development and culture of our varied resources—we must command the approbation and enjoy the respect and confidence of those whose servants we are.

Senators, We are daily reminded of our fallibility as men, and I cannot expect, by my own humble exertions, however earnest they may be, to perfectly and satisfactorily perform, unaided, the work that I am about to assume. I entreat, therefore, your kind indulgence and your hearty co-operation.

Accepting the trust so kindly proffered, you will name a Senator to administer the obligation of office.

The oath of office was then administered to the SPEAKER by Mr. SCOFIELD—that Senator having been designated by the SPEAKER as the person to qualify him for the post.

The Senators elect, who had not been sworn, then approached the desk and took the oath of office, as follows:

- Philadelphia.—*John H. Parker,*  
Montgomery.—*John Thompson.*  
Bucks.—*Mahlon Yardley.*  
Lehigh and Northampton.—*Jeremiah Shindel.*  
Berks.—*Benj. Nunnemacher.*  
Schuylkill.—*Robert M. Palmer.*  
Snyder, Northumberland, Montour and Columbia.—*Reuben Keller.*  
York.—*Wm. H. Welsh.*  
Allegheny.—*John P. Penny.*  
Erie and Crawford.—*Darwin A. Finney.*  
Clarion, Jefferson, Forest and Elk.—*K. L. Blood.*

On motion of Mr. BELL the Senate proceeded to the election of Chief Clerk, the Clerks acting as Tellers

Messrs. Bell, Blood, Brewer, Craig, Cresswell, Fetter, Keller, Marselis, Miller, Nunnemacher,

macher, Randall, Schell, Shindel, Steele, Turney, Welsh, and Wright—17, voted for Wm. H. MILLER.

Messrs. Baldwin, Coffey, Finney, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penney, Rutherford, Scofield, Shaeffer, Thompson, and Yardley—16, voted for J. BARCLAY HARDING.

Mr. MILLER, having received a majority of votes cast, was declared duly elected Chief Clerk.

The oath of office was then administered to him by the SPEAKER.

On motion of Mr. WRIGHT, the Senate proceeded to the election of Assistant Clerk.

Messrs. Bell, Blood, Brewer, Craig, Cresswell, Fetter, Keller, Marselis, Miller, Nunnemacher, Randall, Schell, Shindel, Steele, Turney, Welsh and Wright—17, voted for FRANCIS M. HUTCHINSON.

Messrs. Baldwin, Coffey, Finney, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penny, Rutherford, Scofield, Shaffer, Thompson and Yardley—16, voted for A. L. HENKERSHOTZ.

Mr. HUTCHINSON having received a majority of the votes cast, was declared duly elected Assistant Clerk of the Senate, and was qualified as such by the SPEAKER.

Mr. WRIGHT moved that the rules of the session of 1858 be adopted by the Senate for its present government.

An amendment was offered by Mr. SCHELL, to the effect that the forty-eighth rule of the House be incorporated into the rules of the Senate, which rule prohibits the smoking of tobacco upon the floor of the Senate.

Mr. BELL moved for the postponement of the motion for the present.

Mr. WRIGHT wished to inquire by what rules the Senate would be governed, if it refused to adopt those proposed? We must adopt some rules, he said, and he was in favor of adopting the rules of the last session, together with the amendment of the gentleman from Bedford, which he seconded with all his heart. The motion of the Senator from Chester, he thought, was not appropriate, and he hoped that it would not be entertained by the Senate.

Mr. BREWER asked for the reading of the rule.

Mr. COFFEY remarked that if gentlemen would examine the Journals of the Senate, they would find that this was not an unusual proceeding. It was customary to adopt a resolution of this character at the commencement of a session.

Mr. BELL was well aware that it was customary to adopt a resolution of a character similar to this, but he did not think it was proper to proceed to any business which would tend to interrupt the regular order, which was the election of the remaining officers of the Senate, and he must insist upon his motion for a postponement.

The SPEAKER explained that it was not customary to elect any officer of the Senate, except the SPEAKER, on the first day of the session.

Mr. SCHELL having withdrawn his amendment to the resolution of Mr. WRIGHT, it was agreed to.

Mr. FINNEY offered the following resolution:

*Resolved*, That a committee of two members be appointed to inform the House of Represen-



tatives that the Senate is duly organized, and ready to proceed to business; which was agreed to.

The SPEAKER appointed Messrs. FINNEY and RANDALL said committee.

Mr. TURNEY offered the following resolution; which was adopted:

*Resolved*, That if the House of Representatives concur, the joint rules of the last session, for the government of the two Houses, be adopted for their government during the present session.

Mr. WELSH offered the following; which was adopted:

*Resolved*, That a committee of three members of the Senate, be appointed to act in conjunction with a similar committee of the House of Representatives, (if the House of Representatives shall appoint such a committee,) to inform the Governor that the General Assembly is organized, and ready to receive any communication he may have to make.

The SPEAKER has not yet announced the gentlemen constituting the committee, on behalf of the Senate.

Mr. WRIGHT offered a resolution, that when the Senate adjourn, it adjourn to meet to-morrow at eleven o'clock, A. M., and that that be the standing hour of meeting until otherwise ordered, and that one o'clock be the hour of adjournment.

Mr. RANDALL moved to strike out eleven o'clock and insert ten.

Mr. WELSH rose to a point of order, the resolution not being upon second reading; when the SPEAKER declared the resolution out of order.

After a second reading of the resolution, Mr. RANDALL renewed his motion to amend, and proceeded to advocate the propriety of the earlier hour of meeting. He was opposed to wasting any of the time of the session, and was in favor of making the present session as short as possible.

Mr. HARRIS could see no objection to the amendment. The Senate could meet at ten o'clock, and as soon as its business was transacted, could adjourn.

The question being upon the amendment, the yeas and nays were called, and resulted as follows:

YEAS—Messrs. Fetter, Finney, Francis, Gazzam, Gregg, Harris, Nuemacher, Palmer, Parker, Penney, Randall, Rutherford, Schell, Scofield, Shindel, Steele, Thompson, Turney, Welsh and Yardley—21.

NAYS—Messrs. Bell, Blood, Brewer, Coffey, Craig, Keller, Marselis, Miller, Myer, Scofield, Wright and Cresswell, *Speaker*—12.

The question recurring upon the resolution as amended, the yeas and nays were again demanded, and resulted as follows:

YEAS—Messrs. Baldwin, Coffey, Fetter, Finney, Francis, Gazzam, Gregg, Harris, Marselis, Miller, Myer, Nuemacher, Palmer, Parker, Penney, Randall, Rutherford, Schell, Scofield, Shaeffer, Shindel, Steele, Thompson, Turney, Welsh, Wright and Yardley—27.

NAYS—Messrs. Bell, Blood, Brewer, Craig, Keller and Cresswell, *Speaker*—6.

Mr. STEELE, of Luzerne, moved that the Senate do now adjourn; not agreed to.

Mr. GREGG, of Centre, submitted a paper, which he stated to be a proposition to do the transcribing work of the Senate, by contract, at a less cost to the State than under the present system. He asked for the reading of the communication.

Mr. WRIGHT objected to the reading of the proposition, as improper at the present time, and hoped the gentleman would withdraw it.

Mr. FINNEY suggested that if the paper had any significance, now was the proper time to present it, prior to the election of the remaining clerks.

The SPEAKER decided that the proposition was not in order, and that it would require a two-third vote to secure for it a reading at the present time.

Mr. GREGG moved that the rule precluding the reading of the proposition at present, be dispensed with. Not agreed to; so the paper was not read.

Mr. FINNEY moved that the Senate proceed to the election of officers. Not agreed to.

Mr. BELL moved that the Senate do now adjourn. The yeas and nays were called, and resulted as follows:

YEAS—Messrs. Baldwin, Bell, Blood, Craig, Fetter, Gazzam, Harris, Keller, Myer, Nuemacher, Palmer, Penney, Randall, Rutherford, Schell, Scofield, Shindel, Steele, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—23.

NAYS—Messrs. Brewer, Coffey, Finney, Francis, Gregg, Marsolis, Miller, Parker, Shaeffer and Thompson—10.

So the motion to adjourn was agreed to, and the SPEAKER adjourned the Senate until to-morrow morning at 10 o'clock.

## HOUSE OF REPRESENTATIVES.

TUESDAY, Jan. 4, 1859.

This being the day indicated by the Constitution for the meeting of the General Assembly, the members elected to the House of Representatives assembled in the Hall of the House, and were called to order at 12 M., by the Chief Clerk, JACOB ZEIGLER.

### ELECTION RETURNS.

The Secretary of the Commonwealth, being introduced, presented the returns of the election, held on the second Tuesday of October last; which, on motion of Mr. CHASE, were opened and read; when it was ascertained that the following named persons were duly elected members of the House of Representatives:

Adams.—Samuel Durbin.  
Allegheny.—J. Heron Foster, Robert P. McDowell, Julius F. Zoller, David E. Baird, Elias H. Irish.

Armstrong and Westmoreland.—Robert Warden, Matthew Shields, John W. Rohrer.

Beaver and Lawrence.—Joseph H. Wilson, James D. Bryson.

Bedford and Somerset.—Geo. W. Williams, George G. Walker.

Berks.—Edmond L. Smith, Augustus P. Bertolet, Solomon L. Custer.

Blair.—Jacob Burley.

Bradford.—Thomas Smead, O. H. Perry Kinney.

Bucks.—Hiram A. Williams, Jos. Barnsley.

Butler.—William W. Dodds, John M. Thompson.

Cambria.—Thomas A. Porter.

Centre.—Adam R. Barlow.

Chester.—Isaac Acker, Caleb Pierce, Wm. T. Shaffer.

Clarion and Forest.—John M. Fleming.

Crawford and Warren.—Robert P. Miller, Henry R. Rouse.

Cumberland and Perry.—Hugh Stewart, John McCurdy.

Dauphin.—William C. A. Lawrence, Marks D. Witman.

Delaware.—William D. Pennell.

Eric.—John W. Campbell, Wilson Laird.

Fayette.—Henry Galley.

Franklin and Fulton.—James Nill, Alex. K. McClure.

Greene.—David W. Gray.

Huntingdon.—R. B. Wigton.

Indiana.—Alexander W. Taylor.

Jefferson, Clearfield, Elk, and M'Kean.—Wm. P. Wilcox, T. J. Boyer.

Lancaster.—Nathaniel Ellmaker, Jr., Amos S. Green, Samuel Keneagy, Samuel H. Price.

Lebanon.—Joseph Eckman.

Lehigh and Carbon.—Tilghman H. Good, Samuel Balliet.

Luzerne.—P. C. Gritman, Winthrop W. Ketchum, Lewis Pugh.

Lyeoming and Clinton.—Lindsey Mehaffey, Wm. Fearon, Jr.

Mercer and Venango.—William G. Rose, C. P. Ramsdell.

Mifflin.—David Witherow.

Monroe and Pike.—Charles D. Brodhead.

Montgomery.—David Stonebeck, John Diamond, Charles H. Hill.

Northampton.—Max Goepf, Jos. Woodring.

Northumberland.—Charles Hottenstein.

Philadelphia.—C. M. D. Smith, Washington

Quigley, D. R. McClain, J. Morris Harding,

George T. Thorne, Joseph M. Church, David

H. Styer, Cornelius A. Walborne, George W.

Wood, Isaac J. Neill, I. Shepherd, John A.

Fisher, O. Evans, Simon Gratz, Geo. W. Ham-

mersly, George W. Wiley, C. F. Abbott.

Potter and Tioga.—L. P. Williston, Lewis

Manu.

Schuylkill.—John S. Boyer, Cyrus L. Pink-

erton, Philip R. Palm.

Susquehanna.—Simeon B. Chase.

Union, Snyder and Juniata.—John J. Pat-

terson, William F. Wagoner.

Washington.—George V. Lawrence, William

Graham.

Wayne.—Holloway L. Stephens.

Wyoming, Sullivan, Columbia, and Montour.

Samuel Oaks, George D. Jackson.

York.—A. Hiestand Glatz, Wm. W. Wolf.

The roll was then called, when the following

gentlemen answered to their names:

Messrs. Abbott, Acker, Balliet, Barnsley,

Barlow, Bayard, Bertolet, Boyer, (Clearfield,)

Boyer, (Schuylkill,) Brodhead, Bryson, Burley,

Campbell, Chase, Church, Custer, Dismont,

Dodds, Durbin, Eckman, Ellmaker, Evans,

Fearon, Fisher, Fleming, Foster, Galley, Glatz,

Good, Graham, Gratz, Gray, Green, Gritman,

Hammersly, Harding, Hill, Hottenstein, Irish,

Jackson, Keneagy, Ketchum, Kinney, Laird,

Lawrence, (Dauphin,) Lawrence, (Washington,)

Mann, Mehaffey, McClain, McClure, McCurdy,

McDowell, Miller, Neill, Nill, Oaks, Palm, Pat-

terson, Pennell, Pierce, Pinkerton, Porter,

Price, Pugh, Quigley, Ramsdell, Rohrer, Rose,

Rouse, Shaffer, Sheppard, Shields, Smead,

Smith, (Berks,) Smith, (Philadelphia,) Stephens,

Stonebeck, Stuart, Styer, Taylor, Thompson,

Thorn, Wagoner, Walborn, Walker, Warden,

Whitman, Wigton, Wilcox, Wiley, Williams,

(Bedford,) Williams, (Bucks,) Williston, Wilson,

Witherow, Wolf, Wood, Woodring, Zoller.

On motion of Mr. MCCLURE, the House

proceeded to the election for SPEAKER, with the

following result:

Messrs. Abbott, Acker, Balliet, Barnsley,

Barlow, Bayard, Boyer, (Schuylkill,) Bryson,

Burley, Campbell, Chase, Church, Dodds, Dur-

bin, Eckman, Ellmaker, Fearon, Fisher,

Foster, Graham, Gratz, Green, Gritman, Ham-

mersly, Harding, Irish, Keneagy, Ketchum,

Kinney, Lawrence, (Washington,) Mann, Me-

haffey, McClure, McCurdy, McDowell, Miller,

Neill, Palm, Patterson, Pennell, Peirce, Pin-

terton, Price, Pugh, Ramsdell, Rose, Rouse,

Shaffer, Sheppard, Smead, Styer, Taylor,

Thompson, Thorn, Wagoner, Walborn, Walk-

er, Witman, Wigton, Wiley, Williams, (Bed-

ford,) Williams, (Bucks,) Williston, Wilson,

Witherow, Wood and Zoller—67, voted for W.

C. A. LAWRENCE.

Messrs. Bertolet, Boyer, (Clearfield,) Brod-

head, Custer, Dismont, Evans, Fleming, Galley,

Glatz, Good, Gray, Hill, Hottenstein, Jackson,

Laird, Lawrence, (Dauphin,) McClain, Nill,

Oaks, Porter, Quigley, Rohrer, Shields, Smith,

(Berks,) Smith, (Philadelphia,) Stephens,

Stonebeck, Stuart, Warden, Wilcox, Wolf and

Woodring—22, voted for P. C. GRITMAN.

WM. C. A. LAWRENCE, having received a

majority of all the votes cast, was declared duly



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No. 2.

elected SPEAKER, and was conducted to the Chair by Messrs. M'CLURE and GRITMAN.

Before taking the Chair, Mr. LAWRENCE addressed the House as follows:

*Representatives of Pennsylvania:*

The duties of this office are difficult and laborious; and I would assume them with great reluctance, conscious of the weakness which results from my youth and inexperience, were I not encouraged by the hope and belief that I shall be sustained by your kindness and forbearance.

No President of a large, deliberative body; of himself, can maintain order in the transaction of its business. Where the interests and opinions of men and sections are brought into frequent and violent collision, nothing but the patriotism and courtesy of members can insure harmony. It is beyond the power of the Speaker. The character of this House depends upon you, gentlemen, and not upon him whom you have chosen to preside over your deliberations. Yet high obligations are devolved upon me, and I shall not shrink from them.

The State of Pennsylvania has just passed a terrible crisis and entered a new epoch in her history. Having divorced herself from all her public works, having no large domain under her care, the duties of the Legislature are simple and few. We have a system of jurisprudence which justly commands the respect and admiration of the world. Let it be touched with great care, prudently correcting manifest error, yet not precipitating upon the people innovations which may be still more injurious.

The industrial interests of society must be protected. The immense natural wealth of the State should be developed. When individual power may be inefficient, aggregations of capital, with limited powers, carefully guarded, should be encouraged. And lastly, the great moral interests of society should be borne prominently in mind. Christianity is a part of the common law of the land, and in all our actions and counsels this should control and direct us.

I fully appreciate the compliment of being selected to fill this high office, and I shall do my duty.

The SPEAKER elect then called upon Mr. GRITMAN, who administered to him the oath of office.

After the ceremony was concluded, the members elect severally appeared and had the oath of office administered to them by the SPEAKER.

## ORIGINAL RESOLUTIONS.

Mr. LAWRENCE, (Washington,) offered a resolution that the present House of Representatives adopt, for their government, the rules of last session, and that the Clerk be directed to furnish each member with a copy of the same; which was adopted.

Mr. SMITH, (Berks,) offered a resolution, that a Committee of two be appointed to wait upon and inform the Senate that the House is organized and ready to proceed to business; which was adopted.

The SPEAKER appointed Messrs. SMITH, (Berks,) and PATTERSON, said Committee.

Mr. CHASE offered a resolution that a Committee of two, in conjunction with a similar Committee of the Senate, be appointed to wait upon and inform the Governor that the two Houses are now organized and ready to receive

any communication he may have to make; which was adopted.

Mr. ROSE offered a resolution, that when this House adjourn, it adjourn to meet to-morrow at 11 o'clock, and that this be the standing hour for meeting, and 1 o'clock for adjournment, until otherwise ordered; which was adopted.

Mr. THORN offered the following; which was adopted:

*Resolved*, That for the purpose of giving the the SPEAKER time to appoint the Standing Committee of the House, this House adjourn next Thursday at 12 o'clock, to meet again the ensuing Monday, at 3 o'clock.

On motion of Mr. MILLER, the SPEAKER adjourned the House until to-morrow morning at 11 o'clock.

## SENATE.

WEDNESDAY, January 5, 1859.

The SPEAKER called the Senate to order at 10 o'clock,—a quorum of Senators present.

The Journal of the Senate was read by the Clerk, Mr. MILLER.

## LEAVE OF ABSENCE.

Mr. BELL asked leave of absence for himself for a few days; which was granted.

## REPORTS OF COMMITTEES.

Mr. WELSH, from the committee, appointed to act in conjunction with a similar committee of the House of Representatives, to inform the Governor that the General Assembly is organized, and ready to receive any communication he may have to make, reported that they had waited upon the Governor, in conjunction with the committee on the part of the House, and had received the intimation from him that he would be prepared to transmit a message in writing at five minutes past 11 o'clock, to-day.

Mr. FINNEY, from the committee appointed to inform the House that the Senate was duly organized and ready to proceed to business, reported that they had performed the duty as signed them.

## BILLS IN PLACE.

Mr. WRIGHT read in place a bill, entitled "An Act to incorporate the Broad Street (Philadelphia) passenger railroad company."

Mr. COFFEY read in place a bill relating to evidence.

Mr. FINNEY, a bill, entitled "An Act to incorporate the Erie City railroad company."

Also, an act to alter the districts of the Supreme Court.

Also, an act to make the Supreme Court permanent at Harrisburg.

Mr. MYER, an act to incorporate the Tonawanda water company.

Mr. STEELE, an act to require the register of wills in Luzerne county to record in book or books all appraisements and inventories.

Mr. RANDALL, an act to incorporate the West End passenger railway company.

Also, an act to incorporate the Philadelphia company for the improvement of the drama.

Mr. PALMER, an act for the better securing the payment of the wages of labor in the county of Schuylkill.

Mr. SCHELL, an act to prohibit the issuing and circulation of bank notes of a less denomination than twenty dollars.

## ORIGINAL RESOLUTIONS.

Mr. BREWER offered the following resolution; which was agreed to.

*Resolved*, That the Clerk be authorized to employ two pages for the Senate, at a compensation not exceeding one dollar per diem each.

## COMMITTEE OF THE WHOLE.

Mr. FINNEY asked the indulgence of the Senate to take up Senate bill No. 3, relative to the Erie City railroad; and, upon his motion to that effect, it was agreed to.

He then moved for a suspension of the rules to go into committee of the whole; which was agreed to.

In committee of the whole, (Mr. BELL in the chair,) the bill passed its several readings, and was sent to the House for concurrence.

## ELECTION OF OFFICERS.

Mr. BELL moved that the Senate proceed to the election of the remaining officers; agreed to.

*Transcribing Clerks.*—The roll of Senators being called by the Clerk,

Messrs. Bell, Blood, Brewer, Craig, Fetter, Keller, Marselis, Miller, Nunnemacher, Randall, Schell, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—17, voted for J. SIMPSON AFRICA, WM. S. PICKING and A. J. BARR.

Messrs. Baldwin, Coffey, Finney, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penny, Rutherford, Scofield, Shaeffer, Thompson and Yardley—16, voted for A. W. BARR, JAMES LINDELL and JAMES H. SHOEMAKER.

Messrs. AFRICA, PICKING and A. J. BARR, having received a majority of all the votes cast, were declared elected, and approaching the SPEAKER'S desk, were duly qualified as Transcribing Clerks.

*Sergeant-at-Arms.*—Messrs. Bell, Blood, Brewer, Craig, Fetter, Keller, Marselis, Miller, Nunnemacher, Randall, Schell, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—17, voted for THEOPHILUS SNYDER.

Messrs. Baldwin, Coffey, Finney, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penny, Rutherford, Scofield, Shaeffer, Thompson and Yardley—16, voted for GEORGE M. HILL.

Mr. SNYDER having received a majority of the votes cast, was declared elected Sergeant-at-Arms, and was duly qualified by the SPEAKER as such.

*Assistant Sergeant-at-Arms.*—Mr. FRANCIS moved that WILLIAM P. BRADY be appointed Assistant Sergeant at Arms; but the SPEAKER decided that all officers of the Senate must be elected by ballot.

A ballot being proceeded with, Mr. BRADY received the unanimous vote of the Senate, and was duly qualified as Assistant Sergeant-at-Arms.

*Door-Keeper.*—Messrs. Bell, Blood, Brewer, Craig, Fetter, Keller, Marselis, Miller, Nunnemacher, Randall, Schell, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—17, voted for CHARLES NOLF.

Messrs. Baldwin, Coffey, Finney, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penny, Rutherford, Scofield, Shaeffer, Thompson and Yardley—16, voted for ROBERT BRIDHAM.

Mr. NOLF being duly elected as Door-Keeper, was qualified by the SPEAKER.

*Assistant Door-Keepers.*—Messrs. Bell, Blood, Brewer, Craig, Fetter, Keller, Marselis, Miller, Nunnemacher, Randall, Schell, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—17, voted for JOHN FARRELL and J. R. DUNBAR.

Messrs. Baldwin, Coffey, Finney, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker,



Penney, Rutherford, Scofield, Shaeffer, Thompson and Yardley—16 voted for GEORGE MARLEY and GEORGE H. STOVER.

Messrs. FARREL and DUNBAR were declared duly elected, and qualified as Assistant Door-Keepers.

*Messengers.*—Messrs. Bell, Blood, Brewer, Craig, Fetter, Keller, Marcellis, Miller, Nune-macher, Randall, Schell, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—17, voted for HERMAN YERKES as Messenger, and for GEORGE W. LONG as Assistant.

Messrs. Baldwin, Coffey, Finney, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penney, Rutherford, Scofield, Shaeffer, Thompson and Yardley—16, voted for DANIEL CRUM as Messenger, and for FREDERICK O. ALLEMAN as Assistant.

Messrs. YERKES and LONG being declared elected, Mr. YERKES appeared and was qualified. Mr. LONG, not being present, did not receive the oath of office.

#### MESSAGE FROM THE GOVERNOR.

The Secretary of the Commonwealth was announced, who informed the Senate that he had the honor to transmit the annual Message of the Governor; which was received and ordered to be read, as follows:

*To the Honorable the Senators and Members of the House of Representatives of the Commonwealth of Pennsylvania:*

GENTLEMEN:—Although the year just closed has been one of great depression in the business and monetary affairs of the country, I am happy to be able to announce to the representatives of the people that the finances of Pennsylvania are in a most satisfactory condition.

The receipts at the Treasury, from all sources, for the fiscal year, ending on the 30th day of November, 1858, were \$4,135,778.35; and the expenditures, for all purposes, during the same time, were \$3,775,857.06. Leaving an excess of receipts over expenditures of \$363,921.29.

This exhibit shows that there was actually in the Treasury on the first day of December, 1858, the sum of \$363,921.29 more than there was on the first day of December, 1857. In addition to this, among the expenditures for the year, were—

Loans redeemed,	-	-	-	\$380,306 85
Relief Notes redeemed,	-	-	-	41,071 00
Interest Certificates redeemed,	-	-	-	116 70

Making of the public debt, funded and unfunded, paid during the year, the sum of	-	-	-	421,494 55
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If we add to this the excess of money on hand, at the end of the fiscal year, over what remained in the Treasury, at the same time last year, viz:	-	-	-	363,921 29
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We have the sum of	-	-	-	785,415 84
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But this is not all. The amount paid on the public improvements, including damages and old claims, during the fiscal year, was	-	-	-	341,036 58
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While the amount of revenue, from the same source, for the same period, was only	-	-	-	95,070 06
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Making an excess of expenditures over receipts, which happily we will be relieved from in the future, of	-	-	-	245,966 52
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This sum should also be credited to the operations of the Treasury, during the year; for it was an extraordinary expenditure, which cannot again occur, and was, in fact, a reduction of the liabilities of the Commonwealth to that extent.

If we add this sum to the amount of debt paid, and the excess of cash on hand, we have, for the year, a balance in favor of the receipts,

over the ordinary expenditures, amounting in the aggregate to \$1,031,382.36.

But from this, however, should be deducted the extraordinary receipts, which were—

1st. The amount paid by the Pennsylvania Railroad Company, on the principal of the debt due by the said Company, to the Commonwealth, for the purchase of the Main Line,	-	-	-	\$100,000 00
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2d. The amount received from the Girard Bank, for loans of the Commonwealth sold by that Bank,	-	-	-	28,000 00
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In all	-	-	-	\$128,000 00
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Which, deducted from the foregoing aggregate of \$1,031,382.36, leaves the true balance of the ordinary receipts over the ordinary expenditures for the fiscal year at \$903,382.36.

The funded and unfunded debt of the Commonwealth, on the first day of December, 1857, was as follows:

FUNDED DEBT.				
6 per cent. loan,	-	-	-	\$445,180 00
5 per cent. loan,	-	-	-	38,773,212 52
4½ per cent. loan,	-	-	-	388,200 00
4 per cent. loan,	-	-	-	100,000 00

To this loan should be added 5 per cent. Coupon Bonds sold by Girard Bank, not before reported,	-	-	-	28,000 00
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Total funded debt,	-	-	-	\$39,734,592 52
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UNFUNDED DEBT.				
Relief Notes outstanding,	-	-	-	\$146,421 00
Interest certificates do.	-	-	-	23,473 82
Do. do. unclaimed,	-	-	-	4,448 38
Domestic creditors,	-	-	-	802 50

Total unfunded debt,	-	-	-	\$175,145 70
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Making the entire debt of the Commonwealth at the period named, \$39,909,738 22.

The funded and unfunded debt of the State at the close of the last fiscal year, December 1, 1858, stood as follows:

FUNDED DEBT.				
6 per cent loans,	-	-	-	\$445,180 00
5 per cent. loans,	-	-	-	38,420,905 67
4½ per cent. loans,	-	-	-	388,200 00
4 per cent. loans,	-	-	-	100,000 00

Total funded debt,	-	-	-	\$39,354,285 67
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UNFUNDED DEBT.				
Relief Notes outstanding,	-	-	-	\$105,350 00
Interest certificates,	-	-	-	23,357 12
Do. do. unclaimed,	-	-	-	4,448 38
Domestic Creditors,	-	-	-	802 50

Total unfunded debt,	-	-	-	\$133,958 00
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Making the public debt on the first of December last \$39,488,243 67. Since the close of the fiscal year, the Commissioners of the Sinking Fund have redeemed of the five per cent. loan, the sum of \$220,132 51, leaving the real debt of the Commonwealth, at this time, funded and unfunded, \$39,268,111 16.

To meet this, besides the ordinary sources of public revenue, the State owns bonds received from the sale of the public works, and which I have every reason to believe, are well secured, amounting to eleven millions one hundred and eighty-one dollars. Deducting this from the outstanding debt, it leaves to be otherwise provided for, the sum of twenty-eight millions eighty-seven thousand one hundred and eleven dollars and sixteen cents.

It is believed, that with the existing sources of revenue, and the observance of strict economy, this sum may be reduced, during the current year, at least one million of dollars.

The present would seem to be the appropriate time,—when our nation is at peace,—and when health and reasonable prosperity prevail

within our own borders,—to greatly reduce the public debt. We have but carefully to husband our legitimate resources, avoiding extravagant and unnecessary appropriations, and practicing a proper economy in all the departments of Government, to render the entire extinguishment of our debt a fixed fact within a very brief period. To carefully guard the public treasury at this interesting epoch in our financial history, is so manifestly the duty of the public authorities, that I cannot for one moment believe that any other policy will be proposed. If there be any, who, relying on the improved condition of the finances of the State, would encourage the adoption of new schemes for depleting the Treasury, or would cut off the sources of our present revenue, and thus reduce it, let all such efforts, coming from whatever quarter they may, be sternly resisted. Let Pennsylvania be just before she is generous. Let our good example be a light in the pathway of our sister States, as well as an admonition to our own local governments. This is due alike to the favors which Providence has so bountifully bestowed upon us, and to that high character for honesty and integrity which has ever distinguished the people of this good old Commonwealth.

In pursuance of the act, entitled "An Act for the Sale of the State Canals," approved on the 21st day of April last, I did, as the Governor of the Commonwealth, on the 19th day of May, 1858, convey to the Sunbury and Erie Railroad Company, all the public works belonging to the Commonwealth, then remaining unsold, consisting of the Delaware Division—the Upper and Lower North Branch Divisions—the West Branch Division—and the Susquehanna Division of the Pennsylvania Canal, with all the property thereunto belonging, or in anywise appertaining, and all the estate, right, title and interest of this Commonwealth therein, for the sum of three millions five hundred thousand dollars. To secure the payment of this sum, the Sunbury and Erie Railroad Company paid to the State Treasurer its bonds, secured by a mortgage, as directed by the act, for the amount of the purchase money. The company, also, complied with the provisions of the Act which required it, as additional security, to execute and deliver to the State Treasurer a mortgage on the Delaware Division for one million—a mortgage on the Susquehanna and West Branch Divisions for half a million—and a mortgage on the Upper and Lower North Branch Divisions for half a million of dollars. The deeds and mortgages were all executed under the immediate supervision of the Attorney General, and were in strict conformity with the requirements of the law.

After the conveyances were duly executed and delivered, possession of the canals was given to the railroad company.

The act further provided that the Sunbury and Erie Railroad Company should not re-sell the Canals, or any part of them, without the consent of the Governor; and that if a re-sale were made for a greater sum, in the aggregate, than three and a half millions of dollars, seventy-five per centum of the excess should be paid to the Commonwealth, in the hands of the purchasers. It was also provided that upon a re-sale, the mortgages given by the Sunbury and Erie Railroad Company to the Commonwealth, upon the Canals, "should be cancelled by the State Treasurer and surrendered to the company by the Governor, on deposit made by the said company in the office of the State Treasurer, of an equal amount of the bonds of their grantees, secured by mortgage of the canal or canals sold as aforesaid"—with a provision that no transfer or securities should be made until the Governor should be satisfied that the new securities to be given were sufficient to protect the interests of the State; and that his written approval of the change should



be filed in the office of the Secretary of the Commonwealth.

Sales were made by the Sunbury and Erie Railroad Company and reported to me, under the oath of the President, of the different lines, as follows:

The Upper and Lower North Branch Canal, to the North Branch Canal Company, for	\$1,600,000
The West Branch and Susquehanna Divisions, to West Branch and Susquehanna Canal Company, for	500,000
The Delaware Division, to the Delaware Division Canal Company of Pennsylvania, for	1,775,000

In all the sum of - - \$3,875,000

Upon investigation and inquiry, having become satisfied that these sales were made for fair prices, and upon such terms, and to such persons composing the various purchasing associations, as to insure the payment of the purchase money, they were severally approved.

After the contract for the sale of the Delaware Division had been entered into, and my consent had been verbally given, and seventy-five thousand dollars of the purchase money had been actually paid by the purchasers, upon the faith of the contract, and my assent thereto, I was informed that a higher price had been offered, by responsible persons, for the canal. But under the circumstances, my opinion was that the offer came too late; and as the Railroad Company considered itself bound to consummate the agreement by a delivery of the deed and possession of the property to the first purchasers, I could not, in good faith, withhold my assent. The North Branch Canal Company, subsequent to the purchase of that division, sold that portion of the canal lying between Wilkesbarre and Northumberland, to the Wyoming Canal Company for the sum of nine hundred and eighty-five thousand dollars.

On the 13th of September, 1858, bonds of the various companies owning the different canals, secured by mortgages, were, in pursuance of the act, and by my approval, deposited with the State Treasurer to the amount of two millions of dollars; and the mortgages on the canals given by the Sunbury and Erie Railroad Company, were cancelled by the State Treasurer, and surrendered by me to the company in accordance with the directions of the law. At the same time a settlement was made between the Commonwealth and the Railroad Company, by which the latter paid to the State seventy-five per centum of the proceeds of the re-sale over and above the contract price of three and a half millions. This amounted to two hundred and eighty-one thousand two hundred and fifty dollars, and was paid in the following manner, viz:

Bonds of the Wyoming Canal Company, secured by mortgage on the canal from Wilkesbarre to Northumberland, payable in twenty years with interest at six per cent. payable semi-annually, - - -	\$281,000
Cash, - - - - -	250
Total, - - - - -	\$281,250

These bonds are well secured, and the accruing interest and principal, when due, will doubtless be promptly paid.

From information of a reliable character recently communicated to me by the President of the Sunbury and Erie railroad company, it appears that the prospects of an early completion of that great public highway are very encouraging. A large amount of work has been done on the line of the road during the past season, and at this time, very considerable portions of the road are graded and rapidly approaching completion. It is the opinion of the President of the company that within two years, the work will be entirely finished, so that cars will be

running directly from the city of Philadelphia to the harbor of Erie.

When this great enterprise shall be consummated, and the desire of its friends finally accomplished, the payment of the three millions and a half of mortgage bonds, which the State has received in exchange for the canals, will unquestionably be well secured—whilst the railroad, itself, will prove of incalculable advantage to our great commercial emporium, as well as to the important, but long neglected, region through which it passes. Its construction will undoubtedly add to the value of the real estate of the Commonwealth many times its cost, and develop and bring into use the rich resources of a country which have hitherto remained as they were lavishly strown by the hand of nature. I have an abiding confidence that the result will abundantly prove the wisdom of the measure, which, while it guaranteed the completion of one of the greatest improvements ever projected in the Commonwealth, it, at the same time, divorced the State from the unprofitable and demoralizing management of her railroads and canals.

Whatever differences of opinion may, at any time, have been entertained in regard to the propriety of the details of the legislation authorizing the sale of the main line, or the branches, it can scarcely be doubted that the public welfare will, in every respect, be vastly promoted by the transfer of the management of the public works from the State to individual owners.

The short experience that we have had already, proves conclusively that the Commonwealth is greatly the gainer, in a financial point of view, and it has been equally demonstrated that the people at large have been as well, if not better, accommodated, by the change.

It would, in my judgment, be a public calamity, if, by the happening of any contingency, the Commonwealth should be constrained to again become the owner, and resume the management, of any portion of the public improvements.

The power of the General Assembly to pass the Act of the 21st of April, 1858, relative to the sale of the State canals was questioned before the Supreme Court of the State, since the transfer of the Canals; and, after full argument, the Constitutionality of the Act was sustained by the unanimous judgment of the Court.

Since the sale of the public works, and the settlement of the principal outstanding claims against the State, it is obvious that there is no further necessity for a Board of Canal Commissioners, or a Canal Department. I, therefore, recommend the abolition of the Board, and that provision be made for the transfer of the records to the office of the Auditor General.

In view of the foregoing exhibit of our resources and financial condition it is apparent that a most interesting era has been reached in the history of the Commonwealth. Relieved from the entangling embarrassments of an extensive system of internal improvements, the means of the State are now ample for all legitimate purposes, and her public debt is gradually but certainly disappearing. From these and other causes, governmental action has become greatly simplified, and the nature of the subjects of its operation has changed in a degree no less remarkable.

The almost entire disposal of the lands which belonged to the State, has already dispensed with one of the Departments created for their care, and will, ultimately, render the other unnecessary, except for preserving the evidences of their transfer.

The sale of the public works has relieved the Executive branch of the Government of many of its most responsible and perplexing duties, and in effect, dispensed with one of its most formidable and difficult departments.

In the same proportion, the action of the Legislature will, if the representatives of the people be true to the interests reposed, and

sternly refuse to entangle the public with those numerous projects and enterprises which are continually seeking its alliance, be simplified and economized, purified and strengthened.

And it is as remarkable as it is propitious, that an era which has thus relieved the State authorities of burthens that consisted, either of mere material interests, or the care of local administration,—committing the one to the local sovereignty of the people, and the other to private or associated enterprise,—should also present for consideration and promotion intellectual and moral claims of peculiar importance.

It is at this period in our history that the system of public education challenges the attention of the most unobservant. And I shall be much mistaken in the cautious but steadfast character of the people of Pennsylvania, if their Representatives do not make it the first object of their solicitude.

The annual report of the Superintendent of Common Schools, will lay before you the present condition of the Common School System, and of its operations during the past year. Your close and scrutinizing attention is invited to the details of that document.

Including the city of Philadelphia, it will be observed, that there were in the public schools of the State, during the year which terminated on the first Monday of last June, 628,201 pupils; these were instructed during an average term of a little over five months, in 11,281 schools, by 13,856 teachers, at a total cost of \$2,427,632 41.

Here is a public interest, which,—whether we regard its ramifications into every portion of our social fabric, its large cost, the important powers over the present which it wields, or its incalculable influence upon the future,—undoubtedly transcends all others committed to the care of the secular authorities. This being the case, I have no hesitation in asserting that the time has arrived when its full importance should be recognized, and that its due administration should be made the duty of a fully organized and effective, as well as a separate department in the government.

But the mere care and promotion of our system of Common Schools—important and extensive as it obviously is—should not be the sole object of such a Department. If it is true that the power to punish crime includes also the right to prevent it, by providing for the proper intellectual and moral training of the people, it would seem to follow that the department charged with the latter momentous duty, should also be in possession of all the sources and subjects of information, calculated to shed light upon the object of its action. Hence the collection, arrangement, and practical deductions from population and industrial statistics; from natural defects, such as deafness and dumbness, blindness and lunacy; from crime in its various forms and developments; together with such control over all the literary and scientific institutions in the State, as shall bring their full condition into view—should also belong to the same Department.

Therefore, I most respectfully, but earnestly urge upon your favorable consideration, at the present propitious moment, the organization of such a Department, in the room of those for the care of mere matter whose agency has been or soon will be discontinued by the onward and upward progress of the Commonwealth.

A suitable Department of Public Instruction, will not, however, of itself, effect all that is needed in this direction. The general results of the Common School system, already cited, show the importance of its nature, and the magnitude of its operations. If we look, also, into its special statistics, the conclusion will be equally clear that certain improvements in its working machinery, are equally indispensable.



It is needless to attempt to prove the truism that the properly qualified teacher is the life and success of the school. But the facts are startling, that of the 12,828 teachers of our public schools, exclusive of those in Philadelphia, only 5,087 are reported as "qualified" for their important trust; while 5,387 are returned as "medium," or such as are only tolerated till better can be obtained; and that 2,313 are stated to be "unfit." In other words: of the 569,880 children attending the schools out of Philadelphia, only about 230,000 (less than one half) are under proper instruction and training; while about 210,000 are receiving insufficient instruction from inferior teachers; 100,000 are actually in charge of persons wholly unfit for the task.

This presents the subject in a light that cannot be shut out; and, though the great and commendable efforts recently made by the teachers of Pennsylvania, for their own improvement, are fully recognized, it cannot be concealed that there is a work yet to be done, in this relation, which would seem to be beyond their unaided power to accomplish.

When, however, we look further into the special statistics of this branch of the system, the material for improvement is found to be of the most promising kind. Of the 12,828 teachers of our common schools, 10,889 are under thirty years of age, and 10,946 are natives of Pennsylvania; and a larger proportion than in most of the other States, are permanently devoted to the profession of teaching. To render these fit for the position to which they aspire—undoubtedly one of the most useful and honorable in the world—and to raise up a constant supply of well qualified successors, is the work to be done.

Various modes of effecting this object have been suggested or tried; but, after mature reflection, I am led to prefer that devised by the Act of May 20, 1857, entitled "An Act to provide for the due training of teachers for the Common Schools of the State." It places, in relation to the State, the teacher on the same footing with the members of such of the other learned professions as have been recognized by public authority; and it is to be regretted that the prostration of business and scarcity of money, that so soon followed the passage of the act, had the effect of checking many laudable efforts to put its provisions into operation. Under these circumstances, does it not become the duty of the State to afford such aid, or at least hold out such inducements as shall enable this measure to be fairly tested.

The passage of a law guaranteeing the payment of a moderate sum to one Teachers' School in each of the districts created by the act of 1857, would no doubt cause a sufficient number to establish the efficiency and practicability of the plan, to be completed in a few years; the money not to be paid till the schools were in full and approved operation. It is not probable that this grant would cause any considerable draft on the treasury; but, even if the whole twelve schools should ultimately be established, the boon would neither be out of proportion to that which has been conceded to other literary institutions, nor the number of graduates beyond the wants of the community. Up to the present time, Pennsylvania has appropriated about \$600,000 in aid of her colleges and academies, and this mainly in the hope of obtaining from them teachers for the common schools. Though the benefits of this munificence have been, in other respects, quite equal to the amount given, it will be asserted by no one that the avowed object has been to any considerable extent effected. It would therefore appear to be time that the aid of the State should be brought directly to bear in favor of the great object so long contemplated.

I have thus briefly laid before you the condition of our noble educational system. It will

afford me sincere pleasure to concur in the adoption of these, or any other measures, for its perfection, that the wisdom of the Legislature may devise.

In this country, the want of a school which shall combine the elements of learning and agricultural labor, and thus adapt itself to the education of the farmer, has been most seriously felt; for, whilst our many colleges well fill the measure of usefulness in their appropriate sphere of influence, it must be conceded that the training they impart is badly adapted to the art of practical agriculture. In Pennsylvania that interest is so important as to demand at all times our anxious attention, and active support. "The Farmers' High School of Pennsylvania," lately projected and planned by a few public spirited individuals, and which has received, to some extent, the patronage of the State, and the contributions of a number of our patriotic citizens, is destined to afford a place where young men may be educated at an expense commensurate with their means, and to a condition qualifying them for the pursuit of the business of the farm. Here, whilst daily occupation will train the body to the ability to labor, and give to the student the enviable feeling that he contributes to his own support and education, it will instruct and enlarge his mind, that it may give force and effect to all his future efforts. The design of the institution is to afford a school where boys may be thoroughly educated in all the branches of natural science, and, at the same time, be inured to the performance of labor; so that at their graduation they may return to their parents abundantly prepared to join the domestic circle, to give a right direction to the business of agriculture, and act well their part in every department of life. An object so fraught with usefulness is entitled to the highest commendation.

The application of scientific principles to the practical purposes of life, is but realizing the full benefit of those laws of nature, to discover and profit by which, is undoubtedly one of the great ends of human reason. The more this important object is held in view and effected by our higher institutions of learning, the more valuable and useful will they become. The Polytechnic College of Pennsylvania at Philadelphia, is founded on this basis; and its attempt to popularize science, and connect high acquirement with practical ability, is presented to your favorable consideration.

Under a resolution of the last House of Representatives, a committee was appointed by the Speaker of the House to examine the state and condition of several Banks chartered at the session of 1857. The resolution directed the committee to report to the Governor the result of its examination within ninety days after the adjournment of the Legislature. On the 20th of July last, the report of the committee, together with the accompanying evidence, was filed in the Office of the Secretary of the Commonwealth, a copy of which will be laid before the House of Representatives.

In view of the facts reported by the committee, in reference to the organization and subsequent management of the Tioga County Bank, the Crawford County Bank, and the Bank of Shamokin, I would recommend a careful inquiry into the present condition of these institutions, and if it shall be ascertained that the public is likely to suffer injury from the further existence of either, a speedy and certain remedy may be found in a legislative repeal of the rights and privileges granted by the acts of incorporation. The power to alter, revoke, or annul, the charter of a bank whenever its continuance may, in the opinion of the Legislature, be injurious to the citizens of the Commonwealth, is expressly given by the Constitution to the General Assembly,—to be exercised, however, in such manner as that no injustice shall be done to the corporators.

Obedience to this constitutional injunction would require that in the event of a repeal of the charter of bank, care should be taken that the rights of the stockholders to the surplus assets of the bank, after payment of its debts, were protected; and that suitable provisions should be made for settling its affairs.

The injunction contained in the constitution, that the repeal or revocation of a bank charter shall be in such manner as to work no injustice to the corporators, is not a qualification of the power to revoke, or annul the charter; but it is simply a requirement that, in taking away the charter, the rights of the stockholders shall be protected, so far as is consistent with the act of repeal itself. I do not doubt that the Legislature may alter, revoke, or annul, any existing bank charter, whenever in its opinion the continuance of the charter may be injurious to the citizens of the Commonwealth. Any other construction of the Constitutional reservation would make the interests and safety of the public subservient to the gain of the private stockholder. Believing, therefore, that there is no want of power, I cannot refrain from expressing my decided opinion that whenever it is clear that a bank is insolvent, or in great danger of becoming so, or whenever its privileges are so used or abused as to seriously prejudice the interests of the public, it is the duty of the law-making power to protect the people, by destroying its corporate existence.

In this connection I deem it my duty to reiterate the views expressed in my inaugural address. I then stated, as my decided opinion, that there should be no further increase of banks or banking capital under the present system—expressed a decided hostility to the issue of notes of a small denomination—and recommended such a change in our laws relative to banks, their organization and management, as would at least secure beyond all question the prompt redemption of all bills or notes put in circulation by the several banking institutions of the Commonwealth.

Well satisfied of the imperfection of existing laws relative to banks and banking, I deem it a duty to inform the General Assembly that I cannot give the Executive approval to any bills chartering additional banks without a radical change in the entire system. It is but just to state, that in my opinion, a large majority of the banks of the Commonwealth are well and safely managed, and in a perfectly sound condition; but this is due to the honesty and intelligence of those having charge of them, rather than to the efficiency of the laws. Under the management of incapable or dishonest men, experience has shown, that there is really but little if any security to the public in the regulations and restrictions now to be found in our banking code. True wisdom dictates a reformation.

The ruinous losses which have fallen upon the people during the financial pressure of the past eighteen months, suggest the necessity of preventing their recurrence. Although many causes may have combined to produce these disasters, it is too plain to admit of doubt that our banking system has been one of the most prominent. The value of the precious metals—the prices of property—and the wages of labor—are always affected by the abundance or scarcity of the paper medium received as a substitute for gold and silver coin. The power of the States to authorize a paper currency, through the agency of banks, has been so long exercised, and acknowledged, throughout the Union, that it is no longer an open question. But it must be acknowledged that the power has been greatly abused. The delegation of this attribute of sovereignty to a number of irresponsible corporations, without proper checks to limit its exercise, and without providing any security whatever for the redemption of the issues thus authorized, has been attended with



evils of the most alarming character. These corporations are practically made the exclusive judges of the amount of paper currency to be furnished to the people, and have the exclusive power to contract or expand their circulation at pleasure. Depositors and other ordinary creditors of banks, need no legislation for their protection. Every one who has direct dealings with these institutions, either as depositor or otherwise, enters into such engagements voluntarily, for his own advantage, and may be safely left to his own vigilance, and the ordinary remedies of the law, for his protection. But the millions of people engaged in industrious pursuits, the farmer—the mechanic—the merchant—and the laboring man—are under an imperious necessity to receive for their merchandize and their labor, the ordinary paper currency of the country. It is impossible for persons of this description to investigate the concerns of every institution whose notes are in circulation. But no investigation could save them from the losses arising from the defaults and frauds of bank officers and the insolvency of bank borrowers.

The note holders of banks have peculiar claims to the protection of the Government. They are involuntary creditors, who are forced to receive the notes authorized by the Government. They have no direct dealings with the banks. They do not trust the banks from any hope of gain. They have no profit in passing the notes which they would not have had in passing gold and silver coin. They constitute almost the entire community, and the humble and ignorant are always the greatest sufferers when a bank fails to redeem its notes. The whole people are therefore deeply interested in the security of the circulation allowed by law, although many of them may never have had a share of bank stock, or been within a hundred miles of its place of business. The Government that authorizes the issue of a paper currency, is under a high moral obligation to require ample and available security for its redemption.

The certificates of loan issued by the General Government, or by this Commonwealth, at a value to be fixed upon, with the power to require additional deposits of security, from time to time, as the loans depreciate in the market, would be as safe and available as any guarantee which could be provided.

A law requiring all issues of banks hereafter organized, to be secured by the pledge of these loans, would enhance the value of the present loans, and thus give the holders a premium not contemplated when they became purchasers, and for which they never have any valuable consideration. This enhanced value would be derived from a privilege granted by the State, and the State, ought, therefore, to have the benefit of it, as far as this may be secured by legislation. The recent amendment of the Constitution circumscribes the power of the Legislature in creating State debts, with an exception in favor of debts contracted "to redeem the present outstanding indebtedness of the State." A law authorizing new State loans for the purpose of redeeming the present over due debt, would be within the constitutional exception, and would be free from objection on constitutional grounds.

The new loans thus authorized, redeemable at the expiration of twenty years, with the banking privilege attached to them, would undoubtedly sell at a high premium. The proceeds of their sale should be applied to the payment of the present State debt, now overdue, amounting to more than seventeen millions of dollars. Under this system the State loans would no longer be held by foreigners, and the semi-annual shipments of specie, to pay interest, would therefore cease.

As the currency would be limited to the amount actually secured, the danger from expansions, which have heretofore stimulated the incautious to embark in ruinous enterprises, in

overtrading, and in extravagance in their expenditures, would be greatly lessened, if not entirely overcome. As the securities would be in the hands of a high and responsible officer of the State, with authority to sell them for the purpose of redeeming the circulation, the power of the banks to arrest specie payments at their own pleasure would be at an end. The system proposed is as near an approach to a specie basis as the condition and habits of the people are at present prepared for. The duty of securing the community from losses continually arising from unsafe currency, cannot be longer delayed without a manifest disregard of the public interests. The subject is therefore commended to your early attention.

The report of the Commissioners appointed to contract for and superintend the erection of a monument to the memory of citizens of Pennsylvania, who were slain or lost their lives in the late war with Mexico, will inform the Legislature of the proceedings had on that subject. After receiving proposals for the erection of the monument, and the adoption of a plan, it was determined, in view of the limited and inadequate appropriation made for the accomplishment of the purpose, by the last Legislature, to postpone the commencement of the work until further legislation could be had. It is the opinion of the Commissioners that such a monument as would do credit to the State, and honor to the living and the dead, cannot be built for a less sum than thirty thousand dollars. If the Legislature should concur in that opinion, the appropriation should be increased accordingly.

The report of the State Librarian will inform you of the progress made in the catalogue authorized by the last Legislature, and the general condition of the Library, which has grown to be an institution that deserves your fostering care. I would commend to your attention the suggestions of the Librarian.

The report of the Attorney General, which will be laid before you, will exhibit the operations of the Law Department of the Government for the past year. The Act of the 21st of April, 1857, which requires the Attorney General to keep an office at Harrisburg, and which provides that all debts due to the Commonwealth shall be collected by that officer, has proved to be a highly beneficial enactment. Under its provisions large sums are saved which were formerly paid for commissions and counsel fees. And the improved state of our finances is in no inconsiderable degree owing to the prompt manner in which outstanding claims are collected and paid into the State Treasury.

The Adjutant General's report, which will be laid before you, will show in detail the present condition of the Military Department. I would respectfully call the attention of the Legislature to the recommendations of that officer.

The Military Law of 1858, has not been fully tested; but it is believed to be, in the main, an improvement on the laws in force at the time of its passage. One of its best features, and one that should be strictly enforced, is that the system is self supporting. In no contingency should that department be a charge upon the public Treasury in time of peace.

In referring the attention of the Legislature to the elaborate reports of the Auditor General and State Treasurer, relating to the finances of the State, which will be laid before you, I cannot refrain from giving expression to my views on the importance of a change in the mode of keeping and disbursing the public moneys.

The State Treasurer receives and disburses between four and five millions of dollars annually; and it not unfrequently happens that there is a balance on the Treasury exceeding one million of dollars. The bond of the Treasurer is

but for eighty thousand dollars. He deposits the money of the State wherever he pleases, and it is paid exclusively on his own check. The monthly settlements with the Auditor General afford some security that the funds of the Commonwealth will not be misapplied; but it is entirely inadequate to the complete protection of the public interests.

Until the State shall adopt a different system for the collection, safe-keeping and disbursement of her revenues, the money on hand must be kept either in the Treasury vault or deposited with the banking institutions in the State. For many years the latter mode has been adopted. I respectfully recommend that provision be made by law that no money shall be deposited in any bank by the State Treasurer without requiring security to be first given to the Commonwealth for the repayment of the sums deposited—that all checks issued by the State Treasurer shall be countersigned by the Auditor General before they are used—and that daily accounts of the moneys received and paid shall be kept in the office of the Auditor General as well as in the Treasury Department.

The Commissioners appointed to revise the Criminal Code of this Commonwealth, are progressing with the duties of their appointment, and will report the revised code before the adjournment of the Legislature.

The various charitable and reformatory institutions, which have heretofore received pecuniary assistance from the State, such as the State Lunatic Hospital, at Harrisburg, the Western Pennsylvania Hospital, at Pittsburg, the Houses of Refuge at Philadelphia and Pittsburg, the Pennsylvania Training School for idiotic and feeble-minded children, the Asylums for the Blind, and Deaf and Dumb, at Philadelphia, the Northern Home for Friendless Children, at Philadelphia—I recommend to your fostering aid and care. The annual reports exhibiting a detail of the operations of these noble and excellent charities, during the past year, will be laid before you. I cannot recommend appropriations to charitable associations of a purely local character, however praiseworthy the objects and motives of their founders and supporters, or however useful they may be to their particular localities.

The present condition of the revenues of the General Government, demonstrates the urgent necessity of increased duties upon foreign importations. The people of Pennsylvania have ever taken a lively interest in the proper adjustment of a tariff; and they have with singular unanimity, at all times, favored such an assessment of duties, as would not only produce revenue, but furnish the largest incidental protection to the great mineral, manufacturing, and industrial interests of the country. Had their voice hitherto been more potent in the councils of the nation, it is no longer problematical that much of the pecuniary distress lately experienced by all classes and conditions of business men might have been to a great extent averted. The necessities of the government and the people, now alike demand a change—an increase of duties—and I take great pleasure in indorsing the views of the President of the United States as expressed in his last annual message, relative to the change proposed. His advocacy of specific duties on all "commodities which are generally sold by weight, or by measure, and which from their nature are of equal or of nearly equal value,—such as iron, of different classes, raw sugar, and foreign wines and spirits," has met with a hearty response from the great body of the people of this State. It is to be hoped that his views on this question will be favorably regarded by Congress, and that the action of the federal government may correspond with the suggestions of the President.

When I was called upon to assume the gubernatorial chair, nearly one year ago, in defer-



ence to public opinion, and my own feelings, after a rapid review of events in Kansas, I stated, that "to the people of Pennsylvania the admission of a new State into the Union—into that Confederacy of which she is a member—must be at all times a subject of high interest. And I believe I express their sentiments, as well as my own, in declaring that all the qualified electors of a Territory should have a full and fair opportunity to participate in selecting delegates to form a constitution preparatory to admission as a State, and, if desired by them, they should also be allowed an unqualified right to vote upon such constitution after it is framed."

Subsequent events have confirmed me in these sentiments. The deplorable disputes in the first session of the present Congress—the popular excitement resulting from those disputes, together with other proceedings, in their nature novel and alarming, would all have been averted, had the people been secured in "the unqualified right" to vote upon their domestic institutions. I regret to be compelled to say, that, under various pretences, this sacred franchise has been virtually withheld from them. When they refused to accept the Lecompton Constitution, made for them by delegates representing the minority, they were explicitly denied the privilege of making their own constitution, unless upon a condition not previously exacted.—If they accepted the Lecompton Constitution, they entered the sisterhood of States at once, with a population less than one-half of the existing ratio of Congressional representation; but, if they refused that Constitution, they could not be admitted into the Union, with the Constitution of their choice, until they were ready to show by a formal census that they had attained a population equal to that ratio. The results have become historical.

The last expressive vote of the people of Kansas against the act of Congress, commonly known as the English Bill, has for a time arrested Congressional intervention. Peace has resulted alone from the votes of the people, not from the suggestions of outside influences. But, during the angry feelings which this controversy has aroused, the theory has been started, and insisted upon, that it will henceforward be the duty of Congress to protect slavery in the territories, if the people of the territories shall fail to do so. The warrant for this extraordinary assumption is alleged to exist in the decision of the Supreme Court of the United States, in the case of Dred Scott. Entertaining, as I do, profound reverence for the decision of that august tribunal, and standing ready to obey them, whenever they are enunciated, I have yet to be convinced that any such construction can be fairly given to their action in the case referred to. Such a doctrine, no matter how sanctioned, or supported, will shake the very pillars of our constitutional fabric.—It would compel every territory to elevate property in slaves above every other description of property,—and to establish a slave code in its early municipal regulations: or else it would convert the Congress into a theatre of crimination and confusion, and fill the whole country with strife. And all this, without securing a single advantage to the North, or protecting a single right of the South.

Regarding myself as fully committed to the doctrine of popular sovereignty in its broadest sense, I can never subscribe to the theory of Congressional intervention, as understood and supported by the opponents of this doctrine. By popular sovereignty, I mean no violation of the rights of the States—no assault upon the institutions of the South—no appeal to sectional prejudices. On the contrary, I regard the doctrine as the embodiment of the popular will in States and Territories, as the conservator of the rights and the equality of States and people—and as the only means by which a vexed

and dangerous agitation will be satisfactorily and perpetually "settled."

A theory equally heretical has been advanced in another portion of the Union. It has been held that this government, divided into free and slave States, as it was framed by our revolutionary fathers, cannot endure—that all must become free, or all become slave. When such a doctrine shall be enforced, the constitution will have been subverted—State sovereignty prostrated—State rights disregarded, and the liberty of the people destroyed. It should meet an indignant rebuke from every lover of his country, and the blood-bought right of the people and the States to self-government.

Under the various amendments to the Constitution of Pennsylvania, the influence of the Executive has been greatly reduced by the transfer of patronage from the Governor to the people. This is in accordance with the principles of self-government, but it must be acknowledged that in relieving the Executive from many serious responsibilities, it has diminished his ability to maintain the rights of the State against Federal and other encroachments, and has thrown a greater share of responsibility upon the people. The extensive patronage of the Federal Government, and the large salaries paid to its officers, in comparison with those of the State, present constant inducements to our citizens to overlook the State in the pursuit of more lucrative employments under the United States. It is, therefore, the more necessary that the people should guard the sovereignty of the State with increasing watchfulness. The constitution of the United States contains the great fundamental principle which should govern its construction on every question respecting the extent of the Federal power. "The power not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." It is on this broad platform that every claim of Federal power not granted by the Constitution, should be sternly resisted. The tendency to centralization is so great, and the overshadowing influences of power and patronage so seductive, that liberty cannot long be preserved without the exercise of sleepless vigilance in enforcing a strict construction of the Federal compact. The doctrine of State rights is the doctrine of true liberty. Popular sovereignty is the life-blood of our free institutions, and the palladium of our safety. Every patriotic inducement to sustain those great principles, should be fearlessly held out to our citizens, and every unauthorized assumption of power should be resisted with unceasing energy, and by all constitutional means.

Having now discharged the duty imposed on the Executive, by the constitution, I cannot conclude without congratulating you upon the peculiarly favorable auspices under which you enter upon the duties of the Session of 1859. Few important subjects of legislation press upon your attention. Prudence, firmness, fidelity—a watchful regard for the interests of the Commonwealth—a jealous guardianship of her finances—on the part of the government—are all that are required, under Providence, to ensure the continuance and increase of our onward prosperity. Pennsylvania may then, at no remote period, rejoice in the extinguishment of her public debt—the repeal of her onerous and burdensome taxes—a fame and a credit untarnished—a free and popular educational system—and an industrious and loyal people prosperous and happy.

WILLIAM F. PACKER.

EXECUTIVE CHAMBER,  
Harrisburg, Jan. 5th, 1859, }

Mr. STEELE submitted the following resolution:

*Resolved*, That four thousand copies of the Message, in English, and 1,000 in German, be printed for the use of the Senate.

Mr. COFFEY moved to amend by inserting six thousand instead of four; which amendment was accepted by Mr. STEELE, and with the modification the resolution was agreed to.

#### STATE TREASURER'S REPORT.

The SPEAKER laid before the Senate the Annual Report of the Treasurer of the Commonwealth for the fiscal year, ending the 30th of November, 1858.

#### MESSAGE FROM THE GOVERNOR.

The Deputy Secretary of the Commonwealth was announced, who presented a Message from the Governor; which was read.

EXECUTIVE CHAMBER,  
Harrisburg, Jan. 5, 1858. }

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

GENTLEMEN:—I have approved and signed the following acts of the last General Assembly, viz:

On the 22d of April, 1858, "An Act to refund to R. E. Brown certain moneys and expenses paid by him to the Commissioners of the Nicholson Court."

"An Act to incorporate the city of Pittsburg."

"An Act to annex sub-district, No. 1, Donegal township, in the county of Washington, to the borough of Claysville, for school purposes."

"An Act to incorporate the Pennsylvania Literary Union of the city of Philadelphia."

"An Act to repeal an act relating to the collection of tolls on the bridge over the Sawmill Run, in Allegheny county, on the Steubenville turnpike road."

"An Act to authorize the auditors of Jefferson county to re-audit the accounts of David Harl and Augustus R. Marlin, late treasurers of said county."

"An Act to charter the Moshanon Railroad, Lumbering and Manufacturing Company."

"A further supplement to the act, entitled 'An Act to regulate the sale of liquors, &c. &c. &c.'"

"An Act for the widening of the east end of State street, in the borough of Harrisburg."

"An Act to incorporate the Abingdon Springs Hotel Company."

"An Act to legitimate Albert Middleton."

On the 24th of April, 1858, "An Act to provide for the payment of certain claims against the Commonwealth."

On the 28th of April, 1858, "A supplement to an act incorporating the Erie and Pittsburg railroad company, approved April 1, 1858."

"Supplement to the act incorporating the Home manufacturing company," approved 14th March, 1857.

On the 1st of May, "An Act to pay R. Boyle & Co. certain moneys."

"An Act to annul the charter of the Historical, Agricultural and Mechanic's institute of Lancaster."

On the 28th of May, 1858, "An Act regulating the rate of interest."

On the 4th of January, 1859, "A further supplement to the act authorizing the incorporation of the Pennsylvania railroad company."

"An Act to enable the city of Pittsburg to raise additional revenue."

WM. F. PACKER.

On motion the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, Jan. 5, 1859.

The House assembled at 11 o'clock, A. M., and was called to order by the SPEAKER, W. C. A. LAWRENCE.

The Journal of yesterday was read and approved.

Committee from Senate was here introduced, informing the House that that body was organized and ready to proceed to business.



## REPORT OF A COMMITTEE.

Mr. CHASE, from the joint committee to wait upon and inform the Governor that the General Assembly was duly organized and ready to receive any communication he might have to make, reported that the Governor had instructed them to inform the House, that he would communicate in writing at five minutes past 11 o'clock.

## ORIGINAL RESOLUTIONS.

Mr. CHURCH moved a re-consideration of the resolution adjourning the House over until 11 o'clock to-morrow. He stated that he understood that communications would be received from the Executive Department on Thursday, and that these would require more than an hour to read. It was in order that the House might have time to do its business properly, that he suggested a re-consideration.

Mr. WILCOX seconded the motion.

## MESSAGE FROM THE GOVERNOR.

Here the Secretary of the Commonwealth was announced, and presented the Annual Message of the Governor; which was read.

The House resumed the consideration of Mr. CHURCH'S motion.

Mr. CHURCH offered in lieu thereof, the following substitute:

*Resolved*, That when this House adjourn, it do so, to meet to-morrow morning at 10 o'clock; which was twice read and adopted.

Mr. RAMSDELL submitted the following, which was adopted;

*Resolved*, That a committee of three be appointed, to act in conjunction with a similar committee of the Senate, for the purpose of contracting for the publication of a Legislative Record, containing full and accurate reports of the proceedings of both Houses of the Legislature. The contract to be submitted for the approval or rejection of the Legislature.

Before the passage of this resolution, Mr. WILLISTON spoke in favor of abolishing the present contract for the printing of the *Record*.

Mr. RAMSDELL stated that the object contemplated by his resolution, was nothing more than the maintenance of a correct Record of the proceedings of the House.

Mr. LAWRENCE, (Washington,) offered the following:

*Resolved*, That 5,000 extra copies of the Governor's Message be printed for the use of members of the House.

Mr. WILCOX moved to amend by making the number 10,000, of which 7,000 should be printed in English and 3,000 in German.

The amendment was agreed to, and the resolution as amended was adopted.

Mr. WALKER submitted the following; which was adopted.

*Resolved*, That the officers of the last House be continued in their offices until Wednesday next.

Mr. THORN, (Philadelphia,) on leave given, presented a petition from citizens of the Third Representative District of the city of Philadelphia, contesting the seat of DAVID R. MCCLAIN, the present Representative of that District, and offered the following resolution; which was adopted.

*Resolved*, That this House will proceed on Tuesday next, at 12 m., to the selection of a Committee to investigate and try the contested election in the case of DAVID R. MCCLAIN, now a sitting member of this House from the Third Representative District of the city of Philadelphia.

Mr. SMEAD offered the following:

*Resolved*, That there be added to the Standing committees of the House, a committee on Mines and Minerals, to consist of thirteen members.

On motion, the rule was suspended, and the resolution was twice read, considered and agreed to.

Mr. RAMSDELL offered the following:

*Resolved*, That the SPEAKER of the House invite the Clergymen of Harrisburg, by agreement among themselves, to open the sessions of the House each morning with prayer; adopted.

Mr. LAWRENCE, (Washington,) offered the following:

*Resolved*, That a committee of five be appointed to designate to which of the several standing committees the subjects presented in the annual message of the Governor shall be referred; carried.

Mr. SMITH, (Berks,) offered the following:

*Resolved*, That the Committee on Divorces be, and the same is hereby abolished, and that the duties of said committee be transferred to the Committee on the Judiciary System.

The SPEAKER announced that by the rules of the House, this resolution was required to lie over one day.

The originator of the resolution did not ask for a suspension of the rules, and the resolution laid over accordingly.

Mr. LAWRENCE, (Washington,) offered the following:

*Resolved*, That the use of the Hall be and the same is hereby granted to the congregation of the Old School Presbyterian Church, of Harrisburg, for divine services on each Sabbath until such time as their own church edifice shall be completed and ready for occupancy. This was agreed to.

Mr. HAMERSLY offered the following:

*Resolved*, That if the Senate concur, the joint rules of the last session be and are hereby adopted for the government of the Legislature of the present session, until otherwise ordered. The resolution was adopted.

Mr. FISHER offered the following:

*Resolved*, That this House do now proceed to make nominations for a Clerk; adopted.

Mr. THORN nominated SAMUEL J. REA, of Philadelphia.

Mr. NILL nominated JACOB ZIEGLER.

It was moved by Mr. MCCLURE, and carried, that the nominations close.

The SPEAKER notified the House of the rule requiring nominations for Clerk to lie over for one day.

Mr. ROSE moved that this rule be now suspended; agreed to.

Mr. RAMSDELL moved to proceed to the election of a Clerk of the House of Representatives; agreed to.

Pending the ballot, Mr. GOEPP, of Northampton, presented himself, and was sworn in by the SPEAKER.

An election for Clerk was then held, with the following result:

Messrs. Abbot, Acker, Balliet, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Church, Dodds, Durborow, Eckman, Ellmaker, Fearon, Fisher, Foster, Graham, Gratz, Green, Hamersly, Harding, Irish, Keneagy, Ketchum, Kinney, Lawrence, (Dauphin,) Lawrence, (Washington,) Mann, Mehaffey, M'Clure, M'Curdy, M'Dowell, Miller, Neall, Palm, Patterson, Pennell, Peirce, Pinkerton, Price, Pugh, Ramsdell, Rose, Rouse, Shaffer, Sheppard, Smead, Styer, Taylor, Thompson, Thorn, Wagonseller, Walborn, Walker, Whitman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Witherow, Wood and Zoller—62, voted for SAMUEL J. REA.

Messrs. Bertolet, Boyer, (Clearfield,) Brodhead, Cnsty, Dismont, Evans, Fleming, Galley, Glatz, Goepf, Good, Gray, Gritman, Hill, Hottenstine, Jackson, Laird, M'Clain, Nill, Oaks, Porter, Quigley, Rohrer, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Warden, Wilcox, Wolf and Woodring—33 voted for JACOB ZIEGLER.

SAMUEL J. REA was declared elected Clerk, having a majority of the votes cast.

The SPEAKER then affirmed him according to law.

JUDSON HOLCOMB was sworn in office as Assistant Clerk, having been so appointed by the Chief Clerk.

Mr. HAMERSLY, offered the following:

*Resolved*, That the thanks of this House are hereby presented to Jacob Ziegler, Esq., for the honest, intelligent and efficient manner in which he has discharged his duties as Chief Clerk. The yeas and nays were called for, with the following result;

YEAS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Custer, Dismont, Dodds, Durborow, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Foster, Galley, Glatz, Goepf, Good, Graham, Gratz, Grey, Green, Gritman, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mahaffey, M'Clain, M'Clure, M'Curdy, M'Dowell, Miller, Neall, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Porter, Price, Pugh, Quigley, Ramsdell, Rohrer, Rose, Rouse, Shaffer, Sheppard, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Styer, Taylor, Thompson, Thorn, Wagonseller, Walborn, Walker, Warden, Whitman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Witherow, Wolf, Wood, Woodring, Zoller and Lawrence, *Speaker*—100.

NAYS—None.

Mr. MCCLURE asked leave to read a bill at this time. Leave was granted, whereupon

Mr. MCCLURE presented an act to abolish the office of Canal Commissioner, and moved that the House proceed to its consideration.

The rule requiring the bill to lie over for one day was suspended.

Said bill was then read the second and third time, and passed finally, by the following vote:

YEAS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Custer, Dismont, Dodds, Durborow, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Foster, Galley, Glatz, Graham, Gratz, Green, Gritman, Hamersly, Harding, Hill, Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mahaffey, M'Clain, M'Clure, M'Curdy, M'Dowell, Miller, Neall, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Porter, Price, Pugh, Quigley, Ramsdell, Rohrer, Rose, Rouse, Shaffer, Sheppard, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Styer, Taylor, Thompson, Thorn, Wagonseller, Walborn, Walker, Warden, Whitman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Witherow, Wolf, Wood, Zoller and Lawrence, *Speaker*—94.

NAYS—Messrs. Boyer, (Clearfield,) Goepf, Good, Gray, Hottenstine and Woodring—6.

So the question was determined in the affirmative.

Mr. HAMERSLY offered the following:

*Resolved*, That a committee of three be appointed, to act in conjunction with a similar committee of the Senate, (if the Senate should appoint such committee,) to examine "a manual for the government of the Senate and the House of Representatives of the Commonwealth of Pennsylvania," compiled by J. ZIEGLER, late Clerk of this House, in accordance with a resolution adopted at the last session of the Legislature; which was adopted.

## BILLS READ IN PLACE.

Mr. WILLIAMS, on leave given, a bill to repeal so much of the act of 1853, as relates to the salaries of members of the Legislature; laid over.



Mr. NILL, a bill incorporating the Greencastle and Maryland State Line turnpike road company.

Also, one to abolish the Board of Revenue Commissioners.

Mr. CHURCH, a bill to vest the Girard School House in Pasyunk township, in the city of Philadelphia.

Mr. KINNEY, a petition and bill from citizens of Orville township, Bradford county, to establish a place for holding elections in said township. On his motion, said bill was taken up, considered, and passed finally.

Mr. WAGONSELLER, a bill to empower the court of common pleas of Union county, to appoint trustees to receive certain moneys of the estate of John Brown, deceased. On his motion, said bill was taken up, and passed finally.

Mr. CHURCH, a bill to incorporate the "Central Market Company" of the City of Philadelphia.

#### MESSAGES FROM THE GOVERNOR.

The Deputy Secretary of the Commonwealth, being introduced, presented messages from the Governor of the Commonwealth; which were read.

The SPEAKER laid before the House the annual report of the State Treasurer; also, the report of the Commissioners of the Sinking Fund, and a statement showing the whole number of depositors in the Pennsylvania saving fund society.

The hour of one having arrived, the House adjourned.

#### PENNSYLVANIA LEGISLATURE.

##### SENATE.

1. Philadelphia.—*Samuel J. Randall, Richardson L. Wright, I. N. Marsellis, \*John H. Parker.*
2. Chester and Delaware.—*Thos. S. Bell.*
3. Montgomery.—*\*John Thompson.*
4. Bucks.—*\*Mahlon Yardley.*
5. Lehigh and Northampton.—*\*Jeremiah Shindel.*
6. Berks.—*\*Benj. Nunemacher.*
7. Schuylkill.—*\*Robert M. Palmer.*
8. Carbon, Monroe, Pike, and Wayne.—*Thos. Craig, Jr.*
9. Bradford; Susquehanna, Wyoming, and Sullivan.—*E. Reed Myer.*
10. Luzerne.—*George P. Steele.*
11. Tioga, Potter, McKean, and Warren.—*Glenni W. Seofield.*
- 12.—Clinton, Lycoming, Centre, and Union.—*\*Andrew Gregg.*
13. Snyder, Northumberland, Montour, and Columbia.—*\*Reuben Keller.*
14. Cumberland, Juniata, Perry, and Mifflin.—*Henry Fetter.*
15. Dauphin and Lebanon.—*John B. Rutherford.*
16. Lancaster.—*Bartram A. Shaeffer, Rob't Baldwin.*
17. York.—*\*Wm. H. Welsh.*
18. Adams, Franklin, and Fulton.—*George W. Brewer.*
19. Somerset, Bedford, and Huntingdon.—*Wm. P. Schell.*
20. Blair, Cambria, and Clearfield.—*John Cresswell, Jr.*
21. Indiana and Armstrong.—*Titian J. Coffey.*
22. Westmoreland and Fayette.—*Jacob Turney.*

23. Washington and Greene.—*George W. Miller.*

24. Allegheny.—*Edward D. Gazzam, \*John P. Penny.*

25. Beaver and Butler.—*John R. Harris.*

26. Lawrence, Mercer, and Venango.—*Wm. M. Francis.*

27. Erie and Crawford.—*\*Darwin A. Finney.*

28. Clarion, Jefferson, Forest, and Elk.—*\*K. L. Blood.*

##### HOUSE OF REPRESENTATIVES.

Adams.—*Samuel Durbin.*

Allegheny.—*J. Heron Foster, Robert P. McDowell, Julius F. Zoller, David E. Baird, Elias H. Irish.*

Armstrong and Westmoreland.—*Robert Warden, Matthew Shields, John W. Rohrer.*

Beaver and Lawrence.—*Joseph H. Wilson, James D. Bryson.*

Bedford and Somerset.—*Geo. W. Williams, George G. Walker.*

Berks.—*Edmond L. Smith, Augustus P. Bertholet, Solomon L. Custer.*

Blair.—*Jacob Burley.*

Bradford.—*Thomas Smead, O. H. Perry Kinney.*

Bucks.—*Hiram A. Williams, Jos. Barnsley.*

Butler.—*William W. Dodds, John M. Thompson.*

Cambria.—*Thomas A. Porter.*

Centre.—*Adam R. Barlow.*

Chester.—*Isaac Acker, Caleb Pierce, Wm. T. Shaffer.*

Clarion and Forest.—*John M. Fleming.*

Crawford and Warren.—*Robert P. Miller, Henry R. Rouse.*

Cumberland and Perry.—*Hugh Stewart, John McCurdy.*

Dauphin.—*William C. A. Lawrence, Marks D. Witman.*

Delaware.—*William D. Pennell.*

Erie.—*John W. Campbell, Wilson Laird.*

Fayette.—*Henry Galley.*

Franklin and Fulton.—*James Nill, Alex. K. McClure.*

Greene.—*David W. Gray.*

Huntingdon.—*R. B. Wigton.*

Indiana.—*Alexander W. Taylor.*

Jefferson, Clearfield, Elk, and McKean.—*Wm. P. Wilcox, T. J. Boyer.*

Lancaster.—*Nathaniel Ellmaker, Jr., Amos S. Green, Samuel Keneagy, Samuel H. Price.*

Lebanon.—*Joseph Eckman.*

Lehigh and Carbon.—*Tilghman H. Good, Samuel Balliet.*

Luzerne.—*P. C. Gritman, Winthrop W. Ketchum, Lewis Pugh.*

Lycoming and Clinton.—*Lindsey Mehaffey, Wm. Fearon, Jr.*

Mercer and Venango.—*William G. Rose, C. P. Ramsdell.*

Mifflin.—*David Witherow.*

Monroe and Pike.—*Charles D. Brodhead.*

Montgomery.—*David Stonebeck, John Dismant, Charles H. Hill.*

Northampton.—*Max Goepf, Jos. Woodring.*

Northumberland.—*Charles Hottenstein.*

Philadelphia.—*C. M. D. Smith, Washington Quigley, D. R. McClain, J. Morris Harding,*

George T. Thorne, Joseph M. Church, David H. Styer, Cornelius A. Walborne, George W. Wood, Isaac J. Neill, I. Shepherd, John A. Fisher, O. Evans, Simon Gratz, Geo. W. Hammersly, George W. Wiley, C. F. Abbott.

Potter and Tioga.—*L. P. Williston, Lewis Mann.*

Schuylkill.—*John S. Boyer, Cyrus L. Pinkerton, Philip R. Palm.*

Susquehanna.—*Simeon B. Chase.*

Union, Snyder, and Juniata.—*John J. Patterson, William F. Wagonseller.*

Washington.—*George V. Lawrence, William Graham.*

Wayne.—*Holloway L. Stephens.*

Wyoming, Sullivan, Columbia, and Montour.—*Samuel Oaks, George D. Jackson.*

York.—*A. Hiestand Glatz, Wm. W. Wolf.*

#### STATE GOVERNMENT.

The following is a correct list of the officers in the different departments of the Capital, outside of the Legislature:

Governor—*Wm. F. Packer, of Lycoming co.*

Private Secretary—*Albert Packer.*

Messenger—*Allen L. Innis.*

##### STATE DEPARTMENT.

Secretary of State—*Wm. M. Hiester, Berks co.*

Deputy Secretary—*Henry L. Dieffenbach, Clinton county.*

Chief Clerk—*John A. Innis.*

Clerks—*B. F. Chandler, Richard Hogeland, V. V. Higgins, B. F. Irwin.*

Messenger—*Benjamin Buffington.*

##### ATTORNEY GENERAL'S DEPARTMENT.

Attorney General—*Jno. C. Knox, Tioga county.*

Clerk—*Geo. W. Knox.*

##### SCHOOL DEPARTMENT.

Superintendent—*Henry C. Hickok, Union co.*

Deputy Superintendent—*John M. Sullivan.*

Recording Clerk—*George W. Crabb.*

Warrant Clerk—*James G. Sample.*

Messenger—*Jacob A. Spofford.*

##### AUDITOR GENERAL'S OFFICE.

Auditor General—*Jacob Fry, Jr., Montgomery county.*

Chief Clerk—*William Q. Wallace.*

Clerks—*Charles Conner, S. W. Bailey, Thos. M. McPheany, J. B. Hutchinson, Carroll McLean, David R. Reynolds.*

Messenger—*Ephraim Meek.*

##### LAND DEPARTMENT.

Surveyor General—*John Rowe, Franklin co.*

Chief Clerk—*Thomas J. Rehner.*

Clerks—*Samuel Slemmer, Wm. D. Earnest, J. M. Cooper, T. N. Brooks, C. W. Dimmick, James A. Johnson.*

Messenger—*John D. Williams.*

##### TREASURY DEPARTMENT.

State Treasurer—*Henry S. Magraw, Lancaster county.*

Chief Clerk—*Wm. D. Boas.*

Clerks—*Randall McLaughlin, George J. Bolton, Samuel Brenizer.*

Messenger—*George Adams.*

#### Terms of the Legislative Record.

The LEGISLATIVE RECORD will be furnished to Members of the Legislature, and others, at the following rates:

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# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 3.

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## SENATE.

THURSDAY, January 6, 1859.

The Senate met at 10 o'clock, A. M., the SPEAKER in the chair. A quorum being present, the Journal was read by the Clerk.

The Secretary of the Commonwealth was introduced, and presented twelve messages, in writing, from the Governor, which will be noted elsewhere.

The SPEAKER laid before the Senate the report of the Commissioners of the Sinking Fund, as follows:

SINKING FUND DEPARTMENT, PA., }  
State Treasurer's Office, Jan. 5, 1859. }  
To HON. JOHN CRESSWELL, Jr.,  
Speaker of the Senate:

SIR:—In accordance with the provisions of the fourth and fifth sections of the act, entitled "An Act to establish a Sinking Fund for the payment of the public debt," approved April 22, 1858, we have the honor to submit to the Legislature the following report of the operations of the Sinking Fund for the fiscal year ending November 30, 1858.

No contingencies have arisen which, in our opinion, require any increase or modification of the fund created by the said act, or any increase or reduction of taxes, to be made by the Legislature at this time.

Respectfully,

Your obedient servants,

WM. M. HIESTER,

JACOB FRY, Jr.,

H. S. MAGRAW,

Commissioners of the Sinking Fund.

## SINKING FUND REPORT.

No. 1.

Statement, showing the receipts of the Sinking Fund for the year commencing the 1st day of December, 1857, and ending the 30th day of November, 1858.

Income from sale of public works, viz:

Pennsylvania railroad company, interest on \$7,500,000 bonds, given to the Commonwealth for purchase of main line of public improvements,.....	\$375,000.00
Pennsylvania railroad company, bond No. 1, due 31st July, 1858, .....	100,000.00

Sunbury and Erie railroad company, interest on purchase of public improvements, due Commonwealth, August 1st, 1858, ..... \$35,000.00

Tax on corporation charters,.....	98,242 65
Tax on bank dividends,.....	260,740 31
Tax on corporation stocks,.....	403,406 87
Tavern licenses,.....	190,440 67
Eating house, &c., licenses,.....	11,836 02
Distillers' and brewers' licenses,...	10,717 87
Retailers' licenses,.....	191,367 83
Peddlers' licenses,.....	2,028 58
Brokers' licenses,.....	7,542 46
Millers' licenses,.....	2,773 63
Theatre, circus, &c., licenses,....	2,973 56
Billiard, bowling, &c., licenses,...	1,502 48
Patent medicine licenses,.....	849 39
Auction commissions,.....	28,350 00
Auction duties,.....	42,283 10
Tax on writs, wills, deeds, &c.,...	78,596 61
Foreign insurance agencies,.....	9,032 37
Enrolment of laws,.....	8,840 00
Pamphlet laws,.....	259 73
Tax on loans,.....	148,363 11
Fines and forfeitures,.....	2,525 23
Public lands,.....	12,948 51
Militia tax,.....	10,480 51
Tax on tonnage, viz:	
Pennsylvania railroad company, .....	\$222,363 02
Northern central railroad company,.....	2,172 60
Escheats, .....	224,535 62
Collateral inheritance tax, .....	3,666 17
Accrued interest, .....	92,318 89
Refunded cash,.....	5,115 21
Tax on certain officers,.....	7,637 51
Office fees,.....	12 018 33
Premiums on stocks purchased, .....	3,324 41
Premiums on loans,.....	10,801 18
Sale of coupon bonds, on account of coupon loan authorized by act of April 19, 1858, .....	1,400 00
Amount transferred from surplus funds in the Treasury to Sinking Fund, as provided in second section of the act establishing a Sinking Fund,.....	28,000 00
	294,943 53

Receipts, ..... 2 724 862.34

In addition to the above receipts, on the 19th of September, 1858, William G. Moorhead, Esq., President of the Sunbury and Erie railroad company, paid into the Treasury \$281,000 00 in bonds of the "Wyoming canal company," in payment of 75 per cent. of the surplus arising from the sale of the public improvements by said company, in accordance with the proviso in the third section of an act, entitled "An Act for the sale of the State canals," approved April 21, 1858. These bonds properly belong to the Sinking Fund, and the interest hereafter received upon them will be included in the Sinking Fund account.

The item in receipts, "Sale of coupon bonds," is for bonds sold to Girard Bank, for which said bank delivered to the Commonwealth an equal amount of 5 per cent. State stocks. (See statement No. 2.)

No. 2.

Statement, showing payments by Commissioners of the Sinking Fund, for the year commencing the first day of December, 1857, and ending the 30th day of November, 1858.

Interest on Public Debt.

J. L. Fennimore, agent for the Commonwealth, for the payment of interest on the funded debt, which fell due on the first day of January, 1858,.....	\$15,334.00
Interest on loan of April 2, 1852, coupons due January 1, 1858, .....	20,750.00
Interest on loan of May 4, 1852, coupons due February 1st, 1858, .....	133,850.00
J. L. Fennimore, agent for the Commonwealth, for the payment of interest on the funded debt, which fell due February 1, 1858,.....	822,076 47
Farmers' and Mechanics' Bank, Philadelphia, interest on the funded debt, which fell due July 1, 1858,.....	15,334.00
Interest on loan of April 2, 1852, coupons due July 1, 1858,.....	20,750.00
Interest on loan of May 4, 1852, coupons due Aug 1, 1858,.....	134,500.00
Farmers' and Mechanics' Bank, Philadelphia, for the payment of interest on the funded debt, which fell due August 1, 1858, .....	821,909 29

Loans Redeemed.

Loan, act Mar. 24, '28, \$61,585 59	1,984,502.76
" Dec. 18, '28, 12,496 37	
" Apr. 22, '29, 18,053 99	
" Mar. 13, '30, 37,397 34	
" Mar. 21, '31, 14,162 88	
" Mar. 30, '31, 563 59	
" Mar. 30, '32, 40,912 74	
" Apr. 5, '32, 6,336 93	
" Feb. 16, '33, 19,324 87	
" Mar. 27, '33, 640 08	
" Apr. 5, '34, 17,397 19	
" Apr. 13, '35, 11,112 67	
" Jan. 26, '39, 6,740 28	
" Feb. 9, '39, 28,034 28	
" Mar. 27, '39, 1 060 22	
" June 7, '39, 417 12	
" June 27, '39, 6,039 80	
" July 19, '39, 9,042 28	
" Jan. 23, '40, 7,194 38	
" Apr. 3, '40, 16,667 29	
" June 11, '40, 17,957 17	
" May 5, '41, 3,135 88	
" Apr. 16, '45, 44,034 01	
Total loans redeemed,.....	380,306.85

Relief Notes Cancelled.

Middletown Bank,.....	\$33,806 00
Bank of Northern Liberties,.....	43 00
Bank of Chambersburg, .....	67 00
Miners' Bank of Pottsville,.....	4 00
Harrisburg Bank,.....	2,348 00
Columbia Bank and Bridge Company,.....	4 00
Farmers' Bank of Reading,.....	31 00
Bank of Delaware Co., .....	18 00
Lancaster Bank,.....	4,079 00
York Bank,.....	97 00
Carlisle Bank,.....	18 00
Northumberland Bank, .....	12 00
Merchants' and Manufacturers' Bank,.....	134 00



Bank of Gettysburg,...	16.00
Monongahela Bank at Brownsville,.....	10.00
Farmers' and Drovers' Bank,.....	6.00
Lancaster Co. Bank,...	39.00
Bank of Penn Township, Farmers' Bank of Lan- caster,.....	28.00
Lebanon Bank,.....	135.00
Northampton Bank,...	7.00
Manufacturers' and Me- chanics' Bank, Phila.	3.00
Wyoming Bank,.....	17.00
West Branch Bank,...	11.00
Bank of Susquehanna County,.....	3.00
Bank of Chester Co.,...	5.00
Bank of Germantown,...	1.00
Farmers' B'k. of Bucks County,.....	14.00
Berks County Bank,...	17.00
Exchange B'k. of Pitts- burg,.....	13.00
Bank of Lewistown,...	57.00
	28.00
Total amt't relief notes cancelled,	41,071.00
<i>Interest Certificates Redeemed.</i>	
Certificate No. 1212,.....	\$22.89
" " 320 and 327,.....	18.81
" " 109,.....	37.50
" " 144,.....	37.50
Total,.....	116 70
<i>Clerk Hire.</i>	
Geo. J. Bolton, six months salary as Clerk to Commissioners of the Sinking Fund,.....	500.00
Total payments,.....	\$2,406,498.31

<i>Recapitulation.</i>	
Total amount of receipts by Sink- ing Fund, including transfer from surplus funds in the Treas- ury .....	\$2,724,862.34
<i>Payments.</i>	

On account of inter- est on the public debt,.....	\$1,984,503.76
Loans redeemed,....	380,306.85
Relief notes can- celled .....	41,071.00
Interest certificates redeemed.....	116.70
Clerk hire.....	500.00
	2,406,498.31

Balance in the Sinking Fund, No- vember 30, 1858.....	318,364.02
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## No. 3.

*Statement showing the indebtedness of the Commonwealth of Pennsylvania on the first day of December 1858; the interest thereon, and the amount said indebtedness has been reduced during the last fiscal year.*

*Funded Debt, viz:*

	Amount.	Interest.
6 per cent Loans.....	\$445,180.00	\$26,710.80
5 " " .....	33,420,905.67	1,921,045.28
4 1/2 " " .....	383,200.00	17,469.00
4 " " .....	100,000.00	4,000.00

Amount of funded debt..... 39,354,285.67

*Unfunded Debt, viz:*

Relief notes in cir- culation.....	\$105,350.00
Inter. certificates outstanding....	23,357.12
Inter. certificates unclaimed.....	4,443.23
Domestic cred'ts..	802.50
Am't of unfunded debt.....	133,953.00

Total indebtedness of the Com- monwealth Dec. 1, 1858....	Int. 1,909,225.08
Indebtedness to the Common- wealth Dec. 1, 1857.....	39,483,243.67
	39,831,733.22

Actual reduction during fiscal year .....	392,494.55
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## No. 4. STATEMENT.

*Amount of loans redeemed by Commissioners of the Sinking Fund, during the fiscal year ending the 30th day of November, 1858; date of purchases, prices paid, and place where purchases were made.*

Date.	Place of Purchase.	Loan.	Price Paid.	Amount.
1858.				
Jan. 18,	St. Treas. Office—	5 p.ct. 100 p.ct.		\$7 84
Aug. 3,	St. Treas. Office— Being amount of Bond No. 1, of Penn. R.R.Co. to the Common'th. of Penn. for pur- chase of M. Line of pub. improve- ments, and paid in State stocks, as provided in Act of Assembly autho- rizing the sale of said Main Line.	5 p.ct. 100 p.ct.		100,000 00
Nov. 19,	State Treasurer's Office— On account of Thomas C. Bunt- ing, former Regis- ter of Philadel.. being stocks pur- chased by J. B. Townsend, trust- ee, and paid to the Common'th.. including increase and profit.....	5 p.ct. 100 p.ct.		2,292 01
Nov. 25,	State Treasurer's Office— Being certificate of stock received from the Moya- mencing Bank, (now Bank of Commerce,) in exchange for re- lief notes issued by said Bank. . .	5 p.ct. 100 p.ct.		7 00
Nov. 30,	State Treasurer's Office— Certificatea of loans received from Girard Bank, in exchange for coupon bonds, said Bank having also paid a premium of 5per ct. upon said exchange. . . .	5 p.ct. 100 p.ct.		28,000 00
Nov. 2,	Philadelphia—	5 p.ct. 93 1/2 "		1,514 21
" "	" "	" " 94 " "		570 00
" "	" "	" " 94 1/2 "		703 00
" "	" "	" " 94 1/2 "		929 19
" "	" "	" " 94 1/2 "		3,000 00
Nov. 3,	" "	" " 94 1/2 "		22,000 00
" "	" "	" " 94 " "		200 00
" "	" "	" " " "		168 66
" "	" "	" " " "		100 00
" "	" "	" " " "		425 86
Nov. 6,	" "	" " 94 1/2 "		3 00
Nov. 8,	" "	" " 94 1/2 "		614 30
" "	" "	" " " "		400 00
" "	" "	" " " "		300 00
Nov. 9,	" "	" " " "		500 00
" "	" "	" " 95 " "		2,000 00
" "	" "	" " " "		1,500 00
" "	" "	" " " "		500 00
" "	" "	" " " "		1,300 00
" "	" "	" " " "		600 00
" "	" "	" " " "		500 00
" "	" "	" " " "		500 00
Nov. 10,	" "	" " " "		500 00
" "	" "	" " " "		788 37
" "	" "	" " " "		14,419 07
" "	" "	" " " "		741 95
Nov. 11,	" "	" " 95 1/2 "		3,620 33
" "	" "	" " " "		8,000 00
Nov. 19,	" "	" " " "		7,000 00
" "	" "	" " " "		11,000 00
" "	" "	" " 94 1/2 "		410 00
Nov. 20,	" "	" " 95 " "		300 00
Nov. 22,	" "	" " 95 1/2 "		6,000 00
" "	" "	" " " "		1,200 00
" "	" "	" " " "		2,009 18
Nov. 24,	" "	" " 95 " "		2,400 00
" "	" "	" " " "		3,483 48
" "	" "	" " " "		2,500 00
Nov. 25,	" "	" " 95 1/2 "		2,500 00
Nov. 26,	" "	" " " "		2,000 00
Nov. 27,	" "	" " 96 " "		85,000 00
" "	" "	" " " "		2,500 00
" "	" "	" " 95 1/2 "		6,000 00
" "	" "	" " " "		3,000 00
" "	" "	" " 95 1/2 "		1,000 00
" "	" "	" " 95 1/2 "		200 00
" "	" "	" " 95 1/2 "		300 00
Total amount loans redeemed,				\$380,306 85

## CANAL COMMISSIONERS' REPORT.

A communication was received from the Canal Commissioners and laid before the Senate by the SPEAKER; and, on motion of Mr. GAZZAM, was ordered to be printed in the Record. It is as follows:

To His Excellency, Wm. F. PACKER,  
Governor of Pennsylvania:

The Canal Commissioners respectfully submit the following report for the fiscal year ending the 30th of November, 1858:

In pursuance of the act of the 21st of April, 1858, entitled "An Act for the sale of the State canals," the canals then belonging to the Commonwealth were transferred by the Executive to the Sunbury and Erie railroad company, on the 20th of May last.

By a joint resolution of the Legislature, approved the 22d of April, 1858, entitled "Resolution relating to the public works," it was enacted, "that from and after the passage of a law authorizing the sale of the public works to the Sunbury and Erie railroad, or to any other corporation, or to an individual, or an association of individuals, no moneys shall be drawn from the Treasury to be applied to the repairs of the State canals, or any of them, nor shall any moneys be drawn from the Treasury to be applied to the widening and deepening of any of said canals."

A strict construction of this joint resolution would have compelled an immediate dismissal of the entire repair force on these lines of canal, left the navigation liable to interruption from breaches or other causes, deranged the business of every person using the improvements, and produced a loss of revenue to the Treasury. After a mature consideration of the subject, the Board came to the conclusion that such was not the meaning or intention of the Legislature, and accordingly, on the 22d of April, adopted the following resolution, viz:

"Resolved, That whilst a strict construction of the foregoing resolution of the Legislature would forbid the Board from any further expenditures for the repairs of the lines of canal in operation, and compel them to withdraw all repair force therefrom, and thus endanger the works, and for a time render them useless, greatly to the disadvantage of transporters, and at a loss to the revenue of the State, they deem it their duty, should the Attorney General, State Treasurer and Auditor General concur, to continue a small force on each line, (except the Upper North Branch,) simply sufficient for watching the same and guarding against breaches."

In a consultation held with the officers named in this resolution, it was agreed that the views therein expressed were dictated by sound policy and State necessity, and that the course suggested was such as they believed to have been the intention of the Legislature. Orders were, therefore, immediately issued to each Supervisor, (with the exception of those on the Upper North Branch,) to reduce the force on his line, so that no more men should be employed than might be actually necessary to watch the banks from breaking, and if a break occurred which required more than forty-eight hours to mend it, to report the fact to the Board, before commencing the repair, and await their action. He was also directed not to make any contract, or incur a debt of any description, without first obtaining the sanction of the Board, and if he did so, without such sanction, the responsibility would rest upon him and his bail.

These orders were promptly carried into effect, and the navigation maintained, without interruption, at a small expense, until the date of transfer. In thus deviating from the strict letter of the joint resolution, and acting upon what they conceived to be the intention of the Legislature, the Board have the satisfaction to know that the works were kept open for trans-



portation, that persons interested in doing business upon the canals were saved from the losses inseparably connected with even a temporary suspension of navigation, and that the State Treasury was benefitted by the excess of receipts over expenditures, for the period between the passage of the sale bill and the day on which the Sunbury and Erie railroad company took possession.

As the work on the Upper North Branch canal was not so far completed as to permit the immediate introduction of the water, the entire force on that line was instantly disbanded.

The following are the receipts and expenditures upon the navigable lines, from the 1st of December, 1857, to the 20th of May, 1858, the day of transfer, viz:

*Receipts—Delaware Division.*

Easton.....	\$26,733 14
New Hope.....	2,561 27
Bristol.....	2,786 40
	32,140 81

*Susquehanna and North and West Branch Divisions.*

Beach Haven.....	\$11,493 08
Northumberland.....	5,828 42
Williamsport.....	8,736 51
Dunn'sburg.....	5,424 17
Liverpool.....	6,712 09
	38,194 27

*Expenditures.—Delaware Division.*

Repairs.....	\$19,817 93
Out-let, Wells' Falls.....	614 48
Lock-keepers.....	3,799 84
Collectors, weigh-masters, inspectors and incidental expenses of their offices.....	1,885 29
	26,117 56

*West Branch Division.*

Repairs.....	\$28,079 05
Lock-keepers.....	1,121 00
Collectors, weigh-masters, inspectors and incidental expenses of their offices.....	1,069 37
	30,269 42

*Lower North Branch Division.*

Repairs.....	\$23,871 37
Lock-keepers.....	1,343 50
Collectors, weigh-masters, inspectors and incidental expenses of their offices.....	1,357 87
	26,572 74

*Susquehanna Division.*

Repairs.....	\$22,525 82
Lock-keepers.....	1,693 00
Collectors, weigh-masters, inspectors and incidental expenses of their offices.....	895 87
	25,114 69

In making a comparison from the foregoing statement between the receipts and expenditures, the fact should not be lost sight of, that the receipts are for only about two months, whilst the expenditures cover a period of nearly six months. It must also be borne in mind, that the largest portion of the repairs for the year is executed in the winter and spring, when the canals are unproductive of tolls—that during that period the materials for whatever repairs may be required during the summer, are purchased, and that the expenditures for ordinary purposes have comparatively ceased at that very point in the season when the revenue begins to accrue.

A large amount of work was done on the lines during the last winter and spring, and when the canals passed into the hands of the company, they were reported to have been in better order than for several years past. The

State Engineer, in his report on operations of the repair department, says: "As the early part of last winter proved unusually favorable, a much larger amount of work than is usual, in the shape of repairs, was accomplished. In addition to the ordinary repairs required at the locks, aqueducts, bridges, waste-wiers, &c., the out-let lock at Loyalsock creek, on the West Branch division, was entirely re-built; several hundred feet of river wall below the Nanticoke dam, on the North Branch division, was raised to guard against overflow during ordinary floods, which have for many years past, not only caused annual damage to the canal bank, but serious detention to the navigation. Numerous sand and gravel bars were removed from the canal bottom, on each of the several divisions. On the Susquehanna division, especially, the material which had been washed in from the slopes, was placed on the top of the towing-path, to such an extent as to form a substantial improvement in the capacity of the canal. The value of the repairs made during the winter, was fully demonstrated on the opening of navigation in the spring, when the canals were found to be in a better condition than they had been for several years past, and notwithstanding the fact, that as soon as the bill for the sale of the canals had become a law, the number of laborers on the several divisions were reduced to a mere watching force, the navigation on all the lines continued uninterrupted by a single accident, up to the day of their transfer."

Strenuous efforts were being made at the time of the passage of the sale bill, to place the Upper North Branch canal in navigable order at the earliest moment. The force upon it was discharged in accordance with the joint resolution. For a detailed statement of the work on that line, the Legislature is referred to the accompanying report of the State Engineer.

A large number of claims have been adjusted during the year, under the provisions of the fortieth section of the act of the 18th May, 1857, entitled "An Act to provide for the ordinary expenses of Government, the repairs of the public canals and railroads, and other general and special appropriations;" and of the seventeenth section of the act of the 24th of April, 1858, entitled "An Act to provide for the payment of certain claims against the Commonwealth," some of which were allowed and others rejected. A number of similar claims remain on file, the investigation into the correctness of which has not yet been completed. The Board have afforded every facility in their power to the claimants under these acts. To save the expense to these claimants, which would have been incurred in bringing their witnesses to Harrisburg, meetings of the Board were held at several places along the lines, of which due public notice was given. Under these circumstances, it is evident that no blame can lie at the doors of the officers of the Commonwealth, if claimants have not been heard. The difficulty experienced in the settlement of claims of this character, with a due regard to the interests of the Commonwealth, arises from the fact that many of them are of long standing; that the officers who alone could have the knowledge of the correctness of a claim were either dead or had left the vicinity of the public works; that the Board have no power to compel the attendance of witnesses, and that, consequently, in many instances, the testimony must be of an *ex parte* character. It is respectfully suggested whether, in the future investigation of claims against the public works, it would not be proper to confer the power to subpoena witnesses on behalf of the Commonwealth.

Two or three applications have been made to the Board for the settlement of claims which had been referred to the Canal Commissioners

under acts passed by the Legislature before the approval of the act of the 21st of April, 1858, for the sale of the State canals. The seventh section of the last named act is in the following words, viz:

"That any and all claims for damages or other demands against the Commonwealth, by individuals or companies, in relation to the location, construction, repair, management or use of any of the divisions of canal sold under the provisions of this act, shall, if established, be paid by the purchaser of the proper line or division, the amount to be ascertained and payment thereof made as the Legislature may direct; but in any case the purchaser shall have notice, and an opportunity to be heard against the allowance of such demand: *Provided however*, That this section shall not relate to any obligation or claim incurred in the construction, management or repair of the said canals for the current fiscal year, and prior to the time of transfer."

The claims referred to fall under the description indicated in the foregoing section. They had been incurred prior to the present fiscal year, and the acts by which they had been referred for the examination of the Canal Commissioners, were passed prior to the date of the sale bill. The Board therefore, declined to act upon these claims, under the construction which they gave the section just quoted, that it repealed all former acts which came in conflict with its provisions. Before coming to a final decision, they submitted the question to the Attorney General. In his answer to the communication of the Board, he says: "I am of the opinion that the seventh section of the act of the 21st of April, A. D., 1858, entitled, 'An Act for the sale of the State canals,' is inconsistent with, and repugnant to, former acts for assessing damages on the canals sold by the Governor to the Sunbury and Erie railroad company, and consequently all such acts are of no binding force or validity. It follows from this, that the Canal Commissioners have no authority to assess damages embraced within the seventh section of the act aforesaid, and that no assessment can be made until legislative action is had providing for assessments, with notice to the purchasers of the proper division of the aforesaid canals."

Every exertion has been made to liquidate all demands against the public works incurred during the last fiscal year, and it is believed with success, only one or two claims having been presented since the officers closed their final accounts with the Commonwealth. These claimants, with several others who have presented claims, but over which the Board have no control under existing acts of Assembly, must look to the Legislature for some provision for the settlement of their demands.

The State Engineer, after the transfer of the canals, and the closing up of his business thereon, was entrusted with the payment of claims on the Columbia railroad, which, although duly authenticated, had not been presented to the Superintendent for payment before he had settled his account and retired from office. He was likewise sent to the Upper North Branch, with directions to pay the check rolls and bills for materials which had been incurred by Wm. R. Maffet, between the 1st day of December, 1857, and the 10th of February, 1858, the day of Mr. Maffet's resignation.—Having performed these duties, Mr. Gay, on the 1st day of October last, resigned as State Engineer, and the office has, as a matter of course, remained vacant. It is due to Mr. Gay to state that, during his recent connection with the public works, he discharged his important duties to the entire satisfaction of the Board. He had, by his undivided attention to the working operations of the canals, introduced a system of economy and efficiency into the depart-



ment of repairs, which had but just began to develop itself in the increased capacity of the several lines, and the decreased expenditures, when the works passed into other hands.

Some time after the adjournment of the last Legislature, doubts began to be expressed of the constitutionality of the act of the 21st of April, 1858, entitled "An Act for the sale of the State Canals." Citizens from various parts of the State were urgent in their representations to the members of the Board that it was the duty of the Canal Commissioners, from their official relations to the people, to test these doubts before the highest judicial tribunal of the Commonwealth. These representations were strengthened by the submission, in the beginning of August, of the opinion of a jurist distinguished in the Legislative annals of Pennsylvania—the Hon. Charles R. Buckalow.—That opinion is in the following words, viz ;

"That the act of 21st of April, 1858, for the sale of the State Canals, violates the Constitution of Pennsylvania, manifestly appears from the face of the act itself, independently of the facts outside of the letter of the statute, which are capable of being proved.

"The eleventh article of the Constitution, (being the first of the amendments adopted in 1857,) provides for the establishment of a sinking fund, which 'shall consist of the net annual income of the public works, from time to time owned by the State, or the proceeds of the sale of the same, or any part thereof,' &c.; further on, 'no part of the said sinking fund shall be used or applied otherwise than in extinguishment of the public debt, until the amount of such debt is reduced below the sum of five millions of dollars.'

"I regard this as an injunction that income, or, in case of the sale, the value of the works, be irrevocably and fully appropriated to the public creditors; and assert that the Legislature cannot appropriate part of income or value to other uses, nor so sell that full value or price is not obtained. For a mistaken, erroneous judgment as to the value, there may be no judicial remedy, but where it manifestly appears that there was no intention to obtain full consideration, or that part of the consideration is devoted to other uses than the sinking fund, the act must be held void. And it is clear in this case upon the face of the act itself, that the so-called sale was not for full consideration, and that part of the consideration stipulated, was not to be paid to the sinking fund, and administered and applied to the public creditors by it. The term 'proceeds of sale' obviously means value, price, the equivalent for the works in money or securities that will produce it. Otherwise the section (4) is a farce. For if the sales can be made for other rates than those of value, or portions of the value be shuffled away, the Legislature may squander the works upon any pretence of sale, and the object of the section be wholly or mainly frustrated.

"I regard the following provisions of the bill, as violations of the clause of the eleventh article above cited:

"1. That upon a re-sale one-fourth of excess over \$3,500,000 is to be enjoyed by the Sunbury and Erie railroad company. But the whole 'proceeds' must be paid into the sinking fund.

"2. That as part of the consideration entering into the terms of sale, a subscription of \$500,000 is to be made to the stock of the Allegheny Valley railroad company. This is a diversion of a part of the value of the works to the use of a corporation.

"3. That all demands against the State upon the lines of canal sold, be paid to the claimants by the purchaser. But this outlay, whether one or three hundred thousand dollars, as far as it enters into the price, is not an

application of the 'proceeds' to the sinking fund, and to be administered through it, as is expressly required.

"4. To the same purpose is the clause that the North Branch shall only be re-sold to residents or property owners along the line. Such a clog upon the purchasers for the advantage of individuals, lessens the price paid the State, just as a condition that a farm sold should only be re-sold to adjoining land owners would effect and lessen its price."

Upon the receipt of this opinion, the Board directed their President to consult with the Hon. Jeremiah S. Black and Wm. L. Hirst, Esq., and if these gentlemen should concur in the views of Mr. Buckalow, to request them to commence the proper proceedings in the Supreme Court, without delay.

The Board felt a great reluctance in the adoption of this course. It was far from their desire to come into even apparent conflict with the action of the Legislature and Executive Department of the Government, or to do anything beyond the line of their official duty prejudicial to the Sunbury and Erie railroad. But after mature deliberation, they believed it to be a duty which they owed to the people by whom they had been elected, and by whom they had been entrusted with the charge of important public interests to discard all seeming indelicacy, and to test the legality of an act which had been pronounced by eminent counsel to be unconstitutional, and which was deemed to have been passed without a full knowledge and consideration of the sacrifice of the public revenues which it involved. Besides, no public harm could be sustained if the decree of the court should be in favor of the points assumed in the application. A subsequent Legislature would have the whole matter under their control, and could correct former errors, if any had occurred, and place a proper estimate upon the value of the works, if it should be determined to dispose of them.

In making up their opinion of the value of the works embraced in the sale bill the Board were not governed by estimates, but by the recorded facts exhibited by the books of the Accounting Departments. On the 30th of March last, the Auditor General transmitted to the Legislature statements showing the receipts and expenditures for all purposes, on the finished lines embraced in the bill, for the seven years ending the 30th of November, 1857. These statements, which embrace disbursements for the sum of \$203,303 56, for the enlargement of the Delaware division, and improvements on two other lines, and which had been carried to the construction account, exhibited the following facts:

	Total expenditures, ordinary and extraordinary.	Total revenue.
Delaware division.....	\$467,859 91	\$2,108,756 05
Susq. div.....	247,689 77	346,787 08
N. B. div., Wyoming line.....	285,961 77	1,431,295 39
W. B. div., Lycom- ing line.....	300,671 92	482,422 86
Lines in operation.....	1,302,183 37	4,369,261 38
Add from construc- tion account mon- eys disbursed for enlarging Dela- ware div., and im- provements on two other lines...	203,303 56	
Total expenditures for all purposes.....		1,505,486 93

Net profits for the seven years.....2,863,774 45  
Equivalent to an interest of five per cent. per annum on a capital of \$8,182,212; or, 11 $\frac{2}{3}$  per cent. per annum on \$3,500,000, the amount for

which the works were sold to the Sunbury and Erie railroad company.

This was one view of the financial part of the question. But there were others which were not passed over. By the report of the Auditor General before referred to, it appears that the total cost of construction of the lines in operation, up to November 30, 1857, was as follows.

Delaware division of canal.....	\$1,643,762 83
Susquehanna division of canal...	897,160 52
North Branch, Wyoming line.....	1,623,117 04
West Branch, Lycoming line.....	1,832,183 28
Lines in operation .....	5,897,223 67
The receipts for seven years were.....	\$4,369,261 38
Expenditures as above given.....	1,505,486 93
Deduct amount disbursed for en- largement of Delaware di- vision, &c., which amount is included in the foregoing statement of cost of construc- tion.....	203,303 56
	1,302,183 37
Net profits for the seven years.....	3,067,078 01

Equal to an annual interest of near seven and a half per cent. on the cost of construction, or of twelve and a half per cent. annually on the \$3,500,000 for which the works were sold.

Again: The Auditor General states in his report the cost of constructing of all these canals to be as follows:

Lines in operation as above.....	\$5,897,223 67
Unfinished lines:—	
North Branch extension, (Tunkhannock and Tioga lines,).....	\$4,643,491 12
West Branch extension, (Tangascootac and Sinnemahoning lines,)	353,574 78
	4,997,065 90
	10,894,289 57

In this statement of the cost of construction, is included the cost of the unfinished Upper North Branch canal, and of the portions of the West Branch extension abandoned years ago. The Upper North Branch would have been completed, and in navigable order, during the year, and there can be no doubt that, in a very short time, it would have yielded a profitable dividend on the investment. But waiving the impropriety of taking the cost of an unfinished work into the calculation of the actual profits derived from the revenues on these finished works, it appears from the foregoing statements, that the receipts over expenditures on the finished lines for seven years, amounted to \$3,067,078.01, being an interest of over four per cent. per annum on \$10,894,289, the cost of construction of both the finished and unfinished lines, and, as before observed, of twelve and a half per cent. per annum on the \$3,500,000 for which they were sold, and on which the Sunbury and Erie railroad company pay but five per cent. If the portion of the tolls due to the forty-five miles of the Eastern division, extending from Duncan's Island to Columbia, be deducted from this statement, together with the amount charged to the cost of construction for the long abandoned portions of the West Branch division, the aggregate results arrived at will not be materially affected.

Entertaining these views of the financial operations of the law, and having been advised by eminent counsel of its unconstitutionality, the Board unanimously directed the question to be tested. Before, however, the case was fully prepared, the Sunbury and Erie railroad instituted proceedings in the Supreme Court against Lewis Cooper, to compel the specific performance of a contract which he had entered into with the company, for the purchase of certain bonds of the Delaware division canal company, the vendee of the Sunbury and Erie railroad company with which contract Mr. Cooper refused to comply, on the ground of the presumed uncon-



stitutionality of the law authorizing the sale. As the points involved in this suit were similar in character to those which the Canal Commissioners intended to bring to the attention of the court, the counsel of the Board were directed, if they thought it expedient, to appear on behalf of the Board, provided that in so doing, the case and the interests of the Commonwealth were not thereby prejudiced. The case came up at Sunbury, in October last, and after argument, the Judges who heard the case, directed a decree to be entered at *Nisi Prius* against Mr. Cooper, with the right of an appeal to the court in banc. No appeal has yet been taken, nor has any new bill been filed by the Commonwealth. Whether it is proper or not, at the present time to do either, is a question not yet decided. The counsel employed on the part of the Commonwealth, have expressed their decided conviction, in which the Board concur, that nothing has yet been done which can bar the rights of the State.

It is enjoined by law upon the Board to report their proceedings to the Legislature. In doing so, in this case, they have given the reasons which governed their action in the premises, as briefly and as fairly as it is possible for them to do.

A few words on another subject which the Board deem it their duty to notice, will close this report.

If the sale of the canals to the Sunbury and Erie railroad company is considered a fixed fact, then the Commonwealth has parted with all her public works, constructed at an aggregate cost of about thirty-five millions of dollars.

To represent these improvements, erected at such a large cost, the State has the bonds of the Pennsylvania railroad company, the bonds of the Sunbury and Erie railroad company, and the tonnage tax, as sources of revenue towards meeting the interest and liquidating the debt, to which purposes the works and their proceeds had been pledged.

The Board include the tonnage tax, because it was the consideration for the depreciation in the value of the State improvements caused by the construction of competing company works, and it stands now as it was originally understood and intended to be, a compensation to the State for that depreciation. To repeal it, or release it without a fair consideration, would be to fasten upon the people an amount of the public debt which, in justice, should be met by this tax.

It is but due to the Commonwealth and her citizens, that all these sources of revenue be held sacred for the objects to which the works which they represent, and the revenues therefrom, were pledged. If one be relinquished, or released without full consideration to the State, it is to be feared that such act would prove the precursor of the relinquishment of the others.

All of which is respectfully submitted.

A. PLUMER,  
GEORGE SCOTT,  
N. STRICKLAND.

#### PETITIONS.

Mr. SCHINDEL, presented a petition from sundry citizens of Northampton county, praying for the removal of the county seat of said county from the borough of Easton to the borough of Nazareth.

Mr. STEELE, presented a petition, signed by forty-five members of the bar in Luzerne county, relative to the registry of wills in said county.

Mr. FETTER, presented a petition from sundry citizens of Perry, asking the Senate to reduce the pay of its members to five hundred dollars per session.

#### BILLS IN PLACE.

Mr. PALMER read in place, "An Act to secure a stricter accountability of certain public officers in Schuylkill county."

Mr. STEELE, "An Act to incorporate the Hollenback and Hanover turnpike road company."

Mr. GREGG, a bill, entitled "An Act for the laying of a State road from Sproyle's Gap to McCall's Mills."

Also, "An Act repealing an act changing the venue of a certain action from Union to Northumberland county," approved April 13, 1858.

Mr. SCHINDEL, "An Act to incorporate the Ironton railroad and mining company of Lehigh county."

Mr. COFFEY, "An Act to provide further means for the extinguishment of the debt of the Commonwealth."

Mr. RANDALL, "An Act to establish a General Banking Law."

Mr. PARKER, "An Act to incorporate the Hestonville, Mantua and Fairmount passenger railroad company."

#### ORIGINAL RESOLUTIONS.

Mr. TURNEY offered the following resolution:

*Resolved*, That the Board of Canal Commissioners inform the Senate on or before Monday next, of the progress made in the investigation and settlement of claims submitted to them by the last Legislature; also, the earliest day by which such of those claims as are still under examination, can be finally determined; and also, their views as to the proper disposition to be made of the records and papers of their department on the abolition of the Canal Board; adopted.

Mr. FRANCIS offered the following resolution:

*Resolved*, That the SPEAKER invite the clergymen of the respective churches of Harrisburg to open the sessions of the Senate with prayer, in such order as they may agree upon among themselves.

Mr. WRIGHT wished to express a word of opposition to the passage of the resolution, not from any disrespect to the gentleman who offered it, or to the cause which it was designed to subserve. He was opposed to the practice of opening public bodies with prayer. Instead of inviting the clergymen to pray for the Senate, members should do the praying themselves. He was one of those who did not think men are at all times called upon to pray; and he was not aware that any good had ever resulted to the House of Representatives, whilst he was a member of that body, from the daily prayers which were attendant upon its opening sessions. The appointment of clergymen to officiate in this manner, or their exercises, had not, he believed, ever exercised any influence upon the members of the House or its legislation. He would further say, that, so far as his knowledge extended—in the House, particularly—the resolutions inviting the clergymen to officiate at the opening meetings, were generally introduced by the most graceless, wicked persons in it, in the hopes of making for themselves some reputation for morality at home, or for buncombe in some way. He therefore opposed the resolution as an innovation upon the ancient usages of this body.

Mr. SCHELL moved to amend the resolution, by striking out "clergy of Harrisburg," and inserting "members of the Senate."

Mr. SCOFIELD suggested to Mr. FRANCIS that the resolution had better lay over until Monday, when it could be more appropriately considered and acted upon; and upon his motion, the resolution was postponed.

Mr. WELSH offered the following resolution; which was agreed to:

*Resolved*, That three thousand copies of the annual report of the State Treasurer, in English, and one thousand in German, be printed for the use of the Senate.

#### MESSAGES FROM THE GOVERNOR.

The Clerk proceeded to read the Messages from

the Governor—twelve in number—relative to the following subjects; and upon the question, "Shall the bill pass?" the yeas and nays were taken agreeably to the provisions of the Constitution, and resulted as follows:

Upon the message vetoing the "act to establish a Normal department in Green Academy, and to unite the public schools of the borough of Carmichaels with said institution, the yeas were:

YEAS—None.

NAYS—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Fetter, Finney, Francis, Gazzam, Gregg, Keller, Marselis, Miller, Myer, Nunnemacher, Palmer, Parker, Penney, Randall, Rutherford, Schell, Scofield, Shaeffer, Schindel, Steele, Thompson, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—31.

So the question was determined in the negative.

"An Act to change the location of a portion of Fifth street, in South Pittsburg."

YEAS—Messrs. Gazzam and Penney—2.

NAYS—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Fetter, Francis, Harris, Keller, Marselis, Miller, Nunnemacher, Palmer, Randall, Rutherford, Schell, Shaeffer, Schindel, Steele, Thompson, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—26.

So the question was determined in the negative.

"A supplement to an act to amend certain defects of the law, for the more safe and just transmission and secure enjoyment of real and personal estate, approved 27th April, 1855."

YEAS—Mr. Gazzam—1.

NAYS—Messrs. Baldwin, Blood, Coffey, Craig, Fetter, Finney, Francis, Gregg, Harris, Keller, Marselis, Miller, Nunnemacher, Palmer, Parker, Penney, Randall, Rutherford, Schell, Schindel, Steele, Thompson, Turney, Welsh, Wright, Yardley, Cresswell, *Speaker*—27.

So the question was determined in the negative.

"An act supplemental to the act relating to special courts."

YEAS—Messrs. Finney and Gregg—2.

NAYS—Messrs. Baldwin, Brewer, Craig, Fetter, Gazzam, Keller, Marselis, Miller, Nunnemacher, Palmer, Parker, Penney, Rutherford, Schell, Scofield, Shaeffer, Steele, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—22.

So the question was determined in the negative.

Mr. MYER asked the indulgence of the Senate, in order to take up an act fixing the places of holding elections in Orwell township, Bradford county. Leave granted.

He then moved that the rules be suspended in order to go into committee of the whole.

In committee of the whole, (Mr. BREWER in the chair,) the bill was passed. The same was reported to the Senate, as committed, when the bill passed its several readings, and was sent to the House for concurrence.

Upon the consideration of the other vetoes, (being upon bills which originated in the House, and which appear in the House report,) when the message relative to "An Act further to provide for the incorporation and regulation of Insurance Companies of this Commonwealth," was read,

Mr. RANDALL remarked that he regretted that he had not an opportunity of voting upon the passage of this bill, notwithstanding the veto of the Governor. He regarded this message of the Executive as one of the most mistaken notions that had ever emanated from the Executive Chamber, of which he felt certain he could convince the Senate or the House, were an opportunity afforded. The simple object and effect of the bill was to wipe out the hordes of bogus insurance companies which curse the country, and which are allowed to prey, unmo-



lested, upon the community, with their impositions and dishonest transactions.

#### HOURS OF MEETING AND ADJOURNMENT.

Mr. RANDALL, on leave, presented the following:

*Resolved*, That until otherwise ordered, the standing hour of the meeting of the Senate, on Mondays, be 3 o'clock, p. m., and that the hour of adjournment on said days be 5 o'clock.

Mr. MYER moved to amend, by inserting, "and the hour of meeting on all other days, be 11 o'clock."

Mr. MYER advocated his amendment. The hour of ten o'clock was too early for the meeting. Senators required two hours at least, each morning, to prepare for the duties of legislation, and it was almost impossible for them to make the necessary preparation previous to the early hour at which the Senate had been convening.

Mr. GAZZAM wished to hear from the gentleman from Philadelphia, some reason for fixing the hour of meeting on Monday's, different from that of other days of the week.

Mr. RANDALL replied, that it was to afford the Senators from Allegheny time to leave Pittsburg on Monday morning, and reach here before the meeting of the Senate, and in time for business.

Mr. GAZZAM remarked, that he had never been able to avail himself of any of the advantages proposed to be extended to him by the resolution, and that if any advantage was to result from it, the Senator from Philadelphia would enjoy the benefit.

Mr. WRIGHT said, that so far as he was concerned, he never expected to be benefited by this late hour of meeting, but he was willing to vote for it, for the accommodation of others.

The amendment of Mr. MYER was agreed to; after which the resolution, as amended, passed the Senate.

#### TEMPORARY ADJOURNMENT.

Mr. GAZZAM submitted the following:

*Resolved*, That when the Senate adjourn, it adjourn to meet on Monday next, at 3 o'clock, P. M.

The yeas and nays were called, and resulted as follow:

YEAS.—Messrs. Baldwin, Blood, Coffey, Francis, Gazzam, Gregg, Keller, Marselis, Myer, Palmer, Parker, Penney, Rutherford, Shaeffer, Schindel, Turney and Cresswell, *Speaker*—17.

NAYS.—Messrs. Brewer, Craig, Fetter, Harris, Miller, Nunnemacher, Randall, Schell, Scofield, Steele, Welsh, Wright and Yardley—13.

So the question was determined in the affirmative.

#### ADJUTANT GENERAL'S REPORT.

Mr. SHAEFFER offered the following resolution:

*Resolved*, That one thousand copies of the Adjutant General's Report be printed for the use of the Senate.

A Senator inquired whether that was the usual number.

Mr. SHAEFFER replied that he believed it was; but it made no difference what the usual number had been. The Governor had referred, in his message, to the workings of the new military law, and it was necessary that the people of the State should have an opportunity to judge of its merits, from the practical benefits which were portrayed, as the result of its workings, in the report of the Adjutant General. He referred to the revival which the military spirit of the State had experienced under it, and which was every day increasing and spreading in almost every town and county; and the report, he felt convinced, was calculated to throw much information, of importance and value, upon the workings of our military system. For this reason he was desirous of having it printed and circulated throughout the State; the resolution was agreed to.

Mr. WRIGHT offered the following:

*Resolved*, That three thousand copies, in English, and five hundred in German, of the Auditor General's report be printed for the use of the Senate.

Mr. WRIGHT wished to call the attention of the Senate to the item of five hundred in German. He did not intend that the type should be set up for this number. He understood the type had been already set up for a former order, and if it had to be re-set, he was opposed to incurring that expense for the small number contemplated by the resolution.

Mr. GREGG hoped that the gentleman would not change his resolution. He represented a large number of Germans, who cannot read English, who were as desirous of receiving information upon all matters of public interest as any others.

Mr. MYER thought the setting up of the type for so small a number as five hundred, would be making the State incur too heavy an expense.

Mr. SCHINDEL hoped the idea of striking out the five hundred German copies would not be entertained by the Senate. He had a large German constituency, who could not read English, whom he was anxious to serve with all the information of a public character in his power.

Mr. GREGG thought the object of printing these documents was to scatter them broadcast, for the information of the public. It was unfortunate that a portion of his constituents, as well as those of other Senators, could not read or speak English; yet it was so. Yet they were desirous of deriving all the information they could, and in their mother tongue could obtain a much better idea than in the English.

Mr. MYER did not desire to keep away from the Germans of our State any information. He was willing to afford them any facilities within his power of acquiring a full and accurate knowledge of public transactions, but he certainly thought the expense which would be incurred for five hundred copies much greater than was justified.

Mr. SCHINDEL moved to amend the resolution, by inserting one thousand instead of five hundred; which was agreed to.

The resolution, as amended, passed.

Mr. WRIGHT moved that the Senate adjourn. Agreed to; and the SPEAKER adjourned the Senate until Monday at 3 o'clock, P. M.

#### HOUSE OF REPRESENTATIVES.

January 6, 1859.

The House was called to order by Mr. S. P. CHASE, speaker *pro tem*, at 10 o'clock, A. M.

The Journal of yesterday was read and approved.

The Secretary of the Commonwealth being introduced, presented messages from the Governor.

The SPEAKER appointed Messrs. HAMERSLY, THORN and GRITMAN, a committee, in accordance with a resolution passed yesterday, to examine "A Manual for the Legislature of Pennsylvania," compiled by J. Zeigler.

The SPEAKER laid before the House a communication from the Canal Board; which was read.

#### ORIGINAL RESOLUTIONS.

On motion of Mr. HAMERSLY, the regular orders of the day were suspended, and in order to complete the organization, Mr. HAMERSLY submitted the following resolutions; which were twice read, considered and adopted:

*Resolved*, That John Clements be, and he is hereby declared elected Sergeant-at-Arms of this House during the present session.

*Resolved*, That John C. Morgan be, and he is hereby declared elected Door-keeper of this House during the present session.

*Resolved*, That S. C. Stewart be, and is hereby elected Post-Master of this House during the present session.

*Resolved*, That A. D. Davis be, and is hereby elected Messenger of this House, during the present session.

The SPEAKER announced that the Chief Clerk had appointed the following named gentlemen as assistant clerks:

Messrs. PEARSON FORSTER, C. W. GILFILLAN, E. H. ROUGH and JNO. PICKING.

The Sergeant-at-Arms appointed Messrs. J. M. HARLEY, J. W. FLETCHER, F. GERR and S. R. EARLES as his assistants.

The Door-keeper announced through the Speaker that he had appointed Messrs. J. P. REESE, S. M'DONALD, WM. GARDY and A. W. KIMMEL as his assistants.

The Messenger announced through the Chair that he had appointed Messrs. JAMES WILLIAMS, DAVID HEMPERLY, JNO. RHEIMER and WM. DEAL assistant messengers.

The above officers were then introduced and duly qualified.

#### PETITIONS PRESENTED.

By Mr. WILCOX, one from citizens of Clearfield, Cambria and Indiana counties, praying for the erection of a new county, to be called Pine.

By Mr. GOEPP, two from citizens of Northampton county, for the passage of an act to change the location of the seat of justice in said county.

By Mr. HAMERSLY, one from the Mutual fire insurance company of Germantown and vicinity, praying for an extension of their charter.

#### ORIGINAL RESOLUTIONS.

Mr. ROSE offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be directed to distribute the *Legislative Record* as follows, to wit: Eighteen copies to each Member, Clerk, Doorkeeper, Sergeant-at-Arms and Messenger, and that one copy be kept for each Member, and be bound at the end of the session.

The resolution passed to the second reading; whereupon,

Mr. THORN desired to know whether any contract was in existence, by which the present *Record* was printed. On Wednesday he had received some half dozen copies of the *Record*, containing about half the proceedings of the previous day. His constituents could of course ascertain by telegraph what was done in the House, but he desired to have an official record, and to have it issued promptly and carefully. He did not know that the resolution rendered the continuance of the present contract (if such existed) obligatory, but as the *Record* had been issued in a similar manner for several years, he desired to express his dissatisfaction. He desired again to know whether the old contract continued.

Mr. GRITMAN said that he thought it was well understood that the old contract was in existence. He had heard recently many allegations unfavorable to the present *Record*. It was very easy to find fault, and it was very true, as the gentleman had said, that not all of the proceedings of the House had appeared in the *Record* of Wednesday, but let the members wait and look over the document, and it would be ascertained that the report of the proceedings was full and entire. The *Record* of last year was better than its predecessors for two years. As for saying anything about the telegraphic dispatches to the Philadelphia papers, or taking them as an index, it was useless. The resolution, according to the views of the gentleman, should pass at once.

Mr. ROSE, the originator of the resolution, stated that it was not intended to affect the character of the *Record* or the contract. This contract was evidently in force until abrogated. It was merely the desire of the gentleman to have a *Record* of some kind, and that one would be issued there could be no doubt.

Mr. NILL understood that by the resolution



which was passed last session, the publication of the *Record*, by its present contractor, was to be continued until otherwise ordered. In explanation of his views, the speaker read the following, being section 40 of "An Act to provide for the ordinary expenses of government, &c.," of the session of 1858:

"Sec. 40. To Richard J. Haldeman, publisher of the *Legislative Record*, compensation at the rate of seven dollars per page for the numbers published and re-published of said *Record* at the present session, deducting any sum heretofore paid, the amount to be certified as due by the Superintendent of Public Printing; and the said publisher is hereby authorized to continue the publication of such *Record* at the next session, under all the terms and conditions of the existing contract, until the two Houses otherwise order, or a new contract is made for such publication."

This act rendered it evident that the contract was still in force. As for the *Record* itself, the speaker was not willing to say that it was perfect, but it stands as fair in all respects as at any time. It was almost impossible for the members to obtain, or for the publishers to give, full and correct reports of the proceedings, without proper means were furnished by the Legislature. It never will, and never can, be done, unless the House agrees to pay for it. As for the number of papers proposed to be distributed, by the resolution of the gentleman from Mercer, it was the same as last year. The resolution should receive his support.

Mr. THORN said that he did not agree with the gentleman from Mercer, who desired a *Record* "of some kind." He wanted a good and sufficient one. The gentleman from Franklin had said that the contract still existed, and the speaker feared that that contract would be so construed as to commit this Legislature. For one, he was not going to permit himself to be bound by the resolution of a past Legislature, or permit this contract to be carried out if it was possible to make a change. It certainly was possible, and the contract could be annulled.

Mr. THORN then moved that the further consideration of the subject be postponed for the present.

Mr. WILLISTON said that if Mr. THORN would withdraw his motion, he would offer a resolution which would settle the whole matter at once.

Mr. MCCLURE inquired whether a joint committee had not been already appointed to consider the matter. It would perhaps be an interference with their duties to dispose of the *Record* now.

Mr. ROSE stated that if he had thought that his resolution was binding upon the Legislature as to the continuance of the present *Record*, he would not have offered it, or would not vote for it. But he could not see how it would affect the publication.

*Records* were brought into the House daily, and there should be some rule for their disposal. True, a joint committee had been appointed, but whatever might be the result of their deliberations, a *Record* would be issued. The resolution had nothing to do with the contract for the publication of the *Record*.

Mr. THORN said that whether the resolution passed or not, the *Record* would come here and be distributed.

Mr. FOSTER said that he saw nothing in the resolution which rendered the continuance of the present contract obligatory. But it was likely that its passage would entail additional expense, inasmuch as under the existing law the binding was done by the State at the rate of about fifty cents per copy. The resolution, however, provided that one copy for each member should be bound by the Sergeant-at-Arms. This would cost more. With every de-

sire to please his political friends, the speaker would not give his consent to any measure which would tend to make additional expense.

The question on the postponement for the present was then taken, and decided in the affirmative.

Mr. MILLER offered the following:

*Resolved*, That a committee of three be appointed for the purpose of inquiring into the expediency of employing a stenographer to report the proceedings of this House, to be published in the *Daily Legislative Record*, provided a contract be entered into for the publication of such *Record*.

Mr. GOEPP said, that this resolution seemed to be drawn up without due regard for the existing contract, which gives the *Record* to the present publisher, until otherwise ordered by both Houses. He was not opposed to the employment of a stenographer, but did not like the terms of the proposition. The resolution should either provide that the labors of the committee should have no bearing on the contract, or else that the conditions should apply to the present contract. It should be modified so as to be definite.

Mr. MILLER had no doubt but that the labors of the committee would enlighten the subject.

Mr. HAMERSLY moved to postpone the further consideration of the matter, inasmuch as the messages of the Governor were waiting to be read. On motion, agreed to.

Mr. WILCOX offered a resolution that 3000 copies of the Annual Report of the State Treasurer in English, and 1000 in German, be printed for the use of the House.

Mr. NILL moved to amend, by adding 2000 copies in English, and 500 in German, of the Surveyor General's Annual Report; which was agreed to.

Mr. FOSTER moved to amend the amendment, by adding 2000 copies in the English, and 500 in German, of the Adjutant General's Report; which was agreed to.

And the resolution as amended, was adopted.

Mr. MCCLURE moved that the vote had upon the resolution adopted yesterday, which provides for continuing the officers of the last House, until next Wednesday, be re-considered; which was agreed to.

The question recurring,

Shall the resolution pass?

Mr. MCCLURE moved to amend the same so that those officers of the last House, and who have been in attendance since the opening of the present session, and who have not been elected to positions in the other end of the capital, be retained in the same until next Wednesday; which was agreed to; and the resolution as amended was adopted.

The messages of the Governor were then read.

It was announced by the SPEAKER that the messages would lie over.

On motion of Mr. HAMERSLY, it was ordered that the messages be published in the *Legislative Record*.

Mr. GRITMAN suggested that they lie over until such time as they appear in the *Record*; agreed to.

The Auditor General presented a communication.

Mr. ROSE offered the following:

*Resolved*, That the State Treasurer be requested to furnish the House with a statement of the balance of money in the treasury, the amount of money deposited, and the place of deposit, &c.

Mr. ROSE moved that the rules be suspended, and that the House proceed to the consideration of the resolution; agreed to; and the resolution was adopted.

On motion of Mr. MCCLURE, the House adjourned, to meet again on Monday, 10th inst., at 3 o'clock, P. M.

## VETO MESSAGES.

EXECUTIVE CHAMBER,  
Harrisburg, Jan. 6, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—The General Assembly at its last session, within ten days of the adjournment, presented for my approval a bill, entitled "An Act authorizing and requiring the supervisors of Carroll township, in the county of York, to grade a certain hill on the State road, in said township, leading from Harrisburg to Gettysburg, Adams county."

This bill provides, "that the supervisors of Carroll township, York county, be and are hereby authorized and required, within one year from the passage of this act, to employ a sufficient number of hands to dig down and grade, in a good and substantial manner, so as not to exceed an elevation of four degrees, a certain hill in Carroll township, York county, about three-fourths of a mile south of Dillsburg, on the State road leading from Harrisburg to Gettysburg."

I cannot approve of the bill, because it proposes to interfere with duties devolving exclusively upon the local officers of the township. It is impossible for the Legislature to go into an investigation and determine with accuracy what hills shall be graded, and how much money shall be expended by the supervisors of the various townships in the State; and if it were possible it is utterly impracticable and unnecessary; the law having wisely imposed those duties upon a much more appropriate tribunal. It is to be presumed that the supervisors of the township of Carroll will perform their duty, and grade such hills as require it, and if they fail to discharge the duties incumbent on their office, they are personally responsible to the public, and a summary remedy may be applied by the people at their annual township election.

There is no more sound and wholesome principle than that which allows each separate governmental organization, whether it be State, county or township, to regulate and manage its own affairs in its own way, subject only to the general law of the land.

Believing that the bill under consideration is wrong in principle, and calculated, if permitted to become a law, to establish a bad precedent, I am constrained to withhold from it the Executive approval. It is, therefore, herewith returned to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.

EXECUTIVE CHAMBER,  
Harrisburg, Jan 6, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

GENTLEMEN:—On the 21st day of April last, which was the day preceding the adjournment of the last General Assembly, a bill was presented for my approval, entitled "A supplement to an act to amend certain defects of the law for the more safe and just transmission and secure enjoyment of real and personal estate, approved the 27th day of April, 1855."

The first section of the bill provides "that the second section of an act, entitled 'An Act to amend certain defects of the law for the more just and safe transmission and secure enjoyment of real and personal estate, approved the 27th day of April, A. D. 1855,' shall not be so construed as to repeal or alter the provisions of the second article of the fourth section, or the fourteenth section, of the act of Assembly, entitled 'An Act relating to the descent and distribution of the estates of intestates,' approved the eighth day of April, in the year of our Lord, one thousand eight hundred and thirty-three."

My first objection to this bill is that it declares how a former act of Assembly shall be con-



strued, or rather how it shall not be construed, notwithstanding the plain letter of the statute to the contrary. The construction of a statute is the province of the judicial department of the government. To declare what the law shall be is for the law-making power, but to determine what the existing law is, belongs to the judiciary. The General Assembly, of course, has full power to change, alter, or repeal the whole or any part of a statute, but it is obvious that the intention was not to repeal the section under consideration, but merely to prevent the judiciary from giving it a particular construction. This would be, however, in effect, a repeal of it; for, if it is not to be so construed as to repeal or alter the provisions of the second article of the fourth section, or the fourteenth section of the act relating to the descent and distribution of the estates of intestates, approved April 8th, 1833, it will be practically inoperative.

By virtue of the provisions contained in the sections of the act of 1833, referred to, where an intestate died leaving no lineal descendants nor collaterals nearer than nephews or nieces, such nephews or nieces would take the estate of such intestate to the exclusion of the children of a deceased nephew or niece; but according to the construction which has already been given by the supreme court of the State to the second section of the act of 27th of April, 1855, the children of a deceased nephew or niece are now entitled to represent the parent in the distribution of such an estate.

This section thus interferes directly with the aforementioned sections of the act of April 8th, 1833, and to say that it shall not be so construed, is to negative its manifest intention, and to deprive it of all force and effect. Such may not have been the intention of the Legislature, but if it were, then my next objection is equally fatal.

I cannot approve the bill, because I entirely concur in the wisdom of the change introduced by the act of the 27th of April, 1855, in the law of distribution, as regulated by the act of April 8th, 1833.

The bill is, therefore, herewith returned, without the Executive approval, to the Senate, in which it originated, for re-consideration.

WM. F. PACKER.

EXECUTIVE CHAMBER, }  
Harrisburg, Jan. 6, 1859. }

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

GENTLEMEN:—A bill, entitled "an Act for the erection of a school district out of parts of Lehman township, Pike county, and Middle Smithfield township, Monroe county, was presented for my approval within ten days of the adjournment of the last Legislature.

The title of the bill is explanatory of its object, which is the creation of an independent school district out of parts of two townships lying in adjoining counties. The bill is objectionable, because it is a departure from the general school system, destroying its uniformity, and calculated as a precedent to encourage similar applications from other quarters, and thereby rendering the whole system discordant and unintelligible to the officers whose duty it is to explain, expound and execute it.

The general plan is that each township, ward, or borough shall form a school district, with power conferred on the courts of quarter sessions to erect independent school districts upon the application of not less than twenty taxables of the township or townships out of which it is proposed to make the new district. No general provision has been made for erecting an independent district out of territory lying in more than one county, and it is obvious that such a district would not harmonize with the general system.

The 47th section of the school law requires the county commissioners to make a triennial return of the taxable inhabitants resident in each district, upon which the State appropriation is based. The assessment is made by the township assessors. This bill makes no provision for obtaining a return of the taxables of the district it proposes to create, and hence it would be difficult to ascertain its proportion of the State appropriation and the proper amount it would be entitled to receive from each township. The reason for the application for the new district is probably that the schools in the parts of the two townships proposed to be embraced in it would be better accommodated than they are by the present arrangement.

But this can be accomplished under the provisions of the general law, which authorizes the directors of adjoining districts to establish joint schools, and permit pupils from one district to attend the schools of an adjoining one, if more convenient.

I do not believe that good can come from special school laws. The present general law has been carefully matured, and seems to be well adapted to advance the interests and promote the prosperity of the great cause of universal education; and should therefore be adhered to, until time and experience prove that to change would be to improve it.

But whenever and wherever changes may be thought advisable, let the amendment be by general and not special laws.

Entertaining these views, I decline to sanction the bill under consideration, and in accordance with the requirements of the Constitution, herewith it return to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.

EXECUTIVE CHAMBER, }  
Harrisburg, Jan. 6, 1859, }

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

GENTLEMEN:—On the 21st day of April last, the General Assembly presented for my approval, a bill, entitled "An Act to quiet titles under wills executed in other States;" and as the Legislature, by its final adjournment, prevented its return at that session, I herewith send it back, with my objections, to the House of Representatives, in which it originated, for re-consideration.

This bill provides, that in all cases in which the owner of lands within this Commonwealth, residing at the time of his demise in any other of the United States, shall have devised his said lands in this State by last will and testament, executed and proved in accordance with the requirements of the laws of the State where he executed the same, and the devisee or devisees, his or their heirs or assigns, shall have held and paid taxes on said lands, for twenty years or upwards, the title shall be deemed as good and valid as if said last will and testament had been executed and proved within this State, and in conformity with the laws of this Commonwealth.

I cannot approve of this bill, because it proposes by retro-active legislation to declare titles to land good, which would be clearly bad without such legislation. It is a well settled rule of law, and a rule of property, as well as of law, that wills by which real estate is devised must be executed and proved according to the law of the place where the land lies. It is also well settled that mere payment of taxes will not of itself give title to real estate. A legislative declaration, therefore, that a will not executed according to the laws of this State, accompanied by payment of taxes for twenty years, conveys a good title to land, is contrary to the existing law, and it is highly probable that such a declaration would be inoperative so far as regards rights already vested. I question the power of

the Legislature to make one man's title good, and consequently destroy the title of another, by such legislation. Wills not proved and executed according to the laws of this State, are, so to land within this Commonwealth, no wills at all; and upon the death of the owner of such land the title descends to his heirs at law. Now to declare that land so situated, shall pass by will and not by descent, savors more of a judicial decree than of a legislative enactment. Similar legislation has heretofore been declared, by the highest judicial tribunal in this Commonwealth, to be unconstitutional and void, and it is not likely that the present attempt to make a good title out of a bad one, would be successful. At all events, I feel that I am in the performance of a plain duty, in refusing to give the bill under consideration, my official sanction.

WM. F. PACKER.

EXECUTIVE CHAMBER, }  
Harrisburg, Jan. 6, 1859. }

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

GENTLEMEN:—A bill was passed by both branches of the last Legislature, and presented for my approval within ten days of the adjournment, entitled "An Act to exempt certain school property from taxation."

The bill proposes to exempt from taxation a certain building erected by George Markle, in the village of Markleville, in the county of Perry, now occupied by the Markleville normal institute.

It is understood that the building is private property, and however commendable may be the public spirit and liberality of its proprietor, I can see no good reason for exempting it from taxation. In principle, I am satisfied that the exemption of any particular property from taxation is wrong. Taxation should be general, equal, and uniform. The more general the objects of taxation are, the more equal will be the distribution of the burdens of government, and the more cheerfully will they be borne by the people. To exempt particular property is to give an unfair advantage to its owner, and to make an invidious distinction between him and his neighbors. If frequently repeated in favor of individuals or classes, it would work intolerable mischief. I am constrained by an imperative sense of duty to decline approving of bills of this character.

The bill under consideration is therefore herewith returned to the House of Representatives, where it originated, for re-consideration.

W. F. PACKER.

EXECUTIVE CHAMBER, }  
Harrisburg, Jan. 6, 1859. }

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

GENTLEMEN:—On the day of the adjournment of the last General Assembly, a bill was presented to me for approval, entitled "An Act to encourage the manufacture of paper in this Commonwealth."

I cannot approve the bill,

*First.* Because provision is already made in the general manufacturing act for the incorporation of companies to manufacture paper;

*Second.* Because in the bill before me, the individual liability of the stockholders is much more limited than in the general law; and

*Third.* Because no provision is made for enforcing even the limited liability imposed by the bill.

For these reasons, the bill is herewith returned without the Executive approval, to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 4.

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EXECUTIVE CHAMBER, }  
Harrisburg, Jan. 6, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—On the last day of the legislative session of 1858, a bill was presented for my approval, entitled "An Act further to provide for the incorporation and regulation of insurance companies within this Commonwealth."

I have examined the bill before me, which is very voluminous, with great care, and have devoted much time and attention to its consideration. Finding many of its provisions wise, and well calculated to exercise a beneficial influence over the management of the various insurance companies of the State, and recognizing the great necessity for legislation on the subject, it is with regret I announce to the General Assembly that I found the bill in some of its terms and details so extremely objectionable that in my judgment it ought not to become a law.

The first section of the bill makes it the duty of the judges of the district courts in the cities of Philadelphia and Pittsburg, annually to appoint three commissioners, who shall in each year examine the statements made by the insurance companies in their respective cities and in the county of Allegheny, and when the commissioners are satisfied that any such company is possessed of the amount of capital named in the section, the commissioners shall certify to the fact, and, upon obtaining said certificate, the company may lawfully transact the business of an insurance company, subject to the annual renewal of the certificate. But in the event that the commissioners shall find upon examination that the company or association is insolvent, or without the capital required by the act, they are directed to report the fact to the proper court of the county, which court is required to issue an injunction to restrain the company or association from transacting the business of insurance. And, if the insolvency reported by the commissioners shall appear to be correct, the court is to appoint a receiver to wind up the affairs of the company, and distribute its assets, after the payment of expenses, notably among the credi-

tors of the company. The section also requires the insurance companies of the city of Philadelphia to provide an office for the commissioners, in which a record of their proceedings is to be kept.

The power of the Legislature to appoint a commission to inquire into the condition of insurance companies, and to authorize judicial proceedings in case of such as are believed to be insolvent, is unquestionable, and the exercise of such a power would probably be highly beneficial to the interests of the public; but this section requires every solvent company to obtain annually a certificate in the nature of a license to transact business, and this applies to all companies now existing, as well as to those which may hereafter be incorporated. It is questionable whether such a restriction or condition can be imposed upon the legitimate exercise of powers already granted. The various acts incorporating insurance companies, give the right to commence and continue the business of insurance on certain terms therein specified.—This bill proposes to alter these terms by imposing others which may interrupt their business, though they may be perfectly solvent and even prosperous, and it also subjects them to other than judicial control; and finally, it deprives them of an appeal to the supreme court of the State, as by the nineteenth section the decision of the district court is made final and conclusive.

The section is moreover incongruous and imperfect; for, while it requires the commissioners to report to the court such companies as are found to be insolvent, or without the requisite capital, it only authorizes proceedings against such as are reported to be insolvent, making no disposition whatever of such as are solvent, but without the required capital.

The second section makes the refusal or neglect of any company to comply with the conditions of the first section, cause of forfeiture of the charter, and imposes upon the president and secretary, upon conviction thereof, a fine of five hundred dollars. It is difficult to perceive why the president and secretary should be liable to conviction and punishment for the neglect or refusal of the company, acting through its board of managers, to comply with the requirements of the section.

Under the fourteenth section of the bill, mutual insurance companies now incorporated and located in the cities of Philadelphia, Pittsburg or Allegheny, or having agencies therein, as well as all such companies hereafter to be incorporated, wherever located, are forbidden from issuing any policy of insurance until they have a subscription list of persons desiring to become insured members, whose premiums shall amount in the aggregate to fifty thousand dollars; such companies are also required to confine their risks to the counties in which they may be severally located, and the adjoining counties; and are enjoined from issuing any policy until notice of the form thereof shall be published in one or more newspapers of the county where such company shall be located.

These provisions, in my opinion, are unnecessarily stringent and severe upon mutual insurance companies. Some of the most substantial and reliable companies in this Commonwealth are based upon the plan of mutual liability, with premium notes assessable for losses—their insurances extending to every city and county in the State, amounting in the ag-

gregate to many millions of dollars, and as well secured as they can possibly be by any joint stock company. Why should such companies, so organized, and which make no dividends of profits, whether located in the cities of Philadelphia or Pittsburg, or Allegheny, or elsewhere, be confined in their risks to the county in which the particular company may be located and the counties adjoining thereto, while joint stock companies, that are the subject of speculation, and that declare large profits, are given a charter extensive as the State? I have looked in vain for a sufficient reason for making this distinction. Common justice requires that all shall be placed by law on an equal footing, and that none shall be favored or proscribed; then if either system prove unworthy of confidence, let it be condemned, and instead of limiting its operations to a single county or neighborhood, let it be entirely abrogated. Besides, the provision under consideration directly interferes with the powers and privileges already solemnly granted by charter to mutual insurance companies, to extend their business throughout the Commonwealth.

Again, would not the provision which requires premium notes to the amount of at least fifty thousand dollars before a policy can be issued, prevent any company from going into operation on the mutual principle, at least in the interior of the State? If two and a half per cent. be taken as an average rate of insurance, it would require property offered to be insured amounting to two millions of dollars to produce the required fifty thousand dollars of premium notes; and when it is recollected that no insurance could be effected outside of the county where the company may be located, and those immediately adjoining it, it is obvious that in many sections of the State it would be nearly or quite impossible to obtain the amount of applications thus required.

The eighteenth section is also objectionable. It provides "that the insurance companies and insurance associations respectively, of the city of Philadelphia and of the city of Pittsburg, insuring property against loss by fire, shall, after obtaining the certificate required by this act, appoint one delegate each to meet in convention in the city of Philadelphia, on the last Tuesday of September next, and adopt such uniform fire policy or policies as such convention shall deem necessary and proper, copies of which shall be filed with the insurance commissioners in said cities, and also with the Auditor General immediately after their adoption, and published by the said companies in each of said cities for at least one week in two daily newspapers having the largest bona fide circulation therein; and such policies shall, on and after the first day of December next, become of general use; and it shall not be lawful for any insurance company incorporated by, or doing business within this Commonwealth, thereafter to issue any policy of insurance against loss by fire in the city of Philadelphia, or county of Allegheny, other than in the form of the policies so agreed upon and adopted; and any company or the agent of any company issuing any policy in violation of this section, shall forfeit and pay the amount of insurance specified in any such policy to the party so insured: *Provided*, That this section shall not apply to companies exclusively mutual."

This section deprives the companies therein named of the power of making contracts of in-



insurance on such conditions and terms as may be agreed to by both parties. Whatever the nature of the property, or of the risk, or wherever it may be situated, and whether the contract be made through an agent or by an immediate officer of the company, no form can be used, under a heavy penalty, except the one agreed upon in convention.

The right or liberty to settle the terms and conditions and form of the contract, is necessarily included in the general grant of power to make insurance without express words, and it is also given expressly in very many charters. The conditions, limitations, modifications, covenants and warranties in policies of insurance, are as various as the risks, and heretofore the parties to the contract were at liberty to make their own bargain. But this section requires the companies to agree through delegates to a common form, or forms, which shall be used in every case. Even in the conveyance of real estate this is not practicable; but in matters of contract, which relate to an infinite variety of risks and contingencies, it is in my opinion impossible. It is the policy of our law to leave all who are competent to contract free to agree for themselves, stipulating, however, for things lawful, and observing good faith, and, to my mind, the attempt to produce uniformity in contracts of insurance is such a departure from that policy, confirmed as it is by the experience of ages, as to render the experiment neither practicable nor desirable. It is quite impossible to foresee what special conditions it may be necessary to introduce into a policy, and it is unwise to place it out of the power of the parties to provide for such contingencies. The result of the adoption of this provision would undoubtedly be that no prudent company would take any risk that was not sufficiently provided for by the contract settled by the convention; and consequently parties wanting special risks insured would be compelled to go out of the State to get their insurance.

It will afford me great pleasure to co-operate with the General Assembly in providing additional checks, and making other salutary regulations for the government of insurance companies, so as effectually to protect the public against the impositions and fraudulent practices of dishonest institutions. But for the reasons already assigned, I cannot approve of this bill. It is, therefore, herewith returned to the House of Representatives, where it originated, for reconsideration.

WM. F. PACKER.

EXECUTIVE CHAMBER,  
Harrisburg, Jan. 6, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

GENTLEMEN:—Within ten days of the adjournment of the last Legislature, a bill was presented for my approval, entitled "An Act to establish a Normal department in Green academy, and to unite the public schools of the borough of Carmichaels with said institution."

The first section of the bill authorizes the teachers of Green academy to establish a Normal school for the education of teachers in said academy, and gives to the teachers and faculty of the academy the power to grant diplomas to students graduating in the Normal department.

The second section provides "that the common schools of the borough of Carmichaels shall be connected with said Normal department, and the school directors of said borough shall pay into the treasury of said academy the school tax of said borough, as, also, the annual State appropriation by them received for the support of common schools, for which the said trustees shall keep open a school or schools sufficient to meet the wants of said district, and in conformity to the requirements of the school directors of said borough."

The third section makes the school directors members of the executive board of trustees of the academy, with power to vote on all questions relating to the public schools of the borough; and the fourth and fifth sections require the school directors, upon the application of twenty or more tax payers of the borough, to submit the question of amalgamation to the voters of the borough, and if a majority of the votes cast are against the proposed union, the provisions of the act so far as they relate to the common schools are to be inoperative and void.

The bill under consideration is objectionable, inasmuch as it provides for a total transfer of the common schools, with the revenues of the district, to the trustees of the academy; for, in case the union be consummated by a vote of the people of the district, and the trustees should refuse to conform to the requirements of the school directors, as enjoined by the second section of the act, the directors under the terms of the act would be without remedy.

Again, by the third section, the directors and executive board of the trustees of the academy are clothed with concurrent jurisdiction with regard to "all questions relating to the public schools of the borough." The number of persons composing the executive board of trustees of the academy, other than the school directors, is not stated; but, if it should be equal to the number of school directors, a conflict of jurisdiction would be possible, if not inevitable; and, if the number be greater, the votes of the directors could be nullified at pleasure. The board of trustees, it is evident, could also control the action of the executive board. The provisions of the third section conflict with, if they do not virtually overrule the latter clause of the second section already quoted, which furnishes the only semblance of protection to the interests of the common schools.

The connection of the public schools with the academy is manifestly intended for two purposes: first, to secure the revenues of the common schools for the support of the academy; and second, to furnish model schools in which to train the Normal students of the academy in the practice of their profession. The first of these objects is inadmissible, unless there be some adequate resulting benefit to the common schools. The second, is judicious and commendable, so far as the advancement of the Normal pupils is concerned; and the common schools of the borough could, doubtless, be so administered, for this purpose, as to be mutually advantageous to all parties. But, a provisional arrangement could be made with the school directors, without the agency of this bill, that would sufficiently answer the purposes of the Normal department of the academy, and, at the same time, reserve to the board of directors their proper authority over the teachers, the schools, and the finances of the district.

There is no objection to that portion of the bill which invests a Normal department in the academy, with authority to grant diplomas. This has been done, repeatedly, by the Legislature; and, presented by itself, would meet the unhesitating approval of the Executive. But, I cannot consent to impair the power of the school directors over the common schools or the common school fund of their district. In this respect, at least, there should be no encroachment on the general law.

For these reasons, I am constrained to return the bill to the Senate, in which it originated, without the Executive approval.

WM. F. PACKER.

EXECUTIVE CHAMBER,  
Harrisburg, Jan. 6, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

GENTLEMEN:—Within ten days of the adjournment of the last General Assembly, a bill

was presented for my approval, entitled "An Act supplementary to the acts relating to special courts."

This bill proposes to extend the various acts relative to special courts, so as to include all the judges of the district courts, and the associate law judges within this commonwealth, and to give to the district and associate law judges all the powers and jurisdictions of the proper president of the several courts of the county wherein the special court shall be held, in relation to all matters arising in such special court.

My objections to the bill are of a two-fold character. In the first place, I have serious doubts whether the Legislature can constitutionally substitute a judge of a district court, or an Associate law Judge of the common pleas for the proper president judge of a judicial district. The Constitution requires that the presence of a president judge, shall be necessary to the proper organization of certain courts; and it also requires that the president judge shall be elected by the people of the district over which he is to preside, and in virtue of such election, he is commissioned as president judge. Now this bill proposes to take judges, who were never elected nor commissioned as president judges, and give them all the powers and jurisdictions, for the time being, of the proper president of the district. If the Legislature can do this for a given time, what is to prevent an extension of the time so as to embrace the entire term of a Judge, and thus defeat the constitutional provision which secures to the people of a judicial district the right to elect their own president judge. To say the least, the change proposed is of exceedingly doubtful constitutionality; and therefore, cannot be justified, unless it were demanded by an overshadowing necessity. It will not be pretended that such necessity exists.

In the second place, if the constitutionality of the proposed enactment were conceded, in my judgement, it is totally unnecessary. Until within a very brief period the authority to hold special courts was confined to the president judge residing nearest to the place where the court was required to be held. In 1849 it was extended to the president judge of any adjoining district, and again, in 1853, to every president Judge of the common pleas throughout the State. Under the law as it now stands the several president judges of the courts of common pleas, may hold special courts, and even regular terms, where there is occasion for a special court in any county of the commonwealth. Surely this provision is broad enough to meet any and every demand for an exchange of judges.

For the reasons thus succinctly stated, I cannot give to this bill the Executive approval; I doubt its constitutionality, and I am clear that it is unnecessary. It is therefore returned to the Senate, where it originated, for reconsideration.

WM. F. PACKER.

EXECUTIVE CHAMBER,  
Harrisburg, Jan. 6, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

GENTLEMEN:—I herewith return to the House of Representatives, where it originated, a bill presented for my approval on the 21st day of April last, entitled "An Act to authorize Isaac M. Pennock, trustee, to appropriate certain portions of a trust fund to the payment of debts due for the support of the *celestique trusts*."

The first and only section of this bill provides that Isaac M. Pennock, trustee of Mary A. Woods and children, be authorized and empowered, and is hereby authorized and empowered, to appropriate two thousand dollars of the trust estate in his hands for the payment of debts due for the support and maintenance of



the *cestui que trusts*: *Provided however*, That the same be done under the order and subject to the control of the orphans' court of the proper county, and that the amount so appropriated and used shall be accounted for under the laws of this Commonwealth relating to such matters.

My objection to this bill is that it is a legislative appropriation of money received by a trustee under a power which specifies the objects of the trust and directs the application of the trust fund. If the proposed legislation is in accordance with the provisions contained in the deed of trust, it is unnecessary. If it is in contravention of the trust, it is the exercise of a doubtful power, and therefore clearly wrong. He who conveys property to another in trust for private purposes, has the undoubted right to direct the application of the trust fund; and so long as such direction is not forbidden by the law of the land, it should be scrupulously followed. Any interference with such direction, over by the constituted authorities of the State, would be an infringement of private rights, and ought to be carefully avoided.

Entertaining these views, I cannot approve the bill under consideration.

WM. F. PACKER.

EXECUTIVE CHAMBER.  
Harrisburg, Jan. 6, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—On the 21st day of April last, which was within ten days of the adjournment of the last General Assembly, a bill was presented for my approval, entitled "An act to change the venue in the case of the Commonwealth vs. Anna Maria Veitengruber."

My objection to this bill is, that it proposes to transfer a trial upon an indictment for murder, now pending in the court of oyer and terminer of Sullivan county, to the court of oyer and terminer of Lycoming county, without making any provision for the payment of the costs and expenses of the trial. These belong, of right to the county where the offence was committed, and ought not to be thrown on another county. For this reason I cannot approve the bill, and it is therefore, herewith returned to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.

#### STATE TREASURER'S REPORT.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—In compliance with the provisions of the act of the 16th March, 1832, relating to this Department, I have the honor to submit the following report for the fiscal year ending with the 30th of November, 1858:

The available balance in the Treasury at the close of the fiscal year, 1857..... \$528,106.47  
Receipts to November 30, 1858, inclusive..... 4,189,778.33  
4,667,884.82

Expenditures from November 30, 1857, to November 30, 1858, inclusive..... \$3,775,857.06  
Balance in Treasury November 30, 1858..... 892,027.76  
4,667,884.82

The tables accompanying this report will exhibit in detail the receipts and expenditures of which the foregoing is but a general summary. It is not usual, in the general report, to give the operations of the Treasury for the month of December, which properly belong to the next

fiscal year, but I have deemed it prudent for your information to do so at this time.

Balance in Treasury, December 1, 1858..... \$892,027.76  
Receipts up to and including December 31, 1858..... 121,569.11  
1,013,596.87

Payments from December 1, to December 31, 1858, inclusive..... \$318,700.73  
Balance in Treasury, December 31, 1858..... 694,896.14  
1,013,596.87

Included in the December payments are the following sums, to wit: \$212,296, applied to the redemption of public loans, and \$35,317.29 to the payment of interest due on the first inst. Unless something unforeseen should occur, this balance of \$694,896.14, will be increased during the current month to an amount sufficient to pay the interest on the public debt, which becomes due on the first proximo, and also meet all other legitimate demands upon the Treasury, which cannot, in any event, exceed the sum of \$50,000, exclusive of the current quarter salaries to public officers. Nearly all that is now due upon former appropriations, is to the public and charitable institutions of the State.

The total indebtedness of the State on the 30th of November last, amounted to the sum of thirty-nine millions four hundred and eighty-eight thousand two hundred and forty-three dollars and sixty-seven cents, as follows:

FUNDED DEBT.  
6 per cent. loans..... \$445,180.00  
5.....do.....do.....38,420.905.67  
4.....do.....do.....388,200.00  
4.....do.....do.....100,000.00  
\$39,354,285.67

UNFUNDED DEBT.  
Relief notes in circulation..... \$105,350.00  
Interest certificates outstanding..... 23,357.12  
Interest certificates unclaimed..... 4,448.38  
Domestic creditors..... 802.50  
133,958.00  
39,488,243.67

This statement exhibits a decrease in the public debt, during the past fiscal year, of \$393,494.55. Since the close of the year (during the last month) the Commissioners of the Sinking Fund have redeemed of the five per cent. loans \$220,132.51, and outstanding interest certificates amounting to \$512.50; together amounting to the sum of \$220,645.01, which, added to \$393,494.55 will make the sum of \$614,139.06 of the public debt which has been paid since the adjournment of the last Legislature; leaving the actual indebtedness of the Commonwealth at the present time \$39,267,598.66.

A table accompanies this report in which the public loans are classified, showing the acts of Assembly under which they were created, the periods when reimbursable, the rates of interest, and the amount of each loan on the first of December, 1858, and they may be briefly stated thus:

Amount over due..... \$17,465,378.20  
Amount not reimbursable in 1859..... 1,123,083.70  
Do.....do.....1860.....2,398,450.94  
Do.....do.....1861.....79,900.00  
Do.....do.....1862.....2,047,875.82  
Do.....do.....1863.....188,200.00  
Do.....do.....1864.....3,020,968.03  
Do.....do.....1865.....1,640,015.95  
Do.....do.....1866.....2,466,365.53  
Do.....do.....1870.....1,819,720.70  
Do.....do.....1877.....5,000,000.00

Amount reimbursable in 1878..... 428,000.00  
Do.....do.....1879.....400,000.00  
Do.....do.....1882.....850,000.00  
Do bank charter loans..... 449,683.52  
Do relief notes in circulation,..... 105,350.00  
\$39,482,992.79

It is fair to estimate that the receipts during the current fiscal year, under existing laws, will realize a sum sufficient to redeem at least \$800,000 of the public debt, in addition to the sum of \$220,645.01 paid during the last month out of revenues which belonged to the last year, and which were not applied to that purpose, at an earlier day, by the Commissioners of the Sinking Fund, under the belief that its retention in the Treasury would be required for the February interest.

The present prosperous condition of the State finances has been produced by the uniform and willing disposition manifested by the tax payers to submit to all demands upon them, rather than the faith of the Commonwealth should be tarnished. To them alone is the credit of this gratifying and auspicious result. In the darkest hour of financial distress and embarrassment, they demanded and justified heavy increased taxation, the payment of which has enabled the State to meet all demands upon the Treasury, and to create a fund that will gradually and steadily extinguish the public debt.

The following minutes, copied from the records, will explain the transactions of this office under the act of April 21, 1858, entitled "An Act for the sale of the State canals:"

"There were received, on this 19th day of May, 1858, from the Sunbury and Erie railroad company, in settlement for the purchase money due the Commonwealth for the public works sold to said company under the act of 21st April, A. D. 1858, entitled 'An Act for the sale of the State canals,' thirty-five bonds of the said Sunbury and Erie railroad company, dated May 19, 1858, each for the payment of \$100,000, the first ten bonds of which will become due and payable on the 31st of July, 1872; the next ten bonds on the 31st July, 1873; the next ten bonds on the 31st July, 1874, and the five remaining bonds on the 31st day of July, 1875, with interest at the rate of five per cent. per annum, to be paid on each of said bonds on the 31st days of the months of January and July in each year. The said company also deposited in the Treasury thirty-five hundred coupon bonds, executed by said company, to Charles Macalister and George H. Stuart, trustees, for the aggregate sum of \$3,500,000, dated May 19, 1858, of which the proportion or sum of \$500,000 is due and payable on the 31st day of July 1873, and \$1,000,000 on the 31st day of July in each of the three succeeding years, with interest at the rate of five per cent. per annum, payable on the 31st days of the months of January and July in each year.

"At the same time the said company also delivered the certificate of the recorder of deeds for the city and county of Philadelphia, of which the following is a copy:

"Received for record at Philadelphia, May 19, at seven o'clock, A. M., 1858, the mortgage from the Sunbury and Erie railroad company to Charles Macalister and George H. Stuart, trustees, for seven millions of dollars, on the Sunbury and Erie railroad company, from the borough of Sunbury, in Northumberland county, to the borough of Erie, in Erie county, Pennsylvania.

ALBERT D. BOILEAU,  
Recorder of Deeds.

"The said company, also, at the same time, delivered the following described mortgages, to wit: A mortgage on the Delaware division of the Pennsylvania canal, a mortgage on the Susquehanna and West Branch division of the



Pennsylvania canal, and a mortgage on the Lower and Upper North Branch divisions of the State canals. The first mortgage conditioned for the payment of \$1,000,000 00, the second mortgage conditioned for the payment of \$500,000 00, and the third mortgage conditioned for the payment of \$500,000 00, the same being duly executed by the said Sunbury and Erie railroad company to the Commonwealth of Pennsylvania, and bearing date the 19th day of May, A. D., 1858."

"On this 13th day of September, 1858, the Sunbury and Erie railroad company, through their president, presented at this office a certificate from the Governor, of which the following is a copy:

"*Pennsylvania, ss:*

"WM. F. PACKER:

In the name and by the authority of the Commonwealth of Pennsylvania, Wm. F. PACKER, Governor of the said Commonwealth, I do hereby certify that I am satisfied that the securities which the Sunbury and Erie railroad company proposes to deposit with the State Treasurer, viz:

"One million of dollars of bonds of the Delaware Division canal company;

"Five hundred thousand dollars of the bonds of the West Branch and Susquehanna canal company;

"Three hundred thousand dollars of bonds of the Wyoming canal company; and

"Two hundred thousand dollars of bonds of the North Branch canal company.

"In all, the sum of two millions of dollars, and all secured by mortgages upon the respective canals of said companies, in satisfaction of the mortgages now held by the Commonwealth upon said canals, are sufficient to protect the interests of the Commonwealth, and I do hereby approve of said exchange of securities.

"In testimony whereof I have herewith set my hand and caused the great seal of the State to be hereunto affixed, at Harrisburg, this thirteenth day of September, in the year of our Lord one thousand eight hundred and fifty-eight, and of the Commonwealth the eighty-third,

"and demanded the cancellation of the mortgages given by said company as additional security on the different divisions of the canal purchased by said company from the State, and the substitution in their stead of the bonds mentioned in the certificate of the Governor.

"This exchange of securities was made, and the written approval of the Governor thereto filed in this office.

"At the same time there was received from the said Sunbury and Erie railroad company, two hundred and eighty-one thousand dollars of bonds of the Wyoming canal company, each for the payment of one thousand dollars, on the 15th of July, 1878, with interest at the rate of six per centum per annum, payable on the 15th of January and of July of each year, (\$281,000.00,) and the sum of two hundred and fifty dollars in cash, making in all the sum of \$281,250.00, being seventy five per centum of the excess beyond \$3,500,000 received by said company on sale of said canals."

Under the provisions of the act of Assembly above referred to, authorizing the sale of the canals, a portion of these bonds, to wit: the coupon bonds of the Sunbury and Erie railroad company, to Macalister and Stuart, the trustees for \$3,500,000; the bonds of the Delaware Division canal company for \$1,000,000; the bonds of the West Branch and Susquehanna canal company for \$500,000; the bonds of the Wyoming canal company for 300,000, and the bonds of the North Branch canal company for \$200,000, are liable to be surrendered to the Sunbury and Erie railroad company as the work on said road progresses to completion. The other bonds, to wit: thirty-five bonds of the Sunbury and Erie railroad company, each for

the payment of \$100,000, and two hundred and eighty-one bonds of the Wyoming canal company, each for the payment of \$1000, making in all the sum of \$2,781,000, are the property of the Commonwealth, and with the \$250 paid into the Treasury at the time of the delivery of the last mentioned bonds, constitute the consideration received by the State for the transfer of the canals referred to.

The claims certified by the Canal Commissioners and paid at the Treasury, as directed by the fortieth section of the act of May 18, 1857, amount to the sum of \$77,290 51; and the claims certified and paid as directed by the seventeenth section of the act of April 24, 1858, amount to the sum of \$9,692 05. These claims were for debts contracted on the Portage railroad, and several of the divisions of the State canals.

Annexed to this report, are tabular statements showing the names of the claimants, the amounts due to each, the names of the officers contracting the debts, and the dates of the payments at the treasury. These statements are made from an account kept of each certificate as the same was paid. It is possible that there are some outstanding ones that have not been presented, of which there is no information in this office.

The tabular statements hereto annexed, will more fully explain the operations of the Treasury for the last fiscal year, among which will be found estimates of the receipts and expenditures for the next year. All of which, with this report, is respectfully submitted to your consideration.

H. S. MAGRAW,

State Treasurer.

JANUARY 6, 1859.

#### PENNSYLVANIA LEGISLATURE.

##### SENATE.

1. Philadelphia.—*Samuel J. Randall, Richardson L. Wright, I. N. Marsellis, \*John H. Parker.*
2. Chester and Delaware.—*Thos. S. Bell.*
3. Montgomery.—*\*John Thompson.*
4. Bucks.—*\*Mahlon Yardley.*
5. Lehigh and Northampton.—*\*Jeremiah Shindel.*
6. Berks.—*\*Benj. Nunemacher.*
7. Schuylkill.—*\*Robert M. Palmer.*
8. Carbon, Monroe, Pike, and Wayne.—*Thos. Craig, Jr.*
9. Bradford; Susquehanna, Wyoming, and Sullivan.—*E. Reed Myer.*
10. Luzerne.—*George P. Steele.*
11. Tioga, Potter, McKean, and Warren.—*Glenn W. Scofield.*
- 12.—Clinton, Lycoming, Centre, and Union.—*\*Andrew Gregg.*
13. Snyder, Northumberland, Montour, and Columbia.—*\*Reuben Keller.*
14. Cumberland, Juniata, Perry, and Mifflin.—*Henry Fetter.*
15. Dauphin and Lebanon.—*John B. Ruthersford.*
16. Lancaster.—*Bartram A. Shaeffer, Robt Baldwin.*
17. York.—*\*Wm. H. Welsh.*
18. Adams, Franklin, and Fulton.—*George W. Brewer.*
19. Somerset, Bedford, and Huntingdon.—*Wm. P. Schell.*
20. Blair, Cambria, and Clearfield.—*John Cresswell, Jr.*
21. Indiana and Armstrong.—*Titian J. Coffey.*
22. Westmoreland and Fayette.—*Jacob Turney.*
23. Washington and Greene.—*George W. Miller.*
24. Allegheny.—*Edward D. Gazzam, \*John P. Penny.*
25. Beaver and Butler.—*John R. Harris.*

26. Lawrence, Mercer, and Venango.—*Wm. M. Francis.*

27. Erie and Crawford.—*\*Darwin A. Finney.*

28. Clarion, Jefferson, Forest, and Elk.—*\*K. L. Blood.*

##### HOUSE OF REPRESENTATIVES.

- Adams.—*Samuel Durborrow.*  
 Allegheny.—*J. Heron Foster, Robert P. McDowell, Julius F. Zoller, David E. Baird, Elias H. Irish.*  
 Armstrong and Westmoreland.—*Robert Warden, Matthew Shields, John W. Rohrer.*  
 Beaver and Lawrence.—*Joseph H. Wilson, James D. Bryson.*  
 Bedford and Somerset.—*Geo. W. Williams, George O. Walker.*  
 Berks.—*Edmond L. Smith, Augustus P. Bertholet, Solomon L. Custer.*  
 Blair.—*Jacob Burley.*  
 Bradford.—*Thomas Smead, O. H. Perry Kinney.*  
 Bucks.—*Hiram A. Williams, Jos. Barnsley.*  
 Butler.—*William W. Dodds, John M. Thompson.*  
 Cambria.—*Thomas A. Porter.*  
 Centre.—*Adam R. Barlow.*  
 Chester.—*Isaac Acker, Caleb Pierce, Wm. Y. Shaffer.*  
 Clarion and Forest.—*John M. Fleming.*  
 Crawford and Warren.—*Robert P. Miller, Henry R. Rouse.*  
 Cumberland and Perry.—*Hugh Stewart, John McCurdy.*  
 Dauphin.—*William C. A. Lawrence, Marke D. Witman.*  
 Delaware.—*William D. Pennell.*  
 Erie.—*John W. Campbell, Wilson Laird.*  
 Fayette.—*Henry Galley.*  
 Franklin and Fulton.—*James Hill, Alex. K. McClure.*  
 Greene.—*David W. Gray.*  
 Huntingdon.—*R. B. Wigton.*  
 Indiana.—*Alexander W. Taylor.*  
 Jefferson, Clearfield, Elk, and McKean.—*Wm. P. Wilcox, T. J. Ezyer.*  
 Lancaster.—*Nathaniel Ellmaker, Jr., Amos S. Green, Samuel Kencagy, Samuel H. Price.*  
 Lebanon.—*Joseph Eckman.*  
 Lehigh and Carbon.—*Tilghman H. Good, Samuel Balliet.*  
 Luzerne.—*P. C. Gritman, Winthrop W. Ketchum, Lewis Pugh.*  
 Lycoming and Clinton.—*Lindsey Mohaffey, Wm. Fearon, Jr.*  
 Mercer and Venango.—*William G. Eose, C. P. Ramsdell.*  
 Mifflin.—*David Witherow.*  
 Monroe and Pike.—*Charles D. Brodhead.*  
 Montgomery.—*David Stonebeck, John Dismant, Charles H. Hill.*  
 Northampton.—*Max Goepf, Jos. Woodring.*  
 Northumberland.—*Charles Hottenstein.*  
 Philadelphia.—*C. M. D. Smith, Washington Quigley, D. R. McClain, J. Morris Harding, George T. Thorne, Joseph M. Chureh, David H. Styer, Cornelius A. Walborn, George W. Wood, Isaac J. Neill, I. Shepherd, John A. Fisher, O. Evans, Simon Gratz, Geo. W. Hamersly, George W. Wiley, C. F. Abbott.*  
 Potter and Tioga.—*L. P. Williston, Lewis Mann.*  
 Schuylkill.—*John S. Boyer, Cyrus L. Pinkerton, Philip R. Palm.*  
 Susquehanna.—*Simcon B. Chasc.*  
 Union, Snyder, and Juniata.—*John J. Patterson, William F. Wagonseller.*  
 Washington.—*George V. Lawrence, William Graham.*  
 Wayne.—*Holloway L. Stephens.*  
 Wyoming, Sullivan, Columbia, and Montour.—*Samuel Oaks, George D. Jackson.*  
 York.—*A. Hiesland Glatz, Wm. W. Wolf.*



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 5.

## SENATE.

Monday, Jan. 10, 1859.

Senate met at 3 o'clock, P. M., the SPEAKER in the Chair.

The Journal was read by the Clerk.

### LEAVE OF ABSENCE.

Mr. RUTHERFORD asked leave of absence for himself for a few days; which was granted.

### STANDING COMMITTEES.

The SPEAKER announced the Standing Committees of the Senate, as follows:

Finance—Messrs. Turney, Randall, Welsh, Coffey, Gregg.

Judiciary—Messrs. Bell, Brewer, Miller, Scofield, Finney.

Accounts—Messrs. Wright, Gazzam, Turney, Baldwin, Fetter.

Estates and Escheats—Messrs. Welsh, Schell, Penney, Shaeffer, Palmer.

Pensions and Gratuities—Messrs. Finney, Blood, Harris, Keller, Frazer.

Corporations—Messrs. Wright, Steele, Schell, Shaeffer, Gazzam.

Library—Messrs. Brewer, Francis, Schindel.

Banks—Messrs. Marselis, Schell, Gazzam, Keller, Myer.

Canals and Inland Navigation—Messrs. Steele, Myer, Blood, Thompson, Miller.

Railroads—Messrs. Randall, Craig, Steele, Coffey, Finney.

Election Districts—Messrs. Scofield, Marselis, Parker, Thompson, Myer.

Retrenchment and Reform—Messrs. Gazzam, Nunnemacher, Bell, Yardley, Parker.

Education—Messrs. Miller, Welsh, Schindel, Penney, Yardley.

Agriculture and Domestic Manufactures—Messrs. Fetter, Rutherford, Nunnemacher, Baldwin, Schindel.

Militia—Messrs. Brewer, Blood, Fetter, Harris, Shaeffer.

Roads and Bridges—Messrs. Nunnemacher, Baldwin, Fetter, Rutherford, Thompson.

Comparo Bills—Messrs. Myer, Keller, Wright, Francis, Yardley.

Vice and Immorality—Messrs. Schindel, Francis, Palmer, Wright, Harris.

Private Claims and Damages—Messrs. Schell, Craig, Steele, Shaeffer, Rutherford.

Public Printing—Messrs. Keller, Palmer, Marselis, Yardley, Craig.

Public Buildings—Messrs. Craig, Schell, Turney.

New Counties and County Seats—Messrs. Blood, Turner, Keller, Gregg, Schell.

### PETITIONS.

Mr. SCHINDEL, a petition from the citizens of Northampton, praying for a law authorizing the legal voters of said county to vote the coming election on the removal of the seat of justice from Easton to Nazareth.

Mr. PALMER, a petition of citizens of Schuylkill county, for a law to regulate the height of fences in said county.

Also, a petition of citizens of Schuylkill county, to the same purport.

Also, a petition of citizens of Northampton county, for a repeal of all laws authorizing a stay of execution on judgments obtained for the wages of labor.

Also, a petition from citizens of the same county, of the same purport.

Mr. FINNEY, a petition of citizens of Crawford county, for a new county from parts of Crawford, Warren and Venango counties.

Also, a petition of citizens of Erie, relative to water lots in said city.

Mr. PARKER, a petition of the Scott Legion of Philadelphia, soliciting an appropriation of one hundred muskets.

Mr. GREGG, a petition from citizens of Clinton county, praying for the passage of a law authorizing the laying out of a State road from Shroyer's gap to Ringler's mill.

All of which were referred to their appropriate committees.

### BILLS READ IN PLACE.

Mr. HARRIS, read in his place and presented to the Chair, a supplement to an act, entitled "An Act to regulate the militia of this Commonwealth."

Mr. PARKER, "An Act authorizing the Adjutant General to issue arms to the Scott Legion of Philadelphia."

Mr. YARDLEY, a "Supplement to the act incorporating the Hilltown turnpike road company."

Also, a "Supplement to the act incorporating the Spinnerstown and Goshenhoppen turnpike road company." (Both of these turnpikes are located in Berks county.)

Mr. WRIGHT, "An Act to incorporate the the Philadelphia and Penn township passenger railway company."

Mr. PARKER, "An Act to incorporate the People's city passenger railway company."

Also, "An Act to incorporate the Fourth and Eighth Street passenger railway company of the city of Philadelphia."

Mr. STEELE, a further "Supplement to an act to incorporate the Lackawanna and Bloomsburg railroad."

Mr. RANDALL, "An Act to incorporate the Western market company."

Mr. GREGG, a bill, entitled "An Act supplementary to a bill chartering the Williamsport water company."

Mr. PALMER, "An Act to incorporate the Schuylkill County agricultural, horticultural and mechanical association."

Mr. MYER, a supplement to the act, entitled "An Act to exempt property to the value of three hundred dollars from levy and sale."

Mr. PALMER, "A supplement to an act, entitled 'An Act to provide for the creation of a house for the employment and support of the poor in the county of Schuylkill,' passed the 4th day of April, A. D., 1831."

Also, "A further supplement to an act relative to a burial ground and school lot, in the borough of Pottsville."

Mr. FRANCIS, "An Act supplemental to the several acts relative to the collection of taxes in Lawrence county."

Mr. WRIGHT moved that the bills on the SPEAKER'S desk be referred to the appropriate committees; which was agreed to. In accordance with which, the SPEAKER proceeded to make the reference, as required.

Mr. MYER moved that the Committee on Canals and Inland Navigation be discharged, and that the Senate proceed to the consideration of House bill No. 1, for the abolition of the Canal Board.

Mr. TURNEY wished to say a few words before the question was taken upon the motion.—He considered the action contemplated by the Senator premature and ill-advised. In order to facilitate the object desired by the bill, he had offered his resolution, calling upon the Canal Commissioners to report to the Senate the progress made in the investigation and settlement of claims submitted to them by the last Legislature; also, the earliest day at which such of

those claims as are still under examination, can be finally determined. This was the day upon which they were required, by that resolution, to report; and he understood they were prepared to report. After hearing their report, the Senate would be able to act with the proper understanding. The speedy abolition of the Canal Board was an injudicious one. It is an important branch of the State Government, and had exercised control over vast interests. By the passage of the bill, previous to obtaining the necessary information to enable the Senate to act with a full understanding, they might rush into difficulty. He was in favor of abolishing the Board, but until he had heard the report of the Commissioners, he was not prepared to determine at what time it could be done without detriment to the interests of the State. There was but little doubt of the abolition of the Board at an early day, but this early, hasty and ill-considered step might work serious injury. He referred to the early action of the House, and the step taken by one of its members to catch the popular ear, and inspire the public mind with an idea of his peculiar devotion to the public interests. He hoped the Senate would not stultify itself. If, upon hearing the report asked for from the Commissioners, the settlement of the claims is in a state of forwardness to justify this step, he will go into it as cheerfully as any man. The Canal Commissioners are still engaged in investigating claims preferred against the State, and had already rejected over seventy thousand dollars of claims; and if the Board is now abolished, it will only pave the way for another tribunal to determine them.

Mr. GREGG remarked that if the Senate waited for the report of the Commissioners, or for information from them which would warrant it, they would not be able to abolish the Canal Board this session. At the last session, a bill was reported for the abolition of the board, but was passed over without the object contemplated by it being effected. The Canal Commissioners have had sufficient time to prepare for this action; and it was doubtful whether we should have such a report from them as would tend to hasten the object of the bill.

Mr. SCHELL was in favor of the discharge of the committee, and was prepared to go into committee of the whole for the consideration of the bill; but, while he was in favor of the abolition of the Canal Board, he thought there should be afforded the Senate an opportunity of obtaining the information sought by the resolution of the Senator from Westmoreland, before more definite action should be taken upon the bill.

Mr. MYER had no disposition to press the bill to a final vote to-day. The Senator from Bedford had expressed his own views with reference to the course which should be pursued, and he was prepared to second the effort to obtain such information as would enable the Senate to act with a fair understanding of the case. The Canal Commissioners have had from May last to investigate claims, and if they have failed in a discharge of their duties, it is not incumbent upon the Senate to invite a report, in order to a knowledge of the fact whether they had discharged their duties or not. They should have made a report, as usual, at the opening of the session, and he was not inclined to think the interests of the Commonwealth would suffer, as feared by the Senator from Westmoreland, by a speedy abolition of the Board.



Mr. TURNEY remarked, that the most ordinary and insignificant bill is referred to the appropriate committee; and yet here is a motion to proceed with the precipitate passage of a bill which demanded, at the hands of Senators, a due and deliberate consideration. The idea is, that it is to be gone through with hastily—not printed and laid on the desks of Senators, so that they may have an opportunity of judging of its merits, but rushed to a passage regardless of its effects upon the interests of the State. He hoped the bill would be allowed to go to the appropriate committee, and referred to the object of his resolution, which was to designate the earliest day at which the Board could be abolished, without detriment to the State. The Canal Commissioners would, themselves, in their report, recommend the abolition of the Board, at as early a day as was practicable.

Upon the question to discharge the committee, and proceed to the consideration of the bill, the yeas and nays were demanded by Messrs. Scofield and Myer, and resulted as follows:

YEAS—Messrs. Baldwin, Coffey, Finney, Francis, Gregg, Harris, Myer, Palmer, Parker, Penney, Rutherford, Scofield, Shaeffer, Thompson and Yardley—15.

NAYS—Messrs. Blood, Brewer, Craig, Fetter, Keller, Marselis, Miller, Nunnemacher, Randall, Schindel, Steele, Turney, Wright and Cresswell, *Speaker*—14.

Whereupon the Senate resolved itself into committee of the whole, (Mr. COFFEY in the chair,) for the consideration of the bill.

And after some time, the committee rose, and the chairman reported the bill as committed.

The SPEAKER laid before the Senate the annual report of the Attorney General of the Commonwealth; which, upon motion, was ordered to be printed in the *Record*.

The SPEAKER also laid before the Senate a communication from the Canal Commissioners, in obedience to the resolution of Mr. TURNEY of the 6th inst.

On motion of Mr. RANDALL, the communication was ordered to be printed in the *Legislative Record*.

Mr. TURNEY offered a resolution, which he remarked, had been suggested by the report just read with reference to claims.

But, the SPEAKER deciding that it must be introduced in the shape of a joint resolution, it was withdrawn for the present.

Mr. GKEGG, on leave, offered the following resolution:

*Resolved*, That five hundred copies of the Transactions of the Pennsylvania State Agricultural Society be printed for the use of the Senate.

Mr. SCHELL was opposed to the passage of the resolution, and did not favor the useless expenditure of money which was contemplated.—If we did not check the extravagant system of public printing in which the Legislature had been indulging, the State will land where the Government at Washington has landed. He did not think there was any necessity for this expenditure, and he was constrained to vote against it.

Mr. GREGG referred to the value which would be derived from the printing of the transactions of the society, not only to the agricultural interests of the State, but to others. A report of the transactions of the society were anxiously looked for, and he felt desirous that they should be made public in the form contemplated, particularly as previous reports had been printed in the same manner.

Mr. SCOFIELD believed the Legislature had never printed the report of the State Agricultural Society, but the society had printed its own transactions, and the State had purchased from it a number of copies. The Senate had no right, he said, to order the printing of the report, without the concurrence of the House of Representatives; nor could it make any expen-

diture of money, as contemplated, without the concurrent action of the House.

The SPEAKER remarked that the position of Mr. SCOFIELD was correct. The resolution should be in the shape of a joint one.

The resolution was withdrawn.

Mr. MILLER offered the following:

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That David S. Spear be, and he is hereby appointed an additional Assistant Doorkeeper to the Senate for the present session.

Mr. BREWER moved to amend by striking out the name of David S. Spear, and inserting that of George J. Ripper.

Mr. BELL moved further to amend by striking out the name of George J. Ripper, and inserting that of Isaac McClure.

Mr. FINNEY moved to postpone the consideration of the resolution and amendments.

Mr. SCHELL remarked that the question might as well be met now as at any other time. If we passed by it now, it would come up upon some other occasion, and most probably interrupt the business of the Senate.

Mr. MILLER thought a disposition of the matter now would save the Senate a great deal of trouble in the future. Mr. Spear had made a good and obliging officer at the last session, and he was prepared to continue him in his position. He was not in favor of an increase of officers, nor was any increase contemplated by the resolution. The selection of an Assistant Door-keeper, in the manner contemplated by the resolution, would save the Senators a great deal of annoyance from bidders for the position, and he hoped the Senate would dispose of the question now.

Mr. BREWER agreed with the Senator from Washington, as to the qualifications of Mr. Spear for the post. He was a good man and obliging officer. But while the district of the Senator, and that of the applicant himself, was represented here in the offices of the Senate, he was desirous of securing for other districts a fair proportion of the places at its disposal. He advocated the appointment of Mr. Ripper, as a gentleman equally competent and deserving, and particularly, as coming from a portion of the State which was not represented among the officers of the Senate.

Mr. WRIGHT hoped the question would not be postponed. He was prepared to vote upon it now. He was willing to vote for Mr. Spear in caucus, but the Senator from his district did not wish him brought forward, as he had another man; and he was sorry the matter had not been disposed of in caucus. Mr. Spear was a good officer, but he could not vote for him now. He had no one here himself desiring a post in the Senate, but he was desirous that the districts should be fairly represented.

Mr. FINNEY here withdrew his motion to postpone; and Mr. WRIGHT continued his remarks, in which he declared that no additional officers were required, and that he was opposed to incurring unnecessary expense.

Mr. BREWER moved that the consideration of the subject be postponed for the present.

Mr. WRIGHT moved to amend by making the postponement indefinite; upon which the yeas were called, and resulted as follow:

YEAS—Messrs. Bell, Coffey, Fetter, Finney, Francis, Gregg, Harris, Keller, Marselis, Myer, Nunnemacher, Palmer, Penney, Rutherford, Scofield, Shaeffer, Schindel, Steele, Thompson, Wright and Yardley—21.

NAYS—Messrs. Blood, Brewer, Craig, Miller, Parker, Randall, Schell, Turney and Cresswell, *Speaker*—9.

Mr. RANDALL, upon leave being granted, presented the following bills, which were read by their titles:

An act supplementary to the act directing

the judges of the court of common pleas to appoint an examiner.

An act to incorporate the Laurel Hill and Manyunk passenger railway company.

On motion, adjourned.

## HOUSE OF REPRESENTATIVES.

Monday, Jan. 10, 1859.

The House was called to order at 3 o'clock, P. M., by Mr. WM. C. A. LAWRENCE, Speaker. Journal of Thursday last was read and approved.

The SPEAKER laid before the House the annual report of the Attorney General.

Also, a statement of tolls of the Lehigh navigation company for 1858.

Also, a statement of the depositors of the Seamen's Saving Fund of Philadelphia.

### PETITIONS, &c., PRESENTED.

Mr. ROHRER read in his place, and presented to the chair, a petition from citizens of Plum Creek township, Armstrong county, for the passage of an act amending the road laws, so far as relates to said township.

Mr. WILLIAMS, (Buks,) one from citizens of Milford township, praying for the passage of a supplementary act for the Spinnerstown and Goshenhoppen turnpike road company.

Mr. PIERCE, one from citizens of West Marlborough township, Chester county, for an act altering the road laws in said township.

Mr. LAIRD, one from citizens of Erie county, asking the Legislature to pass an act conveying all the unappropriated grounds in front of the Erie reserve to the city of Erie.

Mr. GRAY, one from citizens of Greene county, for the erection of a house for the support of the poor in said county.

Mr. ROSE, one from 37 citizens of Mercer county, praying for the repeal of the road law of Mercer county.

Mr. HOTTENSTEIN, two from 233 citizens of Northumberland county, praying to repeal existing laws giving to employees execution on judgment obtained for labor.

Mr. WILEY, a memorial from the president and secretary of the Byberry and Bensalem turnpike road company, for a supplement to the act incorporating said company, passed March 10, 1848.

Mr. RAMSDELL, a petition from citizens of Venango county, asking for a repeal of the special road laws of said county.

Mr. LAWRENCE, (Washington,) one from the school directors and trustees of the California seminary, in California, Washington county, for a State Normal school for the 10th Normal district.

### ORIGINAL RESOLUTIONS.

Mr. WILCOX submitted the following:

WHEREAS, it is alleged by the Philadelphia press that the city passenger railroad companies of Philadelphia have forfeited their charters, by non-compliance with the provisions of the several acts of Assembly by which they were incorporated; therefore

*Resolved*, That a committee of three be appointed to investigate the truth or falsity of these charges, and that they report the facts to this House.

Which was ordered to be read the second time.

Mr. HAMERSLY wished to know whether Mr. WILCOX had based his resolution upon any better authority than newspaper reports. Did he know, of his own knowledge, of any default or failure or misdemeanor?

Mr. WILLISTON inquired whether the originator of the resolution referred to charges which had appeared in all of the Philadelphia papers, or in any one of them. It was poor policy for the House to take up every idle rumor, and appoint a committee to investigate it. If this course was adopted all the members of the House would finally be upon committees.

Mr. WILCOX replied to the effect that he had seen allegations made in several papers, and



with the permission of the House would offer one of them. He then handed the Clerk a communication; which was read, as follows:

*How to get up a Passenger Railway Company.*

Our readers will remember that at the so-called "organization" of the Philadelphia and Gray's Ferry, Spruce and Pine Streets Railroad Company, we published certain facts in reference to the manner in which that transaction was effected, and which justified the belief that the provisions of the law in regard to bona fide subscriptions to the stock had been most shamefully evaded. Nevertheless, the party who had seized upon the charter managed to have letters patent issued, and they elected themselves directors and officers. The road was then put under contract at good round prices, payable in bonds; and after many troubles consequent upon the want of funds, the concern got to work. During the troubles with the omnibus men, a bill was filed by Lewis Scout, who was, it is said, the agent of the contractors, against all the parties in interest. It prayed an injunction against Wm. M. Reilly, President, Wm. Young, Wm. H. Cooper, John S. Struthers, Wm. H. Helmbold, George H. Armstrong, Geo. W. Middleton, John S. Thackaray, James McCahen, Wm. Young, Jr., Nelson Wanemacher, and Edward R. Helmbold, directors of said company, and against Joseph W. Scuder and John Thompson. It prayed the authority of the Supreme Court to restrain them from receiving any salary by virtue of their respective offices; from selling, pledging or transferring the stock; from issuing bonds and mortgages; from issuing or disposing of the company's bonds; and to restrain them generally from doing any corporate acts, upon the allegation that they had issued large quantities of stock, which, without any money being paid for it, they had *divided among themselves*.

This bill of Scout's was not pressed, in consequence of "an arrangement" made with the contractors; so that it seemed that the investigation which was expected would not take place. This hope is perhaps prevented by the appearance of a new party on the scene. This is one Andrew Johann, a stockholder. He comes in with a supplement bill against all the defendants named above, and again John Miller, Stephen Benton, John P. McFadden, J. Megee, W. D. Lewis and Wm. V. McGrath. Mr. Johann charges a corrupt and unjust combination among these persons to carry the election for offices this month, and to keep the present Board of Directors in power.

For this purpose it is alleged that William V. McGrath did receive, or is to receive, sundry shares of stock by virtue of certain agreements and collusions between himself and the directors and officers of the company, the object being to control the election to the prejudice of the *bona fide* stockholders.

It is charged that in December last the officers and directors made an agreement with Singerly and Young, the contractors for building the road, by which the contractors obtained all the conditions and privileges which they demanded, the same being conceded to avoid an exposure of the affairs of the Company in answer to the original bill of Scout, the said Scout being alleged to be the agent of the contractors.

It is alleged that the settlement made with the omnibus men on the Spruce and Pine streets routes was without the knowledge, &c., of the full Board, and that it was of such a character that it could not and would not have been ratified by the whole Board; that in order to have it consummated, the parties who had made it found it necessary to remove a Doctor William Young, then acting as Treasurer, and by a resolution they declared George W. Middleton the Treasurer, which said act, it was charged, was in direct violation of one of the provisions of the charter.

It is charged that on the twelfth day of July, A. D. 1858, one thousand dollars worth of the stock of the company was paid to Stephen Benton, Esq., which said stock has by himself since been returned; but why or upon what condition, the complainant is ignorant.

It is charged that William M. Reilly, President, issued to Messrs. Young and Singerly (the contractors) one hundred thousand dollars worth of the stock of the company; also, he confessed a judgment of one hundred thousand dollars in favor of them, or one of them; also, he paid to one of them eleven thousand dollars of promissory notes of the company—all of which was over and above what they, as such contractors, were entitled to. At the time of the payments of the aforesaid sums, not more than fifty thousand dollars worth of their contract had been furnished and delivered. By a resolution of the Board of Directors, the said Messrs. Young and Singerly were requested to return the said stock and notes as aforesaid, and satisfy the same judgment.

It is alleged that since the twenty-eighth day of October, A. D. 1858, the company have entered into another agreement, by which they are to pay the said contractors one hundred thousand dollars in cash, but upon what conditions or for what purpose the complainant is ignorant.

It is charged that Edward Brady was to have been paid six thousand dollars in the bonds of the company, and in lieu thereof was to return to the company six thousand seven hundred and fifty dollars in the stock of the company; but upon what conditions or for what, the complainant is ignorant.

The complainant further avers that the whole management of the Philadelphia and Gray's Ferry passenger railway company has been of a fraudulent character since the first incipency of its organization up to the present time, to the great damage of every bona fide stockholder.

The bill contains the customary interrogatories to the parties. If the case ever comes to an answer, there will be likely to be some rich developments in the art of getting up passenger railway companies without any actual capital.

Mr. RAMSDELL moved that the whole subject be referred to the committee on Divorces.

The SPEAKER declared the motion out of order.

Mr. EVANS hoped that the resolution in its present form would not pass. Its scope was too extended. It was not right to implicate all of the city passenger railroads, or to imply that they had all been guilty of misdemeanor. If the resolution was amended so as to refer particularly to the company designated in the newspaper article referred to, the speaker would have no objection to voting for its passage. There were many companies in existence in Philadelphia which had certainly never violated the provisions of their charter.

Mr. HAMERSLY said that the very case referred to had been disposed of on Saturday last in the Supreme Court at Philadelphia, by Judge Thompson. The originator, if he placed any reliance upon this court, must consider the matter as definitely settled. If, however, he was personally cognizant of any misdemeanors, the speaker would vote for the passage of the resolution. But to carry out its provisions, would require a large outlay of money.

Mr. WILCOX expressed himself as entirely opposed to any large outlay of money, but did not consider that such would be requisite. The charges were of such a grave nature as to demand notice, for the sale of the companies themselves, if for no other reasons. He hoped that the resolution would pass.

Mr. HAMERSLY reiterated his assertion that the Supreme Court had investigated the subject, and thought that its decision should be final, and be so considered by the Legislature.

The vote being taken the resolution was lost.

Mr. MILLER offered the following resolution: *Resolved*, That Jno. R. Smith be continued in office until the first day of February next, to assist the Postmaster who has just been elected to fill his place.

Said resolution was read the second time,

When Mr. RAMSDELL moved to amend, by substituting the name of Robert Brigham; which was not agreed to.

On the question, shall the resolution pass?

Mr. WILLIAMS saw no necessity for continuing the present Postmaster in office, inasmuch as the official who had been appointed was certainly competent to fulfil all of the duties of the post. He hoped that the House, in the beginning of the session, would at once frown down and vote down measures calculated to bring additional expense, and all resolutions of this character.

The question being then taken, it was determined in the negative.

Mr. WILLIAMS offered a resolution, that hereafter the post office hours on the Sabbath be from 9 to 10 o'clock, A. M.

Mr. FOSTER moved to amend, by adding from 6 to 7 o'clock, P. M.; which was agreed to; and the resolution, as amended, passed.

Mr. PRICE submitted a resolution, that Eli Pickel be added to the number of paper folders of the House during the present session.

Mr. WILLIAMS, (Bucks,) stated that the House was now as fully officered as during last session, when the Democrats were in power.—The impropriety of adding to the list should be seen by the intelligent body of men composing the House. It was an absurdity at the beginning of the session to go into the business of adding officers.

Mr. PRICE said Mr. WILLIAMS labored under a mistake, when he said that the House already had sufficient officers. The number yet lacked two of being equal to those of last session. The duties of the paper folders, it was well known, were onerous, and men appointed to that office would earn their money.

Mr. WILLIAMS said that if he was convinced he was incorrect, he would cheerfully vote for the resolution; but he had consulted the Clerks, and had ascertained that the House already had one more Sergeant-at-Arms, and one more Assistant Messenger, than last session. But they also had two Assistant Doorkeepers less, and the equality between this session and last was thus established.

Mr. ROSE moved to amend by substituting in place of Eli Pickel, the name of Robert Brigham; which was not agreed to.

And on the question, shall the resolution pass? The yeas and nays were required by Mr. McCLURE and Mr. WILLIAMS, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Bryson, Church, Ellmaker, Fisher, Foster, Glatz, Gratz, Green, Harding, Irish, Laird, Lawrence, (Washington,) McDowell, Neall, Patterson, Price, Ramsdell, Rose, Shaffer, Sheppard, Wagoner, Walborn, Wilcox, Wiley, Williston, Wilson, Witherow, Wood and Zoller—31.

NAYS—Messrs. Barnesley, Barlow, Bayard, Bertolet, Boyer, (Schuylkill,) Brodhead, Burley, Campbell, Chase, Custer, Dismont, Dodds, Durbin, Eckman, Evans, Fleming, Galley, Goepp, Good, Graham, Gray, Gutman, Hamersly, Hill, Hottenstine, Jackson, Keneagy, Ketchum, Kinney, Manu, Mehafeey, McClain, McClure, McCurdy, Miller, Nall, Oaks, Palm, Pennell, Peirce, Pinkerton, Porter, Pugh, Quigley, Rohrer, Rouse, Smeid, Smith, (Philadelphia,) Stephens, Stouback, Stuart, Thompson, Walker, Warden, Whitman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wolf, Woodring and Lawrence, *Speaker*—61.

Mr. HAMERSLY offered a joint resolution that the Clerks of the Senate and House of Representative be authorized to procure for each Member, Clerk and Assistant Clerk, of



both the Houses of the Legislature, a copy of Purdon's Digest and Sutherland's Manual, and that the State Treasurer be, and is hereby directed, to pay for the same out of any moneys not otherwise appropriated by the Legislature. Said resolution was read the second time.

Mr. HAMERSLY, in offering the resolution, hoped that the old members would not oppose it, and thereby deprive the new ones from having the books.

Mr. ROSE moved to amend, to purchase Ziegler's Manual.

The amendment did not carry.

Mr. WILLISTON said that the expense incurred by this measure would probably reach \$3,000, and that it was not likely that members would get two hours reading out of the book. He said that it seemed to be the desire of some men in the House to see how much money could be spent. All that they wanted to vote an appropriation was a precedent of some kind.

Mr. HAMERSLY defended his resolution, and said that the volumes were needed by the members.

The question being then taken; it was determined in the affirmative.

#### OFFICERS SWORN IN.

Messrs. REIMER and DIEHL, recently appointed Assistant Door-keeper and Assistant Messenger, appeared and were duly qualified.

#### BILLS IN PLACE.

Mr. BAYARD, "An Act to change the name of the Pittsburg life, fire and marine insurance company."

Mr. McDOWELL, "An Act to amend the fee bill of the orphans' court, of the county of Allegheny."

Mr. ROHRER, "An Act to refund to Wm. Coulter certain moneys and expenses paid by him to the commissioners of the Nicholson court."

Mr. WILSON, "An Act to incorporate Grove cemetery, of New Brighton, Beaver county, Pennsylvania."

Mr. WILCOX, "An Act to change the place of holding elections in Highland township, Elk county;" and on his motion, said bill was taken up, considered and passed finally, and ordered that the Clerk present the same to the Senate for its concurrence.

Mr. LAIRD, "An Act to authorize the President of the Select Council, of the city of Erie, to act as Mayor of said city, until the next election for city officers;"

On his motion, said bill was taken up, considered and passed; and ordered that the Clerk present the same to the Senate for concurrence.

Also, "An Act to authorize the trustees of the Associate Reformed, now the United Presbyterian congregation, in the city of Erie, to sell certain property, and to remove the graves and bodies interred therein."

Mr. GALLEY, "An Act to authorize the commissioners of Fayette county to borrow money."

On his motion, said bill was taken up, considered and passed finally; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. MCCLURE, "An Act to abolish the office of sealer of weights and measures in Franklin county."

On his motion, the rule in this case being dispensed with, the House proceeded to the consideration of the same.

The first and only section being before the House,

Mr. HAMERSLY moved that it be so amended as to make its provisions extend to every county of the State.

After some discussion, Mr. HAMERSLY withdrew his motion; which was immediately renewed by Mr. PRICE.

Mr. GRITMAN moved to postpone the further consideration of the subject for the present. To pass the bill, in its amended form, would be

to entirely abolish the office of sealer of weights and measures throughout the State. This was a measure which required deliberation, and which at present the House was not prepared to take. There could not be any actual necessity for immediate legislation, inasmuch as the people of Franklin county had allowed the office to remain in their midst for a long time.—A few weeks, or one week more, could make no difference.

Mr. MCCLURE said that the office at present in Franklin county was actually vacant.

Mr. NILL said that while he favored the abolition of the office entirely, he still thought that a little time ought to be taken. The measure was one of considerable importance. He would certainly vote for the resolution as amended, but would greatly prefer that the subject should lie over.

Mr. MCCLURE explained why he was anxious for the passage of the bill. There was a person now performing the duties of sealer of weights and measures who was not authorized. He was regularly going the rounds, and the only way to prevent his further action was by the passage of a resolution like the one offered.

Mr. PRICE moved that the bill be so amended, as to include Lancaster county; which was agreed to; and the bill as amended passed finally.

Mr. ROSE, "A joint resolution relative to the pay of retiring officers of the Legislature."

The rule being in this case dispensed with, said resolution was taken up, and passed finally.

Also, "A further supplement to an act, incorporating the Pittsburg and Erie railroad company."

Also, "A joint resolution relative to the final adjournment of the Legislature," and moved that the House take up the bill: which was not agreed to.

Also, "An Act repealing the act, entitled 'An Act relative to roads and bridges in the county of Mercer,' approved the second day of April, A. D., 1845; extending an act relative to roads and bridges in the counties of Crawford, Clearfield and Greene, approved the seventh day of May, 1844."

Mr. GOOD, "A further supplement to an act, entitled 'An Act to incorporate the Allentown railroad company.'"

Mr. GRITMAN, "An Act to establish a general banking law."

Also, "An Act for the better protection of miners, mechanics, operatives and laborers to the amount of one hundred dollars, in Luzerne county."

Mr. KETCHUM, "An Act to incorporate the Hollenback and Hanover turnpike road company."

Mr. CHURCH, "An Act to incorporate the People's insurance company of the city of Philadelphia."

Mr. WALBORN, "An Act to incorporate the Fourth and Eighth street passenger railway company," of the city of Philadelphia.

Mr. WILLIAMS, (Bucks,) "A supplement to an act to incorporate the Spinnestown and Goshenhoppen turnpike road."

Mr. PIERCE, "A further supplement to an act, authorizing the Governor to incorporate the Washington and West Chester plank road company."

Mr. HOTTENSTINE, "An Act to incorporate the Farmers' fire insurance company of middle Pennsylvania."

Mr. HARDING, "An Act to incorporate the Delaware and Schuylkill dredging company."

Mr. HAMERSLY, "An Act to incorporate the Fourth and Eighth Street passenger railroad company of the city of Philadelphia."

Mr. WALBORN, "An Act to incorporate the Security fire insurance co. of Philadelphia."

Mr. HAMERSLY, "An Act to extend the charter of the Mutual fire insurance company of Germantown and vicinity."

Mr. HAMERSLY, "An Act to incorporate the City building association."

Mr. FISHER, "An Act to incorporate the People's city passenger railway company of Philadelphia."

Mr. SMITH, (Philadelphia,) "An Act to incorporate the Broad Street passenger railway company of Philadelphia."

Mr. WILEY, "A supplement to an act, entitled 'An Act to incorporate the Byberry and Beusaleem turnpike road company,' approved March 10th, 1848."

Also, "A joint resolution, requesting our national representatives to advocate the revision of the present tariff system."

Mr. QUIGLEY, "An Act to prohibit the running of locomotives or steam engines on the Philadelphia, Wilmington and Baltimore railroad, in certain parts of the city of Philadelphia."

Mr. HAMERSLY, "A supplement to the acts limiting actions against real estate."

Mr. EVANS, "An Act to incorporate the Reading and Allentown telegraph company."

Mr. FISHER, "An Act to provide for the better regulation of buildings in the city of Philadelphia."

Also, "An Act to incorporate the People's city passenger railway company."

Mr. PINKERTON, "An Act to incorporate the Dime saving institution of Pottsville."

Mr. LAWRENCE, (Washington,) "An Act to incorporate the California seminary of Washington county."

Adjourned.

#### VETO MESSAGE.

EXECUTIVE CHAMBER,  
Harrisburg, Jan. 6, 1850

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

GENTLEMEN:—The bill, entitled "An Act to change the location of a portion of Fifth street, in South Pittsburg," was presented to me for approval on the 20th of April last. The Legislature, by its adjournment, having prevented its return at the last session, it is herewith transmitted to the Senate, where it originated, without the Executive approval.

This bill proposes to vacate a portion of Fifth street, in the borough of South Pittsburg, and authorizes and requires "the owners of property on both sides of Fifth street, from Bingham to Water street, to open at their own cost and expense a street, to be called New Fifth street, forty feet in width, at a point not to exceed one hundred feet west of the westward line of Fifth street on Bingham, and one hundred and ten feet west of the westward line of Fifth street on Water street, in said borough."

The vacation of old streets and the opening of new ones is so peculiarly and appropriately the province of the local authorities, that I cannot sanction legislative acts for such purposes.

Such questions and those of a kindred character, should, in my judgment, be left entirely to the disposition and control of home tribunals, where each particular case can be fully and fairly investigated, and the rights of all completely protected.

There is great danger that injustice may be done by this species of legislation, as it must necessarily be attended with a partial and imperfect understanding of the merits of the application, founded, not unfrequently, upon the allegations of interested parties, and without the knowledge of those adversely interested.

If the public convenience require that a portion of Fifth street, in South Pittsburg, be vacated, and supplied by another, on a new location, an application to the court of quarter sessions of Allegheny county would doubtless produce the desired result. Thoroughly convinced, as I am, that that court is the proper tribunal to investigate the question, and that it should be there decided, I cannot give my approval to the bill under consideration. WM. F. PACKER



# LEGISLATIVE RECORD.

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FOR THE SESSION OF 1859.

No. 6.

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## SENATE.

TUESDAY, January 11, 1859.

Senate met at 11 o'clock, A. M. The SPEAKER in the Chair. A quorum of Senators present.

The Journal of yesterday's proceedings was read.

The SPEAKER laid before the Senate a report of the State Librarian for the year 1858; which, upon motion of Mr. BREWER, was read by the Clerk.

On motion, the report just read was referred to the Committee on the Library.

The SPEAKER presented three petitions from citizens of Clearfield county, praying for the erection of a new county out of portions of Clearfield, Cambria, Indiana and Jefferson, to be called Pine. (Referred to the Committee on New Counties.)

## PETITIONS AND MEMORIALS.

Mr. BELL presented a memorial from directors of the West Chester gas company, praying for the passage of a law authorizing the State Treasurer to refund certain money paid by the company for taxes.

Mr. STEELE presented a petition, signed by eighty-three citizens of the township of Wilkesbarre, in Luzerne county, praying for the passage of a law to appoint commissioners to resurvey the main road through said township.

Mr. CRAIG presented a petition from citizens of Banks township, Cambria county, asking for the passage of a law to disfranchise certain citizens of said township.

## REPORTS OF COMMITTEES.

Mr. WRIGHT, (Committee on Corporations.) reported, as committed, the bill to incorporate the Western market of Philadelphia.

Mr. BELL, (Judiciary.) reported, as committed, a bill repealing the act removing the venue of a certain action from Union to Northumberland county, approved 13th April, 1858.

## BILLS IN PLACE.

Mr. RANDALL read in place and submitted to the Senate, "An Act to incorporate the Sev-

enth, Eighth and Ninth Street passenger railway company."

Mr. SCHELL, "A supplement to the act incorporating the Bedford railway company."

Mr. SCOFIELD, "An Act relative to arbitrations."

Mr. BELL, "An Act relating to testamentary trustees."

Also, "An Act relating to evidence."

Also, "A supplement to the act limiting actions against real estate."

Also, "An Act supplementary to the act relating to special courts."

Also, "An Act to refund certain moneys to the West Chester gas company."

Also, "A supplement to the appropriation act of 1857."

Also, "A supplement to the act, entitled 'An Act relating to executors and administrators,' passed 24th of February, 1831."

Mr. RANDALL, "An Act to incorporate the Mutual fire insurance company of Philadelphia."

## ORIGINAL RESOLUTIONS.

Mr. BREWER presented the following:

*Resolved*, That two thousand copies of the report of the State Librarian be printed for the use of the Senate, and one hundred copies for the use of the Librarian.

Mr. SCHELL suggested that the Senator from Franklin reduce his number to one thousand.

Mr. BREWER remarked that the report contained some valuable information, which he was desirous should be given to the people of the State; and as the document was too lengthy for publicity in the public newspapers, he knew no way in which the object could be attained but by the publication of it in the manner contemplated by his resolution.

Mr. FRANCIS moved that his resolution, directing the SPEAKER to invite the clergymen of the respective churches of Harrisburg to open the sessions of the Senate with prayer, in such order as they may agree upon among themselves, be taken up and considered. Agreed to.

The question recurring upon Mr. SCHELL'S amendment, to strike out the "clergy of Harrisburg," and insert "members of the Senate,"

Mr. HARRIS said, he hoped the amendment would be voted down, and that the original resolution would pass. He did not rise to speak upon the merits of the resolution, but simply to express his hope that the Senate would concur in the views expressed in it. He adverted to the remarks of Mr. WRIGHT in opposition to the passage of the resolution, on Thursday, regarding his objections as groundless, and expressing the hope that the Senator would not press his objections, regarding the object contemplated as eminently becoming a dignified and important body.

Mr. WRIGHT was sorry that he could not agree with the Senator from Butler. They differed, not only as regards the moral and religious effects of opening the sessions of Legislative bodies with prayer, but as to its beneficial effects upon the Senate itself. He did not consider it necessary to pray at all times, or at any set time. It was not necessary to pray in the middle of a bill, or during the consideration of any question. He was not opposed to prayer by the Senators, or by individuals, but he considered the introduction of the exercises contemplated by the resolution, as an innovation upon the established rules of the Senate. He

adverted to the history of the early settlers and legislators of the State, and their religious views, which he clothed with considerable interest. It was, he said, in the exercise of the rights for which they had battled and achieved, that he arose to oppose the resolution. Has, he asked, the character of the State of Pennsylvania been elevated, or its legislation benefitted by prayers in the House? Would the gentleman from Butler undertake to say, that the character of the House itself, had been elevated, or its deliberations rendered more dignified or decent, by the introduction of prayer at its opening sessions? Besides, how could the Senate, without reflection upon the various denominations represented here, invite the clergymen of Harrisburg to officiate under the resolution? Men were often liable to overstep the bounds of prudence, and to be swayed by prejudice in the choice of officiating clergymen; and some of the clergymen, or those of their congregations, might take umbrage at any course which might be adopted, and he seriously opposed the resolution, because he was not willing to take any course which might give offence to any religious sect. In this opposition he had been uniform, not only in the Senate, but in the House.

Mr. SCOFIELD would vote for the resolution, and should do so, even if he had doubts of its propriety. Many persons would regard its rejection as a slight upon religion, and he did not wish to place his vote upon record, favoring such a construction. But before he cast his vote, he wished to know the feeling of the clergymen themselves upon the subject. He did not know, but he had heard it intimated, that the performance of the services which they perform in the House, and which they were invited to perform here, often interfered with their regular pastoral duties, either to their church or their charge; and he was not willing to ask of them any neglect of their regular services. He was, however, in favor of having the Senate opened with the religious exercises contemplated by the resolution; and it was no argument against it, that the Senate has, heretofore, refused to adopt the custom. If we had never had prayer, why not have it now? For the purpose of obtaining information with regard to the feeling of the clergy, and the usages of distinguished bodies with regard to the custom, he would move a reference of the resolution to a special committee of five, of which Mr. FRANCIS, its author, should be chairman.

Mr. MARSELIS had but a word to say, and that would be in reply to the remark of the Senator from Warren, that the people of the State would regard a rejection of the resolution as a slight upon religion, and that he did not wish to record his vote against it, conveying such an inference. He did not consider that a refusal to pass the resolution would be an aspersion upon the Christian religion, but a protection. He was perfectly willing to vote against it, for with the people who know him it could have no effect such as the Senator from Warren fears; if he voted for the resolution, however, those who have now a good opinion of him might have occasion to change their impressions. Is it to be supposed that, after the passage of the resolution, we shall pass more moral laws, or that our deliberations and acts will be characterized by more dignity, or a higher regard for the public good? Why meddle with this sacred thing of prayer? It had but little effect upon



the minds of legislators, many of whom, instead of listening to a solemn and fervent prayer, had their thoughts upon the bills for the passage of which they were solicitors, and many of them, too, of a bad character. He had greater respect for prayer, than to wish its introduction into the Senate, where it might be liable to the disrespect to which he had alluded.

Mr. MILLER did not desire to say a word upon the resolution itself, but to make a few remarks upon the motion of the Senator from Warren. He did not see the necessity of referring the matter to a committee for the purpose of ascertaining what other public bodies had done. In his mind it was reduced to this point—whether it was in keeping with the character and dignity of this body. It was a very simple question, and one upon which he was prepared to decide without a moment's reflection. He was, he said, singular in his views, yet he should vote for the resolution without expressing them.

Mr. RANDALL differed with his two colleagues. He did not wish to appear here any better than at home. He strove to conduct himself with a degree of propriety in keeping with his position, and he thought he succeeded pretty well in doing so. With reference to the resolution, he should vote for it, for the passage of it could do no possible harm, and might do good.

Mr. FRANCIS remarked that, if it had not been for an unalterable purpose not to advocate the passage of the resolution, he might have replied to the remarks of the Senator from Philadelphia, on Thursday; and if he had been in different humor, might have assented to the amendment of his facetious friend from Bedford. He was in favor of the object contemplated by the resolution; yet, if the Senate should vote it down, it would not hurt him at all. No man who knows him, in or out of the Senate, would for a moment suppose that its introduction was for the sake of Buncombe. The best body of men ever assembled in Pennsylvania opened their deliberations with prayer, and he was not prepared to think a similar course by the Senate, unnecessary or uncalled for.

Mr. FINNEY said as he should be constrained to vote against the reference of the matter, he would ask the indulgence of the Senate while he gave a few reasons for it. He then drew a distinction between Christianity, as practiced and taught by the Savior, and the formula of the word which he had done so much to break down. From the period in which the Savior came among men until the present, there had been gradual inroads upon these formulas, until Christianity had become part of the common law. He then opened the New Testament, at the "Sermon on the Mount," and said that he should be disposed to move that the sermon be read each morning in the Senate chamber, and that the clergymen be invited to pray for the members—not here, but in private. He read the sermon, and remarked that that was the formula inculcated—not to individuals alone, but to mankind as a body. He was not a Quaker, but believed in praying in secret, and that there was more efficacy in it than in any other. He spoke at some length in opposition to the resolution, in a speech of much force, eloquence and power.

Upon the motion to refer being submitted, it was lost; and the question recurring upon the amendment of Mr. SCHELL, it was also rejected.

The original resolution being under consideration, Mr. WRIGHT said he was pleased with the remarks of the Senator from Crawford. He believed in the authority which he cited—it covered the whole ground. He related, by way of illustrating the peculiar effect of prayer upon the House, in certain cases, an incident which had occurred in that body a few years ago.—

The venerable State Librarian, at the opening of the session, had offered up a sincere and fervent prayer, in the course of which he prayed for the members—that they might be sent home with pure hands and hearts, and might be free from the taint of bribes. To that prayer he had responded amen, with all his heart. What was the effect upon some members? The venerable gentleman who had uttered that prayer had hardly left the hall, before several members were anxiously seeking the floor to make a motion to dispense with these opening exercises, because they thought there had been a reflection upon the House. And who were those members? Many of them had been most anxious, at the commencement of the session, to have the House opened with prayer. Had a motion been made to dispense with the exercises, he should have felt constrained to vote for it, and placing himself upon the record in the light of disapproving of the sentiments of the prayer, when, in reality, he had uttered a hearty amen to all that had been said.

Upon the passage of the resolution, the yeas and nays were required by Mr. WRIGHT and Mr. FRANCIS, and were as follow, viz:

YEAS—Messrs. Bell, Blood, Brewer, Coffey, Craig, Fetter, Francis, Gregg, Harris, Miller, Myer, Palmer, Parker, Penney, Randall, Schell, Scofield, Shaeffer, Schindel, Thompson, Turney, Welsh, Yardley and Creswell, *Speaker*—24.

NAYS—Messrs. Finney, Keller, Marselis, Nunnemacher, Steele and Wright—6.

So the question was determined in the affirmative.

The bill for the abolition of the Canal Board came up on second reading; when

Mr. MYER moved to amend, by inserting after Canal Commissioners, the State Engineer.

Mr. TURNEY moved further to amend, by substituting the following for the whole bill:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the tenth day of February, in the year of our Lord one thousand eight hundred and fifty-nine, the office of Canal Commissioner of this Commonwealth be, and the same is hereby abolished; and upon the expiration of the time aforesaid, the Canal Commissioners are hereby required and directed to deliver up to the custody of the Auditor General, all books, papers, records, and other property belonging to said department, whose duty it shall be to take charge of, and preserve the same; and all claims for damages against the Commonwealth by existing laws referable to the Canal Board for settlement, not presented and decided before the act takes effect, shall be forever barred.*

SEC. 2. The Auditor General is hereby authorized and required, upon the application of any person or persons, to give copies of any entry or entries of the books heretofore kept by the Canal Commissioners, under the seal of his office; and also to furnish, upon application aforesaid, copies of any paper or papers on file in said office, to any person or persons requiring the same, under the seal of his office; and for every such certificate shall charge the person or persons receiving the same, one dollar, for which he shall account to the Commonwealth; and the copies certified and attested, shall be deemed and admitted as legal evidence in any court of this Commonwealth, with like effect as the original.

SEC. 3. That from and after the passage of this act, the office of State Engineer be, and the same is hereby abolished.

SEC. 4. That the Canal Commissioners shall cause to be entered in a book to be procured for the purpose, a list of all claims that have been preferred against the Commonwealth, to be alphabetically arranged—and shall contain the name or names of claimants—on what branch

of the public improvements the said claim originated, and what for—the date when the alleged liabilities accrued—amount of claim—amount allowed—or when rejected and when acted upon—and such remarks as may facilitate future investigation; which book shall be deposited in the Auditor General's Office, and to be completed at the earliest possible day.

SEC. 5. That the Auditor General be, and he is hereby authorized, if he deem it necessary, to employ an additional clerk, to take charge of the books, papers and documents, transferred from the Canal Department, at a salary of five hundred dollars per annum, to be paid by the State Treasurer out of any money in the State Treasury not otherwise appropriated.

Mr. BELL asked for the reading of the original bill. He then spoke of the question as one affecting the public interests, and as requiring calm and deliberate action. The time had, doubtless, arrived for the abolition of the Canal Board, and the public were demanding the Legislature to abolish an office which had ceased to be of importance or necessity. But we should not do it hastily, and should take care to do it in the right way. He referred to the hasty legislation upon the subject in the other House, where the bill for the abolition of the Board had been passed hurriedly, without even discussion. He hoped that the course of the Senate would be different. As for himself, he had not had an opportunity of hearing the views of gentlemen, and he was anxious that an opportunity should be afforded of thoroughly examining the bill, to see if its details are correct, and to see if the moment had arrived for the action contemplated by it. For the purpose, therefore, of testing the sense of the Senate, he would move to refer the bill to the Committee on Finance. They were all gentlemen in whom he had confidence, and by this course we could have the benefit of their investigation.

Mr. COFFEY was satisfied, since the discussions of yesterday, that a bill should be properly prepared for the important step which was contemplated. The Board of Canal Commissioners had existed as a co-ordinate branch of government for thirty years, and had exercised a vast influence upon the interests of the State. The Board had accumulated a great amount of papers and documents of interest to the public, and proper steps should be taken to preserve them. The bill to sell the main line contained a provision for the payment of all unadjusted claims; and those having claims had a right to demand that they shall be properly investigated. Many of these claims had never received the consideration they deserved. Dishonest ones are often passed, and honest ones rejected. He was desirous that there should be such an investigation of these claims by responsible parties as would insure justice to the claimants, and at the same time prevent any wrong being inflicted upon the Commonwealth, and he was anxious for its reference to the Committee on Finance, as proposed.

Mr. MYER remarked that more thought was given to this subject than the importance of the bill entitled it to. The duties of the Canal Commissioners had nearly ended, and there was no longer a necessity for the continuance of the Board, and he could see no necessity for the delay which would result from the proposition of the Senator from Chester to refer the bill to the Finance Committee. Gentlemen may talk about the action of the other House, and buncombe, as much as they please. The people looked to the Legislature for the abolition of the Board, and it should be done.

Mr. TURNEY had no intention or desire to add to what he had said yesterday. The Senator from Bradford had misapprehended the provision of his substitute. There is more to be done here



than the mere abolition of the Canal Board.—They had in their possession papers and documents of vast importance as evidence in Court, and to assist in the adjustment of public claims and accounts, and the disposition of these became a matter of importance. He agreed with the Senators from Indiana and Chester, that the importance of the subject demanded that the bill should be referred to a committee in order that time may be afforded to properly digest it. The people of Pennsylvania did not demand the abolition of the Board without the proper preparatory steps being taken; and, with the Senator from Indiana, he believed that when it was abolished, it should be done well.

Mr. BELL remarked that upon subjects requiring no deliberation, the Senate referred them to the appropriate committees, and yet the Senator from Bradford called upon us to abolish a Board which had existed for thirty years, and to hastily dispose of a matter, probably involving thousands or millions of dollars, and to delegate to some other officer the power of disposing of them.

Mr. MYER rose to explain. He made no proposition to refer the matter to another officer.

Mr. BELL was glad to hear the explanation. What objection, he asked, could the gentleman have to refer the bill to the Finance Committee, in order to have the benefit of their advice and investigation? Is it right to take such a precipitate step, in the face of the report of the Canal Commissioners, in which they tell us, and tell us true, that the public interests require their continuance for a short time, in order to enable them to make such a disposition of their affairs as is desired. At least, said Mr. BELL, let us have the bill and the substitute of the Senator from Westmoreland printed, before we are called upon to vote upon it. Where was the necessity for all this hurry? Will three days or a week make any difference? Will the people who send us here expect us to vote for the abolition of the Canal Board with our eyes and ears shut?

The question being taken upon the motion to refer, it was agreed to

#### IN COMMITTEE OF THE WHOLE.

Mr. GREGG, by consent, called up Senate bill No. 15, entitled "An Act repealing an act to change the venue from Union to Northumberland county."

Upon its consideration in committee of the whole, Mr. CRAIG in the chair.

Mr. WRIGHT said he should like to hear the Senator from Centre explain the circumstances connected with the bill. At the last session he had approved the bill, and he should like to hear the reason for its repeal.

Mr. GREGG stated that the bill, last year, passed the House, and was defeated in the Senate by three votes. By some means unknown to him, it had got into the hands of the Governor, and received his signature. The only way to remedy the matter now, is to repeal a law which has received the signature of the Governor, without the sanction of the Senate.

Mr. WRIGHT was not disposed to stand in the way of its repeal, if it had unjustly become a law.

Mr. FETTER stated that the Senator from Centre had stated the case fairly. He had charge of the bill last session, and explained the circumstances connected with the legislation upon it.

Mr. MYER recollected that at the time of the passage of the bill, there was considerable feeling among the parties interested, and he was disposed to think the matter should be over. The present action might savor of indecent haste.

Mr. RANDALL merely voted to correct an informality. The merits of the case he knew nothing of.

After some time, the committee rose, and the chairman reported the bill as committed; after which, the bill passed its several readings, and was sent to the House for concurrence.

Mr. SCHELL asked leave to be excused from serving on the Committee on Estates and Escheats; which was granted; and Mr. BREWER substituted.

The hour of one o'clock having arrived, the SPEAKER adjourned the Senate until tomorrow morning, at eleven o'clock.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, January 11, 1859.

The House was called to order at 11 A. M., by the SPEAKER, WM. C. A. LAWRENCE.

Prayer was offered by Rev. Dr. DEWITT.

The Clerk proceeded to read the Journal.

Mr. WILLIAMS, (Bucks,) moved to dispense with the reading of that portion of it in reference to petitions.

Mr. MCCLURE, moved to amend by dispensing with the reading altogether.

The resolution as amended was agreed to.

#### TARIFF RESOLUTIONS.

Mr. LAWRENCE, (Washington,) before the House adjourned yesterday, introduced the following joint resolutions.

The experience of the past and present most fully demonstrates that it is a wise and beneficial policy of the General Government which dictates the imposition of duties on such products of foreign nations as come in such direct contact with those of our country, as to interfere and prostrate the trade on our own soil and among our own citizens.

For want of such aid the country is filled with foreign products, the result of cheap labor; the monetary affairs of the nation disarranged by the exportation of specie to pay an indebtedness abroad, and the citizens and laborers in many departments of trade compelled to abandon their accustomed employment; especially do our own coal and iron interests suffer; therefore,

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That our Senators in Congress be instructed, and our Representatives requested, to labor for the passage (at the present session) of such an act as will not only tend to increase the revenue by the imposition of duties, but afford adequate protection to all the interests of the country injured by the productions of the cheap labor of other countries, but more especially to urge an increase of duties of coal and iron—in which so large a portion of our own people are deeply interested.*

*Resolved, That the views of the President, expressed in his late Annual Message, in reference to the advantage of specific over *ad valorem* duties, as more uniform, less liable to frauds, and affording the most certain amount of revenue and protection, meets our most hearty approval.*

*Resolved, That the Governor be requested to forward each of our Senators and Representatives in Congress, a copy of the above preamble and resolutions, informing them of their adoption.*

On motion of Mr. LAWRENCE, a select committee of five was appointed, to whom was referred the above resolutions.

The SPEAKER appointed Messrs. LAWRENCE, GRITMAN, WOOD, ROHRER, and PATTERSON said committee.

Mr. WILEY submitted the following; which was referred to the same committee:

Joint resolution requesting the Senators and Representatives in Congress, from Pennsylvania, to advocate a revision of the present tariff.

WHEREAS, The various interests of the country have been, and are by serious affected in consequence of inadequate protection to American labor; therefore be it

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the Senators and Representatives in Congress, from the State of Pennsylvania, be requested to urge and advocate, in every proper manner, a revision of the present tariff, with a view to afford ample protection to American industry.*

*Resolved, That the Governor of this Commonwealth be authorized and requested to transmit, at as early a day as possible, a copy of the foregoing resolution to each of the Senators and Representatives, in Congress from Pennsylvania.*

The SPEAKER laid before the House the annual report of the State Librarian; which was read by the Clerk.

Mr. HOTTENSTINE, on leave, presented two petitions from two hundred and thirty three citizens of Northumberland county, praying to repeal existing laws giving to employers stay of execution on judgment obtained for labor.

Mr. PIERCE, on leave, read in place a further supplement to an act authorizing the Governor to incorporate the Wilmington and West Chester plank road company.

SAMUEL EALS, an assistant Sergeant-at-Arms, appeared and was duly qualified.

The SPEAKER also laid before the House the annual statement of the Depositors of the Western Savings Fund of Philadelphia.

Also, the answer of the State Treasurer to the resolution submitted by Mr. ROSE on the 6th inst;

Which, on motion of Mr. ROSE, was ordered to be published in the *Daily Record*.

The SPEAKER announced the following standing committees of the House; which were read by the Clerk

Ways and Means—Messrs. Chase, Lawrence, (Washington,) Smith, (Berks,) M'Dowell, Green, Thorn, Wileox, Walborn, Wigton.

Judiciary—Messrs. McClure, Irish, Goepf, Nill, Thompson, Ketchum, Chase, Gritman, Gratz.

Pensions and Gratuities—Messrs. Dodds, Rose, Brodhead, Durbaraw, Zoller, Hottenstine, Wolf.

Claims—Messrs. Williams, (Bucks,) Harding, Laird, Wagonseller, Abbott, Witherow, Wolf.

Agriculture—Messrs. Fearon, Bryson, Bertolet, Shaffer, Galley, Disimont, Williams, (Bedford.)

Education—Messrs. Foster, Kinney, Nill, Pugh, Styer, Hill, Zoller, Graham, Smith (Philadelphia,) Laird.

Domestic Manufactures—Messrs. Bayard, Dodds, Warden, Peirce, Good, Mann, Walker.

Accounts—Messrs. Pinkerton, Williston, Shields, Barlow, Woodring, Pennell, M'Curdy.

Vice and immorality—Messrs. Abbott, Graham, Oaks, Boyer, (Schnylkill,) Evans, Woodring, M'Curdy, Rouse, Campbell.

Militia System—Messrs. Wilson, Rouse, Neall, Wiley, Good, Rohrer, Harding.

Election Districts—Messrs. Keneagy, Balliet, Galley, Shields, Jackson, Eckman, Barnsley.

Banks—Messrs. Lawrence, (Washington,) McClure, Smith, (Philadelphia,) Barlow, Patterson, Mehaffey, Glatz, Williams, (Bucks,) McClain.

Estates and Escheats—Messrs. Taylor, Williston, Smead, Rohrer, Wilson, Thompson, Rose.

Road and Bridges—Messrs. Pennell, Smart, Durbaraw, Hottenstine, Quigley, Campbell, Walker.

Corporations—Messrs. Miller, H. Mersly, Ellmaker, Quigley, Acker, Glutz, Price, Church, Fisher.

Local Appropriations—Messrs. Wiley, Williams, (Bedford,) Boyer, (Clearfield,) Wood, Porter, Sheppard, Stoneback.



Lands—Messrs. Acker, Stephens, Whitman, Neall, Miller, Custer, Stuart.

Divorces—Messrs. Hamersly, Foster, Gray, Witherow, Gritman, Sinead, Gratz.

New Counties and County Seats—Messrs. Burley, Boyer, (Clearfield,) Fleming, Palm, Shaffer, Dismont, Mehaffey.

Compare Bills—Messrs. Barnsley, Gray, Sheppard, Stoneback, Peirce.

Library—Messrs. Church, Goepf, Irish.

Canals and Inland Navigation—Messrs. Patterson, Ramsdell, Warden, Oaks, Keneagy, Ellmaker, Bayard.

Railroads—Messrs. Walborn, M. Dowell, Thorn, Smith (Berks,) Church, Lawrence, (Washington,) Styer, Evans, Burley, Ketchum, Wilcox, Price, Patterson.

Printing—Messrs. M'Dowell, Ramsdell, Wigton.

Public Buildings—Messrs. Green, Wagonseller, Kinney.

Mines and Minerals—Messrs. Pugh, Taylor, Fearon, Porter, Pinkerton, Brodhead, Bryson, Fisher, Wilcox, Boyer, (Schuylkill,) Neall, Hill, Whitman.

Mr. McCLURE asked leave to present a petition from citizens of the Legislative district of the county of Cambria, contesting the seat of THOMAS H. PORTER, in the House of Representatives, and offered a motion to the effect that a committee be this day selected to investigate and report upon the case. Mr. McCLURE gave as a reason for pressing this matter, that the House had already agreed to appoint one committee to-day, and he thought that both might be selected together.

Mr. THORN said that the choice of each committee would require an hour, and it would be impossible to select both in one day, and not neglect the regular business.

Mr. McCLURE stated that he would, under these circumstances, name Wednesday.

Mr. HAMERSLY then moved, as an amendment to the original resolution, that 11 A. M. on Wednesday, be the time fixed upon for the appointment of a committee in the case of THOMAS H. PORTER; agreed to.

Mr. HAMERSLY, on leave, presented a petition from the qualified electors of the Thirteenth Representative district, contesting the right of OLIVER EVANS to a seat in this House, and moved that 12 o'clock, noon, to-morrow, be fixed for the selection of a committee to sit upon said case.

Mr. HARDING moved to amend by fixing next Tuesday for the selection of said committee.

Mr. MILLER said that the selection of one committee, upon any one day, for the purpose of investigating the case of a contested seat, was as much as could be done. Wednesday had already been fixed upon for the appointment of one committee, and their selection would be amply sufficient to occupy the time.

Mr. GOEPP trusted that the amendment of Mr. HARDING would pass. It was certainly improper to present a communication on one day in reference to a contested seat, and then oblige the member implicated to come forward upon the next with his defence. The notice was too short. The presentation of the petition was, moreover, supposed to be the first intimation received by the sitting member of any difficulty, and a regard for his rights demanded that he should have time to arrange his challenges, &c. Besides this, the act of assembly provided that the contestants should select counsel, and that the names of these persons should be withdrawn from the jury. All these preliminaries required time, and it would be unfair to deprive the defendant of an opportunity of having full justice.

Mr. HAMERSLY stated that he had no objection to the postponement of the matter, only that the parties had agreed among themselves

upon Wednesday as a proper time for its disposal.

Mr. McCLURE asked leave to make a statement.

The Chairman said that the amendment which proposed to postpone until next Tuesday, was in violation of the law, and could therefore not be entertained.

Mr. McCLURE endeavored to obtain a hearing in reference to the case of the contested seat in Cambria county.

The Chairman stated that that matter had been finally disposed of, and could not now be brought forward.

Mr. GRITMAN moved that as Tuesday next had been declared to be beyond the time specified by law, Friday next, at 12 o'clock, should be fixed. He moved an amendment to that effect.

Mr. HAMERSLY would agree to a compromise, and name Thursday.

Mr. GRITMAN refused to modify his motion, so as to meet the views of Mr. HAMERSLY, and said that he would be glad to afford all the accommodation in his power, but the lapse of one day could make but little difference.

Mr. HAMERSLY offered an amendment to the amendment of Mr. GRITMAN, which was that Thursday be substituted in lieu of Friday.

Mr. CHURCH was disposed to give to the member whose seat was contested, all the time in his power. He therefore favored the postponement until Friday. He supposed that Mr. GRITMAN, who was in close proximity with Mr. EVANS, spoke for that gentleman, when he desired the extension of the period. Speaking for himself, Mr. CHURCH was desirous of rendering every possible courtesy to the sitting member, and the party to which he belonged.

Mr. HAMERSLY said that if he had understood it was the desire of Mr. EVANS to have this postponement, he would not object, but he had been led to believe that that gentleman was willing to have the matter brought forward on Wednesday. He withdrew his amendment.

Mr. EVANS stated that he had certainly said that it made but little difference what time was fixed. He had also casually mentioned Wednesday.

The amendment of Mr. GRITMAN, postponing the selection of the committee until Friday next, at 12 M., was then adopted.

The original resolution, as amended, then passed.

Mr. McCLURE rose to a privileged question. He moved that the vote by which the selection of the committee on the contested election of THOS. H. PORTER was fixed for 11 o'clock to-morrow, be re-considered; which was agreed to.

Mr. LAIRD moved to amend by fixing the time for the selection of the committee on said case at 12 o'clock next Thursday; which was agreed to; and the resolution, as amended, was agreed to.

Mr. WILCOX offered a resolution that four hundred copies of the annual report of the State Librarian be printed for the use of the House, and fifty copies for the use of Library.

Mr. CHURCH moved to amend the same by inserting five hundred and fifty instead of four hundred and fifty; which was agreed to; and the resolution, as amended, was agreed to.

Mr. WITMAN offered a resolution that the use of this hall be granted to Park Benjamin, Esq., on next Tuesday evening, for the purpose of delivering one of his celebrated lectures for the benefit of the Citizen Fire company, of Harrisburg; which was read the second time.

Mr. WILLISTON moved to strike out the word "celebrated," and insert "poppy-cock."

Mr. ROSE moved to amend the amendment by striking out another word.

The SPEAKER decided both amendments to be out of order.

Mr. HAMERSLY moved to amend by striking out the word celebrated, and the original resolution, as thus amended, was passed.

Mr. SMITH, (Phila.,) offered a joint resolution; which was decided to be out of order.

Mr. LAWRENCE, (Washington,) offered a resolution that in lieu of the Clerk authorized to be appointed at the close of the session, Mr. A. L. Linton be appointed said Clerk from this date; which was read the second time.

Mr. MCURDY moved to substitute in place of A. L. Linton, the name of George Zinn. The Chair ruled both the resolution and amendment out of order.

#### ADDITIONAL MEMBERS OF COMMITTEES.

Mr. HAMERSLY moved that two additional members be added to the committee on the tariff resolutions; which was agreed to.

The SPEAKER appointed Messrs. WILEY and WILCOX said additional members.

Mr. WILLISTON moved that one additional member be added to the Committee on Divorces.

Mr. ROSE seconded the motion, and said that Mr. WILLISTON had been a member of that committee for three years, and it was to be hoped that he would have his ambition gratified by being again appointed.

Mr. GOEPP desired to inquire what the special object was of the appointment of an additional member.

Mr. ROSE explained, and said that this was an intensely important committee, and that all legislation which they might undertake should be well guarded by having a sufficient number of members.

Mr. HAMERSLY said that it was not customary to do business in this manner.

The question being taken *viva voce*, it was decided by the SPEAKER in the negative.

The yeas and nays were required by Mr. ROSE and Mr. OAKS, and were as follow, viz: Yeas—Messrs. Abbott, Balliet, Barlow, Kinney, M'Clain, M'Clure, Price, Ramsdell, Rose, Smend, Thorn, Whitman, Williams, (Bucks,) Willistou, Witherow and Wood—16.

Nays—Messrs. Acker, Barnsley, Bayard, Ber-tolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Custer, Dismont, Dodds, Dnrbaraw, Eckman, Ellmaker, Evans, Fisher, Fleming, Foster, Galley, Glatz, Goepf, Good, Graham, Gratz, Gray, Green, Gritman, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Keneagy, Ketchum, Laird, Lawrence, (Washington,) Mann, Mehaffey, M'Curdy, M'Dowell, Miller, Neall, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Porter, Pugh, Quigley, Rohrer, Rouee, Shaffer, Sheppard, Shields, Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Styer, Taylor, Thompson, Walborn, Waker, Warden, Wigton, Wilcox, Wiley, Williams, (Bedford,) Wilson, Wolf, Woodring, Zoller and Lawrence, *Speaker*—81.

So the question was determined in the negative.

#### BILLS READ IN PLACE.

Mr. THOMPSON, "An Act to incorporate the Butler gas company." (Referred to Committee on Corporations.)

Also, "A joint resolution, instructing United States Senators and Representatives, to vote in favor of a pension bill for the soldiers of the war of 1812."

Mr. LAWRENCE, (Washington,) moved that the rule be suspended, and that the House proceed to the consideration of the same; which was lost.

Mr. NILL, "An Act exempting parsonages from taxation." (Referred to the Committee on Ways and Means.)

Also, "An Act in relation to the railroad between Chambersburg and Hagerstown." (Referred to Committee on Railroads.)

Mr. PIERCE, "An Act relative to the opening and making of new roads and building of



bridges, in the township of West Marlboro, Chester county, and relative to repairing the roads in said township." (Referred to Committee on Roads and Bridges.)

Mr. MILLER, "An Act giving justices of the peace power, with a jury of six, to hear and finally determine charges for crimes of a certain character within this Commonwealth, and lessen the expenses in such cases." (Referred to Committee on Judiciary.)

Mr. PENNELL, "An Act authorizing the qualified electors of the county of Delaware, at the next general election in October, A. D. 1859, to elect one person to fill the offices of prothonotary, clerk of the court of quarter sessions, oryer and terminer and orphans' court; and also, one other person to fill the offices of the register of wills and recorder of deeds."

Mr. LAIRD, "An Act to incorporate the Presque Isle dock company."

Also, one to incorporate the Citizens mutual safety insurance company.

Both of the above were referred to the Committee on Corporations.

Mr. PRICE, "An Act extending the time for the commencing of the Columbia and Octorara railroad, beyond the time allowed by its act of incorporation and supplement."

Mr. PRICE moved to suspend the rules, and go into consideration of the above. Not agreed to. (Referred to Railroad Committee.)

Mr. MAHAFFEY, "An Act declaring Plunkett's Creek, in Lycoming county, a public highway." (Referred to Committee on Roads and Bridges.)

Mr. GOEPP, "An Act supplementary to an act incorporating the Pennsylvania railroad." (Referred to Committee on Ways and Means.)

Mr. WOOD, "An Act to incorporate the Mutual fire insurance company, of Philadelphia." (Referred to Committee on Corporations.)

Mr. SMITH, (Philadelphia,) "An Act relative to the increase of the size of the Navy Yard, at Philadelphia;" and moved to suspend the rule, and proceed to the consideration of the same; which was not agreed to. (Referred to Judiciary.)

Mr. CHURCH, "An Act to extend the width of Jones street, in the Ninth Ward of the city of Philadelphia." (Referred to Committee on Roads and Bridges.)

Also, "An Act to incorporate the Webster House hotel company, of the city of Philadelphia." (Referred to Committee on Corporations.)

Mr. FISHER, "An Act to incorporate the People's Girard College and Navy Yard passenger railway company of Philadelphia." (Referred to Committee on Railroads.)

Mr. WALBORN, "An Act to incorporate the Commercial trust company." (Referred to Committee on Corporations.)

Mr. STYER, "An Act to incorporate the Philadeldbia and Penn Township passenger railway company." (Referred to Committee on Railroads.)

Mr. THORN, "An Act to facilitate the transportation of passengers and their baggage from one railway passenger station to another in the city of Philadelphia." (Referred to Committee on Railroads.)

Also, "An Act defining certain powers." (Referred to Committee on Railroads.)

Also, "An Act to incorporate the Penn warehouse company." (Referred to Committee on Corporations.)

Also, "An Act to incorporate the Seventh, Eighth and Ninth Streets passenger railway company of Philadelphia." (Referred to Committee on Railroads.)

Also, "A supplement to an act to incorporate the Citizens passenger railway company, approved 25th March, 1858." (Referred to Committee on Railroads.)

Also, "An Act relative to the Cottage building

company of Beverly." (Referred to Committee on Judiciary.)

Also, "An Act, entitled 'An Act to incorporate the American improvement and loan company.'" (Referred to Committee on Corporations.)

Also, "An Act relating to insurance companies and associations in the city and county of Philadelphia and the county of Allegheny." (Referred to Committee on Corporations.)

Also, "An Act incorporating the Central market company of Philadelphia." (Referred to Committee on Corporations.)

#### SELECTION OF A COMMITTEE.

The hour of twelve having arrived, the House, agreeably to order, proceeded in the usual and legal form to select a committee to investigate the contested election case of DAVID R. M'CLAIN, of the third Representative District, of Philadelphia.

On motion of Mr. CHASE, the SPEAKER designated Mr. THORN to appear before the Committee, in conjunction with counsel (Mr. SIMPSON, of Philadelphia,) for contestant.

The Committee then retired to their chamber, and after some time returned to the House, and the Chairman reported that Messrs. ROHRER, McDOWELL, KINNEY, IRISH, GRITMAN, FOSTER, M'CLURE, ROSE and MILLER, had been selected to investigate said contested case.

These gentlemen then appeared before the SPEAKER'S desk, and were duly qualified.

Mr. THORN moved, that said committee meet in the library room this evening, at 7½ o'clock; which was agreed to.

Mr. HAMERSLY moved, that the hour of adjournment be extended until the order of bills read in place had been gone through with; which was not agreed to.

The hour of adjournment having arrived, the SPEAKER adjourned the House until to-morrow morning, at 11 o'clock.

#### VETO MESSAGE.

EXECUTIVE CHAMBER, }  
Harrisburg, Jan. 6, 1859 }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—The bill, entitled "An Act to change the location of a portion of Fifth street, in South Pittsburg," was presented to me for approval on the 20th of April last. The Legislature, by its adjournment, having prevented its return at the last session, it is herewith transmitted to the Senate, where it originated, without the Executive approval.

This bill proposes to vacate a portion of Fifth street, in the borough of South Pittsburg, and authorizes and requires "the owners of property on both sides of Fifth street, from Bingham to Water street, to open at their own cost and expense a street, to be called New Fifth street, forty feet in width, at a point not to exceed one hundred feet west of the westward line of Fifth street on Bingham, and one hundred and ten feet west of the westward line of Fifth street on Water street, in said borough."

The vacation of old streets and the opening of new ones is so peculiarly and appropriately the province of the local authorities, that I cannot sanction legislative acts for such purposes.

Such questions and those of a kindred character, should, in my judgment, be left entirely to the disposition and control of home tribunals, where each particular case can be fully and fairly investigated, and the rights of all completely protected.

There is great danger that injustice may be done by this species of legislation, as it must necessarily be attended with a partial and imperfect understanding of the merits of the application, founded, not unfrequently, upon the allegations of interested parties, and without the knowledge of those adversely interested.

If the public convenience require that a por-

tion of Fifth street, in South Pittsburg, be vacated, and supplied by another, on a new location, an application to the court of quarter sessions of Allegheny county would doubtless produce the desired result. Thoroughly convinced, as I am, that that court is the proper tribunal to investigate the question, and that it should be there decided, I cannot give my approval to the bill under consideration. WM. F. PACKER

#### VETO MESSAGE.

EXECUTIVE CHAMBER, }  
Harrisburg, Jan. 6, 1859 }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I herewith return to the House of Representatives, where it originated, a bill presented for my approval on the 21st day of April last, entitled "An Act to authorize Isaac M. Pennock, trustee, to appropriate certain portion of a trust fund to the payment of debts due for the support of the *cestui que trusts*."

The first and only section of this bill provides that Isaac M. Pennock, trustee of Mary A. Woods and children, be authorized and empowered, and is hereby authorized and empowered, to appropriate two thousand dollars of the trust estate in his hands for the payment of debts due for the support and maintenance of the *cestui que trusts*: *Provided however*, That the same be done under the order and subject to the control of the orphans' court of the proper county, and that the amount so appropriated and used shall be accounted for under the laws of this Commonwealth relating to such matters.

My objection to this bill is that it is a legislative appropriation of money received by a trustee under a power which specifies the objects of the trust and directs the application of the trust fund. If the proposed legislation is in accordance with the provisions contained in the deed of trust, it is unnecessary. If it is in contravention of the trust, it is the exercise of a doubtful power, and therefore clearly wrong. He who conveys property to another in trust for private purposes, has the undoubted right to direct the application of the trust fund; and so long as such direction is not forbidden by the law of the land, it should be scrupulously followed. Any interference with such direction, even by the constituted authorities of the State, would be an infringement of private rights, and ought to be carefully avoided.

Entertaining these views, I cannot approve the bill under consideration.

WM. F. PACKER.

#### VETO MESSAGE.

EXECUTIVE CHAMBER, }  
Harrisburg, Jan. 6, 1859 }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—On the day of the adjournment of the last General Assembly, a bill was presented to me for approval, entitled "An Act to encourage the manufacture of paper in this Commonwealth."

I cannot approve the bill,

*First.* Because provision is already made in the general manufacturing act for the incorporation of companies to manufacture paper:

*Second.* Because in the bill before me, the individual liability of the stockholders is much more limited than in the general law; and

*Third.* Because no provision is made for enforcing even the limited liability imposed by the bill.

For these reasons, the bill is herewith returned without the Executive approval, to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER



## REPORT OF THE STATE LIBRARIAN.

I have the honor to present, herewith, to the Legislature, a list of books added to the Pennsylvania State Library, from the first of January, 1858, to the first of January, 1859; and a statement of the money received and expended during the same period, from which it will be seen, that there remain \$3,000 extended from the last year's appropriation to the State Library of \$650 00, and in addition \$1,000 00, amounting to the sum of \$4,000 00.

By the law of the last session, the Legislature, the State Librarian is authorized to make, under the supervision of the Secretary of the Commonwealth, a descriptive and classified catalogue of all the books, maps and plates in the State Library. I immediately on the adjournment of the supreme court last summer, this work was commenced, and has been prosecuted with all possible diligence since.

I have had occasion, in former reports, to allude to the number of broken sets of books, especially in the documentary department of the Library, and also, to the large number of duplicate volumes it contained, that might be disposed of, or exchanged with advantage for other books.

The examination requisite in making the catalogue, has shown that these defective and duplicate works are much greater than was supposed.

The duplicate volumes, amounting to more than four thousand, have been taken from the Library, arranged and placed on shelves in the garret of the capitol.

By an act of the Legislature, passed the seventh of April last, the State Librarian is authorized "to sell or exchange the surplus copies of such works in the State Library, of which there are, in his opinion, more copies than are required; also, to make sale of old editions of books, or exchange them for new, when it can be done to advantage; or to sell odd volumes, or broken sets of such works, the place of which are or can be supplied by new or more perfect copies." Under the authority of this law, ten hundred and twenty-six volumes, principally duplicate volumes of laws of other States, and Senate and House Journals of this State, have been exchanged for other books. By these exchanges I have been able to supply many defects in the Library, and have the prospect of supplying many more.

The unexpected balance of last year's appropriation has been reserved for the purchase of books to supply these deficiencies, when they cannot be obtained by exchanges. The time necessarily occupied in procuring these volumes has, and will delay the completion of the catalogue. But I thought it would better meet the views of the Legislature, to make the Library as perfect, in this respect, as it could be made, than to hurry the catalogue to a completion.

The descriptive catalogue of the law books, properly so called, has been completed, and is now in the hands of the State Printer. When the classified index shall be made, its deficiencies will be better known. It is admitted, by the profession, to be one of the best, if not the best selected law libraries in the Commonwealth, and, for the number of volumes it contains, will compare favorably with any in the Union. It is still, however, deficient in some important English reports, and in works on civil law. The individual in London, who had been recommended to me as a proper person to procure what English works we needed, has failed in doing so. Other arrangements have been made, which I trust will prevent any future failure, and lead to exchanges that will add greatly to the value of the Library. The historic life of any country, and especially of our own, where the press is so untettered, and facilities and cheapness of printing so great, flows, in what is, but should not be, the ephemeral literature of

the day." The Librarian now employed in his labors, sent by him in the newspapers and pamphlets of the press, for the most important materials for his history; and the future Librarian will be, in a great measure, dependent on those that are now laid from the press, in such manner. For the papers to be woven in his narrative. There is no place for preserving these papers and pamphlets so safe, and so permanent as the State Library. By those into whose hands they first fall, they are soon regarded as of little value, and thrown aside as waste paper. Private libraries, into which some of them may have been collected, are constantly disappearing; their books are scattered, no one knows where. Nor can there be any dependence placed on the permanency of those libraries whose existence depends upon the continuance of private corporations. State Libraries, under the immediate protection of government, are not liable to be thus broken up and scattered. They should be the safe depositories of the mental wealth of the past, and the present, from which the future may draw. In them should be collected, arranged and preserved, whatever records transpiring events, and the literature and science that indicates our progressive civilization, that in the centuries to come they may throw their light upon the ages past.

Without the sanction of the Library Committee, (which has hitherto been withheld,) I have not felt at liberty to subscribe for a single newspaper for the library; though, in my judgment, there should be preserved in it, files of all the most important in the United States, especially in our own State.

Some time since, a circular was published, inviting the citizens of the Commonwealth to send the pamphlets they have thrown aside as useless to themselves, to the State Library, where they would be assorted, bound in volumes and carefully preserved. Only one individual has responded to this call. James J. Barclay, Esq., of Philadelphia, a gentleman of distinguished public spirit, has sent to us a large number of books and pamphlets, which he has been at the trouble of collecting, many of them rare, and of great value. If other citizens would emulate his example, our library would be soon greatly enriched at little expense.

I beg leave to call the attention of the Legislature to the magnificent donation of Mr. Hachett, of Paris, France, through M. Vattemare, the agent of international exchanges, to the State Library; embracing 221 volumes and pamphlets; 262 plates and prints; an Atlas of 40 sheets, and a long map of France, Belgium and Switzerland.

Mr. Hachett, for many years a distinguished teacher, is now a publisher of school books, maps, charts, &c., under the patronage of the Minister of instruction.

His long experience as an instructor, has eminently qualified him to judge of what is best adapted for the development and cultivation of the youthful mind, and but a cursory examination of the books published by him, will convince any one that he has eminently succeeded, especially in the primary branches of education.

M. Vattemare informs me, that "in choosing Pennsylvania, as one of the four States of the American Union, to whom he destined this valuable contribution to the system of international exchanges, Mr. Hachett was stimulated by his high appreciation of the noble efforts made in this Commonwealth, to the improvement of public schools, and the diffusion of useful knowledge." I would respectfully suggest, whether such a homage paid by a private individual, of a foreign country to our Commonwealth, does not call for some acknowledgment on the part of the Legislature.

The separation of so large a number of du-

plicate volumes, from the Library, has made room for the books upon the shelves with their titles exposed, but the shelves, and even the closets connected with the Library rooms, are full. The increase of the Library by exchanges and donations, if no books are purchased, will soon demand more room. I would respectfully suggest, whether this demand, the safety of the Library, and the public business of the Commonwealth, for which there is not now adequate accommodation, do not require the erection of a substantial, fire proof building, sufficiently large to afford room for a Library, of at least 100,000 volumes, an increase which may be rationally expected within twenty five years; and also, for specimens in natural history, especially mineralogy and geology, and a department that shall subserve the agricultural interests of the Commonwealth, as a depository for foreign seeds, plants, and roots, to be dispersed to the agriculturists over the Commonwealth; and a place where can be exhibited plates, with descriptions of all improvements, in this department of science.

The large cabinet of minerals, collected in the recent geological survey of the Commonwealth, are now locked up in the "State Lunatic Hospital," in inglorious confinement, for want of room in the State Capitol.

Since the geological survey is published, they should be placed where they can be examined by the public at large, to whom they belong, and who have a deep interest in the knowledge to be derived from them. The erection of such a building, while it would afford accommodations that are needed, and protection to a large amount of public property now exposed to the dangers of fire, would be an enduring monument to the intelligent liberality of the Legislature.

The members of the Legislature will, as heretofore, be troubled with applications for orders from the boys, to obtain books from the Library. It is earnestly hoped they will not subject the Library to the waste to which it has been exposed, by giving orders indiscriminately.

The Librarian is required to report by law, in the month of January, the number of volumes that have been lost, or unreturned during the preceding year. So far as known to the Librarian, no books have been lost. All that have been taken out of the Library, have been returned, except 5 octavo volumes, which are in the hands of responsible individuals in public offices, and will be returned when sufficiently examined.

The following papers accompany the report:

A.—The amount of moneys received and expended by the State Librarian, from the 1st of January, 1858, to the 1st of January, 1859.

B.—Catalogue of books, maps, &c., added to the State Library during the same period.

C.—Letters from Messrs. Vattemare and Hachett, and the catalogue of the books presented by the latter.

All which is respectfully submitted,

WM. R. DEWITT,  
State Librarian.

HARRISBURG, Jan. 11, 1859.

## VETO MESSAGES

EXECUTIVE CHAMBER,  
Harrisburg, Jan. 6, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—A bill, entitled "an Act for the erection of a school district out of parts of Lehman township, Pike county, and Middle Smithfield township, Monroe county, was presented for my approval within ten days of the adjournment of the last Legislature.

The title of the bill is explanatory of its object, which is the creation of an independent school district out of parts of two townships lying in adjoining counties. The bill is ob-



jectionable, because it is a departure from the general school system, destroying its uniformity, and calculated as a precedent to encourage similar applications from other quarters, and thereby rendering the whole system discordant and unintelligible to the officers whose duty it is to explain, expound and execute it.

The general plan is that each township, ward, or borough shall form a school district, with power conferred on the courts of quarter sessions to erect independent school districts upon the application of not less than twenty taxables of the township or townships out of which it is proposed to make the new district. No general provision has been made for erecting an independent district out of territory lying in more than one county, and it is obvious that such a district would not harmonize with the general system.

The 47th section of the school law requires the county commissioners to make a triennial return of the taxable inhabitants resident in each district, upon which the State appropriation is based. The assessment is made by the township assessors. This bill makes no provision for obtaining a return of the taxables of the district it proposes to create, and hence it would be difficult to ascertain its proportion of the State appropriation and the proper amount it would be entitled to receive from each township. The reason for the application for the new district is probably that the schools in the parts of the two townships proposed to be embraced in it would be better accommodated than they are by the present arrangement.

But this can be accomplished under the provisions of the general law, which authorizes the directors of adjoining districts to establish joint schools, and permit pupils from one district to attend the schools of an adjoining one, if more convenient.

I do not believe that good can come from special school laws. The present general law has been carefully matured, and seems to be well adapted to advance the interests and promote the prosperity of the great cause of universal education; and should therefore be adhered to, until time and experience prove that to change would be to improve it.

But whenever and wherever changes may be thought advisable, let the amendment be by general and not special laws.

Entertaining these views, I decline to sanction the bill under consideration, and in accordance with the requirements of the Constitution, herewith it return to the House of Representatives, where it originated, for reconsideration.

WM. F. PACKER.

#### COMMUNICATION FROM THE ATTORNEY GENERAL.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—It is the duty of the Attorney General to report annually to both branches of the Legislature, a summary of the official business transacted by him during the preceding year. In the performance of that duty, the following report is respectfully submitted:

When I entered upon the duties of the office, in January last, there was in the Attorney General's hands claims due the Commonwealth amounting to the sum of \$365,145 80. These claims, however, were nearly all of very long standing, and by far the greatest proportion utterly worthless. In many instances the debtors are not to be found. Principals and sureties, alike being either dead or out of the State. In other cases, the persons against whom the balances are reported, are so hopelessly insolvent, that it is worse than useless to attempt to enforce collection by process of law.

During the year of these old claims, but \$12,547.16 have been collected, and \$9,793.06

settled by allowances made by the accounting departments; leaving an apparent balance still outstanding exclusive of interest of \$342,805.58. Had these claims received prompt attention when the defaults were first made, it is highly probable that the chief part of them would have been collected; but now it is too late, and no vigilance or care that can be given to them, will bring any very considerable sums to the Treasury of the Commonwealth.

The amount of claims placed in the hands of the Attorney General for collection, since January, 1858, is \$297,355 69; and the amount collected and paid into the State Treasury, on these demands, is \$77,265.35. These claims have also been reduced by allowances made by the accounting departments upon re-settlements, in the sum of \$26,798.78; leaving still due and unpaid, exclusive of interest, the sum of \$193,291.56. There is but a small part of this balance, it is believed, but what will be finally collected.

Sixty suits have been brought since the 20th day of January, to enforce the payment of claims upon which judgments have been obtained in forty-two cases. In addition to the suits brought by the Commonwealth, a large number of appeals are pending in the common pleas of Dauphin county, from settlements made by the Auditor General and State Treasurer, to which due attention has heretofore and will hereafter be given.

In May last, a bill in equity was presented to the supreme court, against the Pennsylvania railroad company, to prevent that corporation from removing and carrying away the iron and timber upon the Portage railroad. A temporary injunction was obtained, but the case was subsequently settled by the railroad company giving to the Commonwealth a bond in the sum of three hundred thousand dollars, with sufficient sureties conditioned for the payment of that sum on the bonds held by the Commonwealth against the company. A suggestion was filed, upon which a writ of quo warranto was issued from the supreme court, against the McKean County Bank, having for its object the vacation at the letters patent, obtained by that institution. The case was argued before the supreme court of Pittsburgh, upon a demurrer to the answer, and the final decree will probably be entered in a short time in the eastern district at Philadelphia, where the court is now in session. Several other cases, in which the Commonwealth was an interested party, have been tried in the supreme court during the year, and others are still pending, but as they are of no general interest, it is not thought proper, more particularly, to refer to them.

A large portion of the business of this office consists in giving legal advice and opinions to the several departments of the government; and, likewise, in ascertaining and ascertaining by various public officers throughout the Commonwealth.

A large amount of money is due to the Commonwealth, from corporations and individuals on the State, for unpaid taxes on distilleries and capital stock. As the law now stands, suits can only be brought against such corporations to enforce the payment of these taxes in the counties where they are located.

It is quite impossible for the Attorney General to prosecute these claims in person, scattered as they are all over the Commonwealth, and as the true policy is to have the legal business of the State concentrated, I would suggest that power be given to bring suit in the cases referred to, in the common pleas of Dauphin county. I would also suggest that the law officer of the Commonwealth, be permitted to enter an appeal from the settlements made by the Auditor General and State Treasurer, in cases where, in his opinion, injustice has been done to the Commonwealth by such settlements. An

appeal now can be entered by the other party, but not by the Commonwealth.

The appropriation made by the last Legislature for the contingent expenses of this department, was nearly or quite double the actual necessary expenses. No appropriation will therefore be required for the coming year, except for the salary of the clerk, which, in my judgment, should be at least eight hundred dollars per year. It is now but five hundred, and it is respectfully submitted that this compensation is entirely inadequate, when the extent of the duties necessarily performed, by the single clerk of this department, is taken into consideration.

JOHN C. KNOX, Attorney General.  
ATTORNEY GENERAL'S OFFICE, }  
January 7th, 1859. }

#### COMMUNICATION FROM THE STATE TREASURER.

TREASURY DEPARTMENT, }  
Harrisburg, Jan. 10, 1859. }

HON. WM. C. A. LAWRENCE,  
Speaker of the House of Representatives.

SIR:—In obedience to the resolution of the House, passed on the 6th inst., I submit the following report:

Balance in Treasury, Jan. 1. 1859, \$694,896 14

Amount in Banks, the annexed list, exhibiting the Banks, and the amount in each,	\$592,624 23
On deposit in Girard Bank to redeem coupons,	25,200 00
Advances to the Departments, contingent expenses and salaries,	7,453 67
Cash in vault, notes of various Banks, and coin,	69,618 24
	<hr/> \$694,896 14

It is impossible for me to state, at this time, what particular Bank notes were in the Treasury, on the first of this month, as it is not customary to assort them, except at the time of the payment of the interest on the public debt, when all of the Banks redeem their notes in specie, at Philadelphia.

The item of \$25,200, deposited in Girard Bank, remains a charge against the Treasurer, until he produces the coupons, which are his vouchers to the Auditor General. The coupon interest has always been paid at the Girard Bank, and the money is retained there when the interest falls due.

The payments to the various departments of the government are settled quarterly, and the receipts for advances, from time to time, are counted as cash until settlements are made.

The Warren Bank, on the first of August last, failed to redeem its liability to the Commonwealth, consisting of the sum of \$1,144 09, deposited there by the officers of Warren county, and \$12,410 00 of its notes received immediately before that date into the Treasury.

The entire indebtedness has since been secured, payable on the first of next month.

Very respectfully,  
H. S. MAGRAW, State Treasurer.

Bell, Johnson, Jack & Co.	\$2,738 46
Bank of Delaware County	167 41
Carlisle Deposit Bank	1,722 80
William C. Curry & Co., Erie	12 80
Dauphin Deposit Bank	212,733 24
J. R. Dick, Mendville, Pa.	1,823 57
Bell, Smith & Co., Johnstown	1,079 48
Bell, Garretson & Co., Huntingdon	4,204 97
Bank of Chambersburg	70 81



Bank of Chester Valley.....	221	28
Bank of Beaver County.....	51	32
Farmers' Bank of Lancaster.....	7,393	60
Farmers' Bank of Schuylkill Co....	8,168	84
Farmers' Bank of Reading.....	19,665	16
Farmers' and Mechanics' Bank, Philadelphia.....	17,204	93
Girard Bank.....	9,519	63
Harrisburg Bank.....	2,552	58
Humes, McAllister, Hale & Co.....	8,112	09
John T. Hogg, Indiana.....	555	04
S. Jones & Co., Pittsburg.....	27,922	90
Laporte, Mason & Co.....	1,124	59
Lancaster Savings Institution.....	845	20
Lewisburg Bank.....	921	98
Bank of Middletown.....	32,174	38
Merchants' and Manufacturers' Bank, Pittsburg.....	36	96
Mechanics' Savings Bank, Har'g..	85,930	65
Mauch Chunk Bank.....	463	67
William Russell, Lewistown.....	730	77
Reading Savings Bank.....	7,318	75
Tradesmen's Bank, Philadelphia...	97,927	39
Union Bank of Reading.....	3,000	00
West Branch Bank.....	134	38
Warren County Bank.....	4,144	09
York Bank.....	30,264	26
Total.....	\$592,624	23

#### COMMUNICATION FROM THE CANAL COMMISSIONERS.

CANAL COMMISSIONERS' OFFICE,  
Harrisburg, Pa., Jan. 10, 1859.

Hon. JOHN CRESSWELL, JR.,  
*Speaker of the Senate:*

SIR:—The Board of Canal Commissioners have the honor to acknowledge the receipt of a resolution adopted by the Senate on the 6th inst., calling on them for information "of the progress made in the investigation and settlement of claims submitted to them by the last Legislature; also, the earliest day by which such of these claims as are still under examination, can be finally determined; and also their views as to the proper disposition to be made of the records and papers of their department, on the abolition of the Canal Board."

On the first point, the Board would remark, in addition to what is stated on the same subject, in their Annual Report for the year ending the 30th day of November last, that full four-fifths of the claims submitted to them by the last Legislature, have been fully heard and received the final action of the Board. In addition to these, claims referred to the Board by a previous Legislature, have been examined and determined. A number still remain open for investigation, and to-day they received notice from a party, of his intention to take depositions in support of his claim on the 21st inst.

On the second point, the Board would suggest that the tenth day of February next would probably afford sufficient time for a full hearing, and satisfactory determination of the claims still open, and for the issuing of the certificates for such of them as shall be allowed. In some of these cases, the Board are awaiting information from persons to whom they have written, and in others, the production of the books of original entries and additional testimony, is expected from the claimants. If an act be passed abolishing the Board, to take effect on that day, it would probably conduce to prompt action on the part of the claimants, and certainly deprive them of just complaint on account of any difficulty or delay to which they might be subjected hereafter, should the present opportunity for a full hearing of their claims be neglected.

Of the large number of claims presented to the Board, most of them have been either "allowed" or "rejected," according as the Board believed them to be just or otherwise, from the

evidence produced, the circumstances surrounding the case, and such information as they could procure from reliable sources. Their aim has been to do justice to the citizen, and at the same time protect the Commonwealth from wrong. A few claims will probably be left "suspended," for the reason that the Board are not satisfied of their correctness, and yet do not feel warranted in rejecting them, and thus prejudicing them, perhaps, in a future investigation.

The Board deem it not improper, in this connection, to say that the claims allowed by them and paid by the Treasury, "during the fiscal year," had no connection with the only "public improvements" in the hands of the State, any portion of the year (the canals sold to the Sunbury and Erie railroad company,) and consequently they cannot properly be embraced in any statement purporting to be an exhibit of the expenditures on these improvements.

On the third and last point to which the attention of the Board has been called, they would say that they regard the auditing department of the government, as the one to which the records and papers of this office should be assigned, on the abolition of the Canal Board, the Auditor General to be invested with all the powers and authority now possessed by this Board, in relation to claims, &c.; and we would suggest, as a convenience to members of the Legislature, who will, doubtless, frequently seek information therefrom, that they be retained for a few years at least in their present location, and that provision be made for the continuance of Mr. Wilson, the present Clerk of the Board. He is familiar with past legislation in reference to the public works, claims, &c., and with the proceedings of the Canal Board for many years. He is also possessed of much information valuable to the Commonwealth, not to be readily, if at all obtained from the records; and not only the auditing department, but the claim committees of the two Houses, would find him an important aid in the investigation of claims arising from the State improvements. Judging from what has passed, it is but reasonable to conclude that claims which have been reported against by the Board, and failed in the Legislature, will again be presented, the claimants hoping that forgetfulness of what has been done, or a want of knowledge of the facts involved, will open the way to the Treasury; and it is therefore highly important to the public interests to provide against the success of such movements.

In conclusion, the Board would remark that although they have suggested the tenth of February for the termination of this department, they cheerfully leave the whole matter to the judgment and discretion of the Legislature. If an earlier day be deemed consistent with the public interests and the rights of citizens claiming to be creditors of the Commonwealth, the Board would not, if they could, interpose against it, for there is nothing in the character of the duties in which they have latterly been engaged, to make their position a desirable one.

I have the honor to be, very respectfully,  
your obedient servant.

A. PLUMER, *President.*

#### VETO MESSAGE.

EXECUTIVE CHAMBER,  
Harrisburg, Jan. 6, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—Within ten days of the adjournment of the last General Assembly, a bill was presented for my approval, entitled "An Act supplementary to the acts relating to special courts."

This bill proposes to extend the various acts relative to special courts, so as to include all the judges of the district courts, and the as-

sociated law judges within this commonwealth, and to give to the district and associated law judges all the powers and jurisdictions of the proper president of the several courts of the county wherein the special court shall be held, in relation to all matters arising in such special court.

My objections to the bill are of a two-fold character. In the first place, I have serious doubts whether the Legislature can constitutionally substitute a judge of a district court, or an Associate law Judge of the common pleas for the proper president judge of a judicial district. The Constitution requires that the presence of a president judge, shall be necessary to the proper organization of certain courts; and it also requires that the president judge shall be elected by the people of the district over which he is to preside, and in virtue of such election, he is commissioned as president judge. Now this bill proposes to take judges, who were never elected nor commissioned as president judges, and give them all the powers and jurisdictions, for the time being, of the proper president of the district. If the Legislature can do this for a given time, what is to prevent an extension of the time so as to embrace the entire term of a Judge, and thus defeat the constitutional provision which secures to the people of a judicial district the right to elect their own president judge. To say the least, the change proposed is of exceedingly doubtful constitutionality; and therefore, cannot be justified, unless it were demanded by an overshadowing necessity. It will not be pretended that such necessity exists.

In the second place, if the constitutionality of the proposed enactment were conceded, in my judgment, it is totally unnecessary. Until within a very brief period the authority to hold special courts was confined to the president judge residing nearest to the place where the court was required to be held. In 1849 it was extended to the president judge of any adjoining district, and again, in 1853, to every president Judge of the common pleas throughout the State. Under the law as it now stands the several president judges of the courts of common pleas, may hold special courts, and even regular terms, where there is occasion for a special court in any county of the commonwealth. Surely this provision is broad enough to meet any and every demand for an exchange of judges.

For the reasons thus succinctly stated, I cannot give to this bill the Executive approval; I doubt its constitutionality, and I am clear that it is unnecessary. It is therefore returned to the Senate, where it originated, for re-consideration.

WM. F. PACKER.

#### VETO MESSAGE.

EXECUTIVE CHAMBER,  
Harrisburg, Jan. 6, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—On the 21st day of April last, which was within ten days of the adjournment of the last General Assembly, a bill was presented for my approval, entitled "An act to change the venue in the case of the Commonwealth vs. Anna Maria Veitengruber."

My objection to this bill is, that it proposes to transfer a trial upon an indictment for murder, now pending in the court of oyer and terminer of Sullivan county, to the court of oyer and terminer of Lycoming county, without making any provision for the payment of the costs and expenses of the trial. These belong, of right to the county where the offence was committed, and ought not to be thrown on another county. For this reason I cannot approve the bill, and it is therefore, herewith returned to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 7.

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## PENN'A LEGISLATURE.

### SENATE.

WEDNESDAY, January 12, 1859.

The Senate was called to order by the SPEAKER at 11 o'clock, A. M.

Prayer by the Rev. Dr. De Witt.

The Journal of yesterday's proceedings was read.

### PETITIONS AND MEMORIALS.

Mr. BELL presented a petition from certain inhabitants of Delaware county, for the passage of an act to divide the county offices.

Mr. YARDLEY presented a petition from the Byberry and Bensalem turnpike road company, for an act to prevent free travel over said road.

Mr. SCOFIELD presented a petition from citizens of Venango county, for a new county, to include Spring Creek, Eldred and South-West, in Warren county.

Mr. RANDALL, chairman of the Committee on Railroads, reported the supplement to the Bedford railroad, as committed.

### BILLS IN PLACE.

Mr. BELL, read in place and submitted to the Senate, "An Act to extend the jurisdiction of the orphan courts, in cases of testamentary tests."

Mr. TURNEY, "A further supplement to an act to provide for the appointment of a reporter of the decisions of the supreme court of the Commonwealth of Pennsylvania."

Mr. PALMER, "A further supplement to an act, entitled 'An Act relative to huckstoring in the counties of Berks and Lebanon,' passed the 2th day of April, A. D. 1856."

Mr. PENNEY, "An Act to incorporate the Commercial Bank of Pittsburg."

Mr. PARKER, "An Act to incorporate the Commercial trust company."

Mr. STEELE, "An Act to appoint commissioners to re-survey and establish the line of the main road running through a part of Wilkesbarre township, in Luzerne county."

Mr. WRIGHT, "An Act to amend and extend

the charter of the Mutual fire insurance company of Germantown and its vicinity."

The SPEAKER laid before the Senate the following resolution from the House:

*Resolved*, That a committee of three be appointed, to act in conjunction with a similar committee of the Senate, (if the Senate should appoint said committee,) to examine "A Manual for the Government of the Senate and House of Representatives of the Commonwealth of Pennsylvania," compiled by J. Zeigler, late Clerk of the House, in accordance with a resolution adopted at the last session of the Legislature.

Ordered, that Messrs. HAMERSLY, THORN and GRITMAN, be said committee;

Which was concurred in; and the SPEAKER appointed Messrs. WELSH, WRIGHT and SCOFIELD as the Senate committee.

Mr. SCOFIELD moved to re-consider the vote of yesterday on the appointment of an additional door-keeper.

The yeas and nays were called by Mr. FRANCIS.

Mr. BREWER hoped the gentleman from Mercer would withdraw his call for the yeas and nays. It was a mere courtesy, usual in all cases of a similar character, to move a re-consideration; and if the gentleman would allow the motion to pass, the resolution could lie over, and an opportunity be afforded for a discussion of its merits.

Mr. SCOFIELD remarked, that he had moved the re-consideration of the vote out of courtesy to certain gentlemen. Such a course was customary, and he also hoped that the call for the yeas and nays, would be withdrawn.

The call of the yeas and nays was withdrawn.

Mr. SCHELL moved the consideration of the supplement to the Bedford railroad bill; which passed its several readings, and was sent to the House for concurrence.

The SPEAKER laid before the Senate the following communication from the Superintendent of the State Lunatic Hospital; which was read:

PENNSYLVANIA STATE LUNATIC HOSPITAL, }  
Harrisburg, Jan. 12th, 1859. }

Hon. JOHN CRESSWELL, Jr.,  
Speaker of the Senate:

I would respectfully invite the members of the Senate to visit the Pennsylvania State Lunatic Hospital, whenever their duties will enable them so to do.

Very respectfully yours,  
JOHN CURWEN, M. D.,  
Superintendent.

Mr. RANDALL moved the consideration of House bill No. 23, incorporating the Western Market company; which was agreed to.

The Senate then went into committee of the whole. (Mr. BALDWIN in the chair.)

Mr. MARSELIS thought that, under this section, almost everything might be sold in the market house—even horses, if the corporators chose to do so; and he thought the change of the word "edibles" for "articles" should be made, and he moved to amend to that effect.

Mr. RANDALL did not object to the amendment proposed to be made by the gentleman; but he did not think that under the section, as it now stands, horses could be sold, unless it be in the shape of horse meat, of which he had no fear.

The amendment was agreed to.

After some time the Committee rose, and the

chairman reported the bill as committed; after which, with some amendments, the bill passed, and was sent to the House for concurrence.

On motion of Mr. BLOOD, the House went into committee of the whole, on the bill changing the place of holding the election in Higbland township, Elk county. (Mr. FRANCIS in the chair.) Bill reported as committed.

The question being about to be put by the SPEAKER,

Mr. SCOFIELD said he should like to have the Senate go back to the preamble. If he was not mistaken it contained provisions which the Governor had refused to sanction, by signing the bills. We had a law giving the appointment of the places of holding elections to the courts, and the Governor and Attorney General had always held that any law taking from the courts this power, was illegal. He wished to show that there was some exception to the general rule in this case, that the bill might not be vetoed, and be compelled to be sent back to the House in order that the necessary change might be made in its provisions.

Mr. SCHELL remarked that the Governor had made a distinction in regard to such bills. Where the courts had jurisdiction, he would not sign the bill; but where they had not jurisdiction, he gave them his signature.

On motion of Mr. SCOFIELD, the preamble was re-considered, but finally passed. The bill was passed on its several readings, and sent to the House for concurrence.

Mr. TURNEY, chairman of the Committee on Finance, asked that the committee be discharged from the further consideration of House bill No. 6, authorizing the commissioners of Fayette county to borrow money; which was granted.

The Senate went into committee of the whole, (Mr. GAZZAM in the chair,) when the bill passed its several readings.

Mr. BREWER, chairman of the Judiciary Committee, asked that the committee be discharged from the further consideration of House bill No. 7, abolishing the office of sealer of weights and measures in Franklin and Lancaster counties; not agreed to.

On motion of Mr. WELSH,

Adjourned.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, Jan. 12, 1859.

The House met, and was called to order at the usual hour.

SPEAKER in the chair.

Proceedings were opened with prayer by the Rev. C. A. Hay.

The Clerk proceeded to read the Journal of yesterday; when,

On motion of Mr. THORN, the further reading of the same was dispensed with.

### ORIGINAL RESOLUTIONS.

Mr. WILCOX submitted a resolution, that John R. Smith be continued in office until the 1st day of February next, to assist the present post master; which was twice read, considered and adopted.

On motion of Mr. CHURCH, it was ordered that the annual report of the State Librarian be published in the *Daily Legislative Record*.

Mr. PINKERTON offered a resolution, that Jacob Brubaker, of Schuylkill county, be appointed an additional assistant door-keeper; which passed to second reading;



And on the question.

Shall the resolution pass?

It was determined in the negative.

Mr. WILSON offered a resolution, that the report of the Canal Commissioners relative to the claims of the Borough of Bridgewater and certain citizens, together with accompanying documents, be referred to a select committee of three.

Mr. THORN said that he should like to know some reason for this extraordinary course.

Mr. WILSON said that he was personally acquainted with the matter, and knew that the examination of details would be too much labor for any regular standing committee. The facts should be brought before the House in a clear and proper manner, and the special committee, being unembarrassed with other business, could afford to go into minutiae, and make investigations, which would be impossible for any standing committee.

Mr. ROSE agreed with Mr. WILSON. The labor would be great, and there could be no objection to the appointment of a special committee.

Mr. CHASE apprehended that the labors of the regular standing committees this year would not be excessive, and thought that the special appointment was not warranted by the exigencies of the occasion. He desired to be more fully acquainted with the subject, and therefore, would suggest the reading of the report, which was the subject of discussion. The movement to appoint was an extraordinary one.

The Clerk. The report is in the hands of the printer, and cannot, therefore, be read.

Mr. ROSE denied that there was anything extraordinary in the matter. A committee was raised last session, which had charge of business relating particularly to Philadelphia, and its appointment had met with no opposition vote.

Mr. CHASE said that Mr. ROSE was laboring under a mistake. It was true that a committee of Philadelphians had been appointed last session to look after Philadelphia interests, but the speaker was not aware that a single claim had ever been referred to a committee appointed expressly for that purpose. If, as the clerk stated, the report was in the hands of the printer, so that the House could not have access to it, he would move a postponement of the subject for the present; which was agreed to.

Mr. WILLISTON offered a resolution, that the contract entered into last winter with R. J. Haldeman, for the publication of the *Daily Legislative Record*, be, and the same is hereby revoked and declared at an end.

Mr. GOEPP said that as it was a joint resolution, it would have to lie over for one day.

The SPEAKER stated that it was not in the form of a joint resolution.

The SPEAKER. Is the House ready to proceed to a second reading?

Mr. THORN. Is it a joint resolution or not?

The SPEAKER. It is *not* a joint resolution.

Mr. THORN being prepared to speak,

Mr. LAWRENCE, of Washington, stated that as he understood, the question was not yet debatable, as the House had not yet determined upon the second reading of the resolution.

Mr. GRITMAN rose to a point of order, which was that resolutions of this kind must be *joint* resolutions, and that the present one was therefore out of order.

The SPEAKER. The resolution is in order.

Mr. McCURE asked leave to make a statement. It was impossible, he said, to abolish this contract by any such resolution as the one just offered. Joint action could alone accomplish the object. He hoped that it would be withdrawn, as even if it passed, it could do no possible good, and would be of no effect.

The SPEAKER. The SPEAKER must entertain the motion. It is not his business to

decide whether the resolution will accomplish the object or not.

Mr. LAWRENCE, of Washington, reiterated the assertion of Mr. McCURE that the passage of a resolution like the one offered would be useless, and do no good.

Mr. THORN stated that the views of Mr. LAWRENCE, of Washington, were similar to his own.

On the motion to proceed to the second reading and consideration of the resolution,

The yeas and nays were required by Mr. WILLISTON and Mr. NILL, and were as follow, viz:

YEAS—Messrs. Barnsley, Boyer, (Schuylkill,) Kinney, McDowell, Neill, Patterson, Ramsdell, Smend, Thompson, Whitman, Williston and Lawrence, *Speaker*—12.

NAYS—Messrs. Abbott, Acker, Balliet, Bayard, Bertolet, Boyer, (Clearfield,) Brodhead, Bryson, Campbell, Chase, Custer, Dismont, Dodds, Durbaraw, Eckman, Ellmaker, Evans, Fearon, Fleming, Foster, Galley, Glatz, Goepf, Good, Graham, Gratz, Gray, Green, Gritman, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Keneagy, Ketchum, Laird, Lawrence, (Washington,) Mann, Mehaffey, McClain, McClure, McCurdy, Miller, Nill, Oaks, Palm, Pennell, Peirce, Pinkerton, Porter, Price, Pugh, Quigley, Rohrer, Rose, Rouse, Shaffer, Sheppard, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Syer, Taylor, Thorn, Walborn, Walker, Warden, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Witherow, Wolf, Wood, Woodring and Zoller—82.

So the question was determined in the negative.

Mr. HAMERSLY submitted the following resolution:

*Resolved*, That the Committee on Banks be instructed to inquire into the expediency of reporting a bill providing for the engraving, in the highest style of art, from designs which shall be approved by the Governor and State Treasurer, bank note plates of the various denominations, from five dollars to one thousand, from which all the notes issued by banks in the State shall be printed, changing only the name and the locality of the several institutions.

The resolution was read the second time; whereupon

Mr. SMITH, of Berks, moved to amend by striking out "five" and inserting "twenty;" which was not agreed to.

The question recurring, shall the resolution pass? It was determined in the affirmative.

Mr. GRATZ offered a resolution that the Clerk be authorized to furnish five hundred diagrams of the House, for the use of the members; which passed to second reading.

Mr. CRAWFORD moved to amend by striking out five hundred and inserting five thousand copies.

Mr. ROSE did not see the necessity of thus entailing additional expense upon the Legislature. Diagrams had been prepared last winter, and as far as the speaker was concerned, they had appeared to him as if printed from the same plates which had been heretofore used, with no material change except in the names of the members and clerks. Of what possible use were the diagrams, or who desired to send them to his constituents? It might, perhaps, be satisfactory to some of the representatives to inform their constituents of their exact location, and whether they had a good seat or not, but he did not believe that the people whom he had the honor to represent, cared anything about the matter.

Mr. GRATZ said that it was customary to have the diagrams, and as the number designated in the original resolution was small, he hoped that the motion would carry.

The amendment of Mr. CRAWFORD was lost.

Mr. McCURE moved to amend by making the number three thousand.

Mr. WILLISTON declared that it was only another species of *Record* printing that was calculated to be a donation to somebody. This matter might not cost much, but such small, useless expenses in the aggregate made up a sum of twenty-five or thirty thousand dollars.

Mr. ROSE moved to postpone the matter for the present. The motion was seconded by Mr. WILLISTON.

The motion was lost.

Mr. CHURCH said that if they were ever to have the diagrams, the present was the time. He expressed himself in favor of procuring a moderate number.

Mr. ROHRER rose to explain. As a practical printer, he desired to inform the members that the addition of a few thousand to five hundred copies would not entail much additional expense. The principal cost was in the original design.

Mr. FOSTER moved to amend the amendment of Mr. McCURE, by adding the following to the original resolution:

Provided that they are furnished at a cost not exceeding that of the diagrams of last session.

Mr. GRATZ, the original mover, adopted the amendment of Mr. FOSTER; whereupon

The question being taken upon the amendment of Mr. McCURE, it was carried, and the original resolution, as thus amended, passed.

Mr. NEALL asked and obtained leave to be excused from service on the Committee on the Militia System.

#### BILLS IN PLACE.

On motion of Mr. HAMERSLY, the House proceeded to the reading of bills in place, where interrupted yesterday by the selection of a committee on the contested election case of the Third representative district of Philadelphia.

Mr. HAMERSLY, then read in his place and presented to the chair, "An Act relative to passenger railway cars in the city of Philadelphia." (Referred to Committee on Railroads.)

Also, "A supplement to the act incorporating the Belmont Avenue and plank road company," approved April 8, 1852. (Referred to Committee on Roads and Bridges.)

Also, "A supplement to the general passenger railway act," approved April 21, 1853. (Referred to Committee on Railroads.)

Mr. THORN, "An Act to incorporate the Lombard and South Street passenger railway company." (Referred to Committee on Railroads.)

Also, "An Act to incorporate the Philadelphia theatre company." (Referred to Committee on Corporations.)

Mr. GRITMAN, "An Act providing for the recording of vendue lists, inventories and appraisements, by the register of wills, in and for the county of Luzerne."

Also, "An Act to incorporate the Luzerne powder company."

Mr. PALM, "An Act to abolish the office of sealer of weights and measures in Schuylkill county." (Referred to Committee of Ways and Means.)

Mr. WALKER, "An Act to change the place of holding elections in Southampton township, Somerset county;" and moved that the rule be suspended, and the House proceed to the consideration of the same; which was not agreed to; so the bill was referred to the Committee on the Judiciary.

Mr. KENLAGY, "A joint resolution relative to the final report of the geological survey of the State;" and moved that the House proceed to the consideration of the same.



Mr. CHASE moved to refer to a committee. (Was referred to the Committee on Ways and Means.)

Mr. PATTERSON moved that the rules be suspended, and that the House proceed to the consideration of the joint resolution of the gentleman from Tioga, (Mr. WILISTON.)

The joint resolution was then read, as follows:

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That the contract made at the last session of the Legislature, with R. J. Haldeman, to print a *Daily Record* for the use of the members, is hereby revoked and declared at an end.

Mr. WILISTON said that he had not moved for any suspension of the rules, and should like to know why the gentleman from Juniata thus took charge of his bill, and whether such a proceeding was parliamentary.

The Chairman decided that the resolution of Mr. PATTERSON was in order.

Mr. WILISTON. It would give me satisfaction to know why the gentleman thus takes charge of my resolution.

Mr. PATTERSON. The resolution, I believe, belongs to the House.

The Chairman. The Chair has so decided.

Mr. GRITMAN rose to a privileged question. As chairman of the committee appointed by the House to investigate the contested election case of the Third representative district, he was instructed to offer the following resolution:

*Resolved,* That the Senate committee appointed to investigate the contested seat of the Third representative district be, and are hereby authorized to employ a clerk.

The resolution was adopted.

The question being taken on the motion to proceed to a consideration of the joint resolution of Mr. WILLISTON, it was decided in the negative.

Mr. LAWRENCE, (Washington,) read in his place and presented to the Chair, "An Act for the relief of certain tax collectors in Washington county." (Referred to the Judiciary.)

Mr. SMITH, (Berks,) "An Act to incorporate the Union cemetery association of Womelsdorf, Berks county."

Also, "An Act to incorporate the Fairview cemetery association of Porkso." (Both referred to the Committee on Corporations.)

Mr. THOMPSON, "An Act concerning the sale of canals, railroads, turnpike and plank roads."

Mr. BARLOW, "An Act authorizing the appointment of commissioners to run the boundary lines between the counties of Centre and Clinton, and Union and Centre." (Referred to Committee on New Counties and County Seats.)

Mr. SHAFFER, "A supplement to the act approved April 3d, 1851, entitled 'An Act to regulate boroughs, so far as relates to the borough of Phoenixville.'" (Referred to Committee on Corporations.)

Mr. MILLER, "An Act authorizing the commutation of the death penalty in certain cases." (Referred to Committee on Judiciary.)

Mr. WILCOX, "An Act erecting parts of Clearfield, Cambria, Indiana and Jefferson into a new county, to be called Pine." (Referred to Committee on New Counties and County Seats.)

Mr. LAIRD, "An Act relative to foreign insurance companies in the county of Erie." (Referred to Committee on Judiciary.)

Mr. NILL, "An Act relating to the collection of taxes in the several counties of the State." (Referred to the Committee on Judiciary.)

Mr. ELLMAKER, "A further supplement to an act incorporating the borough of Marietta, approved March 9, 1843."

Mr. PRICE, "An Act regulating the fees of the aldermen, justices of the peace and constables, relative to poor and indigent persons applying or being sent to the hospital or house of

employment in Lancaster county." (Referred to Committee on Judiciary.)

Mr. BRYSON, "An Act to prevent the destruction of fish in this Commonwealth." (Referred to Committee on Judiciary.)

Mr. GOOD, "An Act to incorporate the Iron-ton railroad and mining company of Lehigh county." (Referred to Committee on Ways and Means.)

Also, "An Act to incorporate the Allen insurance company of Lehigh county." (Referred to Committee on Corporations.)

Mr. KETCHUM, "An Act relating to sheriff's and prothonotary's costs in Luzerne county." (Referred to Committee on Judiciary.)

Mr. GOEPP, "An Act to annul the marriage contract between J. B. Emery and Elmira his wife." (Referred to Committee on Divorces.)

Also, "An Act for the relief of Catharine Keller, widow of Conrad Keller, a Revolutionary soldier."

Mr. McCLURE, "An Act relating to marriages." (Referred to Committee on Judiciary.)

Mr. GRATZ, a joint resolution calling upon the State Librarian to tender the thanks of this Legislature to Mr. Hachett, of Paris, France, for his donation to the Pennsylvania library.

On motion of Mr. GRATZ, the rule being in this case dispensed with, said resolution was taken up, and passed finally.

#### CONSIDERATION OF VETO MESSAGES.

On motion of Mr. CHASE, the House proceeded to the consideration of the veto messages, recently returned to the House.

The following vetos were then taken up:

EXECUTIVE CHAMBER,  
Harrisburg, Jan. 6, 1859.

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

GENTLEMEN:—On the 21st day of April last, which was within ten days of the adjournment of the last General Assembly, a bill was presented for my approval, entitled "An act to change the venue in the case of the Commonwealth vs. Anna Maria Veitengruber."

My objection to this bill is, that it proposes to transfer a trial upon an indictment for murder, now pending in the court of oyer and terminer of Sullivan county, to the court of oyer and terminer of Lycoming county, without making any provision for the payment of the costs and expenses of the trial. These belong, of right to the county where the offence was committed, and ought not to be thrown on another county. For this reason I cannot approve the bill, and it is therefore, herewith returned to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.

Agreeably to the provision of the constitution the yeas and nays were then called.

Aud on the question, Shall said bill pass, notwithstanding the objections of the Governor? it was determined in the negative by the following vote:

YEAS—None.

NAYS—Messrs. Abbott, Acker, Balliet, Barnes, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Custer, Dismout, Dodds, Durbaraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Foster, Galley, Glatz, Goepf, Good, Graham, Gratz, Gray, Green, Gritman, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, McClain, McClure, McCurdy, Neall, Nill, Oaks, Palm, Petterson, Ponnell, Pierce, Pinkerton, Porter, Price, Pugh, Quigley, Ramsdell, Rohrer, Rose, Shaffer, Sheppard, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stuart, Styer, Taylor, Thompson,

Walborn, Walker, Warden, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Witherow, Wolf, Wood, Woodring, Zoller and Lawrence, *Speaker*—94.

The following veto came up in order

EXECUTIVE CHAMBER,  
Harrisburg, Jan. 6, 1859.

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

GENTLEMEN:—The General Assembly at its last session, within ten days of the adjournment, presented for my approval a bill, entitled "An Act authorizing and requiring the supervisors of Corroll township, in the county of York, to grade a certain bill on the State road, in said township, leading from Harrisburg to Gettysburg, Adams county."

This bill provides, "that the supervisors of Corroll township, York county, be and are hereby authorized and required, within one year from the passage of this act, to employ a sufficient number of hands to dig down and grade, in a good and substantial manner, so as not to exceed an elevation of four degrees, a certain bill in Corroll township, York county, about three-fourths of a mile south of Dillsburg, on the State road leading from Harrisburg to Gettysburg."

I cannot approve of the bill, because it proposes to interfere with duties devolving exclusively upon the local officers of the township. It is impossible for the Legislature to go into an investigation and determine with accuracy what hills shall be graded, and how much money shall be expended by the supervisors of the various townships in the State; and if it were possible it is utterly impracticable and unnecessary; the law having wisely imposed those duties upon a much more appropriate tribunal. It is to be presumed that the supervisors of the township of Corroll will perform their duty, and grade such hills as require it, and if they fail to discharge the duties incumbent on their office, they are personally responsible to the public, and a summary remedy may be applied by the people at their annual township election.

There is no more sound and wholesome principle than that which allows each separate governmental organization, whether it be State, county or township, to regulate and manage its own affairs in its own way, subject only to the general law of the land.

Believing that the bill under consideration is wrong in principle, and calculated, if permitted to become a law, to establish a bad precedent, I am constrained to withhold from it the Executive approval. It is, therefore, herewith returned to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.

On the question,

Shall the above bill become a law?

It was determined in the negative, as follows:

YEAS.—Messrs. Glatz, McClure, McDowell, Price and Wolf—5.

NAYS.—Messrs. Abbott, Acker, Balliet, Barnes, Bayard, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Custer, Dismout, Dodds, Durbaraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Foster, Galley, Goepf, Good, Graham, Gratz, Gray, Green, Gritman, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, McClain, McCurdy, Neall, Oaks, Palm, Patterson, Pennell, Pierce, Pinkerton, Porter, Quigley, Ramsdell, Rohrer, Rose, Rouse, Shaffer, Sheppard, Shields, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Styer, Tyler, Thompson, Thorn, Walborn, Walker, Warden, Witman, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Witherow, Wolf, Wood, Woodring, Zoller and Lawrence, *Speaker*—94.



Williams, (Bucks,) Wilson, Witherow, Zoller and Lawrence, *Speaker*—86.  
So the bill was lost.

EXECUTIVE CHAMBER, }  
Harrisburg, Jan. 6, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—On the day of the adjournment of the last General Assembly, a bill was presented to me for approval, entitled "An Act to encourage the manufacture of paper in this Commonwealth."

I cannot approve the bill,

*First.* Because provision is already made in the general manufacturing act for the incorporation of companies to manufacture paper;

*Second.* Because in the bill before me, the individual liability of the stockholders is much more limited than in the general law; and

*Third.* Because no provision is made for enforcing even the limited liability imposed by the bill.

For these reasons, the bill is herewith returned without the Executive approval, to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.

A vote was then taken upon the above bill;

And on the question,

Shall the bill pass?

It was negatived, as follow:

YEA—Mr. Chase.

NAYS—Messrs. Abbott, Acker, Balliet, Barusley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Church, Custer, Dismont, Dodds, Durbaraw, Eckman, Ellmaker, Evans, Fleming, Foster, Galley, Glaz, Geopp, Good, Graham, Gratz, Gray, Green, Gritman, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Kenagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, M'Clain, M'Clure, M'Curdy, M'Dowell, Neall, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Porter, Price, Pugh, Quigley, Ramsdell, Rohrer, Rose, Rouse, Shaffer, Sheppard, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Styer, Taylor, Thompson, Thorn, Walhorn, Walker, Warden, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Witherow, Woodring, Zoller and Lawrence, *Speaker*—91.

So the bill was lost.

EXECUTIVE CHAMBER, }  
Harrisburg, Jan. 6, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—A bill, entitled "an Act for the erection of a school district out of parts of Lehman township, Pike county, and Middle Smithfield township, Monroe county, was presented for my approval within ten days of the adjournment of the last Legislature.

The title of the bill is explanatory of its object, which is the creation of an independent school district out of parts of two townships lying in adjoining counties. The bill is objectionable, because it is a departure from the general school system, destroying its uniformity, and calculated as a precedent to encourage similar applications from other quarters, and thereby rendering the whole system discordant and unintelligible to the officers whose duty it is to explain, expound and execute it.

The general plan is that each township, ward, or borough shall form a school district, with power conferred on the courts of quarter sessions to erect independent school districts upon the application of not less than twenty taxables of the township or townships out of which it is proposed to make the new district. No general provision has been made for erecting an

independent district out of territory lying in more than one county, and it is obvious that such a district would not harmonize with the general system.

The 47th section of the school law requires the county commissioners to make a triennial return of the taxable inhabitants resident in each district, upon which the State appropriation is based. The assessment is made by the township assessors. This bill makes no provision for obtaining a return of the taxables of the district it proposes to create, and hence it would be difficult to ascertain its proportion of the State appropriation and the proper amount it would be entitled to receive from each township. The reason for the application for the new district is probably that the schools in the parts of the two townships proposed to be embraced in it would be better accommodated than they are by the present arrangement.

But this can be accomplished under the provisions of the general law, which authorizes the directors of adjoining districts to establish joint schools, and permit pupils from one district to attend the schools of an adjoining one, if more convenient.

I do not believe that good can come from special school laws. The present general law has been carefully matured, and seems to be well adapted to advance the interests and promote the prosperity of the great cause of universal education; and should therefore be adhered to, until time and experience prove that to change would be to improve it.

But whenever and wherever changes may be thought advisable, let the amendment be by general and not special laws.

Entertaining these views, I decline to sanction the bill under consideration, and in accordance with the requirements of the Constitution, herewith it return to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.

A vote was then taken upon the above bill with the following result:

YEAS—Messrs. Brodhead, Campbell, and Stephens—3.

NAYS—Messrs. Abbott, Balliet, Barnslow, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Church, Custer, Dismont, Dodds, Durbaraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Foster, Galley, Geopp, Good, Graham, Gratz, Gray, Green, Gritman, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Kenagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, M'Clain, M'Clure, M'Curdy, M'Dowell, Neall, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Porter, Price, Pugh, Quigley, Ramsdell, Rohrer, Rose, Rouse, Shaffer, Sheppard, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stoneback, Stuart, Styer, Taylor, Thompson, Thorn, Walborn, Walker, Warden, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Witherow, Wood, Woodring, Zoller and Lawrence—*Speaker*—88.

So the bill fell.

EXECUTIVE CHAMBER, }  
Harrisburg, Jan. 6, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—A bill was passed by both branches of the last Legislature, and presented for my approval within ten days of the adjournment, entitled "An Act to exempt certain school property from taxation."

The bill proposes to exempt from taxation a certain building erected by George Markle, in the village of Markleville, in the county of Perry, now occupied by the Markleville normal institute.

It is understood that the building is private property, and however commendable may be the public spirit and liberality of its proprietor, I can see no good reason for exempting it from taxation. In principle, I am satisfied that the exemption of any particular property from taxation is wrong. Taxation should be general, equal, and uniform. The more general the objects of taxation are, the more equal will be the distribution of the burdens of government, and the more cheerfully will they be borne by the people. To exempt particular property is to give an unfair advantage to its owner, and to make an invidious distinction between him and his neighbors. If frequently repeated in favor of individuals or classes, it would work intolerable mischief. I am constrained by an imperative sense of duty to decline approving of bills of this character.

The bill under consideration is therefore herewith returned to the House of Representatives, where it originated, for re-consideration.

W. F. PACKER.

On the question,

Shall the bill pass notwithstanding the objection of the Governor? the vote was as follows:

YEA—Mr. Sheppard—1.

NAYS—Messrs. Abbott, Acker, Balliet, Barlow, Bayard, Bertolet, Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Church, Custer, Dismont, Dodds, Durbaraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Foster, Galley, Glatz, Good, Gray, Green, Gritman, Hamersly, Hill, Hottenstine, Irish, Jackson, Kenagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, M'Clain, M'Clure, M'Dowell, Neall, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Porter, Price, Pugh, Quigley, Ramsdell, Rohrer, Rose, Rouse, Shaffer, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Styer, Taylor, Thompson, Thorn, Walker, Warden, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Witherow, Wolf, Wood, Woodring, Zoller and Lawrence, *Speaker*—86.

So the bill fell.

Mr. PATTERSON moved that the House proceed to the consideration of the bill just returned from the Senate, "An Act repealing an act changing the venues of a certain case from Northumberland to Union county."

Mr. HOTTENSTINE hoped that this bill would be referred to its appropriate committee. As a representative of Northumberland county, he was totally ignorant of the reasons why said act should be repealed, believing as he did, that the court of his county would do as ample justice as any other. He therefore trusted the bill would not pass without due consideration.

Said bill was then referred to the Committee on the Judiciary System.

Mr. GRITMAN offered a resolution that the bill and answer in the contested election case of D. R. M'CLAIN be printed for the use of the committee.

The SPEAKER laid before the House, a communication from the superintendent of the State Linnatic Hospital, inviting the Legislature to visit that institution.

On motion, the SPEAKER adjourned the House until to-morrow at 11 o'clock.



# LEGISLATIVE RECORD.

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FOR THE SESSION OF 1859.

No. 8.

## SENATE.

THURSDAY, Jan. 13, 1859.

Senate met and was called to order at 11 o'clock by the SPEAKER.

Prayer by the Rev. D. Gaus.

The Journal of yesterday's proceedings was read.

## PETITIONS AND MEMORIALS.

The SPEAKER presented an abstract from the account of the Frankford and Bristol turnpike company.

The SPEAKER also presented a memorial for the erection of Jefferson, Cambria county, into a borough, to be called Wilmore.

Mr. RANDALL presented a memorial from sundry citizens of Pennsylvania, praying for "an act to incorporate the association for the construction of a statue of George Washington."

Mr. BELL presented a petition from the burgess and town council of Phoenixville, Chester county, for an act increasing the number of councilmen, and to borrow money.

Also, a petition of the citizens of Phoenixville, Chester county, for authority to borrow money.

Mr. SCHINDEL, a petition of citizens of Northampton county, praying for a law authorizing the legal voters of said county, to vote on the removal of the seat of justice from Easton to Nazareth.

Mr. RUTHERFORD presented the petition of Asa Dimock, administrator of L. G. Dimock, praying for authority to sell and convey certain unseated, unproductive lands, belonging to the estate of said deceased.

## REPORTS OF COMMITTEES.

Mr. SCHELL, Chairman of the Committee on Banks, reported as committed, "An Act to prohibit the issuing and circulation of bank notes of a less denomination than twenty dollars."

Mr. WRIGHT, Chairman of the Committee to Compare Bills, reported the following as presented to the Governor for his approbation, viz: "An Act to fix the place of holding the election in Orwell township, in Bradford county."

"An Act changing the place of holding the general and township elections in Highland township, Elk county."

"An Act to authorize the commissioners of Fayette county to borrow money."

## BILLS IN PLACE.

Mr. WRIGHT asked leave to make a short statement. During the session of 1857, an act was passed to incorporate a company to construct a railroad in the counties of Philadelphia and Delaware. The company constructing the road have derived no income from it, but have incurred heavy liabilities, and are now considerably in debt. They are anxious that the Legislature shall grant them power to borrow money, and to make certain other provisions, for the extinguishment of their debt, as is not given them under the general railroad law. There are parties who are willing to take the stock of the road, under certain conditions, and they are anxious for this authority to borrow money, as contemplated by the bill, in order that they may finish the road, and properly equip it with cars, &c. He hoped that the bill, which he was about to read in his place and submit to the Senate, would pass without any interruption or delay.

Mr. WRIGHT presented a supplement to an act entitled "An Act to incorporate the Philadelphia and Darby railroad company," approved the 28th day of April, 1857.

Mr. RANDALL said he had been handed the bill just read, but he did not examine it carefully. He found, however, that it exempts the company from taxation, and makes a distinction in their favor, not granted by the general railroad law. He had no desire to impede its passage, but if this company were to be exempted, other bills might be passed in the same way.

Mr. WRIGHT explained that the company did not wish to be exempted from anything contained in the general railroad law, nor did any provision of the bill exempt them from taxation. They simply asked for authority to offer additional security for money which they were desirous of borrowing, in order to complete and equip the road.

Mr. BELL remarked that the road passed through a portion of his county, and he felt a desire to aid the company in its completion by any grant of legislation which was just and proper. He did not regard the bill as designing to exempt the company from any provision of the general railroad law, but as a simple act of justice, or rather for an act placing them in a fair way to do a simple act of justice.

Mr. MARSELIS wished to ask his colleague, (Mr. WRIGHT,) if the bonds to be issued by the company, were to be in the shape of chattle mortgages?

Mr. WRIGHT explained that there were to be no bonds issued; but the only thing asked for, was such authority as will enable the company to offer proper security for an amount of money sufficient to place the road in proper running order. The company was a poor one, and private property had, in many instances, been pledged for the payment of its debts. Pledges, to the amount of twenty thousand dollars, of private property, had already been made.

Mr. RANDALL added that the more he had gleaned of the bill as the discussion progressed, the more he was convinced that it contemplated a grant of power which should not be made. Of one thing he was certain—that it was an enlargement of corporate rights. He contended that the bill should go to committee in the regular way, for its investigation. By such a course, the interests of the company can suffer in no way, if the bill is right, while its hurried passage might entail injury upon the public; and he moved its reference to the committee.

Mr. WRIGHT was sorry his colleague had made the motion. The bill was simply one to enable the company to offer additional security, as well as additional inducement for the money desired for the completion and equipment of the road. The passage of this bill now, would enable the company to meet its debts, due on the 15th of this month; and if it was not passed, its notes might be protested, cutting serious injury to the road and ruin to the credit of the company. If the Senator could show him any reason, to convince him or the Senate, why the privilege asked for should not be granted, he would have nothing to say in its favor. He did not think there was anything wrong in granting the authority contemplated by the bill, or he should not have offered it or pressed its passage.

Mr. RANDALL wished to ask if increasing new bond-holders did not decrease the stock and impair the security of the bonds?

Mr. WRIGHT again explained that no bonds were to be issued by the company.

Mr. RANDALL had rested his motion to re-

fer the bill to committee, simply upon the ground that such was the usual course of the Senate. It should go to committee; and it certainly could work no injury, for it must go to the House and take the ordinary course of legislation. If the notes of the company are liable to be protested, if this bill is not passed by the 15th of the present month, they will be protested anyhow; for but a few days intervene in which to afford the relief desired.

Mr. MARSELIS saw a necessity for the passage of the bill, that the bond-holders may have possession of the whole road, in order that they may be enabled to meet their debts, by securing money upon the additional security which the bill would enable them to offer.

On the motion to refer, the yeas and nays were called for, and were as follow, viz:

YEAS—Messrs. Brewer, Coffey, Francis, Gazzam, Gregg, Harris, Parker, Penney, Randall, Schell, Scofield, Shaeffer, Schindel, Steele, Turney and Cresswell, *Speaker*—16.

NAYS—Messrs. Bell, Blood, Fetter, Keller, Marselis, Miller, Myer, Nunnemacher, Palmer, Rutherford, Thompson, Welsh, Wright and Yardley—14.

So the bill was referred.

Mr. BREWER presented "An Act relative to the banks of this Commonwealth."

Mr. RUTHERFORD presented "A supplement to the several acts relative to the liens of mechanics and material men."

Also, "An Act authorizing Asa Dimock, administrator of Layfayette G. Dimock, dec'd, to sell and convey certain real estate of said deceased."

Mr. RANDALL, "An Act to incorporate the Association for the construction of a statue of George Washington."

Also, "An Act to incorporate the Eighth and Ninth Street passenger railway of Philadelphia."

Also, "An Act to consolidate the stock of the Girard Bank of the city of Philadelphia."

Mr. MYER, "A supplement to an act in relation to the claim of Daniel A. Burdell, approved March 17, A. D. 1858."

Also, "Supplement to an act relative to the claim of Thomas Morely, approved March 17, 1858."

Mr. TURNEY, "An Act to incorporate the town of Jefferson, in the county of Cambria, into a borough, to be called the borough of Wilmore."

Also, a bill, entitled "An Act relative to the Hollidaysburg school district, in Blair county."

Mr. HARRIS, "A joint resolution relative to the revenue laws of the National Government."

Mr. MYER, "A bill for the better regulation of banking institutions in this Commonwealth."

## ORIGINAL RESOLUTIONS.

Mr. SCHELL offered the following resolution: *Resolved*, That the Committee on Finance be instructed to inquire whether any authority exists for the use of the franking privilege by the members and officers of the Legislature, and if such authority does exist, to report to the Senate their opinion as to the propriety of repealing the same.

Pending the question,

Mr. SCHELL said he wished to say a few words upon the resolution. In submitting it to the Senate, he had two objects in view. The first was to ascertain whether any abuse did exist, as had been reported; and if so, by whom and in what manner. A second object was the



abolition of the franking privilege, in order to protect the State from imposition, and, to save trouble to Senators.

Mr. HARRIS thought the franking privilege should be restricted, if not abolished. He had no doubt it was abused, and the resolution was one of inquiry, as to whether abuses did exist; and if so, where?

At the conclusion of Mr. HARRIS' remarks, a division of the Senate was called for, and the resolution lost.

Mr. SHAEFFER offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be instructed to furnish the State Librarian with three copies of the *Record* daily, for the use of the Library.

Mr. BELL did not see the necessity of three copies of the *Record*. Was not one sufficient?

Mr. SHAEFFER explained that he had submitted the resolution at the request of the State Librarian. They were designed to be placed on file in the Library, where they would often be an object of interest, and afford information to the visitor, as well as others. The peculiar object he had in view, in securing three copies, was that in case one was destroyed, or lost, another might be preserved.

The resolution was agreed to.

The following resolution from the House, came up in regular order.

*Resolved*, That a committee of three be appointed to act in conjunction with a similar committee of the Senate, for the purpose of contracting for the publication of a *Legislative Record* containing full and accurate reports of the proceedings of both Houses of the Legislature. The contract to be submitted for the approval or rejection of the Legislature; and ordered, that Messrs. RAMSDALL, PATTERSON and WILCOX be the said committee.

Mr. WELSH, moved to amend by referring to a special committee of five.

Mr. BELL, suggested that the resolution should go to a special committee. It is a new subject, not contemplated at the beginning of the session, and therefore not specially provided for. There should be a special examination of the subject, and a special report made, as the standing committees are busily engaged with duties connected with the routine of regular business.

Mr. SCHOFIELD thought that the Senate could as well act upon the resolution to-day as at any other time. There was a contract in existence, under which the printing of the *Record* is now done, which, he understood, was to continue until a new one was made. So far as the *Record* was concerned in the Senate, he was well satisfied with the work. He had never seen better or fuller reports, and in all respects the reports were fuller and more accurate than at previous sessions. But the question now was, can the work be done better or cheaper? He understood that a proposition would be submitted to do the work at a lower rate than under the existing contract; and if it can be done at a lower rate, the Senate should take the proper steps to accomplish it.

Mr. SCHELL moved to amend the amendment, by striking out the words "special committee of five," and refer to the Committee on Public Printing; not agreed to.

The amendment of Mr. WELSH recurring,

The yeas and nays were required by Mr. WELSH and Mr. MILLER, and were as follow, viz:

YEAS—Messrs. Bell, Brewer, Craig, Fetter, Keller, Marselis, Miller, Nunnemacher, Randall, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—14.

NAYS—Messrs. Baldwin, Coffey, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penney, Rutherford, Schell, Scofield, Shaeffer, Schindel, Thompson and Yardley—17.

So the question was determined in the negative.

The question recurring on the original motion; it was, on motion, referred to the Committee on Finance.

The bill to incorporate the Western market company, came up in regular order, and passed finally.

Mr. SCOFIELD asked that the Committee on Corporations be discharged from the further consideration of the bill authorizing the burgess of Erie city to act as mayor; withdrawn for the present.

Mr. BREWER called up the following resolution, offered by Mr. MILLER on Monday last, together with the amendment of Mr. BREWER, and the amendment to the amendment, offered by Mr. BELL:

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That David S. Spear be, and he is hereby appointed an additional assistant door-keeper to the Senate, for the present session.

To which resolution Mr. BREWER offered the following amendment: "that the name of David S. Spear be stricken out, and that of George J. Ripper inserted."

To which amendment Mr. BELL offered the following amendment: "that the name of Geo. S. Ripper be stricken out, and that of Isaac M'Clure inserted."

Mr. HARRIS desired to regard this question, as he did all others, and the first inquiry with him, in the discharge of his duty as a Senator, was whether an additional door-keeper was necessary? He was confident there was not. Last session there had been one too many appointed; and the object was to give place to persons hanging around the capitol. If, said he, the people could raise the veil which covers many of the transactions here, and see the profligacy which exists, they would spurn the actors whom they have sent here to subserve their interests. Unless a necessity could be shown to exist for an additional officer, he should vote against it.

Mr. BELL was not up to discuss the merits of the resolution, but to explain the object of his amendment. He wished to place his man upon an equality with the other two, as it was but fair that different sections should stand a fair chance. He asked the Senate to vote down the resolution, that the door-keeper may be elected in the usual way.

Mr. MILLER had one word to say in reply to the Senator from Butler. He disclaimed the imputation thrown out, that the resolution had been introduced for the purpose of giving place to hangers-on about the Senate. His resolution for the appointment of Mr. Spear was based upon his efficiency and obliging disposition in the discharge of his duties.

Mr. BREWER was not prepared for the appointment of an additional doorkeeper, merely because he had a man for whose election he was desirous. He based his advocacy of the resolution upon no such grounds. If the Senate should determine that an additional doorkeeper was not necessary, he should be content. If, however, the appointment was to be made, he wished to present his claims to the Senate. The question should be disposed of now. The old officers of the Senate who had been detained until to-day, had left, or were making preparations to leave; and if the service of any of them is desired, the question should at once be disposed of. He had nothing to say against Mr. Spear. He was a diligent and competent officer; but that was no argument why his district should remain unrepresented in the offices of the Senate. If it was to be ignored by Senators, he should like to know it. The Senator from Chester seemed to think that we are disposed to go into a fight directed against his

man. He was not so uncharitable or unfair.—He did not come here begging for the selection of Mr. Ripper, or asking it as a charity. He demanded it as a right, and it was unjust to him and his district to slight its claims as they had been.

Mr. BELL made a motion indefinitely postponing the resolution as it now stands.

The yeas and nays were required by Mr. FRANCIS and Mr. WRIGHT, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Francis, Harris, Keller, Myer, Nunnemacher, Palmer, Penney, Rutherford, Scofield, Shaeffer, Schindel, Wright and Yardley—15.

NAYS—Messrs. Bell, Blood, Brewer, Craig, Fetter, Gazzam, Marselis, Miller, Parker, Randall, Schell, Steele, Thompson, Turney, Welsh and Cresswell, *Speaker*—15.

So the question was determined in the negative.

The question on Mr. BELL'S amendment was put, and lost.

Mr. BELL moved to amend the amendment, by striking out all after the word "*Resolved*," and insert "that the Senate now proceed to the election of an additional Assistant Doorkeeper."

Mr. BREWER raised the question of order, whether after an indefinite postponement, the resolution could be entertained?

The SPEAKER decided that the resolution was in order.

After a running discussion of some length, embracing suggestions and plans arriving at the proper disposition of the question, participated in by Messrs. BELL, GAZZAM, HARRIS, RANDALL, SCHELL, PALMER and MILLER,

The yeas and nays were required by Mr. BELL and Mr. MILLER, and were as follows, viz:

YEAS—Messrs. Bell, Blood, Brewer, Craig, Gazzam, Penney, Randall, Rutherford, Schell, Scofield, Shaeffer, Steele and Cresswell, *Speaker*—13.

NAYS—Messrs. Baldwin, Coffey, Fetter, Francis, Gregg, Harris, Keller, Marselis, Miller, Myer, Nunnemacher, Palmer, Parker, Schindel, Turney, Welsh, Wright and Yardley—18.

So the question was determined in the negative.

The amendment of Mr. BREWER recurring, The yeas and nays were required by Mr. BREWER and Mr. WELSH, and were as follow, viz:

YEAS—Messrs. Brewer, Gregg, Myer, Penney, Randall, Schell, Shaeffer, Steele, Welsh and Cresswell, *Speaker*—10.

NAYS—Messrs. Baldwin, Bell, Blood, Coffey, Craig, Fetter, Francis, Gazzam, Harris, Keller, Marselis, Miller, Nunnemacher, Palmer, Parker, Rutherford, Turney, Wright and Yardley—19.

So the question was determined in the negative.

The original resolution recurring,

The yeas and nays were required by Mr. BELL and Mr. MILLER, and were as follow, viz:

YEAS—Messrs. Blood, Craig, Gazzam, Miller, Palmer, Parker, Randall, Rutherford, Schell, Shaeffer, Turney and Cresswell, *Speaker*—12.

NAYS—Messrs. Baldwin, Bell, Brewer, Coffey, Fetter, Francis, Gregg, Harris, Keller, Marselis, Myer, Nunnemacher, Penney, Scofield, Schindel, Steele, Welsh, Wright and Yardley—19.

So the question was determined in the negative.

Mr. SCOFIELD renewed his motion for the discharge of the Committee on Corporations from the further consideration of the bill authorizing the burgess of Erie city to act as mayor. The Senate went into committee of the whole, (Mr. GREGG in the chair.)



Mr. SCHELL asked for an explanation of the bill.

Mr. SCOFIELD explained that the city of Erie had no mayor, and that the president of the common council had been acting in that capacity. They had discovered, however, that he had no authority to act as mayor, under the act of incorporation. Mr. FINNEY, who had charge of the bill, was detained from his seat by indisposition, and at his request he had called it up. This was the statement made to him by the Senator from Erie, and was all the knowledge he possessed with reference to the matter.

After a short time the committee rose, and reported the bill as committed; after which it passed on its several readings.

On motion of Mr. FETTER, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

THURSDAY, Jan. 13, 1859.

The House met at the usual hour. SPEAKER in the Chair.

Prayer was offered by the Rev. Dr. BARTINE, of the Methodist Episcopal Church.

On motion of Mr. McCLURE, the reading of the Journal was dispensed with.

### PETITIONS, &C., PRESENTED.

Mr. BRODHEAD presented a petition from Rachel Robinson, widow of an old soldier, asking for aid.

Mr. MILLER, one from citizens of Crawford county, for the passage of an act erecting a new county out of parts of Crawford, Warren and Venango counties.

Mr. LAWRENCE, of Washington, one from certain collectors of Washington county.

Also, two from citizens of Washington county, for the passage of an act creating a sub-school district in Carrol township, said county.

Mr. BOYER, of Clearfield, two from citizens of Cambria, Clearfield, Indiana and Jefferson counties, praying for the erection of a new county, to be called Pine.

Mr. SHAFFER, one from the burgess and town council of the borough of Phoenixville, praying for the passage of an act increasing their number and authorizing them to borrow money to erect a market house in said borough.

Also, three petitions from citizens of Phoenixville of like import.

Mr. MEHAFFEY, one from citizens of Lycoming county, asking to have Plunkett's creek in said county, declared a public highway.

Mr. BOYER, of Schuylkill, two from citizens of Schuylkill county, for a law regulating the height of fences in said county.

Mr. PRICE, one from citizens of Lancaster county, praying that the coroner in and for said county be allowed a salary of \$300 per annum.

Mr. FLEMING, one from Jane Pierce, of Indiana county, widow of a revolutionary soldier, asking for aid.

Mr. PENNELL, one from inhabitants of Delaware county, praying for the repeal of the act of assembly passed July 2d, 1839, and for the passage of an act authorizing the electors of said county, at the general election to be holden in October, 1859, to elect persons to fill the offices of prothonotary, clerk of the courts of quarter sessions and oyer and terminer and orphan's court, and register of wills and recorder of deeds.

Mr. MILLER, a petition of sundry citizens of Crawford county, praying for the erection of a new county out of parts of Crawford, Warren and Venango counties.

Mr. FLEMING, one from four hundred citizens of Clarion and adjoining counties, praying for a law preventing marriages between the white and African races.

Mr. BALLIET, one from eight stockholders of the Susquehanna and Lehigh turnpike road

company, to change the time for holding the annual election of said company.

Mr. GOEPP, two petitions from citizens of Northampton county, for the passage of an act to change the location of the county seat.

Also, one from Mrs. A. R. Emery, for the passage of an act divorcing her from her husband.

Mr. McDOWELL presented the petition of numerous citizens of Plum township, Allegheny county, and Franklin township, Westmoreland county, praying for the establishment of a new school district out of parts of said townships.

Mr. SMITH, (Berks,) one from citizens of Berks county, for the incorporation of the Union cemetery association of Womelsdorf, Berks county.

Mr. BURLEY, one from citizens of Antes township, Blair county, asking a repeal of the law in said township, passed the 20th day of February, 1857, for the protection of sheep and taxing dogs in said county.

Mr. QUIGLEY offered the following:

*Whereas*, It is alleged that Cornelius A. Walborn and Joseph M. Church, members elect to this House, are not constitutionally eligible to seats as members thereof, by reason that they have not resided in the respective districts which they claim to represent the requisite period of time prescribed in the second section of the first article of the Constitution of the State of Pennsylvania:

*And whereas*, Each House is by said Constitution made the judge of the qualifications of its members, subject to the qualifications therein prescribed; therefore

*Resolved*, That a committee of five be appointed to inquire into the right of the said C. A. Walborn and Joseph M. Church to set as members of this House, and that said committee shall have power to send for persons and papers.

The SPEAKER decided the resolution to be informal, inasmuch as the law prescribed a mode for trying the claims of contestants.

Mr. CHURCH asked leave to make a statement. Leave being given, he spoke as follows:

Mr. SPEAKER—This matter has been held over my head ever since I have been in Harrisburg. It has been placed before me at least once in every hour from daybreak to sundown, and I have made it a point to treat it with perfect indifference. I am glad to see that the House is disposed, or would be disposed, if a chance was given, to act in the same manner. I assure you that I would be the last man in the world to come forward and assume a seat in this body, without I was justly entitled to it; and I am proud to say now, that I came here with the sanction of one of the wealthiest and most important constituencies of the Commonwealth, and with a large majority of votes in my favor. Having been intrusted with legislative powers, it shall be my aim to do justice to those whom I have the honor to represent. The victory which I gained was not an easy one; for it was in a contest with a most vile and dirty opposition. The circumstances under which I am placed, force me to say this, and in the same connect on, I may state that the apportionment bill which was passed last session was a disgrace to any legislative body—a blot upon the statute book, and in fact the most loose and unstatesmanlike production which has ever emanated from these Halls. Why, sir, in accordance with the provisions of that bill, the district which I represent actually includes a precinct which is also in an adjoining district, and which rightly belongs to that district. In other parts of the city the same absurdities are to be found.

My opponents allege that I am ineligible to a seat on account of not having resided in the district from which I have been elected for one year preceding the election. If I am not eligible, then no member from Philadelphia is en-

titled to a seat in this House. The apportionment act was passed in April, and the election took place in October, thus leaving an interval of only six months. Now, there is an article in the Constitution of the Commonwealth which meets this case. It refers to justices of the peace and aldermen. The law requires them to live for one year preceding their election in the county, but if during that time a new county is made, then the law requires them to have resided in the territory out of which the new county is formed. I have been a citizen of Philadelphia for twelve years, and therefore was fully qualified.

I, sir, was a candidate for the Legislature before the gentleman who appears here to contest my seat, and who was my opponent in the late election, had left his native bogs in Ireland. In conclusion, let me again say, that I am proud to stand here and represent an enlightened constituency, and that it shall ever be my aim to do so in a worthy manner. I could say much of a personal nature concerning my opponent, but out of courtesy to the House, I will here close.

### BILLS IN PLACE.

Mr. BAYARD read in his place and presented to the Chair, "An Act to equalize the charge for transportations on railroads." (Referred to Committee on Railroads.)

Mr. McDOWELL, "An Act to incorporate the Citizen's passenger railway company of Pittsburgh." (Referred to Committee on Railroads.)

Mr. PINKERTON, "An Act relative to the election and appointment of clerks, assistant and transcribing clerks, sergeant-at-arms and their assistants, postmasters, door keepers and their assistants, messengers and other officers of the Senate and House of Representatives of Pennsylvania." (Referred to Committee on Ways and Means.)

Also, "An Act repealing an act to change the place of holding elections in Porter township, Schuylkill county, approved 9th February, 1858." (Referred to Committee on Election Districts.)

Also, "An Act to change the place of holding elections in Reily township, Schuylkill county." (Referred to Committee on Election Districts.)

Mr. SMITH, (Berks,) "An Act for the gradual abolition of paper money of a less denomination than twenty dollars." (Referred to Committee on Banks.)

Mr. BARNESLEY, "An Act to repeal so much of the common school law as fixes the tax on trades, professions, occupations or on single freemen at not less than one dollar." (Referred to Committee on Education.)

Mr. KINNEY, "A joint resolution instructing our senators and representatives to oppose an increase of the present rates of postage."

Mr. THOMPSON, "An Act for the relief of George Hoge, a contractor on the Erie extension of the Pennsylvania canal." (Referred to Committee on Claims.)

Mr. PRICE, "An Act directing the taxes arising from collateral inheritance tax, now applied and appropriated to the sinking fund of Pennsylvania, to be hereafter applied to the school fund of the city or county wherein such tax or taxes are due or collected." (Referred to Committee on Ways and Means.)

Also, "An Act to incorporate the Conestoga gas light company." (Referred to Committee on Corporations.)

Mr. GRITMAN, "An Act to empower the judges of the mayor's court of the city of Carbondale to appoint an auditor for said court."

Mr. WITHEROW, "An Act to incorporate a Bank in Lewistown, Mifflin county." (Referred to Committee on Banks.)

Mr. KETCHUM, "An Act to incorporate the borough of New Columbus, Luzerne county." (Referred to Committee on Corporations.)

Mr. BRODHEAD, "An Act for the relief of



Rachel Robinson, widow of an old soldier."— (Referred to Committee on Pensions and Gratuities.)

Mr. GRATZ, "An Act to consolidate the Girard Bank stock, Philadelphia." (Referred to the Committee on Banks.)

Mr. ABBOTT, "An Act relative to the Leverington cemetery company." (Referred to the Committee on Corporations.)

Mr. HARDING, "An Act to incorporate the Pennsylvania steam engine, steamship and steam boiler manufactory company of Philadelphia." (Referred to the Committee on Corporations.)

Mr. WILEY, a further supplement to "An Act, entitled 'An Act securing to mechanics and others payment for their labor and materials in erecting any house or other building within the city or county of Philadelphia.'"— (Referred to the Committee on Judiciary.)

Mr. FISHER, "An Act supplementary to the second section of an act passed March 27th, 1849."

Mr. HAMERSLY, "A supplement to the Act incorporating the Green and Coates Street passenger railway company." (Referred to the Committee on Railroads.)

Mr. PALM, "An Act relative to filing judgments in the prothonotary's office of the court of common pleas of Schuylkill county." (Referred to the Committee on the Judiciary.)

Mr. WALKER, "An Act to change the place for holding elections in Southampton township, Somerset county;" and, on his motion, the rule being in this case dispensed with, said bill was taken up and passed finally.

Mr. ROUSE, "An Act relative to navigation in Tionesta creek." (Referred to Committee on Inland Navigation.)

Mr. LAWRENCE, of Washington, "An Act erecting parts of Carroll township, Washington county, into a sub-school district." (Referred to Committee on Education.)

Mr. PRICE moved that the Committee on Railroads be discharged from the further consideration of the act, entitled "An Act extending the time for the commencing the Columbia and Octorara railroad beyond the time allowed by its act of incorporation and supplements thereto," and that then he would move that the House go into the consideration of the bill.

Mr. PRICE thought it necessary to ask the indulgence of the House to be allowed to explain the reasons why he desired the bill to pass immediately, which was, that about twenty thousand dollars of the stock now subscribed would be lost, unless legislative action be had immediately on the bill, in consequence of the statute of limitation intervening and cutting out many of the amounts now subscribed.

He therefore moved that the rule be suspended and the House proceed to the consideration of said bill; which was agreed to; and the bill passed finally; and ordered, that the Clerk present the same to the Senate for concurrence.

#### LEGISLATIVE RECORD.

On motion of Mr. WILLISTON, the House next proceeded to the consideration of a joint resolution submitted by him yesterday, relative to the contract with R. J. Haldeman for the publication of the *Record*.

Mr. WILLISTON said that according to his understanding of the terms of the contract entered into last session for the publication of the *Record* with Mr. R. J. Haldeman, that contract expired at the end of the session in which it was made, and it had not been contemplated to continue it during this term.

Mr. SMITH, (Berks.) If the contract was read, it might throw some light upon the subject.

Mr. NILL said that by a resolution of the last Legislature, the printing of the *Record* was to be performed by R. J. Haldeman until other-

wise ordered, or a new contract was made. It was evidently unfair and unjust to pass a resolution of this nature without first giving due notice to the contractor, who at present was not represented. He would therefore move that the further consideration of the matter be postponed for the present.

Mr. WILLISTON read a portion of the contract with R. J. Haldeman.

Mr. GOEPP said that he was able to furnish the whole of the act of the Legislature on the subject; which reads thus:

#### COPY OF CONTRACT.

CONTRACT made and executed this eleventh day of January, A. D. one thousand eight hundred and fifty-eight, between the Commonwealth of Pennsylvania, by a joint Committee of the two Houses of the General Assembly thereof, under a resolution of said Houses, of the one part, and Richard J. Haldeman, of Harrisburg, publisher, of the other part. Said Haldeman agrees to publish a record of the proceedings of the two Houses during the present Session, including notices of the presentation and disposition of memorials, petitions and remonstrances; the introduction, reference and action upon bills and resolutions; sketches of debate; the yeas and nays upon important questions, and generally such particulars as shall fairly exhibit the action of the two Houses, and it shall also contain such reports, bills, and other documents, as may be ordered to be inserted therein by either House, and such laws of a public and general nature as may be furnished by the Secretary of the Commonwealth; the said publication to be styled "*Legislative Record*," to be under the supervision of the Superintendent of Public Printing, or such other officer as the two Houses may appoint, and to be issued under the following conditions and regulations, viz:

*First.* The said *Record* to be printed on a good quality of white printing paper, upon brevier type, to consist of not less than four pages to each number, the pages to be of the same form and size as those of the *Record* of last session.

*Second.* Three thousand copies of each number to be printed, one thousand thereof to be delivered to the Sergeant-at-Arms of the Senate, and two thousand to the Sergeant-at-Arms of the House. The said *Record* to be published daily (except Sunday) whenever sufficient matter is on hand to fill four pages.

*Third.* The said Haldeman to procure accurate reports of proceedings for said *Record* at his own proper expense, and faithfully conduct and execute the said publication, and perform all the duties and obligations herein assumed, without other compensation or allowance than that hereinafter expressed.

*Fourth.* Whenever practicable, the proceedings of the two Houses are to appear on the day following that on which they occur, and numbers of said *Record* are to be furnished as aforesaid, containing the proceedings from the commencement of the session, in the same quantity and of the same general character as future issues.

*Fifth.* It is expressly stipulated that no matter shall be republished without the assent or direction of one of the Houses, greater in amount than one column, where the same may be necessary to fill up the last page of a number in default of other matter.

*Sixth.* Two good securities shall be furnished by the said Haldeman, who shall execute, in connection with him, a bond in the penal sum of four thousand dollars, conditioned for the faithful performance by him of this agreement, and all parts thereof, to be by him kept and performed.

In consideration whereof, there shall be paid by the Commonwealth, to the said Haldeman, the sum of seven dollars for each full page of every issue of the aforesaid *Record*; so much of

said compensation as shall have accrued on the first day of March next shall then be paid to the said Haldeman.

This agreement is made subject to the approval and confirmation of the two Houses respectively.

In witness whereof, the said committee, and the said party of the second part, have hereto subscribed their hands, at Harrisburg, this 11th day of January, A. D. 1858:

C. R. Buckalew,	} Of the Senate.
John Cresswell,	
D. A. Finney,	
Jno. K. Calhoun,	} Of the House,
A. K. McClure,	
Peter Pat.	
R. J. Haldeman.	

According to the terms of this, the contract was to continue in force during this session, or until a new contract should be made. But the speaker had heard no valid reason assigned why the present *Record* should be abolished. He had heard no statement that a better or cheaper one could be procured, or that another contract could be made with advantage, if the one in existence was abolished. Under these circumstances, it was certainly advisable to let the matter rest. The joint action of the Senate and House could alone annul the compact.

Mr. WILLISTON said that there were many objections to the *Record*. It was worse than nothing, and was a false *Record*. During one of the most exciting questions of last winter the vote of the SPEAKER of the House had been misplaced, and the statements were often garbled. If a better one could not be procured, the speaker was in favor of the total abolition of the *Record*, and if any one was to be printed, he desired one that would contain the full and entire proceedings of the House.

Mr. FOSTER, feeling himself experienced in the duties of both publisher and reporter, was compelled to disagree with the gentleman from Tioga (Mr. WILLISTON) in regard to the accuracy of the *Legislative Record* of last session. The reports of proceedings which had appeared were as accurate as any reports ever obtained, except with the assistance of stenographers or phonographers. It was true that an occasional error had been made, and an occasional vote misplaced, but these things it was utterly impossible to avoid.

The *Record* of last session, the speaker said, had cost the State \$3,976 00, and the *Record* of the previous year had cost \$5,684. The one issued last year was evidently the best and cheapest ever laid before the House, and with this in view, Mr. FOSTER declared that he could not, and would not, vote for any obrogation of the present contract.

Mr. MILLER disagreed with the gentleman from Tioga, (Mr. WILLISTON,) who had said that the *Record* was "worse than nothing." It was certainly better than none at all. For his part, however, he was disposed to allow the subject to lie over until the committee, which had already been appointed in the matter, should report to the House. If they should propose another and more advantageous contract, then the present one might be annulled. But to leave the House without any *Record* at all of its proceedings, would not be right.

Mr. ROSE agreed with the gentlemen from Allegheny and Crawford counties, (Messrs. FOSTER and MILLER,) in the postponement of the subject for the present. It might not be possible to negotiate with other parties for the publication as cheap as at present, and it would be premature to annul the contract, until some knowledge was obtained as to the course to adopt in the future. Some errors had occurred last session, but the *Record* this winter, the speaker had observed, was mainly full and correct, and was much better than during last term. He doubted if a better one could be obtained.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 9.

Mr. THORN said that he should vote for the resolution of the gentleman from Franklin, (Mr. NILL,) to postpone. But when the matter finally came up for adjustment, he should vote for a new contract, even if it be made with the same party. He should do this, because he doubted the power of one Legislature to bind a succeeding one by its acts, or to entail a contract upon another. Heretofore it had been left to each Legislature to determine its own publisher, and the action of last winter seemed to be without precedent.

If the resolution of Mr. WILLISTON should pass, the House would be left without any *Record* at all, and many of his constituents, the speaker declared, took pleasure in reading the proceedings of the House, and the action of their Representatives. If, however, it was possible or proper to annul the contract to-day, and go on without any *Record*, the speaker would vote for the adoption of such a course, but he did not want to be left without any *Record*. He should therefore agree with Mr. NILL to postpone.

Mr. PATTERSON desired to explain one point in the case. It was that the committee which had been appointed by the House, had no power to act, without the concurrence of a similar committee of the Senate.

Mr. CHURCH was happy to state that the reports which had appeared in the *Record* this winter had been excellent. In what he was about to say, he intended no reflection upon the reporters, to whom he only desired to allude in a complimentary manner. But he was ready to make a new contract, because he denied the right of one Legislature to bind a succeeding one. It would be very well to wait for the committee to report, but if that committee were not authorized to act, what would their report avail? The speaker was, under these circumstances, in favor of immediate action. While saying this, however, he would freely confess that he was satisfied with the present reports, which were very correct and proper, and than which, it was likely better would not be obtained.

Mr. RAMSDALL said that he was not disposed to join in any tirade against the present *Record*, or its publisher. Although it was, perhaps, inaccurate and badly printed, yet there was a stronger ground upon which he favored the making of a new contract. This was on the score of economy. He had inquired into the cost of printing a good *Record*, and found that it could be done at about one-third of the expense of the present. The existing price was exorbitant.

Mr. NEALL favored a postponement to await the committee report. He knew nothing of printing and reporting, and would, in regard to these, rely upon statements already made. But \$7 per page was certainly an exorbitant price. He hoped that the resolution to postpone would pass, and that it would pass unanimously.

Mr. WILLISTON said that as he believed he had a right to close the debate, he would close it at this point.

Mr. CHASE did not desire especially to say anything as to the character of the *Record*, which last session was creditable, yet he denied the right of the Legislature of last winter to entail the contract upon this House. Mr. PATTERSON had said that a committee of the Senate would have to be appointed, to act in conjunction with that of the House. Now it was apparent that the Senate had no disposition to

interfere with the matter, and the question therefore naturally recurred, whether it would not be better to proceed at once, than to allow a postponement, which would necessarily be indefinite. Would it not be well for the House to express its sentiments now, in favor of abrogating the existing contract?

Mr. ROSE stated that the gentleman from Susquehanna, (Mr. CHASE,) seemed to be laboring under a misapprehension. The speaker did not think that the last Legislature had entailed any contract upon this one. It was true that they had provided for the continued publication of the *Record*, but they had also left it free with both Houses to annul the agreement, by a joint resolution. It was, therefore, optional with the Houses to annul.

Pending the further consideration of the above resolution, the hour of twelve having arrived, the SPEAKER announced, that agreeably to order, the House would now proceed to draw a committee to investigate the contested election case of Oliver Evans, from the Thirteenth representative district of Philadelphia.

The Clerk called the roll of the members, when the following gentleman answered to their names:

Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Custer, Dismont, Dodds, Durbaraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Foster, Galley, Glatz, Goepf, Good, Graham, Gratz, Gray, Green, Grisman, Hamersly, Harding, Hill, Hottentine, Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, McClain, McClure, McCurdy, Neall, Nill, Oaks, Palm, Patterson, Pennell, Pierce, Pinkerton, Porter, Price, Pugh, Ramsdell, Rohrer, Rose, Rouse, Shaffer, Sheppard, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Styer, Taylor, Thompson, Thorn, Wagoner, Walborn, Walker, Warden, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wolf, Wood, Woodring, Zoller and Lawrence, *Speaker*.

Absentees—Messrs. McDowell, Miller and Quigley.

Messrs. MCCLURE, TAYLOR and WILLISTON appeared as counsel for contestant, Mr. PROUDFOOT.

Messrs. GOEPP and GRITMAN appeared as counsel for the sitting member, Mr. PORTER.

The House then proceeded in the usual way to draw a committee. The following gentlemen were chosen said committee:

Messrs. LAIRD, CAMPBELL, GRAHAM, CHASE, MEHAFFEY, HILL, McCURDY, KINNEY and KETCHUM, who appeared before the SPEAKER'S desk and were severally qualified.

Mr. GRITMAN rose to a privileged question. As chairman of the committee on the contested election of the Third representative district, he presented a petition signed by all the members of the committee on Dr. MCCLAIN'S contested case, accompanied with a resolution that F. GEUR, Assistant Sergeant-at-Arms, be detailed to attend to and execute all processes, if required by the committee.

Resolution was read the second time.

And on the question,

Shall the same pass?

It was determined in the negative.

On motion of Mr. THORN, it was ordered

that five hundred copies of the bill relative to insurance companies and other associations in the counties of Philadelphia and Allegheny, be printed.

Mr. GRITMAN rose and said it was necessary for him to report that Mr. MCCLURE was absent from the meeting of the committee on the contested election case of the Third representative district. Mr. GRITMAN then cited from the laws of the Commonwealth the duty of the Chair in such cases.

The SPEAKER called upon Mr. MCCLURE to explain.

Mr. MCCLURE did so by saying that his absence was absolutely necessary. That he intended no disrespect to the House or the committee by absenting himself from the meeting of the committee in question. Circumstances beyond his control made his absence unavoidable.

The Secretary of the Commonwealth being introduced, presented a message from the Governor, in writing; which was read by the Clerk.

Mr. LAIRD moved that the committee just drawn to investigate the contested case of T. H. PORTER, meet in the Library room to-morrow morning at 10 o'clock; which was agreed to.

The hour of one having arrived, the SPEAKER adjourned the House until to-morrow morning at 11 o'clock.

## SENATE.

FRIDAY, January 14, 1859.

Senate met, and was called to order by the SPEAKER at 11 o'clock, A. M.

Journal of yesterday's proceedings read.

Prayer by Rev. Dr. De Witt.

## LEAVE OF ABSENCE.

Mr. WRIGHT asked and obtained leave of absence for Mr. KELLER.

Mr. WELSH asked for and obtained leave of absence for Mr. BREWER, for a few days from to-day.

## PETITIONS AND MEMORIALS.

Mr. RUTHERFORD presented a memorial from Gorge Bergner & Co., as follows:

HARRISBURG, January 14, 1859.

To the Speaker and Members of the Senate of Pennsylvania:

GENTLEMEN:—We propose to publish a *Daily Legislative Record*, containing full and accurate reports of the proceedings of both Houses of the Legislature at twenty per cent. less than now paid to R. J. Haldeman, or at the rate of five dollars and sixty cents for each page, (the present price paid being seven dollars per page.)

For the faithful performance of the above proposition, we agree to enter into bonds with the Commonwealth in the penal sum of five thousand dollars, with good and sufficient sureties; and are furthermore willing to enter into articles of agreement under such restrictions as the Committee on Printing, or any other committee designated, may impose upon us. If our proposition should be accepted by the Senate, we stand prepared to furnish the first number of the *Record* within ten hours after the proposition shall have been accepted.

Yours respectfully,

GEO. BERGNER & CO.

Mr. SCHINDEL presented two remonstrances from the citizens of Northampton county, against any effort to remove the seat of justice of said county from Easton to Nazareth.



Mr. GRIFF presented a petition of citizens of Union county, praying for the passage of a law authorizing the laying out of a State road from Sawyer's Gap, in Union county, to McCull's mill, in Clinton county.

#### REPORTS OF COMMITTEES.

Mr. STEEL from the Committee on Rail roads, reported the bill relative to the Philadelphia and Darby railroad as committed.

On motion of Mr. WRIGHT, said bill passed in committee of the whole.

Mr. NUNNEMACHER, chairman of Committee on Roads, reported as committed, "A supplement to the Spinnersville and Goshenhoppen turnpike company."

#### BILLS READ IN PLACE.

Mr. GAZZAM read in his place and submitted "An Act to incorporate the Preachers' Aid Society, of the First Methodist Protestant church, Pittsburg."

Mr. BELL "An Act, entitled 'An Act relating to the action of replevin in cases of distress for rent.'"

Also, "An Act relative to costs in equity in the District court of Philadelphia."

Also, "An Act authorizing the prothonotaries and clerks of courts to administer oaths and affirmations."

Also, "An Act concerning turnpike and plank road companies."

Also, "An Act to simplify legal proceedings and to facilitate the recovery of claims in the courts of this Commonwealth."

Also, "A supplement to an act, entitled 'An Act to alter and amend an act, entitled 'An Act to erect the town of Chester into a borough, and for other purposes therein mentioned.'"

#### ORIGINAL RESOLUTIONS

Mr. BELL offered the following resolution:

*Resolved*, As the sense of the Senate, that each branch of the General Assembly possesses the right to select and appoint its own officers without the assent or approbation of the other, and that neither House can rightly refuse to provide by law for the reasonable compensation of officers re-elected or appointed.

Referred to the Committee on the Judiciary.

Mr. TURNEY offered the following preamble and resolution:

WHEREAS, It is alleged by one of the papers at Harrisburg, that the franking privilege has been abused by the Clerk of the Senate and the House of Representatives during the recess of the Legislature; therefore,

*Resolved*, That the Committee on Accounts be, and they are hereby required, to investigate said charge, and report the facts to this Senate. Which was adopted.

Mr. SCHELL offered the following resolution:

*Resolved*, That the Senate will on Monday next, the 17th inst., at 12 o'clock, M., proceed to the Hall of the House of Representatives, for the purpose of electing a State Treasurer, and that a Teller be appointed by the SPEAKER, to officiate on the part of the Senate, and that the Clerk inform the House of Representatives of the same, together with a list of the nominations that may be made by the Senate.

Which resolution was adopted, and Mr. SCHELL appointed Teller by the SPEAKER, on the part of the Senate.

Mr. SCHELL asked to be excused, which was not granted.

Mr. MILLER offered the following resolution:

*Resolved*, That the Governor is hereby requested to inform the Senate, under the act for the sale of the public works to the Sunbury and Erie railroad company, what sum was offered for the Delaware division of said works, by responsible persons; who the parties were; how much the sum offered by said parties exceeded that actually received for the said division from the Delaware division company; within what time after the passage of said act the entire pub-

lic works of the Commonwealth were sold; and what sum of money the said Sunbury and Erie railroad company received for negotiating a sale to third parties.

Mr. MYER moved to postpone the further consideration of the resolution.

Mr. MILLER asked for information, whether the resolution lays over, or could be considered now? He was under the apprehension that it did not necessarily lay over, unless submitted in the shape of a joint resolution.

Mr. RANDALL did not know what the rule was, but he thought the resolution might be taken up and disposed of now, if it is to be disposed of at all.

Mr. MILLER was perfectly willing that the resolution should lie over.

On motion, the thirty-second rule was suspended.

Pending which, the resolution was laid over.

Mr. WRIGHT made a motion that the Senate now proceed to the nomination of candidates for State Treasurer; which was agreed to.

Mr. WRIGHT nominated Thomas H. Forsyth, of Philadelphia.

Mr. PARKER nominated David Taggart, Northumberland.

Mr. YARDLEY nominated T. E. Cochran, York.

Mr. GAZZAM nominated Thomas S. Struthers, Warren.

Mr. BELL nominated H. S. Magraw, Lancaster.

Mr. BREWER nominated J. M. Kreider, Dauphin.

Mr. CRAIG nominated H. S. Mott, Pike.

Mr. SHAEFFER nominated A. S. Henderson, Lancaster.

Mr. GREGG nominated Eli Slifer, Union.

Mr. RUTHERFORD nominated A. J. Jones, Dauphin.

Mr. THOMPSON nominated James Rittenhouse, Montgomery.

Mr. COFFEY nominated Henry Southco, Elk.

Mr. MILLER nominated William Workman, Washington.

Mr. SCHELL nominated John Scott, Huntingdon.

Mr. PALMER nominated Thomas M. Zulich, Schuylkill.

Mr. SCHINDEL nominated Jos. Laubach, Northampton.

On motion of Mr. WRIGHT, the nominations now close. Agreed to.

Mr. BREWER made a motion, that when the Senate adjourns to-day, it adjourns to meet on Monday next at 11 o'clock.

Mr. HARRIS wished to be furnished with some reason, by the Senator from Franklin, for this contemplated adjournment. He considered the adjournment from to-day, until Monday, as an unnecessary waste of time, which their constituents would not justify them in.

The yeas and nays were required by Mr. HARRIS and Mr. BREWER, and were as follow, viz:

YEAS—Messrs. Bell, Brewer, Craig, Gazzam, Marselis, Miller, Myer, Nunemacher, Palmer, Parker, Shaeffer, Schindel, Steele and Yardley—14.

NAYS—Messrs. Coffey, Fetter, Francis, Gregg, Harris, Penney, Randall, Rutherford, Schell, Scofield, Thompson, Turney, Welsh and Wright—14.

Mr. RANDALL moved a re-consideration, on which

The yeas and nays were required by Mr. HARRIS and Mr. RANDALL, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Blood, Brewer, Craig, Gazzam, Marselis, Miller, Myer, Nunemacher, Palmer, Penney, Randall, Rutherford, Shaeffer, Schindel, Steele, Turney and Yardley—20.

NAYS—Messrs. Coffey, Fetter, Gregg, Harris,

Schell, Scofield, Thompson, Welsh, Wright and Cresswell, *Speaker*—10.

So the question was determined in the affirmative.

Mr. HARRIS moved to postpone; which motion was lost.

The question recurring on the original motion,

The yeas and nays were required by Mr. RANDALL and Mr. HARRIS, and were as follow, viz:

YEAS—Messrs. Bell, Blood, Brewer, Craig, Gazzam, Marselis, Miller, Myer, Palmer, Parker, Randall, Rutherford, Shaeffer, Schindel, Steele, Turney and Yardley—17.

NAYS—Messrs. Baldwin, Coffey, Fetter, Francis, Gregg, Harris, Nunemacher, Penney, Schell, Scofield, Thompson, Welsh, Wright and Cresswell, *Speaker*—14.

So the question was determined in the affirmative.

Mr. TURNEY, chairman of the Committee on Finance, reported the House bill in relation to the purchase of Purdon's Digest and Sutherland's Manual, for the use of the members.

Mr. TURNEY moved to amend by striking out "Sutherland's Manual," which was agreed to.

Mr. RUTHERFORD moved to amend further by adding McKinney's Tax Laws; which was not agreed to.

Mr. MILLER asked for information with reference to the price of Sutherland's Manual and that of Zeigler's.

Mr. TURNEY remarked that Sutherland's Manual was one dollar and twenty-five cents, and the cost of Zeigler's one dollar.

Mr. SCOFIELD remarked that the Senate had already ordered Zeigler's Manual. It was printed at our expense, and was ours. The copyright at present belonged to the State; whereas Sutherland owned his copyright, and if the Senate ordered any copies of the work, the State would have to pay for it.

Mr. TURNEY moved to amend the title by striking out "Sutherland's Manual," and inserting "Zeigler's Manual."

The bill as amended finally passed.

The following message from the Governor was received and read:

EXECUTIVE CHAMBER,  
Harrisburg, Jan. 14, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

GENTLEMEN—I have approved and signed the following acts of the General Assembly, viz:

On the 13th inst., "An Act to authorize the Commissioners of Fayette county to borrow money."

"An Act changing the place of holding the general and township elections in Highland township, Elk county."

"An Act to fix the place of holding elections in Orville township, in Bradford county."

W. F. PACKER.

Mr. YARDLEY moved that the Senate proceed to the consideration of House bill, No. 39, being a supplement to the act incorporating the Spinnerstown and Goshenhoppen turnpike company; which was agreed to.

On motion, the Senate went into Committee of the whole, Mr. MARSELIS in the Chair.

After a short time the committee arose and reported the bill, as committed, after which it passed its several readings, and was sent to the House for concurrence.

On motion of Mr. SCOFIELD, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, Jan. 14, 1859.

The House met at the usual hour, the SPEAKER in the chair.

Prayer was offered by Rev. Mr. Castleman, of the Episcopal church.



The Clerk proceeded to read the Journal of yesterday.

Mr. SMITH, (Philadelphia,) moved that the reading of the same be dispensed with.

Mr. THORN opposed the motion; which was then withdrawn by Mr. SMITH.

Mr. LAWRENCE, (Washington,) moved that the reading of so much of the minutes as relates to petitions be dispensed with; which was agreed to.

The Clerk then read the Journal, in which occurred a reprimand by the SPEAKER to Mr. McCLURE, who was necessarily absent from the meeting of the committee to investigate the right of D. R. McCLAIN to a seat in this House.

Mr. THORN moved that a special committee of five be appointed, to whom that portion of the Journal referring to the reprimand to Mr. McCLURE should be referred for correction.

In explanation, Mr. THORN said that it must be obvious to all that the Journal of the House in the matter alluded to was not correct. No such things had taken place as were asserted.—The speaker was not disposed to adopt false statements. Although slight at present, and of apparently little consequence, the affair ten years hence might assume a serious aspect.—The appointment of a committee of five had seemed to be the only accessible means by which the desired end could be attained, and either by the adoption of this course, or some other, the correction should be made.

Mr. GRITMAN offered an amendment, to the effect that so much of the Journal as refers to the proceedings of the reprimand be expunged.

Mr. THORN believed that they could not be expunged, if a single person in the House objected. He desired to know whether, if the resolution as amended should pass, it would go upon record?

The SPEAKER. It will.

Mr. THORN. That is what we desire to avoid, if possible, and would prefer to come to an amicable adjustment in some other manner. I hope that the matter will be referred to the committee, and that the gentleman will withdraw his amendment.

Mr. GRITMAN. If the gentleman will propose any better plan, I will cheerfully withdraw my amendment.

Mr. CHURCH said that he had considered the whole matter as a joke, and had not expected it to be entered upon the Journal as serious. If it was allowed to remain, however, it might hereafter be considered as a reflection upon the honorable gentleman, and this should not be allowed. He earnestly desired to get rid of it, and believed and hoped that by the unanimous consent of the House, it could be expunged from the minutes and forgotten. It might, however, be a useful lesson to the members in future, to conduct themselves in a more statesmanlike manner.

Mr. LAWRENCE, (Washington,) desired to make a suggestion. He believed that it was in the power of the SPEAKER to correct the Journal. The reprimand had evidently been a mere matter of sport, and the SPEAKER, he hoped, would erase the proceedings at once.

Mr. WILCOX concurred with Mr. LAWRENCE relative to the power of the SPEAKER, and the course which he should adopt.

Mr. KETCHUM said that when the reprimand had taken place, he had been disposed to consider it in the light of a joke, which one friend might indulge in with another. Entertaining this view, he had rather encouraged it, but without supposing for a moment that it would assume the serious aspect which it had taken. One thing however, was evident, and that was there was no better way to increase its importance, than to refer to a special committee. It would then become a subject for grave deliberation. He hoped that Mr. THORN would

withdraw his motion, and that the matter would be at once expunged from the Journal. This course was due to the House; to the gentleman from Franklin, (Mr. McCLURE,) and to the gentleman from Luzerne, (Mr. GRITMAN.) If a committee should be chosen, the fact, together with their discussion, would go abroad throughout the State, and the people seeing it recorded, and not knowing the circumstances, would attach undue importance to a trivial occurrence. The speaker would beg, nay implore the House to proceed at once, and expunge the proceedings.

The SPEAKER stated that on reference to a decision of 1833, he found that he had no authority to expunge.

Mr. THORN said that the passage of any motion to expunge from the Journal part of the proceedings of the House, afforded a dangerous precedent. The record was incorrect, and the question therefore was not one of expunging, but of correction; and a correction too of what must be a manifest error to every body. It was proper to state that a new difficulty might arise, from the fact that it would be necessary to again report Mr. McCLURE for absence from the committee yesterday.

A published record carried the proceedings of the House to every part of the State, and would be preserved for years. Who could say but that ten years hence, the matter would be seized upon by some scribbler for political fame, and used to the detriment of the member from Franklin. It was impossible to expunge or deface the record, and the evil must be remedied in another way. It would never do for an arbitrary majority to have the power to wipe out the proceedings, for the precedent would be too dangerous.

Mr. THORN expressed a willingness to modify his motion, so as to refer the Journal to the SPEAKER and Clerk for correction.

Mr. NILL favored the views of Mr. THORN, and hoped to see the matter in question properly taken from the Journal. He was willing to adopt the course which would be most advantageous to the parties concerned, and the proposal of Mr. THORN seemed to be satisfactory, viz: to refer to the SPEAKER and Clerk.

Mr. LAWRENCE, (Washington,) moved, as an amendment to the amendment of Mr. GRITMAN, that the Journal be referred to the SPEAKER and Clerk for correction; which was adopted, and the matter was thus finally disposed of.

#### ORIGINAL RESOLUTION.

Mr. WILLIAMS, (Bucks,) submitted a resolution that when the House adjourn, it will adjourn to meet again to-morrow morning at 10 o'clock, and that that be the standing hour for meeting until otherwise ordered.

The House refused to pass to the second reading of the same.

Mr. GLATZ offered a resolution, that when this House adjourn, it do so to meet again next Monday at 11 o'clock, A. M.

Mr. WILLIAMS, (Bucks,) said this really appeared as if the House was not disposed to do anything for all time to come. He would chronicle the fact for the information of the members that there was a bill pending to reduce the salary of the Representatives to five hundred dollars, and if they had anything to do, they had better do it quickly. The bare idea of adjourning over till Monday was an absurd one. The House met every day at 11 o'clock, consumed two hours with the debate of vexed questions, and adjourned. If there was anything to do, why not do it? If there was nothing to do, why then pass the five hundred dollar bill and go home.

Mr. HAMERSLY wished this resolution to be postponed, for when it came up in due time, he designed making a motion to reduce the pay of members far below what the gentleman from

Bucks, (Mr. WILLIAMS) contemplates. It would then be seen who would be the most economical.

The question recurring,

Shall said resolution be read the second time?

The yeas and nays were required by Mr. WILLIAMS and Mr. HAMERSLY, and were as follow, viz:

YEAS—Messrs. Abbott, Balliet, Bertolet, Boyer, (Clearfield,) Brodhead, Burley, Custer, Ellmaker, Evans, Galley, Glatz, Gray, Green, Gritman, Harding, Keueagy, Ketchum, Kinney, McClain, Neall, Nill, Pierce, Porter, Price, Rohrer, Sheppard, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Styer, Walhorn and Wood—33.

NAYS—Messrs. Acker, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Campbell, Chase, Church, Dismont, Dodds, Durbaraw, Eckmau, Fearon, Fisher, Fleming, Foster, Goepp, Graham, Gratz, Hamersly, Hill, Hottenstine, Irish, Jackson, Laird, Lawrence, (Washington,) Mann, Mehaffey, McClure, McCurdy, McDowell, Miller, Oaks, Palm, Patterson, Pennell, Pinkerton, Pugh, Quigley, Ramsdell, Rose, Rouse, Shaffer, Shields, Stoneback, Stuart, Taylor, Thompson, Wagonseller, Walker, Warden, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Witherow, Wolf, Woodring, Zoller and Lawrence, *Speaker*—63.

So the question was determined in the negative.

Mr. SMITH, (Berks,) offered a resolution that the act introduced by the gentleman from Bucks, (Mr. WILLIAMS,) for the repeal of so much of the act of 21st April, 1858, as related to the salaries of members of the Legislature, be the first thing in order after the regular orders of the day.

Mr. McCLURE asked leave to make a statement. It would be impossible to consider that bill to day, inasmuch as a special committee was to be appointed at 12 o'clock.

Mr. THORN advocated its immediate consideration.

Mr. WILLISTON should like to have it taken up at as early a day as possible.

Mr. SMITH, in response to an intimation that he had submitted the resolution as a matter of form, merely to satisfy his constituents, said that he had offered it with the most unaffected sincerity. He did not admit the right of Mr. THORN or any member to impute to him improper motives. If it was impossible to proceed to the consideration of the bill to day, then he would modify the resolution so as to consider it at the earliest possible day. While he desired to conform to the well known wishes of his constituents upon this question, he was at the same time actuated by higher considerations of public duty, in supporting the bill proposed to be considered. A further increase of compensation, as proposed by the gentleman from Philadelphia, would doubtless be but just to the pre-eminent deservings of that gentleman; ordinary men do not estimate themselves so highly, and will acquiesce in the reduction of the present salary as provided for in the act of the gentleman from Bucks. The subject would probably provoke much discussion, into which it would now be premature to enter.

The SPEAKER here stated that as the resolution was not the property of the House, it was not debatable.

Mr. HAMERSLY inquired whether the bill had not been already referred to a select committee. If so, then a motion would have to be made that said committee be discharged from the further consideration of the bill, prior to before proceeding any farther.

The SPEAKER replied that the bill had not been so referred.

Mr. HAMERSLY then added that the question was wholly out of order.



The SPEAKER decided it not in order—it was not the function of the Chair, however, to determine whether the resolution will accomplish the desired object or not.

The question recurring,

Will the House proceed to the second reading and consideration of said resolution?

The yeas and nays were required by Mr. SMITH, (Berks) and Mr. STEPHENS, and were as follow, viz:

YEAS—Messrs. Acker, Barnsley, Barlow-Bertolet, Boyer, (Clearfield,) Brodhead, Bryson, Burley, Custer, Dismont, Durbaraw, Eckman, Fearon, Galley, Glatz, Goepf, Graham, Gray, Gritman, Hill, Hottenstine, Jackson, Keneagy, Kinney, M'Curdy, Oaks, Patterson, Pennell, Porter, Rohrer, Shaffer, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Taylor, Thompson, Wagonseller, Walker, Warden, Williams, (Bedford,) Williams, (Bucks,) Wilson, Wolf, Woodring and Zoller—48.

NAYS—Messrs. Abbott, Balliet, Bayard, Boyer, (Clearfield,) Campbell, Chase, Church, Dodds, Ellmaker, Evans, Fisher, Fleming, Gratz, Hamersly, Harding, Irish, Ketchum, Laird, Lawrence, (Washington,) Mann, Mahaffey, M'Clain, M'Clure, M'Dowell, Miller, Neall, Palm, Peirce, Pinkerton, Price, Pugh, Ramsdell, Rose, Rouse, Sheppard, Smead, Styer, Thorn, Walborn, Wigton, Wilcox, Wiley, Williston, Wood and Lawrence, *Speaker*—46.

So the question was determined in the affirmative.

#### SELECTION OF A COMMITTEE.

Pending the further consideration of the above,

The hour of twelve having arrived, the House, agreeably to order, proceeded to the selection of a committee to investigate the right of OLIVER EVANS to a seat in this House.

The Clerk called the roll of the members, when the following gentlemen answered to their names:

Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Custer, Dismont, Dodds, Durbaraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Foster, Galley, Goepf, Graham, Gratz, Gray, Green, Gritman, Hamersly, Hill, Hottenstine, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mahaffey, M'Clain, M'Clure, M'Curdy, Miller, Neall, Oaks, Palm, Pennell, Peirce, Pinkerton, Porter, Price, Pugh, Ramsdell, Rose, Rouse, Shaffer, Sheppard, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Styer, Taylor, Thompson, Thorn, Wagonseller, Walker, Warden, Wigton, Wilcox, Wiley, Williams, (Bucks,) Williams, (Bedford,) Williston, Wilson, Witherow, Wolf, Wood, Woodring, Zoller and Lawrence, *Speaker*—93.

Mr. HAMERSLY appeared as temporary counsel on behalf of the contestant, and

Messrs. GOEPP and GRITMAN officiated on behalf of the sitting member, Mr. EVANS.

Messrs. BAYARD and BRODHEAD were appointed tellers on the part of the House.

A committee was then chosen after the usual manner, consisting of the following named gentlemen, who were duly sworn:

Messrs. ACKER, WILSON, FISHER, FOSTER, THOMPSON, THORN, ROSE, SMITH, (Berks,) and MILLER.

On motion of Mr. HAMERSLY, said committee was directed to meet in the east committee room to-morrow at 9 o'clock.

#### REPORTS OF COMMITTEES ON CONTESTED ELECTION CASES.

Mr. GRITMAN rose to a privileged question. As chairman of the committee in the case of D. R. M'CLAIN, he was instructed to report

the absence of Mr. A. K. M'CLURE from the meeting of said committee.

The SPEAKER asked Mr. M'CLURE, whether he had a satisfactory excuse to make, for his non-attendance.

Mr. M'CLURE rose and presented to the Chair the following, which was read by the Clerk:

#### ANSWER OF A. K. M'CLURE,

Who was reported to the House for non-attendance upon the select committee to try the contested election from the Third representative district of Philadelphia.

I have failed to attend the several meetings of the committee because other engagements rendered it impossible for me to do so. I was selected one of the counsel for another contestant, (Mr. PROUDFOOT, of Cambria,) before the committee, of which I am a member, was drawn; and at the time of the drawing I rose in my place in the House and asked to be excused from serving, because I was counsel in another case that would be in course of investigation at the same time, and, also, because I must necessarily be absent the whole of next week. The Chair decided me out of order, on the ground that no member could be excused from serving unless challenged. I immediately called upon the counsel for the defendant, and asked him to challenge me. He refused to do so, and stated that if I could not attend all the sessions of the committee, I could examine the testimony taken and join in the report.

The first meeting of the committee was held on Tuesday evening. I spent that evening in consultation with the contestant from Cambria and the associate counsel. But two days more remained in which his petition could be presented or amended, and the case admitted of no delay. Hence my failure to attend the first two meetings of the committee, and the same reason detained me on Thursday.

On Thursday, the chairman of the committee (Mr. GRITMAN) reported me to the House for non-attendance, as was his duty, in accordance with the one hundred and sixty-second section of the act relating to elections. I was called upon to account for my absence, and answered, in effect, if not substantially, as follows: "I was absent from the committee because other engagements rendered it necessary for me to be absent, and it is impossible for me to be in two places at one time. In failing to attend, I certainly meant no disrespect to either the House or the committee."

The SPEAKER replied: "The gentleman from Franklin will come forward and receive a reprimand." I obeyed the mandate of the Chair; and when I presented myself at the bar of the House, the SPEAKER said: "The gentleman from Franklin will be kind enough to consider himself reprimanded."

The spirit in which it was done and regarded by the House, made it a matter of little moment; but the fact that it has been made a matter of record, and found its way into the public prints, compel me, in justice to myself, to state the facts, and make them of record also.

My presence is not indispensable on the committee, nor has its business been retarded at all by my absence. Seven of the nine constitute a quorum, and the Chair erred in the conviction that the failure of one member to attend must dissolve the committee. Two may be absent all the time, and different members each time, and yet the proceedings have all the formality of law.

I have in no respect neglected to discharge my duty. My absence has been unavoidable, for the reasons stated, and it is impossible for me to meet at all within the next ten days. I insist, therefore, that I shall be excused from time to time, as required by the law, "when

satisfactory reasons" are given, until it is in my power to attend.

Respectfully submitted,

January 14, 1859. A. K. M'CLURE.

Mr. GRITMAN moved that the statement just read be deemed as sufficient.

Mr. M'CLURE asked whether for the alleged offence, committed yesterday and to-day, his statement would be deemed satisfactory.

Mr. GRITMAN replied that he intended the motion to cover both cases.

On the question,

Will the House agree to the motion of Mr. GRITMAN?

The yeas and nays were required by Mr. M'CLURE and Mr. THORN, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Custer, Dismont, Dodds, Durbaraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Foster, Galley, Glatz, Goepf, Graham, Gratz, Gray, Green, Gritman, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mahaffey, M'Clain, M'Curdy, McDowell, Miller, Neall, Oaks, Palm, Patterson, Pennell, Pierce, Pinkerton, Porter, Price, Pugh, Ramsdell, Rohrer, Rose, Rouse, Shaffer, Sheppard, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Styer, Taylor, Thompson, Thorn, Wagonseller, Walborn, Walker, Warden, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Witherow, Wolf, Wood, Woodring, Zoller and Lawrence, *Speaker*—91.

NAYS—None.

So the question was determined in the affirmative.

Mr. M'CLURE demanded that the explanation be put upon the record.

On motion of Mr. Laird, it was ordered that 100 copies of the bill and answer on the contested election case of Mr. PORTER, of Cambria county, be printed for the use of the members of the committee, and that the services of a clerk be secured for the same.

#### ORIGINAL RESOLUTION.

Mr. M'CLURE submitted a resolution that the House, in conjunction with the Senate, on next Monday at 12 o'clock, M., proceed to the election of a State Treasurer, according to law—that general nominations for that office be made to-day—that a teller be appointed on the part of the House—and that the Clerk of the House be requested to inform the Senate of the same; which was adopted.

The following nominations were then made:

Mr. McDOWELL nominated Mr. Taggart.

Mr. WAGONSELLER nominated Mr. Eli Slifer.

Mr. THORN nominated Mr. Souther.

Mr. CHURCH nominated Mr. A. J. Jones.

Mr. WALBORN nominated Mr. W. N. Thomas.

Mr. ELLMAKER nominated D. S. Henderson.

Mr. PALM nominated Mr. T. M. Zulick.

Mr. PEIRCE nominated Mr. Townsend Walters.

Mr. IRISH nominated Mr. Struthers.

Mr. BARLOW nominated Mr. W. W. Brown.

Mr. DURBARAW nominated Mr. T. E. Cochran.

Mr. M'CLAIN nominated Mr. H. S. Magraw.

Mr. WITHEROW nominated Mr. Christian Hoover.

Mr. FOSTER nominated Mr. H. S. Fleming.

Mr. BRODHEAD nominated Mr. H. S. Mott.

Mr. GLATZ nominated Mr. Wilcox.

Mr. STEPHENS nominated Mr. E. W. Hamlin.



Mr. JACKSON nominated Mr. Smith, (Berks.)

Mr. GRAY nominated Mr. Jno. Phalon.

Mr. MILLER nominated Mr. Price.

Mr. LAWRENCE (Washington) nominated Mr. William H. Keim, (Berks,) but withdrew it.

Mr. SMITH, (Berks,) here stated that as he did not wish to embarrass the Democratic caucus, he would most respectfully withdraw his name.

Mr. PRICE withdrew his name.

On motion of Mr. GLATZ, the nominations were here closed.

Mr. FOSTER was appointed Teller on the part of the House.

The Deputy Secretary of the Commonwealth being announced, presented a message from the Governor in writing, which was read: as follows:

EXECUTIVE CHAMBER, }  
Harrisburg, Jan. 14, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMAN:—I have approved and signed the following acts of the General Assembly:

An Act to authorize the commissioners of Fayette county to borrow money.

An Act changing the place of holding elections in Highland township, Elk county.

An Act to fix the place for holding elections in Orwell township, Bradford county.

WM. F. PACKER.

On motion, the SPEAKER adjourned the House until to-morrow morning at 11 o'clock.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, Jan. 15, 1859.

The House met at the usual hour. The SPEAKER in the chair.

Prayer was offered by the Rev. Mr. Miles, of the Baptist church.

The Clerk proceeded to read the Journal of yesterday; when,

On motion of Mr. WOLBORN, the further reading of the same was dispensed with.

The SPEAKER then directed the Clerk to read that part of the Journal referring to Mr. M'CLURE, of Franklin; which was read and approved.

#### VETO MESSAGE.

The House proceeded to the consideration of the following veto message:

EXECUTIVE CHAMBER, }  
Harrisburg, Jan. 6, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—On the last day of the legislative session of 1858, a bill was presented for my approval, entitled "An Act further to provide for the incorporation and regulation of insurance companies within this Commonwealth."

I have examined the bill before me, which is very voluminous, with great care, and have devoted much time and attention to its consideration. Finding many of its provisions wise, and well calculated to exercise a beneficial influence over the management of the various insurance companies of the State, and recognizing the great necessity for legislation on the subject, it is with regret I announce to the General Assembly that I found the bill in some of its terms and details so extremely objectionable that in my judgment it ought not to become a law.

The first section of the bill makes it the duty of the judges of the district courts in the cities of Philadelphia and Pittsburg, annually to appoint three commissioners, who shall, in each year examine the statements made by the insurance companies in their respective cities, and in the county of Allegheny, and when the commissioners are satisfied that any such company is possessed of the amount of capital named in the section, the commissioners shall certify to the fact, and upon obtaining said certificate, the company may lawfully transact the

business of an insurance company, subject to the annual renewal of the certificate. But in the event that the commissioners shall find upon examination that the company or association is insolvent, or without the capital required by the act, they are directed to report the fact to the proper court of the county, which court is required to issue an injunction, to restrain the company or association from transacting the business of insurance. And, if the insolvency reported by the commissioners shall appear to be correct, the court is to appoint a receiver to wind up the affairs of the company, and distribute its assets, after the payment of expenses, ratably among the creditors of the company. The section also requires the insurance companies of the city of Philadelphia to provide an office for the commissioners, in which a record of their proceedings is to be kept.

The power of the Legislature to appoint a commissioner to inquire into the condition of insurance companies, and to authorize judicial proceedings in case of such as are believed to be insolvent, is unquestionable, and the exercise of such a power would probably be highly beneficial to the interests of the public; but this section requires every solvent company to obtain annually a certificate in the nature of a license to transact business, and this applies to all companies now existing, as well as to those which may hereafter be incorporated. It is questionable whether such a restriction or condition can be imposed upon the legitimate exercise of powers already granted. The various acts incorporating insurance companies, give the right to commence and continue the business of insurance on certain terms therein specified. This bill proposes to alter these terms by imposing others which may interrupt their business, though they may be perfectly solvent and even prosperous, and it also subjects them to other than judicial control; and finally, it deprives them of an appeal to the supreme court of the State, as by the nineteenth section the decision of the district court is made final and conclusive.

The section is, moreover, incongruous and imperfect; for, while it requires the commissioners to report to the court such companies as are found to be insolvent, or without the requisite capital, it only authorizes proceedings against such as are reported to be insolvent, making no disposition whatever of such as are solvent, but without the required capital.

The second section makes the refusal or neglect of any company to comply with the conditions of the first section, cause of forfeiture of the charter, and imposes upon the president and secretary, upon conviction thereof, a fine of five hundred dollars. It is difficult to perceive why the president and secretary should be liable to conviction and punishment for the neglect or refusal of the company, acting through its board of managers, to comply with the requirements of the section.

Under the fourteenth section of the bill, mutual insurance companies now incorporated and located in the cities of Philadelphia, Pittsburg, or Allegheny, or having agencies therein, as well as all such companies hereafter to be incorporated, wherever located, are forbidden from issuing any policy of insurance until they have a subscription list of persons desiring to become insured members, whose premiums shall amount in the aggregate to fifty thousand dollars; such companies are also required to confine their risks to the counties in which they may be severally located, and the adjoining counties; and are enjoined from issuing any policy until notice of the form thereof shall be published in one or more newspapers of the county where such company shall be located.

These provisions, in my opinion, are unnecessarily stringent and severe upon mutual insurance companies. Some of the most substan-

tial and reliable companies in this Commonwealth are based upon the plan of mutual liability, with premium notes assessable for losses; their insurances extending to every city and county in the State, amounting in the aggregate to many millions of dollars, and as well secured as they can possibly be by any joint stock company. Why should such companies, so organized, and which make no dividends of profits, whether located in the cities of Philadelphia or Pittsburg, or Allegheny, or elsewhere, be confined in their risks to the county in which the particular company may be located and the counties adjoining thereto, while joint stock companies, that are the subject of speculation, and that declare large profits, are given a charter extensive as the State? I have looked in vain for a sufficient reason for making this distinction. Common justice requires that all shall be placed by law on an equal footing, and that none shall be favored or proscribed; then if either system prove unworthy of confidence, let it be condemned; and instead of limiting its operations to a single county or neighborhood, let it be entirely abrogated. Besides, the provision under consideration directly interferes with the power and privileges already solemnly granted by charter to mutual insurance companies, to extend their business throughout the Commonwealth.

Again, would not the provision which requires premium notes to the amount of at least fifty thousand dollars before a policy can be issued, prevent any company from going into operation on the mutual principle, at least in the interior of the State? If two and a half per cent. be taken as an average rate of insurance, it would require property offered to be insured amounting to two millions of dollars to produce the required fifty thousand dollars of premium notes; and when it is recollected that no insurance could be effected outside of the county where the company may be located, and those immediately adjoining it, it is obvious that in many sections of the State it would be nearly or quite impossible to obtain the amount of applications thus required.

The eighteenth section is also objectionable. It provides "that the insurance companies and insurance associations respectively, of the city of Philadelphia and of the city of Pittsburg, insuring property against loss by fire, shall, after obtaining the certificate required by this act, appoint one delegate each to meet in convention in the city of Philadelphia, on the last Tuesday of September next, and adopt such uniform fire policy or policies as such convention shall deem necessary and proper, copies of which shall be filed with the insurance commissioners in said cities, and also with the Auditor General immediately after their adoption, and published by the said companies in each of said cities for at least one week in two daily newspapers having the largest bona fide circulation therein; and such policies shall, on and after the first day of December next, become of general use; and it shall not be lawful for any insurance company incorporated by or doing business within this Commonwealth, thereafter to issue any policy of insurance against loss by fire in the city of Philadelphia, or county of Allegheny, other than in the form of the policies so agreed upon and adopted; and any company or the agent of any company issuing any policy in violation of this section, shall forfeit and pay the amount of insurance specified in any such policy to the party so insured: *Provided*, That this section shall not apply to companies exclusively mutual."

This section deprives the companies therein named of the power of making contracts of insurance on such conditions and terms as may be agreed to by both parties. Whatever the nature of the property, or of the risk, or wherever it may be situated, and whether the contract be made through an agent or by an immediate of-



ficer of the company, no form can be used, under a heavy penalty, except the one agreed upon in convention.

The right or liberty to settle the terms and conditions and form of the contract, is necessarily included in the general grant of power to make insurance without express words, and it is also given expressly in very many charters.—The conditions, limitations, modifications, covenants and warranties in policies of insurance, are as various as the risks, and heretofore the parties to the contract were at liberty to make their own bargain. But this section requires the companies to agree through delegates to a common form, or forms, which shall be used in every case. Even in the conveyance of real estate this is not practicable; but in matters of contract, which relates to an infinite variety of risks and contingencies, it is, in my opinion, impossible. It is the policy of our law to leave all who are competent to contract free to agree for themselves, stipulating, however, for things lawful, and observing good faith, and, to my mind, the attempt to produce uniformity in contracts of insurance is such a departure from that policy, confirmed as it is by the experience of ages, as to render the experiment neither practicable nor desirable. It is quite impossible to foresee what special conditions it may be necessary to introduce into a policy, and it is unwise to place it out of the power of the parties to provide for such contingencies. The result of the adoption of this provision would undoubtedly be that no prudent company would take any risk that was not sufficiently provided for by the contract settled by the convention; and consequently parties wanting special risks insured would be compelled to go out of the State to get their insurance.

It will afford me great pleasure to co-operate with the General Assembly in providing additional checks, and making other salutary regulations for the government of insurance companies, so as effectually to protect the public against the impositions and fraudulent practices of dishonest institutions. But for the reasons already assigned, I cannot approve of this bill. It is, therefore, herewith returned to the House of Representatives, where it originated, for reconsideration. WM. F. PACKER.

In obedience to the provisions of the Constitution, a vote was then taken.

On the question,

Shall the above bill become a law notwithstanding the objection of the Governor? the yeas and nays were as follow, viz:

YEAS—Messrs. Church, Foster, Neall and Rohrer—4.

NAYS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Custer, Dismont, Dodds, Durbaraw, Eckman, Ellmaker, Fearon, Fisher, Fleming, Galley, Glatz, Goepf, Graham, Gray, Green, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, M'Clure, M'Curdy, M'Dowell, Miller, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Porter, Price, Pugh, Ramsdell, Rose, Rouse, Shaffer, Shields, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thompson, Thorn, Wagon seller, Walborn, Walker, Warden, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Witherow, Wolf, Woodring, Zoller and Lawrence, *Speaker*—85.

So the question was determined in the negative.

The House next proceeded to the consideration of the following:

EXECUTIVE CHAMBER, }  
Harrisburg, Jan. 6, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I herewith return to the House

of Representatives, where it originated, a bill presented for my approval on the 21st day of April last, entitled "An Act to authorize Isaac M. Pennock, trustee, to appropriate certain portion of a trust fund to the payment of debts due for the support of the *cestui que trusts*."

The first and only section of this bill provides that Isaac M. Pennock, trustee of Mary A. Woods and children, be authorized and empowered, and is hereby authorized and empowered, to appropriate two thousand dollars of the trust estate in his hands for the payment of debts due for the support and maintenance of the *cestui que trusts*: *Provided however*, That the same be done under the order and subject to the control of the orphans' court of the proper county, and that the amount so appropriated and used shall be accounted for under the laws of this Commonwealth relating to such matters.

My objection to this bill is that it is a legislative appropriation of money received by a trustee under a power which specifies the objects of the trust and directs the application of the trust fund. If the proposed legislation is in accordance with the provisions contained in the deed of trust, it is unnecessary. If it is in contravention of the trust, it is the exercise of a doubtful power, and therefore clearly wrong. He who conveys property to another in trust for private purposes, has the undoubted right to direct the application of the trust fund; and so long as such direction is not forbidden by the law of the land, it should be scrupulously followed. Any interference with such direction, even by the constituted authorities of the State, would be an infringement of private rights, and ought to be carefully avoided.

Entertaining these views, I cannot approve the bill under consideration.

WM. F. PACKER.

On the question,

Shall the bill pass notwithstanding the objections of the Governor? the yeas and nays were as follow, viz:

YEAS—Mr. Bayard—1.

NAYS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Custer, Dismont, Dodds, Durbaraw, Eckman, Ellmaker, Fearon, Fisher, Fleming, Foster, Galley, Glatz, Goepf, Graham, Gray, Green, Gritman, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, M'Clure, M'Curdy, M'Dowell, Miller, Neall, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Porter, Price, Pugh, Ramsdell, Rohrer, Rose, Rouse, Shaffer, Sheppard, Shields, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thompson, Thorn, Wagon seller, Walborn, Walker, Warden, Whitman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Witherow, Wolf, Woodring, Zoller and Lawrence, *Speaker*—90.

So the question was determined in the negative.

The House then took up the following:

EXECUTIVE CHAMBER, }  
Harrisburg, Jan. 6, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—On the 21st day of April last, the General Assembly presented for my approval a bill, entitled "An Act to quiet titles under wills executed in other States;" and as the Legislature, by its final adjournment, prevented its return at that session, I herewith send it back, with my objections, to the House of Representatives, in which it originated, for re-consideration.

This bill provides that, in all cases in which the owner of lands within this Commonwealth, residing at the time of his demise in any other of the United States, shall have devised his

said lands in this State, by last will and testament, executed and proved in accordance with the requirements of the laws of the State where he executed the same, and the devisee or devisees, his or their heirs or assigns, shall have held and paid taxes on said lands, for twenty years or upwards, the title shall be deemed as good and valid as if said last will and testament had been executed and proved within this State, and in conformity with the laws of this Commonwealth.

I cannot approve of this bill, because it proposes by retro-active legislation to declare titles to land good, which would be clearly bad without such legislation. It is a well settled rule of law, and a rule of property, as well as of law, that wills by which real estate is devised must be executed and proved according to the law of the place where the land lies. It is also well settled that mere payment of taxes will not of itself give title to real estate. A legislative declaration, therefore, that a will not executed according to the laws of this State, accompanied by payment of taxes for twenty years, conveys a good title to land, is contrary to the existing law, and it is highly probable that such a declaration would be inoperative so far as regards rights already vested. I question the power of the Legislature to make one man's title good, and consequently destroy the title of another, by such legislation. Wills not proved and executed according to the laws of this State, are, as to land within this Commonwealth, no wills at all; and upon the death of the owner of such land the title descends to his heirs at law. Now to declare that land so situated, shall pass by will and not by descent, savors more of a judicial decree than of a legislative enactment. Similar legislation has heretofore been declared, by the highest judicial tribunal in this Commonwealth, to be unconstitutional and void, and it is not likely that the present attempt to make a good title out of a bad one, would be successful. At all events, I feel that I am in the performance of a plain duty, in refusing to give the bill under consideration, my official sanction.

WM. F. PACKER.

Mr. WILLISTON said that he did not know whose bill this was, or who it would affect, but he could not agree with the Governor in the views which had induced the veto message. He could see no valid objection to the bill, and hoped that the veto would fall. If a man had a right to dispose of his property as he pleased, he should not be debarred from doing so by any technical objection.

On the question,

Shall the bill pass, notwithstanding the objections of the Governor? the yeas and nays were as follow, viz:

YEAS—Messrs. Acker, Balliet, Graham, Mann, M'Clure, Neall, Pinkerton, Price, Rouse, Witman and Williston—11.

NAYS—Messrs. Abbott, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Custer, Dismant, Dodds, Durbaraw, Eckman, Ellmaker, Fearon, Fleming, Foster, Galley, Glatz, Goepf, Gray, Green, Gritman, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mehaffey, M'Curdy, M'Dowell, Miller, Oaks, Palm, Patterson, Peirce, Porter, Pugh, Ramsdell, Rohrer, Rose, Shaffer, Shields, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thompson, Thorn, Wagon seller, Walborn, Walker, Warden, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Witherow, Wolf, Woodring, Zoller and Lawrence, *Speaker*—76.

So the question was determined in the negative.

Mr. FOSTER, as chairman of a select committee, in accordance with the 139th section of the act relating to elections, approved July 2, 1839, respectfully reported that Mr. ROSE had



neglected to attend the meeting of the committee on the contested seat of Mr. EVANS, of the Thirteenth representative district of Philadelphia.

Mr. ROSE said that the only excuse which he had to offer, was that he had been mistaken as to the time of meeting of the committee in question. He had been on another committee which met at 10½ o'clock, and had been in error as to the hour designated for the assembling of the first. He hoped that the House would consider this as a sufficient excuse, inasmuch as this was the first time which he had yet been absent from a committee meeting.

Mr. THORN moved that the House consider the excuse as satisfactory; which was agreed to.

#### ORIGINAL RESOLUTIONS.

Mr. CHASE offered a resolution calling upon the different heads of departments of the Commonwealth, to furnish the House with a statement of the estimated contingent expenses of their respective departments in detail; which was adopted.

Mr. FOSTER, as chairman of the committee to investigate the contested seat of Oliver Evans of the Thirteenth representative district, offered a resolution that the committee be authorized to employ a clerk, and to have the bill and answer printed; which was read, considered and adopted.

Mr. THORN asked leave to make a statement; leave was given.

Whereupon Mr. THORN said that the late Clerk of the House, who, in common with the other members the speaker held in high esteem, had requested the presentation of the following preamble and resolution. He asked permission of the House to offer them. The House consenting, he read the following:

WHEREAS, It is alleged by one of the papers of Harrisburg, that the franking privilege has been abused by the Clerks of the Senate and House of Representatives, during the recess of the Legislature; therefore,

Resolved, That the Committee on Accounts be, and are hereby instructed, to investigate the said charge, and report the facts to the House.

Mr. THORN stated that he knew nothing of the matter personally, not having even seen the article in the newspaper. He only desired that justice might be done to the parties interested.

Mr. WILLISTON said that recently a decision had been made in the House, that reports which were not based upon better authority than the newspapers, were not to be considered by committees. Out of regard, however, for the Clerk of the late House, the speaker would not oppose this motion, although the precedent was a bad one.

Mr. KETCHUM said that the case referred to by Mr. WILLISTON, was essentially different from the one at present before the House. In the former instance, the question had affected a corporation, (a body which proverbially had no soul,) but now, it was a question affecting a private individual, a regard for whose rights and feelings should provoke a full investigation. He hoped that the resolution would pass.

Mr. WILLISTON did not wish to be misunderstood. He would make no opposition to the passage of this particular resolution.

The question being taken, the resolution was adopted.

Mr. CHURCH asked permission of the House to make a statement, and would first request the reading of an article from a Harrisburg newspaper of the morning. Leave being given, the Clerk read the following:

"TROUBLE IN HIGH LIFE—A LEGISLATOR COWHIDED.—Yesterday afternoon, soon after the adjournment of the House, the neighborhood of State and Second streets was the scene of quite an animated encounter between two gentlemen from Philadelphia—the one holding a seat as

Representative, and the other as contestant.—The difficulty grew out of some remarks made by Col. Church, the holding member, whilst the question of his right to a seat was under consideration in the House. Donovan struck Church several blows, broke his cane over his head, and drew his cowhide, with which he dealt a number of severe blows. The parties were separated by some gentlemen, who chanced to be present, and the unfortunate affair was prevented from leading to more serious consequences. Col. Church, we understand, has several cuts and bruises across his head and face, although not seriously injured. These are the facts, as well as we have been able to glean them."

Mr. CHURCH desired to say in regard to this matter a few words. It was his duty to do so, for the article in question contained a reflection upon the House, through one of its members. That member was himself, and his actions were the property of the House. Whatever he might do in the streets of Harrisburg he felt himself responsible for to his fellow members.

The statement in the paper was incorrect, perhaps not intentionally so, but through ignorance. The speaker had had no contest with any party, and as long as he was a representative, would have none, either in the streets of Harrisburg or elsewhere. He owed a duty to his honorable constituents, and would endeavor to maintain it in a worthy manner.

Mr. ELLMAKER offered a resolution that C. M. Donovan be expelled from the floor of the House for the remainder of the session on account of a "most brutal and cowardly assault" upon Mr. CHURCH.

Mr. SMITH (Berks) desired to know whether the object contemplated by the resolution did not transcend the power of the Legislature.

The CHAIRMAN. The resolution is in order.

Mr. SMITH, (Berks,) said that he still thought that the House had no authority in this matter, and should feel it his duty to vote against this.

Mr. THORN also said that from a sense of duty he should feel obliged to vote against the resolution. Whatever event may have occurred in the streets, was to come before the consideration of a court of justice, and he doubted the power of the House to pass the resolution at this time.

Mr. HARDING said that whatever reparation was due to his colleague from Philadelphia, should come from the floor of the House of which he was a member.

The resolution was adopted.

Mr. HAMERSLY asked and obtained leave of absence for Messrs. WOOD and GRATZ, members from Philadelphia, for a few days from to-day.

Mr. ELLMAKER asked and obtained leave of absence for Mr. MCCLURE.

Mr. KINNEY asked and obtained leave of absence for Mr. SMEAD.

Mr. ZOLLER offered a resolution, that the Clerk be requested to furnish the House on Monday next the estimated cost of the calling of the yeas and nays on all the unimportant questions under consideration—the waste of time in fruitless discussion—the cost of printing yeas and nays in the Journal, &c.

The House refused to proceed to the second reading of said resolution.

Mr. GOEPP asked and obtained leave of absence for Mr. SMITH, (Berks,) for a few days from to-day.

Mr. CHASE asked and obtained leave of absence for Mr. NILL, for a few days from to-day.

#### REPORTS OF COMMITTEES.

Mr. WILCOX, (Ways and Means,) with amendment, "An Act relative to the final report of the geological survey of the State."

Mr. CHASE, (same,) "A resolution relative to

fitting up the hall of the House, originating in committee."

On his motion, said committee was discharged from the further consideration of the act for the relief of Catharine Keller.

The act was referred to the Committee on Pensions and Gratuities.

Mr. LAWRENCE, (Washington,) (Ways and Means,) with a negative recommendation, "An Act to exempt parsonages from taxation."

Mr. KENEAGY, (Election Districts,) as committed, "An Act to repeal an act to change the place for holding elections in Porter township, Schuylkill county."

Also, (same,) "An Act to change the place for holding elections, in Riley township, Schuylkill county, with a negative recommendation."

Mr. PENNELL, (Roads and Bridges,) as committed, "An Act relative to the opening and making of new roads and building of bridges in the township of West Marlboro, Chester county."

Also, (same,) as committed, "An Act declaring Plunkett's creek, in Lycoming county, a public highway."

Also, (same,) as committed, "A supplement to an act to incorporate the Byberry and Bensalem turnpike road company, approved March 10, 1848."

Also, (same,) as committed, "A further supplement to an act incorporating the Wilmington and West Chester plank road company."

Mr. HAMERSLY, (Corporations,) with an amendment, "An Act to incorporate the Penu warehouse company, of Philadelphia."

Mr. ELLMAKER, (same,) with amendment, "An Act to incorporate the Schuylkill and Delaware dredging company."

Mr. BARNESLEY, from the Committee appointed to Compare Bills and present them to the Governor for his approbation, reported the following:

"An Act authorizing the commissioners of Fayette county to borrow money."

"An Act to change the place for holding elections in Highland township, Elk county."

"An Act to change the place for holding elections in Orwell township, Bradford county."

Mr. LAWRENCE, (Washington,) chairman of select committee to which was referred the Governor's message, made report, that they have performed that duty, and suggest that that portion of the message which refers to finance, be referred to the Committee on Ways and Means; that which refers to education, to the committee on Education; that which refers to currency, to the Committee on Banks; that which refers to the militia, to the Committee on the Militia System; and that which refers to the Library, to the Committee on Library.

#### BILLS IN PLACE.

Mr. McDOWELL read in his place and presented to the Chair, "A further supplement to the act passed April 3, 1851, regulating boroughs." (Referred to the Committee on Corporations.)

Mr. FOSTER, "An Act relating to costs in certain cases." (Referred to the Committee on Judiciary.)

Also, "A supplement to an act relating to the city of Pittsburg, approved April 22, 1858." (Referred to the Committee on Corporations.)

Mr. SMITH, (Berks,) "An Act repealing an act regulating the militia of Pennsylvania, approved April 21, 1858."

Mr. BERTOLET, "Supplement to an act to protect the public in the full benefit and enjoyment of the works constructed for the purposes of inland navigation. Approved April 10, 1826." (Referred to the Committee on Canals and Inland Navigation.)

Mr. DODDS, "An Act to allow the taxable inhabitants of Butler to pay their street tax in work on the street." (Referred to the Committee on Judiciary.)

Mr. BARLOW, "A further supplement to an act incorporating the Tyrone and Lock Haven



railroad company," and moved that the rules be suspended and the House proceed to the consideration of the same; which was agreed to.

Mr. BARLOW, in offering the bill, made the following remarks:

The Tyrone and Lock Haven railroad is fifty-four miles long, and the contractors are bound to have the entire line ready for the superstructure on 1st of May next. Forty miles are now graded, and the president, in his annual report, on Monday last, states that the road is without any debt. An amount sufficient to make the entire line ready for the superstructure, has been subscribed in the vicinity of the road. The iron has been contracted for at the Cambria iron works, Johnstown, Pennsylvania, and the delivery is to commence on the 1st of May. The money to pay for the iron must be obtained on the bonds. The law now authorizes the issue of \$300,000, but this is probably insufficient to iron it, put up the building and put on the rolling stock. They now desire us to allow them to issue bonds to the amount of \$500,000. They have the plate to strike the bonds in the hands of the engraver, and the execution is now stopped until the amount is determined. The negotiation of the bonds is also in course of progress, and the agent is expected to start on the last day of this month for Europe. If this bill takes its usual course through the House and Senate, the bonds cannot be got ready against the first of the next month. I therefore move for the suspension of the rules.

Mr. GOEPP desired to know whether the act contained a provision stating the minimum sum for which bonds might be issued? It was customary to introduce this limitation.

Mr. BARLOW said that they did not wish them issued for less than \$100.

Mr. GOEPP said that if there was no provision to that effect there should be one, inasmuch as the matter should not be left optional with the company. He would move an amendment to the resolution, which was to add the words, "provided that no bond shall be issued for less than \$100."

Mr. SMITH, (Berks,) moved to amend the amendment by inserting \$1000 instead of \$100.

Mr. BARLOW desired to make an additional amendment, fixing the sum at \$500, but was ruled out of order.

Mr. GRITMAN hoped that the amendment of Mr. SMITH, (Berks,) would not pass. He was not aware that any railroad bill had received the sanction of the House, which provided that bonds should not be issued for less than \$1000. The sum was too large. It might not suit the views of the parties, and he was rather disposed to think that it was not courteous to take the matter thus out of the hands of the original mover.

Mr. SMITH, (Berks,) said that he did not know that he had committed a discourteous act, by simply proposing an amendment to a bill which was up for the consideration of the House. He had spoken from a stern sense of duty, and had always been so much opposed to the issue of bonds, that even if his amendment was accepted, he would vote against the bill.

The amendment to the amendment was lost.

The question then recurred upon the amendment of Mr. BARLOW, fixing the amount at \$500. This was adopted.

Mr. FOSTER understood the bill to provide for a mortgage on the personal property of the company; in other words, a chattel mortgage.—On some of the Western roads, mortgages of this kind had been productive of trouble, inasmuch as employees of companies had found it impossible to recover debts from their existence.

Mr. NEALL moved that the further consideration of the subject be postponed for the present. He saw many empty seats in the House, and had no inclination to hurry through a bill

for \$500,000, which was a vast amount of money. He had deemed it very inexpedient, in the first place, to proceed to the consideration of the bill by suspending the rules, and now should earnestly advocate a postponement, even if the agent of the company was obliged to leave for Europe in a short time.

Mr. BARLOW stated that he did not urge the final passage of the bill, but only its second reading.

The bill was postponed.

Mr. FLEMING, "An Act for the relief of Jane Pierce, daughter of an old soldier." (Referred to Committee on Pensions and Gratifications.)

Mr. PENNELL, "A supplement to an act to alter and amend an act to erect the town of Chester and its vicinity into a borough, and for other purposes therein mentioned." (Referred to Committee on Corporations.)

Mr. WILCOX, "An Act relative to the sale of unseated lands in the county of Elk."

On his motion, the rule being in this case dispensed with, said bill was taken up.

Mr. GRITMAN wanted an explanation.

Mr. WILCOX said that if the bill did not pass at once, the commissioners of Elk county would lose the taxes on unseated lands for last year.

The bill was then read the second and third time, and passed finally.

Mr. BOYER, (Clearfield,) "An Act declaring Napp's Creek, in McKean county, a public highway." (Referred to Committee on Roads and Bridges.)

Mr. WALBORN, "An Act to incorporate the Twelfth and Thirteenth Street passenger railway company of Philadelphia." (Referred to Committee on Railroads.)

Mr. NEALL, "A supplement to an act relative to the license of mechanics and material men." (Referred to the Committee on Judiciary.)

Mr. ABBOTT, "An Act to incorporate the Ridge Avenue and the Manayunk passenger railway company of Philadelphia." (Referred to Committee on Railroads.)

Mr. CHASE, "An Act to repeal an act regulating the rate of interest, approved May 28th, 1858, and to increase the rate of interest to 7 per cent." (Referred to the Committee on Judiciary.)

Mr. LAWRENCE, (Washington,) "An Act to incorporate the Presbyterian church of Harrisburg." (Referred to Committee on Corporations.)

Mr. SMITH, (Berks,) "A supplement to an act for the better protection of game and insectivorous birds, approved April 21, 1858." (Referred to the Committee on Judiciary.)

Mr. PRICE, "An Act to authorize the registration of all inventories exhibited at the register's office of Lancaster county." (Referred to the Committee on Judiciary.)

Also, "An Act to increase the salaries of prison inspectors, in Lancaster county." (Referred to Committee on Judiciary.)

Mr. GRITMAN, "A supplement to an act to improve the navigation in the Lackawanna river." (Referred to Committee on Corporations.)

Mr. MEHAFFEY, "An Act to authorize certified copies of records of insurance companies, to be admitted as evidence." (Referred to Committee on Judiciary.)

Mr. OAKS, "An Act for the relief of Isaac Gulick, collector of military taxes, in Moutour county, for the year 1857." (Referred to Committee on Judiciary.)

Mr. GOEPP, "An Act to extend to the county of Northampton the provisions of the act, approved May 7, 1857, to increase the pay of jurors and witnesses in certain counties." (Referred to Committee on Judiciary.)

Also, "An Act to authorize the several judges of the court of common pleas of Pennsylvania, to reserve point in law, and to order judgments

of non-suit." (Referred to Committee on Judiciary.)

Mr. MILLER called up the resolution submitted by him a few days since, providing for the employment of a stenographer to report the debates of the House.

The House refused to pass to a second reading of the same.

Mr. CHASE moved that the House proceed to the consideration of the resolution, just reported by him, in relation to the fitting up of the Hall of the House; which was agreed to.

The resolution, which provides for the payment of the curtains, &c., which decorate the Hall, was then read.

Mr. WILLISTON wished to know what the amount named in the resolution was for.

Mr. CHASE said that he had the evidence of the indebtedness in his hand, and was prepared to show the different items of the bill. The Committee of Ways and Means, who had charge of the subject, had expressed themselves satisfied that the work had been performed with the greatest regard for economy, utility and good taste.

Mr. ROSE believed that the gentleman from Tioga, (Mr. WILLISTON,) was fond of gingerbread, and hoped that he would not oppose the passage of the bill paying for the gingerbread work around the House.

Mr. WILLISTON had made the inquiry in good faith. The painting of the House had been paid for last session, and he desired to know whether the additional expense was solely for curtains.

Mr. WILLISTON moved to postpone for the present; not agreed to.

Mr. WILLISTON then renewed his question, as to whether the \$3,800 was for the curtains alone.

Mr. CHASE said that it was.

Mr. ROSE. Are the cages included?

Mr. CHASE. They are.

Mr. WILLISTON said that the sum was extraordinary, and called for the yeas and nays upon the resolution.

Mr. CHASE wished to state before the vote was taken that economy had been consulted.—Heretofore the House had been supplied with cotton curtains which were necessarily taken down to be cleaned every year at an expense of several hundred dollars. The ones at present in use were costly but durable, and would not have to be taken down.

Said resolution was then read.

And on the question,

Will the House proceed to the second reading and consideration of the same?

The yeas and nays were required by Mr. WILLISTON and Mr. WILCOX, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Campbell, Chase, Church, Custer, Dodds, Durbaraw, Eckman, Fearon, Fleming, Foster, Galley, Goepp, Graham, Gray, Gritman, Hill, Hottenstine, Irish, Jackson, Ketchum, Laird, Lawrence, (Washington,) Mann, MehaFFEY, McDowell, Miller, Neall, Oaks, Patterson, Pennell, Pinkerton, Price, Pugh, Rohrer, Rouse, Sbafer, Shields, Smith, (Berks,) Stephens, Stoneback, Taylor, Thompson, Wagonseller, Warden, Wigton, Wilcox, Williams, (Bucks,) Wilson, Withrow, Woodring, Zoller and Lawrence, *Speaker*—61.

NAYS—Messrs. Bayard, Burley, Dismant, Palm, Smead, Walker, Witman, Williams, (Bedford,) Williston and Wolf—10.

So the question was determined in the affirmative.

The resolution was then read the second time, and passed finally.

On motion of Mr. WILCOX, the SPEAKER adjourned the House until next Monday morning at 11 o'clock, A. M.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 10.

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## SENATE.

MONDAY, Jan. 17, 1859.

The Senate met and was called to order by the SPEAKER, at 11 o'clock, A. M. A quorum of Senators was present.

Prayer by the Rev. J. G. Miles.

The Journal was partly read ; when, on motion of Mr. WELSH, its further reading was dispensed with.

The Clerk of the House of Representatives being introduced, presented for concurrence, bills and resolutions, numbered and entitled as follows :

No. 13. "An Act changing the place of holding elections in Southampton township, Somerset county."

No. 14. "An Act extending the time for the commencing of the Columbia and Octorara railroad, beyond the time allowed by its act of incorporation and supplements thereto."

No. 17. "Resolution relative to fitting up the hall of the House of Representatives."

No. 30. "An Act relative to the sale of unseated lands in the county of Elk."

## LEAVE OF ABSENCE.

Mr. BALDWIN asked and obtained leave of absence for Mr. PALMER.

Mr. SCHELL for Mr. BLOOD.

Mr. CRAIG for Mr. SCHINDEL.

The SPEAKER presented the annual report of the superintendent of common schools.

Also, a petition of citizens of Frankstown township, in the county of Blair, for the repeal of the law taxing dogs in said county.

## PETITIONS AND MEMORIALS.

Mr. WRIGHT presented a memorial of citizens and property owners on Poplar street and Girard avenue, Philadelphia, praying that the Citizens' passenger railway may be extended along those streets.

Mr. PARKER, one of similar import.

Mr. RANDALL, a number of like import.

Mr. MARSELIS, one of same import.

Mr. THOMPSON, a petition of the president and managers of the Norristown, Bridgeport and King of Prussia turnpike road, to increase their rates of tolls.

Mr. BLOOD, two petitions from citizens of Oliver township, Jefferson county, praying that the commissioners of said county may be authorized to collect certain school taxes.

Mr. PENNEY, a petition of sundry citizens of Pittsburg and the county of Allegheny, praying for the incorporation of the Citizens' railway company.

Mr. GAZZAM, one of similar import.

## REPORTS OF COMMITTEES.

Mr. SCOFIELD, (Judiciary,) reported as committed, "An Act to alter the districts of the supreme court."

Also, (same,) as committed, "An act to require the register of wills, in Luzerne county, to record in book or books all appraisements and inventories."

Also, (same,) as committed, "A supplement to an act, entitled 'An Act to provide for the erection of a house for the employment and support of the poor in the county of Shuylkill, passed the fourth day of April, A. D., 1831.'"

Mr. GREGG, (Finance,) as committed, "A resolution relative to the pay of retiring officers of the Legislature."

Mr. GAZZAM, (Corporations,) with amendment, "An Act to incorporate the Preachers' aid society of the First Methodist Protestant church, of Pittsburg."

Mr. TURNEY, (Finance,) "An Act to abolish the office of canal commissioner and State engineer," with amendments.

Mr. COFFEY, (Finance,) as committed, "An Act to refund certain money to the West Chester gas company."

Mr. RANDALL, (Finance,) as committed, "An Act supplemental to the several acts relating to the collection of taxes in Lawrence county."

Mr. BELL, (Judiciary,) as committed, "An Act authorizing prothonotaries and clerks of courts to administer oaths and affirmations."

Also, (same,) as committed, "An Act supplementary to the act relating to special courts."

Also, (same,) as committed, "A supplement to the act, entitled 'An Act relating to executors and administrators,' passed Feb. 24, A. D. 1834."

Mr. MILLER, (Judiciary,) as committed, "An Act to secure a stricter accountability of certain officers in Schuylkill county."

Also, (same,) as committed, "A further supplement to an act relating to a burial ground and school lot in the borough of Pottsville."

Mr. WRIGHT, (Corporations,) as committed, "An Act to incorporate an association for the construction of a statue of George Washington."

Also, (same,) as committed, "An Act to amend and extend the charter of the Mutual fire insurance company of Germantown and its vicinity."

Mr. STEELE, (Corporations,) as committed, "An Act to incorporate the Schuylkill County agricultural, horticultural and mechanical association."

Mr. SHAFFER, (same,) as committed, "A supplement to an act incorporating the Williamsport water company."

Mr. SCHELL, (same,) as committed, "An Act to incorporate the town of Jefferson, in the county of Cambria, into a borough, to be called Wilmore."

Mr. FETTER, (Roads and Bridges,) with amendment, "An Act concerning turnpike, plank and bridge companies."

Mr. BALDWIN, (same,) as committed, "An Act to appoint commissioners to re-survey and establish the line of the main road running through a part of Wilkesbarre, in Luzerne county."

Mr. YARDLEY, (same,) as committed, "An Act to incorporate the Hollenback and Hanover turnpike road company."

On motion of Mr. GAZZAM, the Senate proceeded to the consideration of bill, entitled "An Act to incorporate the Preachers' aid society of the First Methodist Protestant church of Pittsburg."

The Senate resolved itself into committee of the whole. (Mr. MILLER in the chair.)

After some time the committee rose and the chairman reported the same as committed.

On motion of Mr. GAZZAM, the Senate proceeded to its consideration.

Mr. SCOFIELD remarked that, by the act of 1846, which provided for just such associations. All such charters should be sent to the courts; and if the Senate commences, so early in the session, in the grant of the privileges asked for by this bill, we shall have, at the expiration of our work here, a voluminous pamphlet containing them. There was nothing, he thought, to take it out of the ordinary course of such grants, and he was desirous that it should be referred to the courts, in the usual manner.

Mr. GAZZAM explained that this was not such a charter as courts can grant, with the reasons why he wished the Senate to pass the bill.

And on the question of reading the bill by its title, it was decided in the negative.

A message from the Governor was received and read, as follows :

EXECUTIVE CHAMBER,  
Harrisburg, Jan. 17, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania :

GENTLEMEN:—I herewith transmit to the General Assembly, the report of the commissioners appointed by the act of the 22d of April, 1858, to contract for and superintend the erection of a monument to the memory of the citizens of Pennsylvania, who were slain or lost their lives in the war with Mexico. The design of the monument adopted and now recommended by the commissioners, a full description of which accompanies the report, has been neatly framed, and may be examined in the Hall of the House of Representatives.

WM. F. PACKER.

## BILLS READ IN PLACE.

Mr. PARKER read in his place and presented to the chair, "A further supplement to the act to establish an asylum for the insane poor of this Commonwealth, passed 11th of April, 1848."

Mr. MARSELIS, "An Act for the registration of births, marriages and deaths, in the city of Philadelphia."

Mr. BLOOD, "An Act relating to certain taxes in the county of Jefferson."

Also, "An Act relative to the board of revision in the county of Elk."

Mr. PENNEY, "An Act to incorporate the Allegheny insurance company."

Mr. TURNEY, "An Act to repeal an act for the protection of sheep and taxing of dogs in the county of Blair."

Mr. WRIGHT, "An Act to authorize the House of Refuge to extinguish a certain ground rent."



## ORIGINAL RESOLUTIONS.

Mr. COFFEY offered a resolution, calling for information as to the service of how many clerks can be dispensed with in the Auditor General's office, since the abolition of the Canal Board. This resolution lies over under the rule.

Mr. TURNEY offered a resolution appointing Tuesdays and Fridays for the presentation of petitions; which was agreed to.

## ORDERS OF THE DAY.

The resolution presented by Mr. MILLER, on Friday, was then taken up, as follows:

*Resolved*, That the Governor is hereby requested to inform the Senate, under the act for the sale of the public works to the Sunbury and Erie railroad company, what sum was offered for the Delaware division of said works, by responsible persons; who the parties were; how much the sum offered by said parties exceeded that actually received for the said division from the Delaware division company; within what time after the passage of said act the entire public works of the Commonwealth were sold, and what sum of money the said Sunbury and Erie railroad company received for negotiating a sale to third parties.

The Senator from Washington having spoken twice, on motion of Mr. BELL, leave was given him to continue his remarks.

Mr. MILLER stated that he offered the resolution for the sole purpose of obtaining information. It was an important question, and it was necessary that the people should be furnished with the means of arriving at a fair history of the whole transaction. There should be no concealment of facts, and they had a right to call upon those who are prepared to furnish them, for information in reference to the matter. He had discovered, from the annual message of the Governor, that after the contract for the sale of the Delaware Division had been entered into, and after the consent of the Executive had been verbally given, and \$75,000 of the purchase money had been paid by the purchasers, that a higher price had been offered, by responsible persons, for the canal, than it had been sold for. It had been alleged that the State was imbecile, and not competent for the management of the public works, and that it was important to employ an agent or agents for their disposal. It was but reasonable to expect, that under the provisions of the bill for the sale of the public works, that the highest prices possible would be obtained; and if the Commonwealth has suffered a loss—it may be of two millions of dollars—it is important that the people should know where the blame should be charged. If the works had not brought the highest price which would have been paid for them, some explanation of the reason for it was demanded. He desired to know, and the people of the State desired to know, whether the doors had been thrown open to fair and honorable competition. It was important, as a basis for the future, that we should be advised as to the whole transaction, and particularly whether any loss has been sustained by the State, through the neglect of its agents, in the transfer of the public works.

Mr. RANDALL was willing to co-operate with the Senator from Washington in any effort to arrive at correct information with reference to the sale of the public works. As to the benefits accruing to the State from their sale, there was but one opinion. There had been a unanimous response to it upon the part of the people, and the press of the State, with singular unanimity, had endorsed the policy of the transfer. There could be no doubt of the fact that the public works had been an incumbrance to the State; for, within the last seven years, the Commonwealth had sustained a loss of some five millions of dollars by their management. So deeply was he impressed with the impor-

ance of this transfer, that he would have cheerfully voted for a grant of them to the city of Philadelphia, as trustee or agent, for the completion of the Sunbury and Erie road.

Mr. MILLER only wished to know whether the agents of the Commonwealth, in the sale of the public works, had carried out fully the views and interests of the State. The value of the public works for the last ten years, according to the Auditor General's report, for the last session, was \$9,054,157 20, and paid a revenue into the treasury of five per cent. on that amount. The works were sold to the Sunbury and Erie railroad company for \$3,500,00, upon which the State is to receive five per cent. Of the \$375,000 over this amount for which the works were sold by the Sunbury and Erie railroad company, the State only receives \$281,250, the company receiving for their services in negotiating the sale \$93,750. This large sum goes into the pockets of the agents, instead of those of the people, or into the public coffers. Besides this, the message of the Executive develops the fact that the public works would have brought, perhaps, half a million of dollars more than they did under the Sunbury and Erie bill. The Commonwealth should have taken better care of her interests. She had been defrauded in the transfer of the works, and the people had a right to demand the reason why they had not been sold for the highest price which they would have brought, and to whom the failure to do so should be charged. He was determined himself, and the people were determined, to know, who is responsible for the loss of half a million of dollars to the State. The works had not brought by some two or three hundred thousand dollars of what they were worth; and he could not congratulate the people upon a sale which has taken out of their pockets half a million of dollars, instead of putting that amount into them.

Mr. RANDALL, as a merchant, had always been taught to calculate the value of any article by what it will bring, and he presumed the Senator from Washington, as a lawyer, had received the same lesson. Now what position does the Commonwealth occupy. She has been made the recipient of \$360,000 from the sale of the works, besides deriving a benefit from it of over \$600,000. According to the published statements, there had been derived, from various sources, \$380,000. The appropriations towards sustaining them was \$480,000, which, with a claim against them of \$60,000, made a loss to the State of \$160,000. The income from the sale was \$170,000, and the interest upon the principal of the sum for which they sold was \$281,250, making a benefit to the State of \$611,250, instead of a loss, for the last seven years, of five millions of dollars. The people of the Commonwealth would have reason to cherish the era at which the State was freed from the bleeding process to which she had been so long subjected in the management of these works; and it was idle for any man to undertake to say that their sale was not a blessing.

Mr. MILLER did not wish to prolong the discussion upon this question. He knew it was distasteful to many gentlemen; but in order to sustain himself, he wished to call the attention of the Senate to the facts set forth in the report of the Auditor-General, in reference to the matter. He reiterated the facts previously alluded to by him, and alleged that the works were worth more than the sum for which they had been sold. No amount of sophistry could induce the people to believe otherwise, and had they been put up at public sale, there would have been realized a much larger sum.

Mr. RANDALL was compelled to join issue with the Senator from Washington as to the value of these works. The sale of them was the best policy for the State which could have

been adopted; and had they been sold in 1850, the State would have been the recipient of a large sum of interest upon the price which they would have brought, instead of sustaining a loss of some seven millions of dollars. As to the canals, who ever dreamed of keeping the branches? Under the terms of the bill, they were sold at their value.

Mr. MILLER referred to the language of the Governor, in his recent message, which he read, as follows:

"After the contract for the sale of the Delaware division had been entered into, and my consent had been verbally given, and seventy-five thousand dollars of the purchase money had been actually paid by the purchasers, upon the faith of the contract, and my assent thereto, I was informed that a higher price had been offered by responsible persons, for the canal."

Mr. RANDALL remarked that the Senator from Washington only read half of the paragraph. There follows the language, that, "under the circumstances, my opinion was that the offer came too late; and as the railroad company considered itself bound to consummate the agreement by a delivery of the deed and possession of the property to the first purchasers, I could not, in good faith, withhold my assent." The Commonwealth of Pennsylvania had passed a law, years ago, that the North Branch canal should be given away, if any party would take it and finish the upper portion, but no one was found willing to accept of it upon those conditions. He had received the individual endorsement of his constituency, without regard to party, for the course which he had pursued in the transfer, and he felt authorized in saying what he had upon the subject.

Messrs. HAMERSLY and WILCOX, a committee from the House of Representatives being introduced, informed the Senate that the Hall of the House of Representatives was ready for the reception of the Senate, for the purpose of electing a State Treasurer for the current year.

Whereupon, the Senate proceeded to the Hall of the House of Representatives.

After some time, the Senate having returned to their Chamber, Mr. SCHELL, the Teller appointed on the part of the Senate to officiate at the election of State Treasurer, made a report; which was read, as follows, viz:

That the Convention, consisting of the SPEAKER and members of the Senate and SPEAKER of the House of Representatives, met in the Hall of the House of Representatives, at 12 o'clock, this day, (the SPEAKER of the Senate presiding,) and proceeded to the election of a State Treasurer, and the vote being taken, was as follows, viz:

[For vote see House proceedings.]

Whereupon, the President of the Convention announced to the members of both Houses that Eli Slifer, having received a majority of all the votes given, is declared to be duly elected State Treasurer for one year, from the first Monday in May next.

Four certificates of the result were accordingly signed by the President and Tellers, one of which was handed to the Clerk of the House of Representatives, to be filed in his office, and the other three to the Clerk of the Senate—one to be filed in his office, one to be handed to the Treasurer elect, and the other to be delivered to the Governor.

The resolution of Mr. MILLER then passed.

## BILLS CONSIDERED.

On motion of Mr. GREGG, the Senate proceeded to the consideration of a bill, entitled "A supplement to an act to incorporate the Williams port water company."

The Senate resolved itself into a committee of the whole, (Mr. MYER in the Chair.) After sometime the committee rose, and the chairman reported the same as committed.

The bill finally passed, and was sent to the House for concurrence.



Mr. RANDALL moved to take up a bill, entitled "An Act to incorporate an Association for the construction of a statue of George Washington," which was agreed to.

The Senate resolved itself into a committee of the whole, (Mr. RANDALL in the Chair.)—After some time, the chairman reported the same as committed.

The Senate then proceeded to a second reading; when

Mr. WRIGHT offered the following proviso; which was agreed to.

"Provided, That the moneys collected in the manner set forth in this act, shall be applied to the object set forth in the first section thereof, and none other, under a penalty of a forfeiture of the charter of the company."

The bill, as amended, finally passed.

Mr. BLOOD moved that the Judiciary Committee be discharged from the further consideration of a bill relative to the collection of certain taxes on unseated lands in Elk county, and that the Senate proceed to its consideration.

Mr. COFFEY hoped the Judiciary Committee would not be discharged. Before this bill receives the consideration of the Senate, it should be properly investigated by the committee.

Mr. SCHELL explained the bill, and Mr. COFFEY withdrew his objections.

Mr. BELL objected to the discharge of the committee. The Senate was called upon hastily to pass a bill without being aware of its effect. It was what was called a local bill, but it may involve a principle of much importance. They were not prepared to say what may be its operations, and hasty legislation on this or any other matter should not be allowed.

Mr. SCOFIELD rose in explanation of the bill. A bill was passed in 1856, requiring assessors and collectors of road and school taxes to make their returns on or before the first day of January in each and every year, and last session a bill was passed further extending the time; and he was desirous that this bill should go to the committee in order to afford an opportunity for seeing whether that law was not applicable to the present case.

Mr. BELL remarked that the statement of the Senator from Warren showed a further necessity for sending the bill to the committee, and he hoped the reference would be made.

The motion was agreed to.

The Senate went into committee of the whole on the bill, (Mr. RUTHERFORD in the Chair.)

Mr. BELL moved that the committee rise and report progress; not agreed to.

The Chairman reported the bill as committed.

Mr. BELL moved that it be re-committed to the Judiciary Committee; which was not agreed to.

Mr. BLOOD asked to have a communication read; which was granted.

The question recurring on the passage of the bill, it was decided in the affirmative.

The hour of one having arrived, the SPEAKER adjourned the Senate until to-morrow morning, at eleven o'clock.

## HOUSE OF REPRESENTATIVES.

MONDAY, January 17, 1859.

The House met at the usual hour.

SPEAKER in the chair.

Prayer was offered by the Rev. Mr. Winebrenner.

The Clerk read the Journal of yesterday.

The SPEAKER laid before the House the annual report of the superintendent of common schools.

Also, report from the Surveyor General relative to the estimated contingent expenses of that department for 1859. (Referred to Committee on Ways and Means.)

Also, the report of the Monument commissioners appointed last year, relative to the

erection of a suitable monument to the memory of Pennsylvanians who fell or died in the late war with Mexico; which,

On motion of Mr. HAMERSLY, was read by the Clerk.

On motion of Mr. WILCOX, said report was ordered to be published in the *Daily Legislative Record*.

### PETITIONS, &C., PRESENTED.

Mr. FOSTER, one from one hundred and sixteen business firms and citizens of Pittsburg and Allegheny county, praying for the incorporation of the Citizens' railway company, to construct a city passenger railway from said city to the borough of Sharpsburg.

Mr. M'DOWELL, one of like import.

Also, the petition of citizens of Plum township, Allegheny county, and Franklin township, Westmoreland county, for the formation of a new school district in said townships.

Mr. PORTER, a petition from the citizens of Jefferson, Cambria county, for the incorporation of the borough of Wilmore, in said county.

Mr. LAIRD, a petition from the citizens of the borough of Wattsburg, Erie county, and townships of Venango and Amity, for the passage of an act establishing a Union school district, in the borough of Wattsburg.

Mr. GALLEY, three petitions, signed by 125 citizens of Fayette county, praying for a change in the manner of collecting taxes.

Also, the petition of Andrew M'Clelland, grandson of John M'Clelland, a soldier of the Indian wars of 1782, asking for relief.

Mr. PRICE, the petition of the inspectors of the Lancaster county prison, praying that their salaries be increased from twenty-five to fifty dollars per annum.

Mr. GRITMAN, the petitions of the return judges of the county of Luzerne, for the year 1858, praying for the passage of an act requiring the commissioners of said county to pay the expenses of the special election in said county, held June 8, 1858, under an act to provide for the erection of a house for the employment and support of the poor, for the county of Luzerne, approved April 16, 1858.

Mr. KETCHUM, one numerous signed by citizens of Wilkesbarre township, Luzerne county, for the passage of an act to open a certain road in said township.

Mr. HILL, a remonstrance from citizens of Montgomery county, against the tearing down and destruction of the market houses of the city of Philadelphia—a violation of the act of Legislature, passed April 26, 1854.

Mr. WOODRING, three remonstrances from citizens of Northampton county, against any change in the location of the seat of justice in said county.

Mr. GOEPP, five remonstrances from citizens of Northampton county against the removal of the seat of justice in Northampton county.

Mr. WALBORN, petition from citizens on Girard Avenue and Poplar street praying for the construction of a passenger railway on said streets.

Messrs. NEALL, GRATZ, THORN, CHURCH, HAMERSLY, STYER, SMITH and EVANS severally presented petitions of similar import.

Mr. HARDING, the petition of Alexander McKnight, praying to be divorced from his wife.

Mr. MANN, a petition from forty-six citizens of Potter county, asking for the repeal of the act approved 20th April, 1858, regulating the sale of intoxicating liquors.

Mr. WALKER, a petition from the commissioners, auditors and others of Somerset county, praying that the number of road and bridge viewers in said county may be reduced to three persons, one of whom shall be a practical surveyor.

Also, one from the commissioners, auditors and other citizens of same county, authorizing

the commissioners of said county to sell the whole or part of the property owned or occupied for the use of the poor of said county.

Mr. ACKER, a petition from Jones Rogers and Jno. Dismant, for the relief of the estate of James Rogers, dec'd.

Mr. DISMANT, one of like import.

Mr. ROUSE, a petition from citizens of Venango county, praying for the passage of an act for the erection of a new county, to be called Marion.

Mr. GRATZ, a memorial from sundry citizens of Pennsylvania, praying for an act to incorporate an association for the construction of a statue to George Washington.

Also, one from residents and property owners on Poplar and Girard Avenue, west of Tenth street, praying that the Citizens' passenger railroad company, be authorized to construct a road on said streets.

Mr. RAMSDELL, two petitions, numerous signed by citizens of Venango county, praying for the repeal of the special road laws in said county.

### ORIGINAL RESOLUTIONS.

Mr. HAMERSLY moved, by resolution, that a committee of two be appointed to wait upon and introduce to the House the SPEAKER and members of the Senate, at 12 o'clock M. to-day, for the purpose of proceeding to the election of a State Treasurer for the ensuing year; which was adopted.

The SPEAKER appointed Messrs. HAMERSLY and WILCOX said committee.

Mr. THORN asked leave at this time to make a statement.

Leave being given, he stated that he had offered a resolution, a few days since, that a number of extra copies of the insurance bill should be printed. This action had been intended more particularly to benefit the Philadelphia and Pittsburg members, who were interested in the subject. He had desired fifty or one hundred copies for himself, but had only in the distribution received four. He would now move that an additional number be printed for the use of the Allegheny and Philadelphia members, say two hundred additional copies.

Mr. WILLISTON said that he did not see the necessity for this, inasmuch as the country members would, no doubt, give up those which they had received for the use of the city representatives.

Mr. BARLOW agreed with Mr. WILLISTON.

Mr. THORN said that under these circumstances, as the desired object was accomplished, he would withdraw his motion.

Mr. WALBORN asked leave to make a statement. Leave being given, he said that he had found difficulty in procuring copies of all the documents which were brought into the House for distribution. He desired to know how the evil could be remedied.

The SPEAKER. It is the duty of the member to report the delinquency of any officer to the chair.

Mr. CHASE submitted a resolution that the report of the commissioners appointed by the last Legislature to investigate the condition of certain banks be printed in the *Daily Record*; which was twice read and adopted.

### LEAVE OF ABSENCE.

Messrs. JACKSON and BOYER, of Clearfield, severally asked and obtained leave of absence for Messrs. OAKS and GRAY, for a few days from to-day.

### DOCUMENTS WITHDRAWN.

Mr. WILCOX asked and obtained leave to withdraw certain documents relative to a new county, to be called Pine.

### BILLS IN PLACE.

Mr. DURBORAW, read in his place and presented to the chair, "An Act authorizing certified copies of records of insurance companies to be admitted as evidence."



Mr. M'DOWELL, "An Act to erect an independent school district out of certain townships in Allegheny and Westmoreland counties."

Mr. HAMERSLY, "A further supplement to an act establishing an asylum for the insane poor of this Commonwealth, passed April 11, 1848." (Referred to the Committee on Judiciary.)

Mr. LAIRD, "An Act to incorporate the Union school directors in the borough of Wattsburg, Erie county." (Referred to the Committee on Education.)

Mr. HILL, "An Act to incorporate the Union mutual fire insurance company of Montgomery county, Pa." (Referred to the Committee on Corporations.)

Mr. NEALL, "An Act to modify the first section of an act widening Chatham street, city of Philadelphia." (Referred to the Committee on Corporations.)

Mr. HARDING, "An Act to incorporate the Walnut Street passenger railway company of Philadelphia." (Referred to the Committee on Corporations.)

Also, "A further supplement to the act incorporating the city of Philadelphia." (Referred to the Committee on Corporations.)

Mr. ABBOTT, "An Act for the registration of births, marriages and deaths, in the city of Philadelphia." (Referred to the Committee on Judiciary.)

Mr. STYER "An Act to incorporate the Broad Street Passenger railway company of Philadelphia." (Referred to Committee on Corporations.)

Mr. RAMSDELL, "An Act appropriating locks number 8 and 10, on the French Creek and Franklin division of the Pennsylvania canal to the use of Venango county." (Referred to Committee on Estates and Escheats.)

Also, "An Act relating to strays in Venango county." (Referred to Committee on Judiciary.)

Mr. MANN, "An Act repealing the 10th section of the act, approved the 26th of April, 1852, entitled 'An Act authorizing the laying out of a State road in Montgomery and Berks counties, relative to fishing in certain streams in Potter and other counties.'" (Referred to Committee on Roads and Bridges.)

#### ELECTION OF STATE TREASURER.

The hour of 12 having arrived, the SPEAKER and members of the Senate were introduced into the hall of the House.

The convention was called to order by the SPEAKER of the Senate, Mr. JNO. CRESSWELL, Jr.

Mr. FOSTER was appointed Teller on the part of the House, and Mr. W. P. SCHELL on the part of the Senate.

The convention then proceeded, according to law, to vote for a State Treasurer, with the following result:

Messrs. Baldwin, Coffey, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penney, Rutherford, Scofield, Shaeffer, Thompson and Yardley—15, of the Senate; and Messrs. Abbott, Acker, Balliett, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Church, Dodds, Durboraw, Eckman, Ellmaker, Fearon, Fisher, Foster, Graham, Gratz, Green, Hammersly, Harding, Irish, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, M'Curdy, M'Dowell, Miller, Neall, Patterson, Pennell, Peirce, Pinkerton, Price, Pugh, Ramsdell, Rose, Rouse, Shafer, Sheppard, Smead, Styer, Taylor, Thompson, Thorn, Wagonseller, Walborn, Walker, Whitman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Witherow, Wood, Zoller and Lawrence, *Speaker*—65, of the House of Representatives, voted for ELI SLIFER.

Messrs. Bell, Blood, Craig, Fetter, Marselis, Miller, Nunnemacher, Randall, Schell, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—14, of the Senate; and Messrs. Bertolet, Boy-

er, (Clearfield,) Brodhead, Custer, Dismant, Evans, Fleming, Galley, Goep, Gray, Gritman, Hill, Hottenstine, Jackson, Laird, M'Clain, Oaks, Porter, Quigley, Rohrer, Shields, Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Warden, Wilcox, Wolf and Woodring—29, of the House of Representatives, voted for H. S. MACRAW.

Mr. Slifer having received the highest number of votes cast, was declared duly elected State Treasurer from the first Monday of May, 1859, to the first Monday of May, 1860.

On motion of Mr. WRIGHT, the convention adjourned, and the Senators retired from the hall.

#### BILLS ON SECOND READING.

Agreeably to order, the House proceeded to the second reading and consideration of the joint resolution introduced by Mr. WILLISTON, relative to the contract entered into with Mr. R. J. Haldeman for the publication of a daily *Legislative Record*.

The question recurring,

Will the House agree to the motion of Mr. NILL to postpone the further consideration of the same for the present,

Mr. THORN. I should like to have the resolution read before the vote is taken.

The Clerk then read the resolution, which declared the contract with R. J. Haldeman for printing the *Record* at an end.

Mr. ABBOTT said that from remarks previously offered in the House, he had been under the impression that the contract made by the State Legislature with R. J. Haldeman for the printing of the *Record* was binding upon this Legislature. Upon investigation, however, he had discovered that the contract was only for last session. It was then clearly his opinion, that the publication of the *Record* since the first meeting of the House, had been without authority.

Mr. ROSE inquired whether the gentleman had read the act of assembly in reference to the subject.

Mr. ABBOTT. I have not.

Mr. ROSE. I think that if the gentleman reads the act in question, he will find himself mistaken, and will discover that the printing of the *Record* was to be continued by the contractor "until otherwise ordered."

Mr. ABBOTT. The affair would then most certainly assume a different aspect.

Mr. GRITMAN said that he did not rise to advocate either the continuance of the present contract or its annulling. If it was true, as gentlemen had alleged, that the *Record* could be printed at a cheaper rate, he should favor such a change as would be most conducive to the interests of the State. But his object now was to urge a postponement of the matter, and his reason for this was that when a law was standing upon the statute books, (as the one for the publication of the *Record* now was,) it was improper to abrogate it by a resolution in the form of the one proposed. The consideration of the subject had been referred to a committee, who had not yet reported. It was only just and right that the report of the committee should be entered upon the Journal of the House.

The SPEAKER. The committee has been discharged.

Mr. GRITMAN said that if such was the case, he should be pleased to learn by what authority it had been done. He had been in his seat regularly, and had heard no report offered, or had not seen any committee discharged. It would be satisfactory to hear that portion of the Journal read relating to the proceeding.

Mr. RAMSDELL rose to explain. He feared that there was some misapprehension on the part of the House in regard to the circumstances of the case. The Senate had failed to appoint a committee to confer with the one chosen by the House, and had referred the matter to their

Finance Committee, which would meet on Wednesday next.

Mr. GRITMAN thought that the SPEAKER was laboring under a misapprehension. It was improper in his opinion for the House to proceed to the consideration of the subject, while it was properly in the hands of a committee. It was due to them that their report should be first received, and particularly so at this juncture, when it had been stated by one of their number, that a meeting would be held on Wednesday next.

Mr. WILCOX reiterated the assertion that an early meeting would take place.

Mr. GOEPP desired to set the member from Philadelphia, (Mr. ABBOTT,) right upon the matter. It was true that the contract which was made last winter with R. J. Haldeman was only for the single session, but the act of Assembly, which had received the concurrence of both the House and Senate, had provided for the continuance of the *Record* under the same terms this session, until otherwise ordered by both branches of the Legislature. The gentleman from Philadelphia, (Mr. ABBOTT,) under these circumstances, had evidently been mistaken, when he had said that the publication, since the first meeting of the House, had been without authority. The speaker coincided with Mr. GRITMAN, that it would be better to let the committee have charge of the subject, and let them ascertain, if so disposed, the cost of a new contract and other minutiae. He should favor a postponement.

Mr. WILLIAMS, (Bucks,) said that the matter had been postponed long enough already, and it was very evident that the committee had no desire to hurry. Seventeen days had elapsed since the beginning of the session, and nothing had been done. He should not now therefore favor a postponement, but would vote for having the affair directly disposed of. There were indications that the *Record* could be printed at a much cheaper rate than at present. If the motion to postpone was insisted on, he would call the yeas and nays.

Mr. ABBOTT, after he had thus been made acquainted with the circumstances, expressed a willingness to postpone and await the report of the committee.

Mr. CHURCH said that if any assurance had been given that the committee intended to report, he should not be opposed to waiting for them, but he was under the impression that the committee did not intend to report. Considering the matter exclusive of all partizan feeling, he believed that it was his duty to get the printing done at as little expense to the State as possible. Although entertaining a high respect for the Legislature of last session, he was not prepared or disposed to abide by any contract which they had entailed. The House had a right to make its own contracts each session, and in order that it might have an opportunity to do so now, he would vote for immediate action. As the gentleman from Bucks, (Mr. WILLIAMS,) had said, seventeen days had passed during which this matter had been undecided, and now it was time for action.

Mr. ROSE desired the members to think for a moment of the result of an immediate abrogation of the contract by both the House and Senate. There would be no *Record*, and perhaps days and weeks would be allowed to elapse before a new contract could be entered into. The proper course to pursue was to let the committee ascertain the terms and preliminaries of a new engagement before a stop was put to the publication of the present *Record*. It was almost absurd to ignore the existing contract without due reference to the future.

Mr. WILLISTON said that it was the right of each Legislature to make its own contracts, and provide for its own requirements. The contract of last winter had been made express-



ly for that session, but some little bill had been inserted somewhere, containing a provision for its continuance. His views upon the *Record* question were very well known. He was opposed to any publication of the kind, without it contained full and accurate accounts of the proceedings of the House. The final decision of the matter had been long enough postponed.

Mr. THOMPSON said that he should vote against the motion to postpone, and should favor immediate action, inasmuch as he believed that an effort was being made to impose an act of the last Legislature upon this one. He denied the right of one body thus to bind another, and even if the right would have to be admitted, he should deny the expediency or propriety of any such action. A new contract most undoubtedly should be made, even if the publisher was the same as at present, provided his terms were the cheapest. He was not prepared to speak as to the correctness of the *Record*, or its economy, but based his opposition on the ground already stated, viz: That one Legislature had no right to entail a contract upon another. There was, however, another important point to be considered. Bonds had been given for the faithful performance of the contract during last session—but now these bonds, the speaker understood, were null.—In the act of Assembly there was nothing to bind the contractor, and the Legislature had no adequate security that he would faithfully fulfil his duty. There was no responsible party to look to. For these, and other reasons, the speaker should vote against the postponement.

Mr. CHURCH, in reply to Mr. ROSE, (that if the present contract was abolished there would be no *Record*,) said that there would be no difficulty in this respect. Several parties were ready to embrace any suitable offer which might be made by the Legislature. He advocated immediate action.

Mr. GRITMAN said that gentlemen were evidently traveling far away from the consideration of the matter at issue. In one respect the speaker agreed with the rest of the members, and that was in obtaining as cheap a *Record* as possible. That, however, was not at present the question. The affair was now in the hands of the committee for disposal, and the chairman had said that a meeting would be held on Wednesday next. Yet in the face of this the House was going to take up and dispose of the *Record* without any reference to the joint action or report of the committee. If the *Record* could be printed cheaper and better, he did not care how soon the contract was abrogated.—But after a committee had been chosen (and that too with a chairman who, it was to be supposed, was as anxious as any man in the House to revoke the contract,) it was highly improper to take it out of their hands in the manner proposed.

Mr. ROSE was not quite so liberal in his views as some of the other members. If it was possible to give the contract for printing the *Record* to a Republican, at as cheap a rate as to a member of the opposite party, he would prefer to give it to the Republican. It had been alleged that the Legislature of last year had entailed a contract upon this one, but this the speaker for the second time denied. If the contract had been irrevocable by this Legislature, then it would have been entailed in the fullest sense of the term, and would, moreover, have been unconstitutional. But it was of such a character that it was optional with both Houses by joint action to revoke it. The question had been asked why the clause to continue the publication had been put in the act of last winter. The reason was simply that difficulty might be avoided at the beginning of this session. In the early part of last session (no provision having been previously made) the House

was left without any *Record*. The constituents of the speaker had complained at this. Editors had written to him about it, and at least a week had elapsed before any publication had been made. It was in view of these facts that the clause had been inserted in the act of Assembly.

The question being called for on the motion to postpone,

The yeas and nays were required by Mr. PATTERSON and Mr. WAGONSELLER, and were as follow, viz:

YEAS—Messrs. Abbott, Bertollet, Boyer, (Clearfield,) Brodhead, Custer, Dismant, Evans, Fleming, Foster, Galley, Goepp, Gray, Green, Gritman, Harding, Hill, Hottenstine, Jackson, Kinney, Laird, Mann, McClain, Oaks, Porter, Quigley, Rohrer, Rose, Rouse, Shields, Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Warden, Wilcox, Wolf and Woodring—37.

NAYS—Messrs. Acker, Balliet, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Church, Dodds, Darboraw, Eckman, Ellmaker, Fearon, Fisber, Graham, Hamersly, Keneagy, Ketchum, Lawrence, (Washington,) Mehaffey, McCurdy, McDowell, Miller, Neall, Palm, Patterson, Pennell, Peirce, Pinkerton, Price, Pugh, Ramsdell, Shafer, Sheppard, Syer, Taylor, Thompson, Thorn, Wagonseller, Walborn, Walker, Whitman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Witbrow, Wood, Zoller and Lawrence, *Speaker*—55.

So the question was determined in the negative.

Pending the question upon the adoption of the resolution:

Mr. FOSTER said that he trusted that the House would not now take action. All those present who had been members of the Legislature previous to last session could not fail to remember the difficulties which had arisen in regard to the *Record*, and would bear in mind how duplicate and defective copies had been issued. So far as the question of economy was concerned in the present contract, the speaker would say that he had instituted a comparison of the relative cost of the *Records* of 1856, 1857 and 1858, from which it was evident that a saving of some \$1700 had been effected in the publication of the *Record* of last session. The statement was as follows:

Years.	Pages.	Cost.
1856.....	540	\$3,780
1857.....	812	5,684
1858.....	568	3,900

The *Record* of 1858 had contained only twenty-one pages of what is termed by printers "dead matter," or matter which was used to fill up the page when the proceedings were not sufficiently lengthy. This had cost the State one hundred and forty-seven dollars. The *Record* of the year 1857 had contained five hundred and forty-one pages of this "dead matter," costing the State two thousand four hundred dollars.

If the design was to have a publication similar to that of 1857, the speaker would oppose it strenuously, and would vote for the continuance of the present contract, by which a *Record* was furnished with reports as correct as could possibly be taken, and at a reasonable price. Under the terms of the existing contract, it was possible, if the members became dissatisfied, to abrogate at once, but if a new agreement was made, it would have to be adhered to during the whole session, whether the execution of the matter was satisfactory or not.

Partizan allusions had been made in this contest. The speaker declared himself willing to do anything in the limits of reason for his friends and party, but did not believe that the publication of the *Record*, if it was placed in other hands than at present, would conduce, in any degree, to the prosperity or support of the Republicans.

The speaker continued further—alluded to the manner in which printing had been formerly given out, and concluded with re-iterating the assertion that any appeal to him as a partizan would be of no effect in regard to this matter.

Mr. ROHRER took the floor.

The hour of one having arrived, the SPEAKER adjourned the House until Tuesday morning, at 11 o'clock A. M.

## REPORT

OF THE COMMISSIONERS APPOINTED BY THE LEGISLATURE OF 1858, TO INVESTIGATE THE CONDITION OF CERTAIN BANKS.

To His Excellency, William F. Packer, Governor of the State of Pennsylvania:

The committee appointed by a resolution of the House of Representatives on the twenty-second day of April, A. D. 1858, to investigate the manner of organization and the present condition of certain Banks of this Commonwealth therein named, respectfully submit the following report, viz:

From the mass of detail, in the form of parol evidence and exhibits, and extracts from the books, papers and documents of the several institutions, (all of which is submitted to your Excellency,) the following general facts are drawn. Effort has been made to condense as much as possible, in order to place within reach of the press generally, and through them, before the eyes of the people of the State at large, the substance of the investigation.

It will be remembered that these Banks were incorporated at the session of 1857, and hence, in their infancy, it could not reasonably be expected that they would display so gross corruption as that which has characterized so many of their aged relatives in our State. Yet the supposition was erroneous; for never, perhaps, in the history of financial institutions of this Commonwealth, was so comprehensive a scheme of plunder devised, and so nearly executed. To demonstrate this let facts be adduced.

Of these corporations, the Tioga County Bank exhibited the earliest evidences of vitality. Books were opened for subscription on the 22d day of June, A. D. 1857, from which time to August 6, 1857, stock was taken as follows, viz:

June 26, to August 6, 1857..... 168 shares.  
August 6, 1857..... 1040 "

Omitting all irregularities in the subscription for the one hundred and sixty-eight shares, the validity of some of which is evidently questionable, from the fact that from its uncertainty, it would bind neither the principal nor the agent, we pass to the main body of the same, where we find it was done as follows:

Elizabeth Russell; taken by Wells D. Walbridge, attorney; residence, unknown; number of shares, 30.

Clara F. Griffin; taken by Wells D. Walbridge, attorney; residence, unknown; number of shares, 30.

Sarah E. McDonald; taken by Wells D. Walbridge, attorney; residence, unknown; number of shares, 30.

Sarah Crane; taken by Wells D. Walbridge, attorney; residence, unknown; number of shares, 30.

Mary E. Schwendeman; taken by Wells D. Walbridge, attorney; residence, unknown; number of shares, 30.

Cynthia L. Hote; taken by Wells D. Walbridge, attorney; residence, unknown; number of shares, 30.

Mrs. Margaret M. Griffith; taken by Wells D. Walbridge, attorney; residence, unknown; number of shares, 30.

Caroline S. Tabor; taken by Wells D. Walbridge, attorney; residence, unknown; number of shares, 150.



Lydia R. Walbridge; taken by Wells D. Walbridge, attorney; residence, unknown; number of shares, 80.

Wells D. Walbridge; taken by self; residence, Buffalo, New York; number of shares, 200.

Ed. S. Thayer; taken by self; residence, Buffalo, New York; number of shares 200.

J. Porter Brawley; taken by self; residence, Meadville, Pennsylvania; number of shares, 200.

Total number of shares, 1040.

Of which amount of 1040 shares subscribed upon same day, and first instalment paid in according to subscription book, no mention is made by letters patent of 150 shares taken in name of Caroline S. Tabor.

The letters patent, drawn undoubtedly from the returns of the commissioners, state that the number of shares taken was 1069; of this number, if twenty-five dollars per share was paid in, the amount would be \$26,725.00 as the capital stock of the Bank. This amount is reduced somewhat probably owing to the expenses incident to organization.

At the time of the organization there was paid, according to the evidence of the cashier, who was one of the commissioners, by them to the Bank.....\$27,310.00  
Of this amount in coin was..... 22,000.00

Balance ..... 5,310.00  
being in Bank notes of the State of Pennsylvania.

The cashier states the organization took place upon the 31st day of October, A. D. 1857. This was Saturday, when a board of directors was formed, but no election of officers held.—The books were opened by one of the Thayers, and the first four entries made in the discount book were made by them. These discounts amount to the sum of \$20,155.00. The parties to whom the notes were thus discounted either reside in Buffalo, or their residence is unknown to the officers of the Bank. Subsequently officers of the Bank were elected, and Mr. E. P. Steers of Buffalo, New York, as teller, who states that upon taking charge of the funds of the Bank, there remained of the coin but \$15,647.00, leaving a deficit of \$6,373.00, which amount must have been drawn upon a discount or used in redeeming the notes paid out upon the discounts of the stockholders, which is but another name for the same thing.

The teller states that the whole amount of discounts at present is \$54,034.55, of which \$54,061.38 were foreign, or to parties outside this State, and but \$14,973.17 to parties in this State.

A list of the leading discounts since the organization of the Bank is herewith submitted, viz:

Drawer, F. F. Neilson; residence, unknown; endorser, C. C. McDonald; residence, Buffalo, N. Y.; amount, \$5000.00.

Drawer, F. F. Neilson; residence, unknown; endorser, C. C. McDonald; residence, Buffalo, N. Y.; amount, \$5,000.00.

Drawer, H. P. Thayer; residence, Buffalo; endorser, W. Meech; residence, unknown; amount, \$5,077.50.

Drawer, W. Meech; residence, unknown; endorser, H. P. Thayer; residence, Buffalo; amount, 5077.50.

Drawer, R. W. Rathbone; residence, unknown; endorser, C. C. McDonald; residence, Buffalo; amount, \$5,000.00.

Drawer, R. W. Rathbone; residence, unknown; endorser, C. C. McDonald; residence, Buffalo; amount, \$5,000.00.

Drawer, R. W. Russell; residence, Buffalo; endorser, Wells D. Walbridge; residence, Buffalo; amount, \$5,600.00.

Drawer, Wm. Brown; residence, unknown; endorser, C. C. McDonald; residence, Buffalo; amount, \$5,000.00.

Drawer, W. Meech; residence, unknown; endorser, W. Meech, E. S. and N. Thayer; residences, Buffalo; amount, \$8,500.00.

Drawer, H. P. Thayer; residence, Buffalo; endorser, W. Meech, E. S. and N. Thayer; residences, Buffalo; amount, \$8,500.00.

Drawer, W. Meech; residence, Buffalo; endorser, W. Meech, E. S. and N. Thayer; residences, Buffalo; amount, \$5,233.88.

Drawer, H. P. Thayer; residence, Buffalo; endorser, W. Meech, E. S. and N. Thayer; residences, Buffalo; amount, \$5,077.50.

Drawer, M. Burton; residence, Sandusky; endorser, E. S. Grant; residence, unknown; amount, \$8,000.00.

Drawer, L. H. Pratt; residence, Buffalo; endorser, Gunther and Stephens; residences, Buffalo; amount, \$7,500.00.

Drawer, W. D. Walbridge; residence, Buffalo; endorser, C. C. McDonald; residences, Buffalo; amount, \$5,000.00.

Drawer, M. Burton; residence, Sandusky; endorser, L. H. Pratt; residence, Buffalo; amount, \$1,100.00.

Making a total of \$89,066.38, of which amount the teller states, has been paid \$35,155.00, leaving outstanding \$53,911.38.

In this connection is submitted the ledger balance, as sworn to by the teller, up to June 24, 1858, showing the present condition of the affairs of the Bank, as the same appears upon the books, viz:

LIABILITIES.	
Capital stock.....	\$27,410 00
Bank notes.....	94,000 00
Profit and loss.....	2,249 42
Individual credit.....	3,935 54
Carpenter & Vermilye.....	99 53
R. F. Raby.....	294 73
Thompson & Brother.....	520 04
	\$128,520 26
ASSETS.	
Loss and expense.....	\$4,654 58
Cash.....	3,556 13
Office notes.....	50,875 00
Bills discounted.....	69,034 55
Sundry Banks.....	150 00
John S. Dye.....	250 00
	\$128,520 26

The teller states that the item of office notes counted as assets of the Bank, are the bills of the Bank on hand, redeemed and otherwise. That he was heretofore a resident of Buffalo, is acquainted with Wells D. Walbridge, R. W. Russell, W. Meech, D. C. Boynton, the Thayers, Pratts and Gansons, but knows nothing about their means or ability; that Lydia R. Walbridge is the wife of Wells D. Walbridge; does not know H. Hitchcock, Margaret E. Carr, Harriet M. White, Martha E. Carson, Alice E. Ganson, Allison Ganson, Jennie A. Stebbens or Harriet Cook; that the Thayers and others at divers times have taken the bills of the Bank, and deposited in New York or elsewhere, an equal amount of specie or funds subject to the order of the Bank; that this has been done to the amount of rising of \$26,000.00, which amount could not appear upon the discount book.

The president of the Bank, J. L. Baldwin, Esq., and the cashier, I. W. Guernsey, Esq., are gentlemen of integrity and respectability; persons highly esteemed by their neighbors and the citizens of their vicinity; but as none are exempt from the frailties of humanity, so they were strongly infected by the financial epidemic that broke out about that time; but for timely action, complete prostration would have ensued. They are now of opinion that they are slowly recovering, and anticipate a speedy convalescence. With complete restoration they hope for a good name, tarnished as slightly as possible, even though they should be shorn of

a portion of their worldly goods. Of the nature and character of the business of the Bank they are ignorant. They know nothing of the residence, standing or ability of the outside stockholders or debtors of the Bank.

The cashier, being one of the commissioners, is aware of the fact, that W. D. Walbridge and two of the Thayers, paid upon the subscriptions for themselves, Lydia R. Walbridge, Elizabeth S. Russell, Clara F. Griffin, Sarah E. McDonald, Sarah Crane, Mary A. Schwenendenman, Cynthia L. Mote, Margaret M. Griffin, and J. Porter Brawley, and he knows of no money being taken from the Bank, except by a regular discount, or ordinary business transactions; that the plates of the Bank were ordered by Mr. Baldwin and Mr. Walbridge in August, 1857.

Your Excellency's attention is next directed to the result of the investigation of the Bank of Crawford County.

The first payment of subscription to the stock of this Bank is under date of August 26th, 1857, which is over two months prior to the organization of the Tioga County Bank, or to their business commencement in the shape of discounts, the earliest of which are under date of November 2d, 1857. Hence upon that day but twelve shares were taken, by divers persons in the county of Crawford, at which point progress was suspended until December 10, 1857, (at which time the foreign discounts of the Tioga County Bank amounted to the sum of over \$20,000,) and at which time payments were made upon subscriptions as follow, viz:

C. J. Taylor; by whom taken, self; number of shares, 20.

G. F. King; by whom taken, C. J. Taylor, attorney in fact; number of shares, 20.

H. J. Taylor; by whom taken, C. J. Taylor, attorney, in fact; number of shares, 60.

John Marvin; by whom taken, C. J. Taylor, attorney in fact; number of shares, 20.

J. C. Boynton; by whom taken, Wells D. Walbridge, attorney in fact; number of shares, 50.

R. W. Russell; by whom taken, Wells D. Walbridge, attorney in fact; number of shares, 200.

L. H. Pratt; by whom taken, Wells D. Walbridge, attorney in fact; number of shares, 200.

E. S. Russell; by whom taken, Wells D. Walbridge, attorney in fact; number of shares, 100.

L. R. Walbridge; by whom taken, Wells D. Walbridge, attorney in fact; number of shares, 100.

M. Finney; by whom taken, Wells D. Walbridge, attorney in fact; number of shares, 60.

N. Thayer; by whom taken, Wells D. Walbridge, attorney in fact; number of shares, 80.

C. Hotchkiss; by whom taken, Wells D. Walbridge, attorney in fact; number of shares, 60.

W. G. Power; by whom taken, Wells D. Walbridge, attorney in fact; number of shares, 100.

Wells D. Walbridge; by whom taken, self; number of shares, 200.

Isabella H. Brawley; by whom taken, J. Porter Brawley, attorney in fact; number of shares, 100.

J. Porter Brawley; by whom taken, self; number of shares, 40.

Alex. Power; by whom taken, self; number of shares, 10.

C. S. Tabor; by whom taken, Wells D. Walbridge; number of shares, 100.

Thos. Vanhorn; by whom taken, self; number of shares, 2.

Add number taken first day, 12.

Whole number of shares returned, 1534; which is geographically distributed as follows: Crawford County, (undoubted,) 44 shares; Crawford County, (questionable,) 200 shares;



Warren County, 80; Buffalo, New York, or parts unknown, 1,210; total, 1,534.

From these shares, Mr. Walbridge, as one of the directors of the Bank, states, "that the board of directors received about \$38,000, less charges and expenses, some \$500 or \$600. Of this amount there was paid in gold some \$13,000 or \$14,000, and in Tioga Bank notes perhaps some \$8,000 or \$10,000." It is an established fact that wholesale dealers scorn the detail, the minutiae, so characteristic of the retailer; hence it is strikingly observable in the evidence of Mr. Walbridge, with what a graceful indifference he annihilates numerical differences; a unit or two, though suffixed by several cyphers, and prefixed by the sign of dollars, are regarded as obdurate figures that ought to be subjugated by a literal prefix like the adjuncts "about," "some," "perhaps," &c.; for example: Amount paid in "about".....\$38,000 00 Less expenses "some"..... 500 00 Amount in gold "some"..... 13,000 00 Amount in Tioga notes "perhaps".... 10,000 00

The "perhaps" in the last item was eminently safe, for Mr. William D. Tucker, in speaking of the amount of Tioga money paid in, said, "the one-half at least of the whole amount was in Tioga bills." And again, "that of the bills paid in, eighteen or twenty thousand dollars was in Tioga money." His attention was called to this point, from the fact, that the Tioga money was in packages, and the bills new and unused. It might be proper here to call attention to the fact, that at this time but \$20,155 00 had been discounted by the Tioga Bank; an amount nearly equal to the amount paid in to the bank of Crawford County, in bills of the Tioga County Bank.

But little has been done in the transfer-book; a note might, however, be made of the fact, that W. G. Power transfers to Wells D. Walbridge, by Wells D. Walbridge, attorney, one hundred shares. C. Hotchkiss transfers to Lucius H. Pratt, by Wells D. Walbridge, attorney, one hundred shares; this is under date of Jan. 28, 1858.

The following is a statement of the condition of the affairs of Bank of Crawford County, as sworn to by Thomas Vanhorn, president, and A. C. Finney, cashier, up to June 15, A. D. 1858, viz:

## LIABILITIES.

Circulation outstanding.....	\$34,055 00
Interest account.....	1,728 57
Exchange.....	245 67
Sundry payments on notes discounted.....	1,027 68
Due individual depositors.....	2,667 30
Certificates outstanding.....	1,454 21
Due banks.....	4,783 44
Do.....	3,857 50
Capital stock.....	38,170 00
	\$87,989 37

## ASSETS

Due from Banks and Bankers.....	\$14,102 34
Furniture, plates, State tax, rent, &c.	3,240 29
Loss and expense account.....	1,185 15
Bills discounted.....	60,198 26
Cash items.....	2,047 69
Gold and Silver.....	2,796 84
Notes and other Bank checks, certificates and orders.....	4,418 80
	\$87,989 37

Of the discounts since organization, Mr. Walbridge states the amount to be as follows, viz: Local \$64,117 52. Foreign \$63,800 00. Whole amount of discounts \$127,917 52; of which amount, the first month's discounts were \$38,210 48. He also further states, "that the money paid in was no immediately drawn out, and represented by worthless assets, but has been drawn out in the ordinary course of Bank business since;" since that he ordered the plates

for the Bank of Crawford County, and in connection with the president, those for the Tioga County Bank; and that at that time no order was given for the plates for the Phoenixville or Octorara Banks. That he was one of the commissioners of three of the directors appointed to receive the money from the commissioners; that the money received he believed to be of solvent Banks, and that the same was put in circulation. It is worthy of mention at this time, that the form of return made by the commissioners, of the number of shares subscribed, kind and amount of money paid in as a requisite, precedent to obtaining letters patent, have some features in it that are rather original than otherwise; for after numerically describing the gross sum, they further state "that said amount has been paid in gold and the notes of solvent Banks of the Commonwealth of Pennsylvania, into the hands of the commissioners.

It has been found extremely difficult to obtain evidence except the books of and some of the officers connected with the several Banks.

H. L. Richmond, Esq., of Meadville, says, the general reputation of the Buffalo stockholders is, that they are not men of means, except Mr. Thayer. Of the domestic stockholders, that J. Porter Brawley, Esq., is reported to have considerable property, very considerably involved; that at the time of subscription to and payment of the stock, he (Richmond,) was endeavoring to collect, as an attorney, a claim against him; that the same is still in process of collection.

Items of this nature caused a classification of the number of shares of stock nominally appertaining to Crawford county.

The same gentleman says, "there is a bitter feeling against the Bank in this place, based upon the aversion of the people, to having the Bank in the hands of foreign capitalists."

A. B. Richmond, Esq., says, "it is hard to arrive at the general reputation of the Bank—that more speak in favor of than against it, and that a majority of the business men think the brokers are trying to break the Bank down."

J. R. Dick, Esq., says, "Mr. Walbridge informed him that he had friends who had means, who would make the Bank a good institution. From this he inferred that he, (Walbridge,) had not means himself—that Mr. Thayer has not, but Mr. Pratt has means. Mr. Russell, the teller, now resident of Meadville, formerly of Buffalo, has no means, that he is aware of; he judges that most of the discounts are made abroad, as he has received letters from St. Paul, and other places in the West, asking for information regarding the standing of the institution, and the ability of the stockholders to redeem their notes; that Mr. Brawley was embarrassed at the time the stock was taken, and that executions were issued against his property."

Against Thos. Vanhorn, Esq., president, and A. C. Finney, Esq., cashier, naught is alleged, except that they are, to a certain extent, the victims or dupes of the wily schemes of unscrupulous men. In their own vicinity, among those who know them best, they have a reputation for honesty and respectability.

The third institution, the affairs of which were investigated, was the Shamokin Bank.—Books of subscription to the capital stock were opened November 30th, 1857, from which time was subscribed as follows, viz:

	Shares.
November 30, 1857.....	19
December 1, 2, and 5, 1857.....	7
January 4, 1858.....	1424
	1450

Between the subscription books, however, and the return made by the commissioners, there is a slight discrepancy; for the return sets forth that persons subscribed as follows, viz:

	Shares.
Forty-six persons subscribed.....	70
Nathan Thayer.....do.....	200
E. S. Thayer.....do.....	200
Joel Thayer.....do.....	80
H. P. Thayer.....do.....	70
C. P. Thayer.....do.....	70
G. H. Thayer.....do.....	50
Wellington Meech.....do.....	40
Chas. H. Payne.....do.....	40
C. R. Granson.....do.....	40
Harriet P. Thayer, by Thayer, attorney.....	70
Nancy Thayer.....do.....	70
Esther Carr.....do.....	50
Margaret E. Carr.....do.....	50
Harriet M. White.....do.....	50
Martha E. Carsou.....do.....	50
Alice E. Gansen.....do.....	50
Allison Gauson.....do.....	50
Jennie A. Stebbens.....do.....	50
Harriet Cook.....do.....	120
W. P. Withington.....do.....	120
Total.....	1590

Between the letters patent and the return of the commissioners comes another numerical misunderstanding, for the letters patent omit the 46 pioneers, with their 70 shares, and insert only the names of those who follow, with respectable figures attached to them, indicting those persons to the amount of 1520 shares. W. P. Withington, Esq., states that the discrepancy of 70 shares arises from persons not paying the second instalment, and the expenses attendant upon organization. If that be the case, and the last named sum be correct, then the Bank has a president who is not a stockholder, in which case the stock would be classified as follows, viz:

	Shares.
Shamokin, certain.....	000
Shamokin, doubtful.....	120
Buffalo and dependencies.....	1400
	1520

The same novel feature is exhibited by the returns of commissioners of the Shamokin Bank, as was originated by those of the Bank of Crawford County, for they return whole number of shares fifteen hundred and ninety; amount paid in, \$38,350 00; and that the said amount has been paid in gold and the notes of solvent Banks of the Commonwealth of Pennsylvania into the hands of the commissioners.

W. P. Withington, Esq., who was one of the commissioners, and acted as clerk and treasurer for them, states that of the money paid in, there was:

Gold, between 6 and 7, say.....	\$7,000 00
Bills, balance.....	\$1,350 00
	\$88,350 00

That one of the Thayers paid for all the stock subscribed by persons who did not reside in Shamokin, and that Thayer paid no money, except the gold and notes of the Bank of Crawford County and Tioga County Bank. Assuming this to be correct, the amounts paid are as follows, viz:

Forty-six pioneers, paid.....	350 00
W. P. Withington, ".....	3,000 00
Thayer—notes Tioga and Crawford.....	28,000 00
	\$38,350 00

The organization took place on the 23d day of January, 1858. The general business of the Bank has been small, but attention is directly absorbed by the following items in the discount book, viz:

Drawers, Underhill and Lockhart; endorers, J. W. Underhill and R. R. Underhill, of Indiana; amount, \$1,015 50.

Drawers, J. Jackson, N. Y. city; endorers, J. W. Underhill and R. R. Underhill, of Indiana; amount, \$8,000 00.



Drawers, J. Jackson, N. Y. city; endorser, J. W. Underhill, of Indiana; amount, \$2,000.00. Total, \$41,015.50.

Leaving these discounts until the evidence explains them, the statement of Robert Underhill, clerk and teller of the Bank, showing the present condition of the affairs of the same, is submitted.

## LIABILITIES.

Amount due depositors.....	796.12
Circulation .....	26,460.00
Miners' Bank.....	341.20
Capital stock.....	38,350.00
Profit and loss.....	596.28

## ASSETS.

Cash on hand.....	2,372.05
Bills receivable.....	57,955.77
Expenses .....	4,294.43
Furniture.....	1,921.35

To return to the discounts above set forth—Daniel A. Robinson, formerly of Buffalo, and now neting as cashier of this Bank, in his evidence, explains the transactions as follows, viz:

In the early part of Feb., 1858, (Bank organized January 23, 1858,) the money paid in as the capital stock of the Bank was discounted to J. R. Robinson, and handed over to him to the amount of thirty-six thousand dollars of the amount paid in by the Thayers, or those whom they represented.

Upon inquiry as to the manner in which this was accomplished, he vouchsafed the following description: About the time of the date of the note for \$38,000, drawn by J. Jackson, and endorsed by R. R. Underhill and J. W. Underhill, the same was discounted and placed to the credit of J. W. Underhill; then J. W. Underhill gave to J. R. Robinson a check for the proceeds of the note, and the securities representing the capital stock of the Bank were handed over to J. R. Robinson in payment of the check, and the note for \$38,000.00 was submitted for the capital stock of the Bank to that amount, which, with a large amount of collateral securities, were deposited with me.

The evidence of R. R. Underhill is given somewhat at length, being considered a historical sketch of the leading proceedings of the Bank. He is a Quaker, residing in Indianapolis, Indiana; was not an original stockholder preparatory to his connection with the Bank. He solves the Street difficulty thus: Zadoc Street is also a Quaker, residing in Salem, Columbiana county, Ohio, who was represented to Underhill to be a man of means—worth one hundred thousand dollars, and well acquainted with banking. He agreed to meet Underhill at Shamokin for the purpose of taking the balance of the stock. He came on, and declared himself satisfied, and agreed to pay forty thousand dollars in gold—twenty thousand of it in ten days. We (i. e., probably the Bank,) then agreed to give him twenty thousand dollars, with which he was to arrange a system of exchange of notes with Banks in Western Pennsylvania, instead of which he went to Philadelphia, and hypothecated two thousand dollars to a forwarding house there for his own use; and then went on his way home to Salem, paying his debts and buying grain for a mill which he had there. He continues—the ten days elapsed, and no gold being forthcoming, we became alarmed, and I went after him. Street said he had left the money in Philadelphia. We went with him there, where we obtained in all ten thousand dollars; in security for the balance, he gave Mr. Robinson, who was with me, packages said to represent money, until next day. Upon opening the packages, Mr. Robinson found them to contain worthless papers.

The cashier (Mr. Robinson) then started in search of Mr. Street, but he was missing. They got the assistance of the police, and arrested

him just as he was leaving for the west. The next day, but one, the matter was arranged; in what manner is uncertain; as at one time he states by returning Shamokin bills... \$1,200 00 Judgment notes..... 8,800 00

\$10,000 00

And again, the ten thousand dollars Street owes the Bank, is secured by notes payable at the Bank of North America, in Philadelphia, in Shamokin bills; and thus the operation closed.

The difficulty in which he was more directly interested in, was a complaint against the president, cashier, J. H. Underhill, J. Jackson, and himself, of conspiracy to defraud the bill holders of the Shamokin Bank, and it "arose," he says, "from the fact that before he had anything to do with the Bank, and while it was principally under the control of J. R. Robinson, there was deposited about two thousand dollars with the M'Kean County Bank, for the purpose of paying the first instalment of a subscription of stock by J. R. Robinson to the M'Kean County Bank, and which bills were to be returned to the Shamokin Bank by Robinson, and not put in circulation. How the money was obtained he knows not, but it was not upon a discount, as the money was to be returned to the Bank. He understood that this money was presented at the Bank for redemption, where information was had that it would be redeemed in Philadelphia, whither they were carried, and remained for four days unknown to him, and after his arrest, he redeemed them; that when we [i. e. himself, son and J. Jackson,] made the contract to purchase the Bank, he, [i. e. Robinson] stated that there were two thousand dollars in notes of the Shamokin Bank, with the M'Kean County Bank, which would be returned by him."

The stock which Robinson controlled and transferred to us, was in all about fifteen hundred shares. It was not all transferred in our names, but we are the parties in interest. We have had but one note discounted, which was for the \$38,000 00. It is now due and is not paid, but I have endorsed for Underhill and Lockhart for \$1,015 50, and my son for J. Jackson \$2,000 00.

Being satisfied with the explanation of their present position, and find them at least the ostensible, if not the real owners of the Bank, an inquiry into their ability naturally suggested itself.

To this inquiry, Mr. Underhill responds as follows, not positively but equivocally.

Mr. Jackson is a man of means, and resides in New York city. The means of myself and son are as follows, viz:

## ASSETS.

One town block in Indianapolis, Ind., worth from 30 to \$35,000, say.....	\$35,000 00
One eighty acre lot.....	8,000 00
One undivided interest in saw mill, in Dunn county, Wisconsin.....	12,000 00
	\$55,000 00

## LIABILITIES.

Lien on town block.....	\$4,500 00
Do lot .....	3,500 00
Debt on mill .....	10,000 00
Security for son, judgments .....	4,000 00
Individual debts.....	1,600 00
Endorser .....	4,000 00
Individual debt for money used in Bank.....	8,000 00

\$35,600 00

Leaving a balance in their favor of \$19,400 00 in property, according to the estimate of Mr. Underhill. Inquiries, however, of officers and persons interested in the Bank, produce a different result. Leaving the assets as he placed them, information from Indianapolis, through

an officer of the Bank, places the liens upon the block and lot at a different figure. In which case, the liabilities would be liens upon Block and lot, &c., at Indianapolis..... \$27,000 00 Add other items as above set forth, 27,600 00

\$54,600 00

Which would leave a balance in his favor of \$400 00.

Space will not allow more lengthened extracts from the voluminous evidence. It is, however, added, that of J. H. Zimmerman, the president, a large circle of friends and acquaintances, bear testimony to his public and private worth, but the then prevalent disease at Tioga, Centre and Meadville, seems to have completely overran the Shamokin Valley.

Next in order comes—

## THE BANK OF PHOENIXVILLE.

Books for the subscription to the capital stock of this Bank were opened on the eleventh day of January, A. D. 1858, from which day until the sixth day of February, A. D. 1858, one hundred and eighty three shares were subscribed, on which day there was subscribed twelve hundred shares; since which time fifteen shares have been taken. Had an organization taken place under these circumstances, the stock would have stood,

Phoenixville and vicinity.....	198 shares.
Buffalo.....do.....	1200 "

This finishes the geographical panorama of the distribution of the stock of the several Banks. For the purposes of more clearly exemplifying the dexterity of these financial geniuses who subscribe so liberally, the following table is submitted showing the name of the party; by whom the stock was taken; the attorney; witness; amount originally named in the power of attorney, and the amount they were altered to while in Phoenixville.

Party, Margaret Samsbach; attorney, J. H. Gilbert; witness, Joel Thayer; original amount, 20 shares; amount altered to 80 shares.

Party, Jeannie B. Ganson; attorney, J. H. Gilbert; witness, C. R. Ganson; original amount, 40 shares; amount altered to 80 shares.

Party, Annie H. Rogers; attorney, J. H. Gilbert; witness, C. P. Thayer; original amount, 40 shares; increased to 80 shares.

Party, Olive G. Ganson; attorney, J. H. Gilbert; witness, C. R. Ganson; original amount, 40 shares; amount altered to 80 shares.

Party, Jerusha Alexander; attorney, John P. Rogers; witness, W. G. Young; original amount, 40 shares; amount altered to 80 shares.

Party, Mary F. Driscoll; attorney, John H. Gilbert; witness, Geo. Meech; original amount, 40 shares; amount altered to 80 shares.

Party, C. R. Ganson; attorney, John H. Gilbert; witness, H. J. Jamerson; original amount, 20 shares; amount altered to 40 shares.

Party, Allison Ganson, attorney, J. H. Gilbert; witness, C. R. Ganson; original amount, 50 shares; amount altered to 100 shares.

Party, Jane Wood; attorney, Mc. P. Rogers; witness, W. Meech; original amount, 40 shares; amount altered to 80 shares.

Party, C. H. Payne; attorney, J. H. Gilbert; witness, J. P. Rogers; original amount, 40 shares; amount altered to 80.

Party, Chloe J. Gilbert; attorney, W. Meech; witness, J. H. Gilbert; original amount, 40 shares; amount altered to 80 shares.

Party, Martha Carson; attorney, J. H. Gilbert; witness, C. R. Ganson; original amount, 20 shares; amount altered to 40 shares.

Party, Elizabeth Ann Wheeler; attorney, W. Meech; witness, W. G. Young; original amount, 40 shares; amount altered to 80 shares.

Party, Sarah G. Gilbert; attorney, W. Meech; witness, J. H. Gilbert; original amount, 40 shares; amount altered to 80 shares.

Balance of the whole amount from Buffalo was subscribed by the parties present. From this



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table it appears that the powers of attorney, as exhibited by the commissioners, authorized the attorneys to subscribe 500 shares; by alteration of the letters they actually subscribed for 1000 shares. A proceeding so unworthy as this is evidently repugnant to every sense of legal or moral honesty, and probably arose from suggestion of some of these parties, of the necessity of their controlling the Bank, as was their custom in case of the Banks before named.

N. M. Ellis, Esq., secretary of the commissioners, states that the powers of attorney were altered at the time of subscribing, by the individuals named as attorneys. This proceeding was objected to by some of the commissioners, alleging that it was illegal; when the attorney for the parties holding the letters of attorney pronounced it "all straight and legal," "no difficulty about it," &c. Comment upon the legal ability or honesty of the attorney or the agents of the parties is unnecessary. Upon each share of stock was paid in five dollars, which, upon one thousand shares subscribed by attorney, would be 1,000 (\$5) \$5,000. Two hundred shares in person, 200 (\$5) \$1,000; making total amount paid in \$6,000, which was paid in the notes of the Tioga County Bank; this was Feb. 6th, 1858. Objection was raised by Mr. Ellis and others, that this was not the kind of money required by law. Upon assurances of the attorney, who was the active man and "the spokesman" of the party, the subscription and money was received, but the natural honesty of the commissioners at Phoenixville and other persons there, and at Philadelphia, was startled. Their fears soon ripened into suspicion, for we find that upon the 10th day of February, A. D. 1858, at a meeting of the board of commissioners, they adopted the following resolution: "That a committee of three be appointed to confer, &c., as to the character and responsibility in reference to Messrs. Charles E. Thayer and W. Meech, and the party they represent, and report as early as practicable." In the statement of the committee they say they proceeded to Philadelphia, and in an interview with James W. Milliken, Esq., to whom they were referred, Mr. Milliken, in answer to their inquiries, states that the parties were recommended to him by D. A. Finney, Esq., and that he has no knowledge of them, except what he obtained from Messrs. Pratt & Co., of Buffalo, N. Y., an extract of which is given, in which they say of their colleagues, that they are "correct, upright business men, and have been educated under similar influences," but as to their commercial standing, i. e., responsibility, they are unable to say what it may be at present; as they have made and lost a great deal of money, "as we understand." It is thought the latter phrase is correct; the balance would be a question of fact for a jury of the people at large to determine. It was further stated by Mr. Milliken that they, (Thayers) were stockholders in the Tioga County Bank, but did not wish to be known as such, until they had disposed of their interest in the same. The committee further state, that they cannot endorse their proceedings in relation to the Bank of Phoenixville; that public opinion is much against them, and that they recommend their withdrawal; and further, that they understand from Mr. Emory, broker, of Philadelphia, that the notes of the Tioga County Bank are entirely discredited and no sale in their report. They say that certain persons, said to be from Buffalo, N. Y.,

not citizens of this State, and to the commissioners totally unknown, subscribed an amount, therein named, of whom no satisfactory information as to their design or standing in the community where they are from can be obtained. That the first instalment was paid in Tioga County Bank notes; a new Bank, recently chartered, in bad repute, and owned, as they believe, by the parties therein named. That the Bank is controlled by strangers, would entirely destroy its usefulness to the community; therefore they offer the following resolutions:

That the resolution authorizing the subscription to the stock be rescinded;

That the special committee be authorized to employ counsel, to take such measures as will prevent the Bank from falling into the hands of irresponsible persons; and

That the treasurer be authorized to tender to the parties who subscribed sixty thousand dollars to the capital stock of our Bank, on the 6th inst., their funds, and request them to deliver up their certificates for cancellation; as it is the determination of the commissioners of the Bank of Phoenixville not to enter into banking with the said parties or their principals.

On the question, shall the report of the committee be adopted? the yeas were sixteen, nays none. So the report was unanimously adopted. This was upon the 15th day of February, A. D. 1858.

One of the resolutions adopted, authorized the committee to employ counsel, the result of which is before us in the shape of an opinion of Joseph J. Lewis, Esq., upon all the facts connected with the subscription to the stock of the Bank. The first points established are general, and apply equally to all other Banks, and are, that the subscriptions to the capital stock made by the powers of attorney, as herein before described, bind neither the principal nor the attorney; that it cannot be binding upon the principal. The words of Chancellor Kent, (2 vol., sec. 41. p., 631.) is given:

"The attorney," says he, "who executes a power, as by giving a deed, must do it in the name of his principal—for, if he executes it in his own name, though he describes himself to be agent or attorney of his principal, the deed is held to be void." A few words easily demonstrate the reason of the existence of this legal maxim. In the body of the instrument, the covenants are those of the principal, but are sealed with the seal of the attorney, in which case the attorney has not made a contract for himself or his principal, and no one named in it is bound by it: *vide Hopkins vs. Mcshaffy*, 11 S. & R., p. 128. To render the position of these letters still worse, no parol evidence can be adduced to cure the infirmity which an inspection of the deed discloses. Again, if the foregoing objections were waived, others equally strong arise. Two are general. The names of most of the stockholders which are subscribed by attorney, appear to be females. Were they *femes covert* or infants at the time the letters of attorney were executed? If they were either married women or minors, the subscriptions were made without authority, and are not obligatory. Finally, in ten of the letters of attorney the word 'forty' is erased, and the word 'eighty' written afterwards; in four, the word 'twenty' has been erased and the word 'forty' written afterwards. The evidence shows that these erasures were made at Phoenixville, by

the attorneys, without the knowledge or assent of the principals, for matters apparent upon the face of these instruments. The policy of the law makes them not only voidable, but absolutely void.

M. T. McVeagh, Esq., of Phoenixville, says that he was one of the commissioners of the Bank of Phoenixville, and that soon after the subscriptions were made, we considered them bogus, and requested them to withdraw their subscriptions, which for some time they refused, until notice was given them of the effect of our legal advice, when they met us in Philadelphia. Their receipts and subscriptions were cancelled, and we paid them back the six thousand dollars, Tioga County Bank notes. And thus ended their connection with the Bank of Phoenixville.—With the evidence, is submitted copies of telegraphic despatches, letters, &c., from bankers in Erie, Albany, &c., setting forth in answer to inquiries from the commissioners, that the parties therein named are not responsible. The greater part of the stock being thus cancelled, no application has yet been made for letters patent.

Lastly on the list comes the

## OCTORARA BANK.

Books for the subscription of the stock were opened, and up to June 23, 1858, two thousand and one shares had been taken; which amount appears in the letters patent. And twenty five dollars per share was paid in gold and silver and the notes of specie paying Banks of Pennsylvania; none of which were either of Tioga County Bank, Bank of Crawford County, or Shamokin Bank. Five dollars per share was paid at the time of making the subscription, and twenty dollars additional was paid on or before the 23d day of June, 1858; making \$25 on each share of 2,001 shares; amounting to fifty thousand and twenty five dollars. And about twenty shares has since been taken, on which fifty per cent. was also paid. The whole of the stock was subscribed by persons who reside within fifteen miles of the location of the Bank; except about sixty shares, which were taken by parties who reside, one in Norristown, one in West Chester, Chester county, and in New Castle county, Delaware. A board of directors were elected on Saturday, the 10th day of July, 1858, of whom E. V. Dickly was elected president, and J. H. Cunningham, cashier. Of the two thousand and one shares, about seven hundred shares are owned by the directors. Up to July 16, 1858, the Bank had not commenced business.

It is due to the public, that mention should be made of the system of Bank note reporters, as at present practiced. Exhibit was made of letters, circulars, &c., from publishers of reporters to the Banks, requiring immediate correspondence, or a personal visit, to make "certain arrangements," or the alternative would produce disagreeable consequences. A satisfactory line or call, and all would be sunshine; with neglect or denial, comes the instant thunder of their indignation. Aside from their imperfect description of counterfeits, many of which never existed, their contents are hurtful; quotations that depend upon the amount paid, or deposits without interest, are not only unworthy of public confidence, but should be entirely disregarded.

It might be considered improper, even though we had time and space, to endeavor by argument to demonstrate the absolute necessity of a radical and entire change in our banking sys-



tem, under the above state of facts. Is it not apparent to every citizen of this Commonwealth that it produces rottenness and corruption?—Susceptibility of misconstruction and evasion, it offers legalized inducements to dishonesty and fraud; framed with a view to the interest of the stockholder, the effect is to ignore the interest or existence of the bill holder; granting special privileges, it yet allows them to be abused, and public confidence to be destroyed, thus weakening every branch of the credit system. It is submitted that this is a public and grievous wrong, requiring a prompt remedy, for the common weal and the financial credit of the State.

The following facts are established by the evidence, or statutory enactments and the decisions thereon:

1st. The stock subscribed to these Banks by the powers of attorney is void; and hence, parties are not responsible for subscriptions.

2d. The returns made to obtain letters patent were not according to law, as section 5th of act of 16th April, 1850, provides that "the payment of the shares of the capital stock shall be made in gold and silver, or notes of specie paying Banks of this Commonwealth;" the returns state, "gold and the notes of solvent Banks of this Commonwealth."

3d. The act of October 16, 1857, was retrospective, not prospective, and did not embrace in its provisions Banks not yet organized.

4th. The withdrawal of the capital paid in by discounts or under any other name, either with or without the substitution of stock notes, is a violation or avoidance of the laws of this Commonwealth regulating Banks, that work a forfeiture of charter.

The committee, therefore, submit to your Excellency, the propriety of adopting means to remedy this great evil, either by legislative or Executive action. We subscribe ourselves,

Very respectfully, your obt<sup>s</sup> serv<sup>ts</sup>,  
P. C. GRITMAN,  
R. P. MILLER,  
OLIVER EVANS.

#### SENATE.

TUESDAY, January 18, 1859.

The Senate met at 11 o'clock, A. M. The SPEAKER in the chair.

Prayer by Rev. Mr. Hepburn.

Mr. FINNEY, who had been absent for a few days, by reason of indisposition, appeared in his seat.

The Journal was read and approved.

#### PETITIONS AND MEMORIALS.

Mr. THOMPSON presented a remonstrance against the removal of market houses, and preventing farmers from standing their wagons within certain limits, in Philadelphia.

Mr. SCHINDEL, a petition of the citizens of Northampton county, praying for a law authorizing the citizens of said county to vote on the removal of the seat of justice from Easton to Nazareth.

Also, a number of remonstrances against the said removal.

Mr. MYER, two petitions, praying for the assessment of damages on the North Branch canal.

Mr. BALDWIN, a petition of citizens of Lancaster county, praying to be exempted from the provisions of "An Act increasing the fees of district attorney in Lancaster county."

Mr. PARKER presented the petition of sundry citizens of Philadelphia, praying for the modification of the first section of the "Act relative to the widening of Chatham street, in the said city," passed 26th day of April, 1855.

Mr. FINNEY presented the annual report of the Erie canal company.

#### REPORTS OF COMMITTEES.

Mr. PENNEY (Estates and Escheats,) reported, with amendments, "An Act to empower

the courts of common pleas of Union county to appoint a trustee to receive certain money from the executor of John Brown, dec'd."

Also, (Education,) with amendment, "An Act in relation to the Hollidaysburg school district in Blair county."

Mr. WELSH, (Estates and Escheats,) as committed, "An Act to authorize the House of Refuge to extinguish certain ground rent."

Mr. SHAFER, (same,) as committed, a bill authorizing Asa Dimock, administrator of Lafayette G. Dimock, to sell and convey certain real estate.

Mr. YARDLEY, (Education,) as committed, a bill, entitled, "An Act relative to certain school taxes in Jefferson county."

Mr. WELSH, (select committee,) reported as follows:

The select committee of the Senate and House of Representatives, to whom was referred the subject of the Legislative Manual, compiled by Jacob Zeigler, Esq., late Chief Clerk of the House of Representatives, under a resolution of last session, beg leave to make the following report: That they have carefully examined the work alluded to, and take great pleasure in bearing testimony to the very able and satisfactory manner in which Mr. Zeigler has discharged the arduous duty assigned to him by the House, at the last session. The Manual which he has prepared contains a vast amount of valuable information, the result of long experience, and close observation and study, not easily attainable elsewhere, and happily adapted to facilitate members in the discharge of their legislative duties. To new members this Manual will be found particularly valuable; as a careful study of its contents will soon place them upon an equality with older and more experienced members.

The committee, therefore, agreed to report a joint resolution to compensate Mr. Zeigler for the labor performed by him, and which will be reported by the committee of the House of Representatives to that body.

#### BILLS IN PLACE.

Mr. PARKER read in his place and presented to the Chair, "An Act to modify the 1st section of an act widening Chatham street, in the city of Philadelphia, passed 26th day of April, 1858."

Also, "An Act to incorporate the Fairmount Park passenger railway company."

Also, "An Act to incorporate the Twelfth and Thirteenth Street railway company."

Mr. MARSELIS, "An Act to incorporate the Southwark soup society."

Mr. RUTHERFORD, "An Act to provide for the taxation of non-resident vendors of merchandise in the county of Dauphin."

Mr. SCHELL, (by request,) "An Act to incorporate the American improvement and loan company of Philadelphia."

Mr. THOMPSON, a bill, entitled "An Act to incorporate the Fire mutual insurance company of Northampton county."

#### ORIGINAL RESOLUTIONS.

Mr. SCHELL offered the following resolution; which was read, as follows:

*Resolved*, That it be adopted, as the Thirty-seventh rule of the Senate, that no one be permitted to smoke within the hall of the Senate.

Mr. MILLER did not understand the resolution. It there was already, as he understood, a rule to the same purport, the adoption of this could have no effect.

The SPEAKER explained that there was, in the rules for the government of the House, such a resolution; but there was none in the Senate.

The said resolution was read a second time, and agreed to.

Mr. GREGG asked and obtained leave to withdraw certain papers relating to a bill, entitled "An Act for the laying out of a State road from Sproule's gap to McCall's mills."

#### ORDERS OF THE DAY.

Resolution, offered by Mr. COFFEY, calling for information as to the service of how many clerks can be dispensed with in the Auditor General's office, since the abolition of the Canal Board, was read a second time, and agreed to.

The bill entitled "An Act to incorporate the Preachers' aid society of the First Methodist Protestant church," was then considered on second reading.

Mr. MILLER offered an amendment striking out "six thousand," and inserting "five thousand."

Mr. MILLER remarked that in grants of this character, the Legislature should be governed by the prescribed rules. He was opposed to tying up large amounts of capital in dead hands. Five thousand dollars is an ample amount for any corporation of this kind, and the object of the general law was to prevent this very locking up of capital in dead hands, of which he had spoken. He was not opposed to granting to benevolent and religious societies, but he was desirous of keeping them, as well as others, within the prescribed rules. At the last session the rule was violated, by inserting in many cases, a small amount over that which was sufficient to take it out of the power of the courts. He thought it was establishing a bad precedent, and he hoped the amendment of the Senator from Allegheny would not be adopted.

Mr. GAZZAM explained that the object of the bill was to afford relief to the poor, old and infirm preachers of the Methodist Protestant church of the Pittsburgh conference, and he did not think the Senator from Washington so fastidious as to object. What denomination of Christians, he asked, had done more to bring sinners under the banner of Jesus, and to disseminate the principles of the Gospel, than they had done? They were the early pioneers in this work of preaching the christian religion in the west. They were not ambitious of worldly wealth, as their whole lives had exemplified, and had given up all else in the work of christianizing the people. Surely we may trust them, if we can trust any one, for there is no reason to suppose, for one moment, that they would abuse any privilege contemplated by the charter. The Senate should not refuse this denomination of christians a grant which had been frequently made to others, and he sincerely hoped, that, however the objections of the Senator from Washington might be urged as a matter of State policy, others would not view them in the same light.

Mr. GAZZAM offered an amendment to the amendment, by inserting "five hundred" after "five thousand," so as to read "five thousand and five hundred."

The amendment to the amendment was agreed to.

As also, the amendment and the section as thus amended.

The bill passed second and third readings.

Mr. RANDALL was granted leave to report, as chairman of the Committee on Railroads, as committed, "An Act to extend the time for commencing the Columbia and Octorara railroad."

Mr. BALDWIN moved its consideration.

The Senate resolved itself into committee of the whole. (Mr. SCHELL in the chair.)

The committee rose and the chairman reported the bill as committed.

On motion, the rule was dispensed with, and said bill was read a second and third time, and passed.

Mr. COFFEY, leave being given, read in his place and presented to the chair, "A supplement to an act incorporating the University of Kittanning, approved March 18, 1858."

On this bill the Senate went into committee of the whole. (Mr. SCOFIELD in the chair.) The chairman reported same as committed.



On motion, the rule was dispensed with, and said bill was read a second and third time, and passed.

Mr. GREGG moved that the Senate proceed to the consideration of a bill, entitled "An Act relative to the appointment of a trustee in Union county, for the estate of John Brown, deceased."

The Senate resolved itself into committee of the whole. (Mr. SHAFFER in the chair.)

After some time the committee rose, and the chairman reported the bill as committed.

The Clerk of the House being introduced, presented bills for concurrence.

On motion, the Senate adjourned until 11 o'clock to-morrow morning.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, Jan. 18, 1859.

The House met at the usual hour, the SPEAKER in the chair.

Prayer was offered by the Rev. Mr. Gans, of the German Reformed Church, Harrisburg.

The Clerk then proceeded to read the Journal of yesterday; when

Mr. WALKER moved that the reading be dispensed with; and,

On the question,

Will the House agree to the motion? it was determined in the negative.

The Clerk then finished the reading of the Journal.

The SPEAKER laid before the House a communication from the State Treasurer, transmitting a statement of the estimated contingent expenses of his department for the ensuing year.

Also, a communication from the Secretary of the Commonwealth, on the same subject. (Referred to the Committee on Ways and Means.)

#### SENATE AMENDMENTS.

To House resolution relative to the purchase of certain books for the use of the members and clerks—striking out Sutherland's Legislative Manual; were read and adopted.

#### LEAVE OF ABSENCE.

Mr. WILCOX asked and obtained leave of absence for his colleague, Mr. BOYER, of Clearfield, for a few days from to-day.

Mr. BURLEY asked and obtained leave of absence for Mr. WIGTON, for a few days from to-day.

#### PETITIONS, &c., WITHDRAWN.

Mr. LAWRENCE, (Washington,) asked and obtained leave to withdraw the documents relative to the claims of Burke and Gonder.

#### ORIGINAL RESOLUTION.

Mr. WILEY submitted the following resolution:

*Resolved*, That a committee of five be appointed, whose duty it shall be to furnish a full report to this House of all necessary information in relation to the policy of the State tax imposed upon domestic and foreign goods sold at auction by regularly licensed auctioneers, with a view to the consideration of the expediency or inexpediency of a modification or repeal of the laws imposing said duties upon said goods. Adopted.

The SPEAKER appointed Messrs. WILEY, ROHRER, FOSTER, LAIRD and KETCHUM, said committee.

Mr. THORN offered a resolution that the Clerk be directed to furnish for the use of the members of the railroad committee a map of the city of Philadelphia.

Mr. IRISH moved to amend the same by adding a map of the city of Pittsburg.

Mr. THORN accepted the amendment.

Mr. ROSE moved to amend so that each member of the House would be furnished with copies of the same.

Mr. THORN, in explanation, said that all of the members of the Railroad Committee were out from Philadelphia. A map was necessary

to enable them to fully understand the subjects which were referred to them for consideration.

Mr. ROSE. I renew my motion to amend by making it read so as to procure a map for each member of the House. Every representative should have one. The reason why I advocate this course is because we all have to vote upon the matters reported by the Committee, and should all be conversant with the exact locality of the railroads in Pittsburg and Philadelphia. The members are just as much entitled to a map as the committeemen, and it is just as important for them to have them.

Mr. HAMERSLY said that he hoped the amendment would not prevail. The cost which would accrue would be upwards of \$1000. There was no actual necessity for furnishing the members and probably not half of them would think the map worth carrying away. He hoped again that the amendment would not prevail. The amendment of Mr. ROSE was lost.

The question recurring upon the adoption of the resolution,

The yeas and nays were required by Mr. HAMERSLY and Mr. FOSTER, and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Burley, Campbell, Chase, Church, Ellmaker, Evans, Fearon, Fisher, Foster, Glutz, Goepf, Gratz, Hamersly, Harding, Irish, Laird, Maun, Mahaffey, McClain, McDowell, Miller, Neall, Patterson, Peirce, Porter, Price, Pugh, Quigley, Ramsdell, Rouse, Shaffer, Sheppard, Smith, (Philadelphia,) Styer, Thorn, Walborn, Warden, Whitman, Wilcox, Wiley, Williston, Wood and Lawrence, *Speaker*—45

NAYS—Messrs. Balliet, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Schuylkill,) Brodhead, Bryson, Custer, Dismant, Dodds, Durbin, Eckman, Fleming, Galley, Graham, Green, Gritman, Hill, Hottenstine, Jackson, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) McCurdy, Oaks, Palm, Pennell, Pinkerton, Rohrer, Rose, Shields, Stoneback, Stuart, Taylor, Thompson, Walker, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf, Woodring and Zoller—46.

So the question was determined in the negative.

Mr. WALBORN asked leave to make a statement. Leave being given, he gave notice that at an early day he would introduce a bill for the construction of a passenger railroad, on Arch street, in Philadelphia.

#### REPORTS OF COMMITTEES.

Mr. IRISH, (Judiciary,) reported as committed, the following:

"An Act for the relief of certain collectors of taxes in Washington county."

"An Act relating to costs in certain cases."

"A supplement to sundry acts relating to the city of Pittsburg."

The committee, on motion of Mr. IRISH, were discharged from the further consideration of the following:

"An Act to prevent the destruction of fish in this Commonwealth." (Referred to Committee on Agriculture.)

Also, "An Act to authorize the trustees of the Associate Reformed, now the United Presbyterian congregation of the city of Erie, to sell certain property and to remove the bodies and graves interred therein," and asked that it be referred to the Committee on Estates and Escheats; which was done.

Mr. THOMPSON, (same,) as committed, the following:

"An Act authorizing the qualified electors of Delaware county, at the general election in Oct., 1859, to elect certain officers in said county."

Also, "An Act to authorize the registration of all inventories in the register's office of Lancaster county."

Also, with a negative recommendation, "An

Act to repeal an act regulating the rate of interest, approved May 23, 1858, and to increase the rate of interest to seven per cent."

Also, with amendment, "An Act relating to marriages."

Mr. GOEPL, (same,) as committed, "An Act to authorize the judges of the several courts of common pleas of the Commonwealth to reserve points of law and to order judgments of nonsuit."

Also, as committed, "An Act to extend to the county of Northampton the provisions of the act approved the 7th day of May, 1857, entitled 'An Act to increase the pay of jurors and witnesses in certain counties of this Commonwealth.'"

Also, with a negative recommendation, "An Act to authorize the commutation of the death penalty in certain cases."

Mr. GRITMAN, (same,) as committed, the following:

"An Act providing for the recording of venue lists, inventories and appraisements by the register of wills in and for the county of Luzerne."

"An Act empowering the judges of the mayor's court of the city of Carbondale to appoint an auditor for said court."

Also, with a negative recommendation, "A supplement to an act for the better preservation of game and insectivorous birds, passed 21st April, 1858."

Mr. CHASE, (same,) as committed, "An Act to provide for the erection of a house for the employment and support of the poor of the county of Susquehanna."

Also, with a negative recommendation, the following:

"Resolution relative to the increase of the size of the Navy-Yard at Philadelphia."

Also, "An Act relating to the filing of judgments in the prothonotary's office of the court of common pleas."

Also, "An Act to authorize certified copies of records of insurance companies to be admitted as evidence."

On motion of Mr. MEHAFFEY, the above bill was re-committed to the Committee on the Judiciary System.

Mr. KETCHUM, (same,) with amendment, "An Act to increase the salary of the prison inspectors of Lancaster county."

Also, the following, as committed:

"An Act for the relief of Isaac Gulick, a collector of military taxes in Montour county for the year 1857."

Also, "An Act relating to sheriff's and prothonotary's costs in Luzerne county."

Mr. GRATZ, (same,) as committed, "An Act supplementary to the second section of the act passed March 27, 1819."

Mr. HAMERSLY, chairman of the joint committee, to whom was referred resolution relative to Jacob Zeigler's Manual, made report; which was read, as follows:

The select committee of the Senate and House of Representatives, to whom was referred the subject of the Legislative Manual, compiled by Jacob Zeigler, Esq., Chief Clerk during the last session, beg leave to make the following report:

That they have carefully examined the work alluded to, and take great pleasure in bearing testimony to the very able and satisfactory manner in which Mr. Zeigler has discharged the arduous duty assigned to him by the House at the last session. The "Manual" which he has proposed, contains a vast amount of valuable information—the result of long experience and close observation and study—not easily attainable elsewhere, and happily adapted to facilitate members in the discharge of their legislative duties. To new members, this "Manual" will be found particularly valuable, as a careful study of its contents will soon place them



upon equality with older and more experienced members.

The committee therefore offer the following joint resolution:

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania,* That the State Treasurer be, and he is hereby authorized, to pay to Jacob Ziegler \$1,000 for one thousand copies of the Legislative Manual, compiled by him under a resolution of the House of Representatives, adopted at the session of 1858; and that the said Jacob Ziegler be, and is hereby allowed to retain to his use the copyright of said work.

Which was read the second and third time, and passed finally.

#### TARIFF RESOLUTIONS.

Mr. LAWRENCE, chairman of the select committee to which was referred the resolutions recently introduced by him, made the following report:

WHEREAS, The experience of the past and present most fully demonstrate that it is a wise and beneficial policy of the General Government which dictates the imposition of duties on such products of foreign nations as come in such direct contact with those of our own country, as to injure and prostrate the trade on our own soil, and among our own citizens.

The artisans and laborers in many departments of trade are compelled to abandon their accustomed pursuits—especially do our own coal and iron interests suffer; therefore

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That our Senators in Congress be instructed, and our Representatives requested, to labor for the passage (at the present session) of such an act as will not only tend to increase the revenue by the imposition of duties, but afford ample encouragement to all the interests of the country, injured by the productions of the cheap labor of other nations; but more especially to urge an increase of duties on coal and iron, in which a portion of our own people are deeply interested.

*Resolved,* That the views of the President expressed in his late annual message in reference to the advantage of definite or specific duties over *ad valorem* duties, as more uniform, less liable to frauds, and affording the most certain and uniform amount of revenue, meet our hearty approbation.

*Resolved,* That the Governor be requested to forward to each of our Senators and Members of Congress a copy of the above preamble and resolutions, informing them of their adoption.

Signed by committee.

G. V. LAWRENCE,  
P. C. GRITMAN,  
GEO. W. WOOD,  
JNO W ROHRER.  
JNO J PATTERSON,  
GEORGE WILEY,  
W. P. WILCOX,

Mr. GOEPP trusted that the House would not suspend the rules, and proceed to the consideration of a resolution of such great importance on such short notice. He was disposed to doubt the propriety of passing resolutions of this kind at all, and in this instance the House had heard them read but once, and certainly had not given them due consideration.

The SPEAKER said that the motion to proceed to a second reading was not debatable.

On motion, the House then agreed to proceed to a second reading; whereupon,

Mr. GOEPP stated that he deeply regretted this decision. For once, he had not really had time to read and duly consider the resolutions, and he did not doubt but that this was the case with many other members. He was well aware that in the remarks which he was now about to make, he would be extremely liable to be misunderstood, but he deemed it necessary for his

own satisfaction, and in support of his own convictions, to explain the reason why he could not vote for the resolutions. He should demand that this reason be placed upon the Journal.

His opposition, then, the speaker stated, arose not from any thing in the drawing up or subject matter of the resolutions, but simply from the fact that he was opposed to any interference by a State with a National Legislature. This was evidently contemplated by the resolutions, and would not only be a waste of time, but would exceed the authority of the State Assembly. It would be doing an injustice to the constituents of the representatives, who had been sent to Harrisburg to legislate, not for the country at large, but for the different counties of the Commonwealth; not for the nation, but for the State. It was likely to lead to differences between the members of Congress and of the Legislature, and was in fact totally wrong. The province of the two branches of government was well understood; the duties of the delegates at Washington were to represent their respective districts on all questions affecting the nation, while the powers of members of a State Assembly were limited to matters immediately within their own jurisdiction. Neither branch had any right to interfere with the other.

The subject, he said, he did not propose to discuss at any great length, being unprepared, but should insist upon the doctrine of non-interference by State Legislatures with National questions. Where would such a practice end? Already, besides the pending resolutions, two others had been prepared, one of them relative to a navy yard and one relative to the rates of postage. No doubt others would be pushed forward, and probably the long vexed and agitating slavery question would be broached in these halls, until at length the State Legislature of Pennsylvania would be resolved into a body having no duty except to instruct the members of both Houses at Washington. They were not sent to Harrisburg for any such purpose. The Federal Congressmen were directly responsible to the people, and the representatives who were before him had no duty except to represent the people of the State, on State issues. In regard to the tariff question, the citizens of the Republic had already spoken, and the voice of the Assembly of any one Commonwealth was not requisite to reiterate their views.

While thus being opposed to any resolutions of instruction to Congressmen, he was sorry that the tariff question had been the one on which he was obliged to express these sentiments, and for this purpose would greatly have preferred the navy-yard or post office rates. On either of these, he thought it probable that he should have received more unbiased attention. Yet if the doctrine was true in regard to one, it was equally so in regard to another, and the principle would remain unshaken, whatever might be the application.

There was no doubt but that resolutions of the same character of those proposed, had already been passed by legislatures, but the precedent was not binding.

If it was right to instruct Congressmen, and if the practice was to become common, the State Assembly would be little better than a caucus of instruction. Again he would repeat that the people of the Commonwealth contemplated no such object when they sent their representatives to Harrisburg.

The fact was indisputable that in many instances the matter had been carried to great lengths. In the South Carolina Legislature, a committee had been appointed expressly on Federal Relations. This bad example should prove instructive.

Again, he was forced to regret that the expression of his views had necessarily been upon a question of such importance as that of a regulation of the tariff—a question which

elicited the attention of all partisans. But he could not refrain from speaking, for it was fraught with so much danger for a Legislature to attempt to instruct Congress, that a sense of duty had prevented him from remaining silent.

Continuing further in defence of the ground which he had assumed, he said that the Union was not merely a confederation of States, but of the people of the States; and it was to the people that Congressmen were liable, and not to the Legislatures. It would lead to wrong views and improper acts, for the Assemblies of the States to interfere with National questions. Holding this doctrine, he could not, and would not vote for the resolutions, and should claim the right to have his reasons for not doing so, entered upon the Journal of the House.

Mr. LAWRENCE, (Washington) said that he did not rise to enter into any discussion of the principle broached by the gentleman from Northampton. (Mr. GOEPP) At some other time he might be able and willing to combat the views which had been advanced, and he trusted would be fully prepared to meet them, but it was in the passage of the resolutions that he was now more immediately interested. He was glad to see that Mr. GOEPP had made no objection to either the subject matter or the drawing up of the resolutions. He was equally glad to find that no other voice had opposed them. He had no intention of discussing the tariff, inasmuch as he believed that all present were anxious to vote, and take effective action, and therefore would not attempt to make a speech for buncomb, or anything else. The abstract question might be settled some other time, but the vote was all that was required at present. The tariff question was likely to come before Congress either this week or in the early part of next, and it was advisable that the great matter at issue should be at once adjusted, without distinction of party. This had been done in committee, and concessions might be made on all sides. The resolutions expressed the sentiments of the people of the State, and the people were looking for some action on the part of their representatives. He knew this by correspondence from many counties, and knew that Congressmen were anxious to have an expression of opinion on the part of the Legislature. A vote should be taken before the adjournment, unless it was desired to engage in a protracted struggle.

Mr. GRITMAN said that the gentleman from Washington. (Mr. LAWRENCE,) need be under no apprehension of any protracted struggle. He agreed with him as far as related to the matter at issue, and as far as concerned the tenor and style of the resolutions. The only question which had been raised, was that relative to the doctrine of instruction. In all local questions he was opposed to the exercise of this right, but when the people of a whole State were concerned, it was but just and proper that their views should find expression, and reach the ears of the Federal Congressmen through the State Assembly.

The gentleman from Northampton had evidently misunderstood the terms of the resolutions. These were not that Congressmen should be *instructed*, but that the senators should be *instructed*, and the representatives *requested* to forward the object. Now who were the constituents of the Senators, if they were not the members of this Assembly? Was it not then the right and duty of the House to instruct those whom they had chosen, upon any question of general importance?

But the resolutions went further. They requested the Representatives to use their influence in favor of increased duties. There was nothing disrespectful or improper in this. No demand was made—no instruction was given, but simply the humble request that they might adopt such a course. The Assembly had no



authority to say more, but in regard to the Senators it was justly entitled to give clear and succinct instructions.

There was nothing contained in the resolutions, he thought, at which any one could justly demur. Each side had made a sacrifice—in fact all had made sacrifices. The interests of the State had demanded it.

He was not fearful of the result, but hoped that the yeas and nays would be placed upon the record. That the resolutions would pass could not be questioned, for there seemed to be no dispute as to their propriety.

Mr. WILLISTON did not rise to disagree, but rather to suggest that the chairman of the committee which had the resolutions in charge, should reply to Mr. GOEPP, and thus meet all objections at the threshold. Mr. GOEPP had stated that the House was not authorized to pass such resolutions, and it would be well to discuss and decide this point. He was satisfied as to the matter in his own mind, but felt that it was the duty of the chairman of the committee in question, to meet and answer the arguments of the gentleman from Northampton (Mr. GOEPP.) He hoped that he would at once do so.

Mr. KETCHUM said that he did not propose to consume much time, but would try to fulfil what he considered a duty by combatting the views of Mr. GOEPP. He believed that the people of this Commonwealth, and of all others, had a right to instruct their Representatives in Congress, through any respectable medium, upon any matter in which they were generally interested, and he should never consent to ignore the will of the people by refusing to fulfil his part. As long as the members of the State Assembly were the representatives of the citizens, and so long as they were the constituents of the Senators at Washington, they stood in the position of mediums, and should so act. Mr. GOEPP had said that it would be highly improper for Congress to interfere with the affairs of the Legislature. It certainly would, and would be no less improper for the members of the Harrisburg House to interfere with their constituents. But reverse the case. Suppose that the State Assembly ignored the authority of those by whom they were chosen. They would then be in a similar position to the Senators, if they should ignore the resolutions adopted by their constituents.

Ours was a great and peculiar government. The machinery at Washington—the President, Senators and Members of the House—were under the control of the sovereign people. Who placed them there except the citizens of this republic, and to whom else were they responsible? They were not there to govern us, but as our agents, to carry out the will and wishes of the dumbest man. They were not there to command, but to follow such a course as might be determined by the voice and will of the people. As the gentleman from Luzerne (Mr. GRITMAN) had said, we have undoubtedly the right to instruct the Senators, for they are the creatures of this House—born here, sent from here with instructions—chosen here. And how? Why, by a reliance upon their pledges, and by an expression of a political belief. They were bound to sustain our principles, and moreover, they have a right to look to this House for encouragement and advice; for we are the mediums through whom the people communicate, and through whom they express their opinions.

The members of the lower House at Washington, he declared, were equally under obligations to the people to fulfil their wishes.

He desired to know whether it was not true that in each election district the people had expressed their sentiments relative to the tariff, and had instructed the majority of their members to vote for increased rates? Now it was argued that out of extreme delicacy these members must not dare to reiterate these views to

the higher officers, but must altogether ignore the will of the people. He assumed the broad ground that he had a right to instruct Congressmen, and that when requested to do so by the people, as in the present instance, it was a neglect of duty to fail to urge the matter.

The question being called for,

Mr. LAIRD asked whether the question was on the preamble or on the first resolution?

The SPEAKER. On the first resolution.

Mr. LAIRD moved an amendment, viz: That in the first resolution all be stricken out after the word *that*, and that the resolution read thus:

*Resolved*, That the imposition of duties upon foreign importations, should be made with the object primarily of obtaining sufficient revenue for the economical administration of the general government, and in the arrangements of the details, and the mode of levying said duties, such reasonable and proper discriminations should be made, as will to the best advantage protect and encourage domestic manufactures, without inflicting injustice upon other great industrial interests of our country.

The question being taken on the amendment, it was lost.

The SPEAKER. The question recurs on the first resolution.

Mr. ABBOTT said that he should vote for the resolutions as they had been reported by the committee. He did not desire, however, to evince any particular partiality for the doctrine of instruction, which was liable to many objections. Some of these had been touched upon by the gentleman from Northampton, (Mr. GOEPP.) He was not disposed, however, to entertain these at present, inasmuch as he felt bound to sustain the resolutions for the subject matter therein contained, and because the method of communication between the people and Congressmen, through the State Assembly, was well recognized. With these few remarks, he hoped that he had set himself right in regard to the matter.

Mr. WILLISTON moved an amendment, which was that the words "and vote" should be inserted after the word "labor" in the first resolution.

He said that the resolutions were not strong enough, and that if the House had any right to instruct at all, they should do it in a forcible manner. He again said that he considered it the duty of the chairman of the committee which had reported the resolutions to rebut the arguments of Mr. GOEPP, and take up the gauntlet which had been thrown down.

Mr. LAWRENCE, (Washington,) stated that it was unfortunate that the resolution had not been referred to the gentleman from the North, (Mr. WILLISTON.) He had already said that he had no desire at present to enter into a discussion of the principle of instruction. If it was especially desired, however, he might do so. But if the gentleman from Tioga, (Mr. WILLISTON,) or the House, would postpone for a day, or a week, if they were not satisfied as to the right to instruct, or as to the language of the resolutions, or as to their tenor, he would propose that the whole subject be postponed until to-morrow morning. He would then willingly meet either the arguments of the gentleman from Northampton, (Mr. GOEPP,) or the perhaps, sarcasm of the member from Tioga, (Mr. WILLISTON.) He did not want to be charged by any man with having offered those resolutions for "bunkum." They had been prepared and submitted in good faith, and in preparing and presenting them, he had been instigated by members of Congress, and had personally considered that their presentation at this time was of no little moment. While he had no disposition to waste time in futile discussion, he was willing, nay, more than willing, to meet any opposition, and to-morrow morning would be prepared to discuss

the subject in all its bearings. It had always been with him a favorite theme, and years ago he had fully considered it. The resolution had not been carelessly or thoughtlessly drawn up.

He would not permit, he said, any man to impugn his motives, or to intimate that he was either unwilling or unable to meet any arguments advanced upon this subject.

Mr. WILLISTON said that he was at a loss to understand the gentleman. If he had applied remarks previously made by the speaker, to himself, and considered that they were uttered in a spirit of unkindness, he was wrong. But he did think, and should re-iterate that opinion, that it was the duty of the chairman of any committee reporting a resolution, when that resolution was assailed, to step forward in its defence. All that he had said, had been in good faith.

Mr. GRITMAN hoped that Mr. WILLISTON would not insist upon his amendment. If the Senators were the servants of the House, they should receive from it the same dignified courtesy which a true gentleman pays to his servant. They should be addressed in a courteous manner, and not ordered "to vote." The resolution, as it stood, was sufficiently strong to accomplish the desired end, and indicated its meaning well enough by the word "instruct." To go beyond that point, would be to go too far, and he should be disposed to cavil, if the House would make the expression more forcible.

Mr. MILLER said that it would have afforded him much satisfaction to have had those resolutions printed, and laid on his desk, before they were called up for consideration.—Others might, perhaps, be ready to pass them, but he was not quite prepared, not because he had any amendment to offer, similar to the rather wild one of the gentleman from Tioga, (Mr. WILLISTON,) but because time was requisite for deliberation. It was well understood, by this time, he believed, that the House had a perfect right to pass the resolutions; but there was another point, and that was that he was opposed to a revenue tariff, and saw a little of that in them. In order to investigate this more fully, although he would have to vote for the resolutions, he would move a postponement until the day after to-morrow, and that the resolutions be printed for the use of the House.

Mr. LAWRENCE (Washington,) was afraid that if once postponed, the matter would not again have a chance to come before the House in proper form. Gentlemen were anxiously waiting for an expression of opinion on the part of the House, and there was no reason why it should not now be given, when the resolutions met the views of all those most interested.

Mr. MILLER again said that time would give an opportunity for due consideration.

Mr. HAMERSLY moved, as an amendment to the motion of Mr. MILLER to postpone, "and that the matter be made the special order of the day, for to-morrow."

Mr. THORN asked if it would not require a two-third vote to pass this?

The SPEAKER said that it would.

Mr. THORN. Then I hope that it will receive it.

The question being called on the amendment of Mr. HAMERSLY,

The yeas and nays were required by Mr. HAMERSLY and Mr. ROSE, and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barnsley, Bayard, Berolot, Boyer, (Schuylkill,) Brodhead, Bryson, Campbell, Cusler, Dismant, Foster, Galley, Glatz, Goepf, Gratz, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Kenney, Kinney, Laird, McClain, Miller, Neall, Ramsdell, Rose, Stephens, Stoneback, Wilson, and Woodring—35.



**NAYS**—Messrs. Barlow, Burley, Chase, Church, Dolts, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fleming, Graham, Green, Gritman, Ketchum, Lawrence (Washington), Mann, McHaffey, McCurdy, McDowell, Oaks, Paba, Patterson, Pennell, Peirce, Pinkerton, Porter, Price, Pugh, Quigley, Rohrer, Rouse, Shaeffer, Sheppard, Shields, Smith, (Philadelphia,) Stuart, Styer, Taylor, Thompson, Thorn, Walborn, Walker, Warden, Whitman, Wigton, Wilcox, Wiley, Williams, (Bucks,) Williston, Withrow, Wolf, Wood, Zoller and Lawrence, *Speaker*—55.

So the question was determined in the negative.

Mr. ABBOTT said that he was in favor of immediate action. The resolution would only be embarrassed if full scope was given to a debate on the doctrine of instruction. There could be no doubt but that Congress was amenable to the people, as much as the State Assembly. But there was another view. The right and duty to instruct was placed with the Legislators by the people, and they rely upon them to exercise the privilege. When they shall take direct measures to instruct Congressmen, without legislative intervention, it will be time enough to cease action.

Mr. THOMPSON said that he too should vote for immediate action. It was one of the highest duties of a legislator to instruct the members of Congress as to all measures which would conduce to the prosperity of the Commonwealth. While he had the highest opinion of the intelligence of the gentleman from Northampton, (Mr. GOEPP,) he must differ with him on this point. The Senators were only servants of the Assembly, and sent as such. They were bound to obey such instructions as should be given them by their constituents.

Mr. THOMPSON continued further, and strenuously urged the immediate passage of the resolutions.

The SPEAKER. The question is now on the motion to postpone.

Mr. GRITMAN. The amendment of Mr. WILLISTON has not yet been disposed of.

The amendment was lost.

The motion to postpone was lost.

Mr. RAMSDELL then moved, as an amendment to the first resolution, to strike out the words "a portion of our citizens are interested," and insert "all our citizens are interested." Mr. R. sustained his amendment with some remarks, stating that all the citizens of the Commonwealth were interested in the subject.

The amendment was lost.

The question then recurred upon the first resolution.

It was adopted.

On the second resolution.

It was adopted.

On the third resolution.

It was adopted.

On the preamble.

It was adopted.

It was agreed to transcribe for third reading, and the resolutions were read a third time by their title.

The question being then on the final passage,

The yeas and nays were required by Mr. SHEPPARD and Mr. M'DOWELL, and were as follows, viz:

**YEAS**—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Foster, Galley, Glatz, Graham, Gratz, Green, Gritman, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, M'Clain, M'Curdy, M'Dowell, Miller, Neall, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Porter, Price,

Pugh, Quigley, Ramsdell, Rohrer, Rose, Rouse, Shaffer, Sheppard, Shields, Smith, (Philadelphia,) Stephens, Stouchback, Stuart, Styer, Taylor, Thompson, Thorn, Walborn, Walker, Warden, Whitman, Wigton, Wilcox, Wiley, Williams, (Bucks,) Williston, Wilson, Withrow, Wolf, Wood, Woodring, Zeller and Lawrence, *Speaker*—91.

**NAYS**—Messrs. Goepf and Laird—2.

So the question was determined in the affirmative.

Before Mr. GOEPP recorded his vote on the above preamble and resolutions, he entered up on the Journal of the House the following:

Mr. SPEAKER—I desire to enter upon the Journal of the House, the reasons which influence me in giving the vote I shall give on these resolutions. They are as follows:

That I hold it to be inexpedient, impolitic and improper for a State Legislature to interfere, as a body, in any question of Federal or National legislation whatever, or to express any opinion, as an official body, in relation thereto; that the discussion of such questions in a State Legislature is a waste of the time and money of the people of the Commonwealth; that the passage of resolutions on such subjects is not within the duties which the State Legislature is elected to perform, and is unwise and undignified, because the State Legislature possesses no means of enforcing them; and that the introduction of such topics into a State Legislature results from erroneous views of the Constitution of the United States, and of the relation between the State and the Federal Union; and is calculated to further promote such erroneous views, and to give to subjects of Federal legislation, and the functions of the Federal Government, an undue importance and preponderance in the public mind, as compared with matters of State legislation.

For these reasons I vote "No," without expressing any opinion whatever as to the tariff question, the subject discussed in the resolutions.

M. GOEPP.

Messrs. GRITMAN and GLATZ severally entered upon the Journal the reasons which induced them to vote as they did upon the above question.

#### BILLS IN PLACE.

Mr. IRISH read in his place and presented to the Chair, "An Act to incorporate the Mercantile Library Hall company of the city of Pittsburg," and asked that it be referred to the Committee on the Judiciary.

Mr. THORN desired to know why the bill could not be referred to its appropriate committee—that of Corporations?

Mr. IRISH replied that it involved a question of taxation.

Mr. THORN thought that if this was so, then it ought to go to the Committee on Ways and Means. He moved, however, that it be transferred to the Committee on Corporations, where it properly belongs.

And on the question.

Will the House agree to the motion?

It was determined in the negative.

Said bill was then referred to the Committee on the Judiciary System.

Mr. FOSTER, "An Act relative to improvements in the city of Pittsburg;" and by his request, said bill was referred to the Committee on Corporations.

Mr. WILLIAMS, "A supplement to the act incorporating the Dark Hollow and New Hope cementery company. (Referred to Committee on Corporations.)"

Mr. KINNEY, "An Act repealing so much of the 40th section of the act of 21st April, 1858, as provides for the publication of a *Daily Legislative Record* by R. J. Haldeman; and on his motion, the rules being in this case dispensed with, the House proceeded to the consideration of the same.

The first section being before the House.

Mr. FOSTER stated that he was opposed to settling this matter until the report of the committee had been received. If the act was to pass, he did not believe that it would lead to the formation of any new contract, which would be as advantageous as the present one. He did not think that the printing of the *Record* could be done cheaper by any party, without reliance was placed upon fraudulent means of obtaining money from the State. That this course had already been pursued by a Harrisburg printer, he had ascertained by reference to the Auditor General's Report.

The hour of one having arrived, the SPEAKER adjourned the House until Wednesday morning at 11 o'clock.

#### REPORT

#### OF THE PROCEEDINGS OF THE MONUMENT COMMISSIONERS.

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

The committee, appointed under a resolution of the commissioners to "superintend the erection of a monument to the memory of citizens of Pennsylvania who were slain, or lost their lives in the war with Mexico," with instructions "to communicate the proceedings of the board to the next Legislature," submit the following report:

In pursuance of the duties conferred upon them, the committee will state that the Commissioners first met on the 13th day of May last, and organized by electing His Excellency, Wm. F. Packer, President, and Col. John W. Geary, Secretary and Treasurer. At that meeting, after consultation, the commissioners determined that six thousand dollars, the sum appropriated by the act of the Legislature, approved April 22d, 1858, was inadequate to erect a monument suitable for the purpose indicated. The board, however, desiring to be more thoroughly informed upon the subject of monuments, and the cost of their erection, passed the following resolutions, viz:

"Resolved, That this board will receive plans and specifications for 'the erection of a monument to the memory of citizens of Pennsylvania who were slain, or lost their lives in the late war with Mexico; to be erected on some suitable spot on the public grounds at Harrisburg, to be selected by the commissioners, and that a premium of two hundred dollars may be awarded for the plan which may be adopted. The cost of the monument not to exceed the sum of thirty thousand dollars. Plans, specifications, and estimates to be addressed to the Governor, at Harrisburg, on or before the first day of July next."

"Resolved, That sealed proposals will be received at the Executive Chamber, at Harrisburg, up to 12 o'clock, M. of the 4th day of August next, for the erection of a monument for the purposes above stated."

"Resolved, That the Secretary is hereby instructed to advertise for plans, proposals, &c.

In obedience to the above resolutions the Secretary by "Notice to Architects," dated "May 14th, 1858," advertised for plans, specifications and estimates.

On the first day of July the board again met, for the purpose of examining the various plans submitted to them, and of adopting one, which in their opinion, would be best adapted to the purpose for which the monument is intended. Some thirty plans and models, executed with much artistic skill, taste and science, were exhibited; most of which were highly creditable to those by whom they were presented. The accompanying estimates of the cost of erection varied from \$30,000 to \$125,000 respectively. Scarcely any architect seemed willing to risk his reputation by furnishing a plan for a suitable monument, with an estimate of cost less



than the maximum fixed by the commissioners; and indeed very few would agree to bind themselves in written contract, or give responsible guarantors, to erect one at that price.

"On motion of Mr. Rippey it was,

*Resolved*, That a committee of five be appointed to ascertain at what price the monument designed by Henry E. Wrigley, Esq., can be erected; and that if said committee receive a proposal for the erection thereof at a price not exceeding thirty thousand dollars, with proper and sufficient securities and guarantees, the same be adopted. And if it cannot be erected at the price named, that we adopt the design of Messrs. Long & Powell, provided the price of the same, shall not exceed thirty thousand dollars, with like securities and guarantees."

"Messrs. Rippey, Geary, Anderson, Coulter and Waterbury, were appointed said committee."

That committee immediately proceeded to Philadelphia, and having carried out the instructions contained in the above resolution, reported a written guarantee from Messrs. Struthers & Son, (the firm with which the said H. E. Wrigley was connected,) that they would "erect a monument according to the design drawn and furnished by H. E. Wrigley for a price not to exceed thirty thousand dollars, in either of the following styles, viz: Of red or drab sandstone, of the height of one hundred feet; or of marble, with the base, buttresses and interior of dome of blue marble, and the residue of white marble, eighty feet in height, preserving the proportions in either case."

Proposals were then invited for the erection of a monument according to the Wrigley plan, to to be received and opened on the 4th day of August.

The commissioners met at the time appointed, but there being no quorum present, it was

*Resolved*, That the board adjourn, to meet again at 10 o'clock, A. M., on Wednesday the 18th instant."

Pursuant to the adjournment, the board met. Another plan was then presented by Mr. James G. Batterson, of Connecticut; who, by permission of the board, read a description of the plan he submitted, and gave such other information respecting it as was deemed necessary.

The board then proceeded to open the proposals received. They are as follow:

W. C. McFadden, on Wrigley's plan,	\$29,357
Thos. Aldred, do. in marble,	57,500
Do. do. in sandstone,	28,750
W. C. Boyle, do.	25,765
John McFadden, do.	27,550
C. Eberly, do.	28,000
Saml. Holman, do. in marble,	30,000
Struthers & Son, do. do.	30,000
Saml. Holman, on Holman's plan,	19,000
B. C. Packen, on Woodbridge's plan,	28,000
B. C. Potts, on Trenton's plan,	20,000
J. G. Batterson, on Batterson's plan,	
in Italian marble,	30,000

The following preamble and resolutions were then adopted:

"WHEREAS, Messrs. Struthers & Son are not the lowest bidders for the erection of the monument under the Wrigley plan; And whereas, They are the only parties with whom any interview was had upon the subject, by the committee appointed for the purpose: therefore,

*Resolved*, That the board deem it inexpedient to proceed to the erection of the monument, under the said plan, and therefore the bids this day opened and examined on said plan be, and the same are hereby rejected, and that the resolution passed at a meeting of July 1st, 1858, providing for the adoption of the Wrigley design be and the same is hereby rescinded.

*Resolved*, That we do hereby adopt the plan made by James G. Batterson, and that his proposition be submitted to the next Legislature, for such action as circumstances may require.

*Resolved*, That a committee of three be appointed by the President of the board to communicate the proceedings to the Legislature.

"Whereupon, John W. Geary, O. H. Rippey, and Gen. E. C. Williams were appointed said committee.

"The resignation of Col. James Page, as a member of the board, was read and accepted.

"The board then adjourned, to meet at the call of the President.

The plan of Mr. Batterson having been adopted, a verbal agreement was made between the commissioners and him, conditioned upon the Legislature appropriating the sum of \$24,000, in addition to the \$6,000 already named, for the erection of the monument.

The design and specifications of Mr. Batterson are herewith submitted to the Legislature.

Mr. Batterson offers the following named gentlemen as guarantors, to secure the faithful performance of his part of the contract, viz:

James L. Howard & Co., H. & W. Reney and Col. Samuel Colt, all of Hartford, Connecticut, and Edwin D. Morgan and George D. Morgan, of New York.

The commissioners, after full deliberation, were unanimously of the opinion that it was inexpedient and unwise to expend the meagre sum of six thousand dollars in the erection of a monument for the purpose above specified; and they were also of the opinion, that it was improper to authorize the expenditure of that sum in the commencement of one, which was to cost many thousands more, with an uncertain reliance upon future legislative appropriations for its completion. The latter course, in the opinion of the board, would not have been creditable either to those who lost their lives, or served in Mexico, to this great Commonwealth, or to those to whom the erection of the monument has been confided.

Our countrymen have at all times nobly confessed an exalted reverence for those, who, while living, have distinguished themselves on the battle-field; nor have they been unmindful of them when dead. Almost every State and city in the Union has its monuments, commemorative of the virtues and heroism of its citizens. Shall it be said that Pennsylvania is an exception? A State that has ever been prodigal of her millions in the development of her physical resources—in the construction of her public works—in the amelioration of the condition of the insane—and in the performance of every noble and disinterested act which philanthropy could suggest. Will she any longer continue to be forgetful of those of her sons whose sufferings and sacrifices for their country's honor can never be fully appreciated; whose nights were spent in sleepless vigilance, and days in toil and peril; who have offered ease, and health, and life, upon the altar of patriotism, and now refuse to grant a few thousand dollars sufficient for the erection of a monument which will be justly appreciative of their virtues, and suitably commemorative of their services? The committee cannot for one moment believe that she will. They believe that the same patriotism glows in the breasts of those who now represent her in the Executive and Legislative Halls, that did in those who represented her on the battle fields of Mexico, and that they will not hesitate to make the appropriation requested. The enlightened people of Pennsylvania, rising above selfish and partizan feelings, will sanction such expenditure for the erection of a suitable and honorable memento of the important services of those patriots, who, in sustaining their country's honor, lost their lives, either by the casualties of battle, or by diseases incident to extraordinary exposure in a tropical climate; whose remains are among strangers, in a foreign land, without a stone, however rude, by which their resting places are indicated, or may be distinguished from those of their fallen enemies.

It is hoped the amount asked for will not be considered large, for it seems small indeed, when compared with the cost of monuments elsewhere erected, and about to be erected, for similar purposes. The proposed monument in honor of the fifty-six signers of the Declaration of Independence, it is said, will cost one hundred and twenty five thousand dollars. It is but a very brief period since the announcement of the death of that gallant soldier, patriot and statesman, Major General Quitman, and yet the people of Mississippi have already made ample provision for the erection of a monument in just appreciation of his virtues.

Many hundreds of the flower of Pennsylvania's bravest sons;—a part of that long and sad catalogue of public benefactors who are neglected and forgotten, while our country is in the midst of a rich harvest of blessings, resulting from their services, lie in a foreign land, thus far totally neglected. Are they less worthy of commemoration?

The committee cannot make the request for the further appropriation of twenty-four thousand dollars, nor can they urge, at this time, the taking of so large a sum from the public treasury, without setting forth some further reasons, which, with those already stated, would, in their opinion, seem to justify such an expenditure.

Pennsylvania should never be forgetful of her past and present glory, nor should she cease to remember that she is truly "the land of the free and the home of the brave;" that very many honors are proudly borne upon her escutcheon, which were won, in part, by those whose life and death it is now desired suitably to commemorate.

No sooner was the Mexican war proclaimed, than the chivalric sons of Pennsylvania, prompted by that patriotism which withdrew them from their own avocations, with characteristic and generous emulation, rushed forward to offer their services to defend the honor of the nation. Two full regiments of volunteers, and one of regulars, were all that were accepted; but this did not satisfy the ardor of her people; not only regular regiments were filled up, but the ranks of the volunteer regiments of some of the neighboring States were swelled by Pennsylvanians.

The volunteer regiments went forth with swelling numbers, and high aspirations; and having nobly performed their duty, they returned—their ranks terribly seathed, reduced to less than one-half. How many firesides have been desolated—a father, son, or husband, has fallen in the battle-field, without the possibility of kindred shedding a tear at their graves? There is not a battle-ground of the Mexican war where the soil was not crimsoned with the blood of Pennsylvanians. The bodies of the slain, in many instances, were denied, by the inhabitants, even of the right of sepulture. The hostile feet of their "robber-bands" insultingly tread upon them, or whose nefarious hands dragged them from their graves, stripped them of their clothing, and left them as food for the jackal and other beasts of prey.

Pennsylvanians were at the battles of Palo Alto, Resaca de la Palma, Monterey and Buena Vista. The volunteer regiments underwent arduous duties, and rendered distinguished services at the reduction of Vera Cruz, and at the renowned victory of Cerro Gordo. They were faithful in the performance of every duty at La Roca, Huamantla, and Puebla, and in that series of victorious battles in the Valley of Mexico, which resulted in the capture of the famous "Halls of the Montezumas," they rendered services of the most gallant character. In garrison, on the tortuous and scorching march, as well as in battle, they conducted themselves with becoming fortitude and gallantry—officers and soldiers vied with each



other in deeds of valor and heroism—to discriminate between them would be unjust; and it is not saying too much, that whilst their names, with their daring exploits, will occupy one of the brightest pages in their country's history, they will be proudly treasured in the memory of the American people. They bore the flag of our State in triumph over many a bloody field—across the miry swamps of Chalcutpec, and in that bold and impetuous attack it was placed in triumph there, before the surrender of that fortress; and leading thence along the causeway, under a murderous fire, through the fiercely-contested Garitade Belen, displayed Pennsylvania's proud banner in victory first, from the flagstaff of the once defiant Citadel of Mexico. From Pennsylvania, it is said, with regret, these noble and self-sacrificing services have, as yet, received no appropriate legislative recognition. At least such as their vast importance would seem, not only to justify, but absolutely to demand.

The soldier offers up his life a willing sacrifice for his country's honor, and it is practically said, that, though it may be sad, "it is sweet to die for one's country;" but when the soldier dies, sweeter still to him is the assurance that his countrymen will perpetuate his memory. Should war again unveil his unsightly front upon our laud, and our citizens be called to the defence of the country, what greater stimulus could be offered to their pride and patriotism, than to point them to the monumental evidence that their State has not forgotten its fallen sons, and they will enjoy the pleasing reflection, that when the sound of the conflict and the roar of the battle shall animate them no more, that they too will be duly honored by their native State, which they delighted to honor.

Such services as the committee have attempted briefly to describe, they believe it to be the bounden duty of Pennsylvania to reward and suitably to honor. An opportunity is now presented by which her representatives can, in part, do both; and render an act of respectful homage "to Pennsylvanians who were slain, or lost their lives in the Mexican war," who with such a record of toil, of patriotism, of courage, and of perseverance in the midst of the most depressing discouragements, have so largely participated in that series of brilliant victories, which have, and will forever, shed such unfading lustre upon American arms.

Respectfully submitted,

J. HN W. GEARY,  
E. C. WILLIAMS,  
O. H. RIPPEY.

#### DESCRIPTION OF MONUMENT.

The monument being commemorative of Pennsylvanians only, who lost their lives in the war with Mexico, I have endeavored to give it a local character, and yet to render it purely historical, telling its own story with such simplicity and certainty that it cannot fail to be intelligible to a discerning mind.

The main column is made to represent the trunk of the Mexican palm tree, and the capital its coronal of leaves. The prickly pear encircles the abacus, and the spaces between the leaves of the capital are filled up with the flowering cactus.

The application of the palm, in this instance, possesses not only a remarkable significance, but receives additional force and beauty, from the fact that its branches have in all ages of the world been regarded as the true symbols of victory, while its stately trunk and crown of evergreen foliage have alike been considered fit emblems of strength and gracefulness.

Four pedestals terminate the buttresses, which project alternately from the faces of an octagonal base, and support an equal number of allegorical statues, representing respectively—War and History, Peace and Plenty. War as-

sumes a sitting posture, and is in the act of returning his sword to its scabbard, while in repose he relates his adventures to History, who, in listening attitude, holds the stylus and tablet upon which she is about to inscribe the record.

The corresponding statues, Peace and Plenty, are draped female figures, in like positions, and characterized by appropriate accessories. Peace is accompanied by her twin sister, Plenty.—War becomes their mutual guardian and protector, with History for his appropriate and necessary attendant.

The arms of Pennsylvania are sculptured in alto-relievo upon the plinth of the main column, bearing the motto—"Virtue, Liberty and Independence."

A colossal statue of Victory crowns the monument. Standing upon a three-quarter globe, she holds in her right hand a wreath of laurel; with her left, she gathers up the folds of our national flag, which she guards as the symbol of freedom and guerdon of victory.

The main die, together with its cornice and base, are octagonal—the different facades being reserved for inscriptions.

Between the statues of war and history, upon the base of the main pedestal, appears the dedicatory inscription:

The State of Pennsylvania,  
to her brave sons,  
who lost their lives  
in the  
war with Mexico.

Upon the facades of the plinth, will appear, in raised letters, the names of the different engagements.

The monument is designed to be thirty feet square at the base, and seventy-five feet high. The material to be of best quality Italian marble, as per specification. Price, \$30,000.

#### AN ACT relating to Evidence.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That no person offered as a witness in any action or judicial proceeding in any of the courts of this Commonwealth, shall be excluded by reason of his interest in the event of such action or proceeding; and a party to any action or judicial proceeding in any of the courts of this Commonwealth may be examined as a witness, but such examination shall not be had, nor shall any other person for whose immediate benefit the same is prosecuted or defended be so examined, unless the adverse party or person in interest is living, nor when the opposite party shall be the assignee, administrator, executor or legal representative of a deceased person, nor unless ten days' notice of such intended examination of the party or person interested, specifying the points upon which such party or person is intended to be examined shall be given in writing to the adverse party, except that in special proceedings of a summary nature such reasonable notice of such intended examination shall be given as shall be prescribed by the court or judge, and when notice of such intended examination shall be in an action or proceeding in which the opposite party shall reside, out of the jurisdiction of the court, such party may be examined by commission issued and executed, as now provided by law. And whenever a party or person in interest has been examined, under the provisions of this section, the other party or person in interest may offer himself as a witness in his own behalf, and shall be so received.

SECTION 2. That when an assignor of a thing

in action or contract is examined as a witness, on behalf of any person deriving title through or from him, the adverse party may offer himself as a witness to the same matter, in his own behalf, and shall be so received, and to any matter that will discharge him from any liability, that the testimony of the assignor tends to render him liable for, but such assignor shall not be admitted to be examined in behalf of any person deriving title through or from him, against an assignee, or an executor, or an administrator, unless the other party to such contract, or thing, in action, whom the defendant or plaintiff represents is living, and his testimony can be procured for such examination, nor unless at ten days' notice of such intended examination of the assignor, specifying the points upon which he is intended to be examined, shall be given in writing to the adverse party.

SECTION 3. That a party to the record in any action, or judicial proceeding, or a person for whose immediate benefit such proceeding is prosecuted or defended, may be examined as if under cross-examination, at the instance of the adverse party, or any of them, and for that purpose may be compelled in the same manner, and subject to the same rules of examination as any other witness to testify, but the party calling for such examination shall not be excluded thereby, but may rebut it by his own testimony or other evidence.

SEC. 4. That such examination may be had before the trial of the cause at the option of the party claiming it before any judge of the proper court, or a commissioner, generally or specially appointed for the purpose, under a rule entered or a commission issued, as the case may require, with such notice to the party to be examined and to other adverse parties, as is now or may hereafter be prescribed by the rules of the proper court touching the taking of depositions, but the party to be examined shall not be compelled to attend in any other county than that of his residence, or where the said proceeding is pending.

SEC. 5. That a party in interest examined, as provided in the two foregoing sections, may testify in his own behalf, as to any matter pertinent in the issue, but if he testify to any new matter, not in answer to the inquiries propounded to him by the adverse party, or necessary to explain or qualify his answers thereto, or matter in discharge of himself, when his answers would otherwise charge him, such adverse party or his co-plaintiff, or defendant, may be examined as a witness in his or their own behalf, in respect to such new matter.

SEC. 6. That a party proposing to examine a party, adverse in interest, may have the same process and means of compelling attendance and response, as the law provides in the case of ordinary witnesses.

SEC. 7. That no person shall be excluded from testifying as a witness in any action or proceeding, in any court by reason of his having been convicted of a felony, and sentenced therefor, but evidence of the fact may be given to affect his credibility.

SEC. 8. That nothing contained in this act shall render any person who, in any criminal proceeding, is charged with the commission of any indictable offence, or any offence punishable on summary conviction, competent or compellable to give evidence, for or against himself or herself, or shall render any person compellable to answer any question tending to criminate himself or herself, or shall in any proceeding, whether civil or criminal, render any husband competent or compellable to give evidence, for or against his wife, or any wife competent or compellable to give evidence, for or against her husband.



# LEGISLATIVE RECORD.

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No. 12.

## SENATE.

WEDNESDAY, January 19, 1859.

The Senate met at 11 o'clock, A. M. The SPEAKER in the Chair.

Prayer by Rev. Charles Hay, of the English Lutheran church, Harrisburg.

The Journal was read and approved.

Mr. PALMER appeared in his seat.

The SPEAKER presented an account of the transactions of the Norristown, Germantown and Philadelphia railroad company.

Also, a communication from the Auditor General; which was read, as follows:

AUDITOR GENERAL'S OFFICE, }  
January 19, 1859. }

Hon. JOHN CRESSWELL, Jr.,

*Speaker of the Senate:*

SIR:—In answer to the Senate's resolution of the 18th inst., I have to say that no reduction has been made in the number of clerks employed in this department "since the sale of the public works of the Commonwealth," for the reason that the increase of business in other branches of the labor of the office is amply sufficient, for the present, to require the service of the whole number employed.

Yours very respectfully,  
JACOB FRY, Jr.,  
Auditor General.

## REPORTS OF COMMITTEES.

Mr. WRIGHT, (Corporations,) with amendment, reported a bill, entitled "An Act to incorporate the Ironton railroad and mining company of Lehigh county."

Mr. FRANCIS, from the Committee to Compare Bills, reported that they had compared, and presented to the Governor for his approbation, a number of bills; the titles of which were read.

## BILLS IN PLACE.

Mr. KELLER presented joint resolutions relative to the tariff.

Mr. COFFEY called for their reading; they were as follows:

WHEREAS, The financial revulsion which so lately swept over the country, has in no locality caused greater depression in the manufacturing and commercial interests, than in Pennsylvania, thereby affecting unfavorably the general interests of all her citizens;

AND WHEREAS, Under these circumstances it is the paramount duty of legislators to adopt such measures as may tend to encourage and infuse confidence in the public mind, and especially among those engaged in manufacturing and commercial pursuits; therefore,

Be it resolved, That our Senators in Congress be instructed, and Representatives be requested, to advocate and support the immediate adoption of such a system of revenue policy, upon the basis of specific duties, as will, while yielding adequate support to the general government, at once, by affording sufficient incidental protection to the manufacturing interests of Pennsylvania, revive confidence, encourage trade, and further the development of the mining, manufacturing and agricultural resources of our Commonwealth.

Mr. MILLER moved that the resolutions be printed in the *Daily Record*; which was agreed to.

Mr. PENNEY read a bill, entitled "An Act relating to interest upon verdicts."

Mr. FINNEY, "An Act to provide for the erection of a new county, out of parts of Crawford, Venango and Warren."

Also, "A supplement to the act to incorporate the Meadville railroad company, approved the 20th day of May, A. D. 1857."

Also, "A supplement to the act relative to the collection of taxes in Crawford county, and for other purposes, passed the 27th day of March, A. D. 1852."

Mr. SCHELL, "An Act to authorize the school directors of the borough of Bedford to borrow money, and for other purposes."

Mr. GREGG, "An Act to regulate the street commissioners of the borough of Williamsport."

Also, "A supplement to an act entitled 'An Act to incorporate the Allegheny and Buffalo Run plank road company.'"

Mr. THOMPSON, "A supplement to an act to incorporate the Norristown, Bridgeport, and King of Prussia turnpike road company for authority to increase their rates of tolls."

Mr. HARRIS, "A supplement to an act to regulate the common schools of this Commonwealth."

Mr. PARKER, "An Act relative to pawnbrokers in the city of Philadelphia."

## ORIGINAL RESOLUTIONS.

Mr. TURNEY moved to proceed to the consideration of Senate bill, No. 31, "An Act to abolish the Canal Board;" which was agreed to.

On motion, the Senate resolved itself into committee of the whole, on this bill. (Mr. STEELE in the Chair.)

Mr. TURNEY moved to amend the first section by inserting the words "by them" after the word "decided," in the 13th line; also, in the same line, to strike out "forever barred," and insert in lieu thereof, "referred to the Auditor General for examination;" also, in the 15th line, to insert after the word "Legislature," the words "with the evidence;" and in the same line to insert, after the word "approval," the words "or rejection."

The Clerk of the House being introduced, presented bills and resolutions for concurrence.

Mr. BELL offered an amendment to the amendment, to insert after the word "examination" in the thirteenth line, the words "one year after."

Mr. SCOFIELD remarked, in discussing the amendment, that the Senator from Westmoreland had better have retained the original language of his bill. The proposed amendment was equivalent to saying that the claims against the Commonwealth shall live for ever, rather than there shall be any bar to them. If the Senator should live until he grows gray, and comes back here, he will find, that unless some step other than that contemplated by the amendment is taken, many of these claims will still be hanging over the State, and no nearer adjustment than they now are. Let us, he said, get rid of the claims and the Canal Board together, and avoid the ceaseless difficulties, which, otherwise, they will entail upon the State.

Mr. BELL agreed with the Senator in his views of the purport of the amendment. Some limitation should be made against these claims; but while we are taking steps to guard against frauds upon the treasury of the State, we should also take care that no injustice was done to claimants. A reasonable limitation should be fixed, within which, all demands growing out of the transactions of this department shall be adjusted; but he thought the tenth of February next, the time fixed in the bill for the abolition of the Board, would afford but little time for

their proper examination. He therefore moved an amendment, giving to the Auditor General one year to make the necessary examination, and upon his report being rendered, a final liquidation of all the claims can be accomplished.

Mr. TURNEY desired to state that the original phraseology employed by him in framing the bill, met with his own approval; but he had a special object in proposing the amendment. He did not believe there were three honest claims against the Commonwealth, growing out of damages. He wished to prevent a recurrence of the schemes of speculations and frauds, which have so long been prevalent in that department of the State. Unless some course for their adjustment, similar to that contemplated by the section, were adopted, crowds of these claimants would throng the lobbies of the legislative chambers—members of the "third house," and others, with witnesses—overpowering the committees, and, in many instances, enforcing the allowance of claims which are unjust. There should stand between the Commonwealth and the claimants, some middle man, who will do justice to each party, and simplify the whole process for the liquidation of all that may be presented. After they have undergone the investigation of a responsible man, who will be furnished with the necessary data, they will again be subjected to the scrutiny of the Senate and House—of three distinct tribunals—all constituted with a view to their proper investigation and adjustment.

If the section stands as originally reported, it will be impossible for claimants to come here with their witnesses, to secure their allowance. This will be the case, particularly with those having small claims, and who reside at a distance from the seat of government.

Mr. SCHELL was opposed both to the amendment, and to the last five lines of the section. The Senate should be careful what they do in this matter. He understood that the responsibility of these claims had been thrown upon the canal company, in the purchase of the works; and if they are responsible, they should be made to pay them. The amendment will have the effect of releasing the company from their payment; for, upon certain contingencies, they are forever barred. What propriety was there in passing a law making the company responsible, and another act releasing them from that responsibility? Some legislation should provide for the liquidation of these claims; and he would state, as chairman, that the Committee on Finance had in course of preparation a bill covering all claims. He was desirous that the bill should now merely abolish the Board of Canal Commissioners, and he therefore moved to strike out the last five lines of the section: all after the word "same."

Mr. COFFEY observed that the Senator was inaccurate in his statement of facts with reference to the responsibility entailed upon the company by the bill. He agreed with the Senator from Chester that there should be some brief statute of limitation to cut off claims hereafter. He was not prepared to say that one year or six months should be the time specified, but there should be some limitation to them.

Mr. BELL remarked, that the bill gives until the tenth day of February for the presentation of the claims, and if they are not presented by that time, they are forever barred. The amendment strikes out this provision, and



makes no limitation. He was in favor of allowing to those holding claims against the Commonwealth sufficient time in which to present them; and then to say to them, if you do not come in, the doors shall be barred against you. He thought there was a propriety in thus affording them a fair opportunity of being heard. At the expiration of one year all claims unadjusted could be presented to the Auditor General for his final report. If such a course were adopted, there could be no danger of further legislation upon the matter. It was due to justice, public and private, that the Legislature should fix some limit, and not cut off, abruptly, the alleged rights of citizens.

He had no personal interest or feeling in the matter. No claim, of even the smallest amount, that he was aware of, would be presented from the district he represented; and his advocacy of this opportunity for a proper investigation was based solely upon the principles of justice.

Mr. MARSELIS wished to understand the subject. He did not understand how the State can throw the responsibility of claims upon a third party, without the consent of claimants; nor could he see how the State could absolve herself from their payment. If there are claims existing against the State prior to the sale of the works, they are good, and the sooner they were disposed of the better. In any court of justice they could be recovered against the Commonwealth; and if she were mulcted in damages, she may call upon the Sunbury and Erie Company for the performance of any contract or responsibility which she had assumed.

Mr. FRANCIS felt considerable interest in this subject, not for himself, particularly, but for the persons he represents. The idea which would be gleaned from the discussion, was that all the claims preferred against the State were fraudulent, based upon neither justice nor right. He cordially agreed with the Senator from Chester, that those preferring claims should have a proper chance to present them. There were many of his constituents who have claims against the State, involving their whole pecuniary means, who have been knocking at the door for years, without receiving a penny. By this delay, many of them were sufferers, and some had even been reduced to the most straitened circumstances by this protracted neglect to investigate and liquidate them. He did not like the bar interposed by the bill against the adjustment of claims; the bars were raised too high for the poor claimant. They had not the means to come here, with their witnesses, for the purpose of securing their allowance, but relied simply upon the justice of them for a speedy liquidation. It was but right that we should give them a chance of being heard; and it was infinitely better, and more in keeping with the high character and dignity of the Commonwealth, that she should suffer a little wrong,—or indeed a great wrong—than inflict an injury upon the poor claimants who ask for justice at her hands.

Mr. FINNEY agreed more with the Senator from Bedford than any gentleman he had heard discuss this question. As to the character of the claims, they must stand solely upon their merits. If they are just, they will stand forever against the Commonwealth; for it is not with these, as in courts of justice, where circumstances defer for a long time the adjustment of claims. It is not against their merit, however, that they have been long delayed. But why legislate against an exigency which does not yet exist, and which we cannot now comprehend? He would propose an amendment, if there were not already so many amendments pending.

Mr. WRIGHT moved that the committee rise, report progress and ask leave to sit again; which was agreed to. The chairman so re-

ported; and on the question, shall leave to sit again be given? it was decided in the negative.

Mr. TURNEY moved that the committee be discharged from the consideration of joint resolutions from the House relative to the tariff; and that the Senate proceed to their consideration. Agreed to.

WHEREAS, The experience of the past and present most fully demonstrate that it is a wise and beneficial policy of the General Government which dictates the imposition of duties on such products of foreign nations as come in such direct contact with those of our own country, as to injure and prostrate the trade on our own soil, and among our own citizens.

The artisans and laborers in many departments of trade are compelled to abandon their accustomed pursuits—especially do our own coal and iron interests suffer; therefore

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That our Senators in Congress be instructed, and our Representatives requested, to labor for the passage (at the present session) of such an act as will not only tend to increase the revenue by the imposition of duties, but afford ample encouragement to all the interests of the country, injured by the productions of the cheap labor of other nations; but more especially to urge an increase of duties on coal and iron, in which a portion of our own people are deeply interested.

*Resolved,* That the views of the President expressed in his late annual message in reference to the advantage of definite or specific duties over *ad valorem* duties, as more uniform, less liable to frauds, and affording the most certain and uniform amount of revenue, meet our hearty approbation.

*Resolved,* That the Governor be requested to forward to each of our Senators and Members of Congress a copy of the above preamble and resolutions, informing them of their adoption.

The Senate then resolved itself into committee of the whole. (Mr. TURNEY in the chair.)

Mr. BELL moved that the committee rise, report progress and ask leave to sit again.

Mr. BELL said it was obvious that the Senate was called upon to proceed with the consideration of this subject without knowing anything with reference to it. The resolution was an important one, demanding the deliberate consideration of the Senate; and yet it has never been printed and laid upon the desks of Senators for their investigation. As regarded himself, he had just heard the resolutions read for the first time, and had but little opportunity of judging what were the doctrines or principles evolved by them. He trusted the Senate would postpone their consideration until an opportunity had been afforded every Senator to understand their merits.

Mr. SHAEFFER trusted the Senate would not entertain the proposition of the Senator from Chester to postpone the consideration of the resolutions at this time. It was no fault of the Senate that he had not read the resolutions, but of the Senator himself. They had been discussed, ably and at length, in the other branch, and that discussion, as well as the resolutions themselves, had been made public, not only in the newspapers, but in the *Legislative Record*—thus affording to every Senator ample time and opportunity for a fair understanding of the principles enunciated by them. He hoped the Senate would proceed to their consideration and passage; for if the voice of the Senate is worth anything in the endorsement of the great principles contained in them, and the policy sought to be secured by their passage, it was important that that endorsement should be given now.—The Senate should not falter a moment in the performance of a duty, when the effects of its action may come home to the vast interests of

the State, as well as to every individual citizen. He did not think any Senator, from whatever party, should hesitate to lend his sanction to the principle which they endorsed. The wording of the resolutions was not such as he should have chosen; yet, whilst he was not disposed to compliment the President for anything which he had done, he was not prepared to cavil at mere phraseology, where a principle of so much vital importance to the interests of this Commonwealth was at stake. He believed such an endorsement of the protective policy as was contemplated by the resolutions, should be given by the Legislature of Pennsylvania, and sent to our national representatives. He therefore hoped the proposition to postpone would not be entertained by the Senate.

Mr. WELSH was willing to meet the question now, since it was fairly before the Senate. He had no disposition to shirk the issue. The people of the State have important interests involved in the question, and there should be prompt action upon it. He should take the proper occasion, if necessary, to express his views fully and freely. Every Senator had been afforded an opportunity of reading the resolutions, and of understanding the object contemplated by them, and he was not prepared to second the proposition of the Senator from Chester to defer their consideration.

Mr. GAZZAM was glad to hear the Senator from York give utterance to his readiness to meet the question now, and he trusted the Senator from Chester would be equally disposed to proceed with the consideration of the resolutions. If any good was to be effected by their passage, it would be best attained by prompt action. We cannot tell, if the motion of the Senator from Chester prevails, at what time these resolutions may be considered.

Mr. BELL did not submit the proposition for a postponement of the matter, for the purpose of giving grievance to any gentleman. He was willing to meet the discussion whenever it comes before the Senate. The subject involves a vast and important question; and his motion was made with a view to the publication of the resolutions, so that Senators might see what these principles are.

He referred to the discussion of the matter in the House, and the position which had been taken by two gentlemen in opposition to the resolutions—not from any opposition of the principles of the resolutions, but upon the ground that the local legislation which is asked for, is a usurpation of the legislation of the National Congress. It may be, he remarked, that some Senators entertain the same views, and will vote against the resolutions.

Mr. HARRIS was glad that the Senator from York had manifested a readiness to go into a consideration of the resolutions at present. He thought the Senate was prepared to act upon the subject, and it was important that its action should be speedy. The national legislation was now half over for this session, and it was desirable that some measures should be adopted, before its adjournment, for the benefit of the vast interests of the State. He understood there was a committee here now, on their way to Washington City, for the purpose of urging upon Congress the passage of a law by which the great articles of Pennsylvania may receive a proper protection. That committee wished to bear with them the views of this Legislature, with the weight which such an expression as the resolutions contain; and he hoped the Senate would pass the resolutions now.

Mr. BELL withdrew his motion.

Mr. SCOFIELD did not see the propriety of the second resolution. Why should this Senate endorse the views of any man? If there is a propriety in it, why not endorse Packer? He could see no reason why, in giving expression



to their views, they should adopt the language of any individual, however high in power or position. He recollected having read, a short time since, in a newspaper, an extract said to have been taken from a letter of Senator Bigler. Are we to infer that any body is "beginning to get weak in the knees" upon the tariff question? that they are wincing under Southern thunder? The Senate, he said, might as well endorse the views of any other man, as those of Buchanan; and he could not see why, in giving expressions to their views upon the policy announced by the resolutions, they should select the language of any man.

Mr. SCHELL asked the Senator from Warren, if he did not vote in favor of the resolution of the Senator from Indiana, at the last session, endorsing the Kansas policy of Governor Packard, in the language of his message?

Mr. SCOFIELD replied that he was not aware of any such vote.

Mr. SCHELL thought the Senate ought to pass the resolutions. He took the position of the Senator from Philadelphia, upon the resolution with reference to prayer. He had said if it could do no good, it could do no harm. In every speech which he made in the canvass, he had proclaimed the principles embodied in the resolutions, as the doctrines of the President, of which he had become duly advised whilst on a visit to Washington.

Mr. FINNEY inquired of the Senator, whether, whilst on his visit, he had had the honor to dine with the President?

Mr. SCHELL replied that he had not. The Representative from Berks had been honored with that privilege, but he was not so fortunate.

But, seriously, continued Mr. SCHELL, I am in favor of the speedy passage of the resolutions—the principles evolved by them meet my hearty approval. No gentleman could decline to vote in their favor, who had voted upon the Kansas resolutions, upon the ground alluded to by the Senator from Chester.

Mr. RANDALL did not consider that, in voting for the resolutions, he should be doing so with reference to any other question than that involved in them alone. The question of the tariff had nothing to do with the Kansas policy of the President. So far as he was concerned, he was opposed to the course which the Executive had seen proper to pursue—he considered the doctrine pernicious, and destructive of that party unity which had previously existed. The Senator from Crawford had asked the Senator from Bedford, whether he had dined with the President? He would, in turn, ask the gentleman if he had dined with the Governor lately?

Mr. PALMER desired a speedy consideration and passage of the resolutions, for two reasons:—they enunciated a true principle, and had received the endorsement of a co-ordinate branch of the Legislature. The people of Schuylkill county, whom he had the honor to represent, had as large a share of interest in the policy which they sought to inaugurate, as any other section of the State—probably greater; and that interest would demand of him that he should record his vote, at the earliest moment, in favor of that policy.

In voting for the resolutions, he said, he would record the first vote, either in or out of the Democratic party, for James Buchanan. But he was glad to know that some good can come out of Nazareth. The principles of the resolutions were good, no matter from whence they came, or who had proclaimed them. He deprecated delay upon this matter, and hoped the Senate would proceed with their consideration.

Mr. SCHELL rose in explanation of his question as to Mr. SCOFIELD'S vote. He had labored under a misapprehension, and now made the correction.

Mr. SCOFIELD, before the passage of the

second resolution, wished to have it amended; and for fear there would be found enough of the king's friends to pass it, he would offer it now.

The amendment was in substance, as follows: That the sympathy of the Senate be extended to President Buchanan in his inability to influence all the members of his Cabinet to entertain sentiments similar to his own.

Mr. WRIGHT was sorry that the first obstacle to the passage of these resolutions should come from the Opposition. The doctrine which they enunciate was one which had been advocated by them, and the objections which were interposed upon mere partizan grounds, were not honorable to them. The Senate should act promptly in this matter. The people of the State were deeply interested in their speedy passage, and there could be no reason for delay. The policy of passing the resolutions under instruction was not under discussion—it was no time for hair splitting. He hoped the amendment would be voted down.

Mr. GAZZAM hoped the amendment would be withdrawn. Individually, he agreed with the Senator from Warren; but the tariff question was one of vast importance to Pennsylvania, and he wished to disembarass it of political aspects. The President had done, in his recommendations with reference to the protective policy of the country, what, as a Pennsylvanian, he should have done. We should approve of any views which are our own views, regardless of the source whence they come. The amendment of the Senator from Warren would have the tendency to make gentlemen of the opposite side feel a little sore, and to renew the political asperities which had existed in former times. The views expressed here, by the President, were no more his views than they were our views; and there was no more harm in expressing a coincidence of views with him, than in his expressing views similar to our's. The amendment could effect no good, and he hoped the Senator would withdraw it.

Mr. SCOFIELD declared he should be glad to accommodate the Senator from Philadelphia, but he must be a hard-hearted man, that he was unwilling to express a sympathy with the President. What, he asked, had become of his old friends—his old editor, and others? They had deserted him; and yet, the Senator from Philadelphia, who professes to be a friend, will not sustain him. Are the whole household going to desert him? If the Senate refuses to pass this resolution, there will be thirty-three men who say that, although approving of the President's individual views upon the tariff question, they are willing to put themselves on the record as saying that they do not sympathize with him in the fact that he has no control over his own cabinet.

Mr. WRIGHT did not wish to regard this question in any other light, than as it affects the wants and interests of Pennsylvania. He would hardly have thought of the President in connection with the subject, had not the Senator adverted to him.

Mr. WELSH said that the Senator from Warren intimated that there was a lack of disposition, on the part of the friends of the President, to sympathize with him. He was glad to see, if any of his friends were prepared to desert him, that some of his old friends were coming back to him. He recollected sitting side by side with the Senator from Warren, in State Convention, and voting with him for delegates to the Cincinnati National Convention to sustain James Buchanan. Since then the Senator had left him; but he was happy now to see, that whilst some of the friends of Mr. Buchanan were deserting him, old ones were coming back. With all respect for the views and character of the Senator from Warren, he would ask him to withdraw the amendment. What good, he asked, could be accomplished by it? As Senators, we

are gathered together to legislate upon important interests to the Commonwealth, to protect her rights, and subserve those interests, by every fair and honorable means in our power.—There was a vital principle involved in these resolutions—vital to the industry, energy, and vast natural resources of the State; and when he came into the Senate chamber, this morning, from what he had heard of the views of Senators with reference to them, he did not for one moment suppose that any obstacle would be interposed to their passage.

The Senate had been told that it was of vast importance to the interests of Pennsylvania, that these resolutions should pass. If it is so, why not pass them, and lay aside all party feeling and prejudice, as became men imbued with a sense of the high responsibility which rests upon them? While voting upon this measure, if Senators cannot all heartily agree with the President, in his position upon other questions, they should regard, simply, the principle involved, and not come here with indecent personal and party flings. He did not, he said, stand here the defender of the President. A long life of usefulness to his country, both at home and abroad; the proud positions he had occupied; the measures of public interest and importance which he had originated and so ably advocated; the applause which had greeted him in the discharge of his high duties in the most critical and trying times—these were a sufficient defence against any indecent partizan flings which could be made against him. He did not rise, he continued, for the purpose of stirring up any political feeling. On the contrary, he offered the olive branch; and he but asked that we should be met by Senators of the Opposition in the same way—not with words which were intended to divide or embitter them in the work of striving to secure for the State that which her vital interests demand.

Mr. GAZZAM again urged the Senator from Warren to withdraw his amendment, and to suffer the resolutions to pass.

Mr. SCOFIELD remarked that he was a very amiable man—or at least strove to be—and he supposed he should have to accommodate the gentlemen, by yielding to their request. He accordingly withdrew the amendment.

Mr. MYER moved to strike out the words "a portion of," in the first resolution. He did not suppose the object was to benefit any particular portion, but all portions of the State.

The motion was not agreed to.

The Clerk of the House, being introduced, presented bills for concurrence.

The third section of the bill under consideration was read, and passed.

The committee then rose, and the chairman reported the same without amendment.

Mr. GREGG moved second reading; agreed to.

The resolution finally passed, the vote being as follows:

YEAS—Messrs. Baldwin, Bell, Coffey, Craig, Fetter, Finney, Francis, Gazzam, Gregg, Harris, Keller, Marselis, Miller, Myer, Nunne-macher, Palmer, Parker, Penney, Randall, Schell, Scofield, Shaeffer, Schindel, Steele, Thompson, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—30.

NAYS—None.

BILLS IN PLACE.

On leave given, Mr. BELL read in his place and presented to the chair a bill, entitled "An Act to confirm a title to certain real estate of Arthur Howell, deceased."

Mr. MARSELIS, "An Act to incorporate the Fairmount and Arch Street passenger railway company."

PETITIONS AND MEMORIALS.

On leave given, Mr. FINNEY presented a petition relative to a change in collecting taxes in Crawford county.



Mr. SCHELL, a memorial from General Duff Green, and moved that it be printed in the *Daily Record*. Agreed to.

On motion of Mr. SHAFER, the Senate adjourned until 11 o'clock to-morrow morning.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, Jan. 19, 1859.

The House met, and was called to order at the usual hour.

SPEAKER in the chair.

Proceedings were opened with prayer by the Rev. G. J. Martz.

The Journal of yesterday's proceedings was read.

Mr. WALBORN moved that the further reading of the same be dispensed with; which was not agreed to.

So the Clerk finished the reading of the Journal.

The SPEAKER appointed Messrs. WILEY, HAMERSLY, FOSTER, LAIRD and KETCHUM a committee on the resolution submitted by Mr. WILEY yesterday, relative to a modification or repeal of the laws imposing duties on domestic and foreign goods.

The SPEAKER laid before the House a statement of the Philadelphia, Germantown, and Norristown railroad company, for the fiscal year ending October 1, 1858.

### ORIGINAL RESOLUTIONS.

Mr. HOTTENSTINE submitted the following:

*Whereas*, In part, the established custom of appropriating Purdon's Digest and extra Legislative Manuals, at the commencement of the session, and placing them in the possession of Members and Clerks (in the first instance by authority of a mere questionable and explicit resolution) is a highly reprehensible practice, tending to lead to liberality and extravagance, or inconsistency. If said custom is carried out consistently every officer and clerk of any department of the government, is equally and justly entitled to a proportionate share of the spoils. "And let us be just before we are liberal;" be it therefore

*Resolved*, That the State Librarian be and he is hereby authorized to perform the following in addition to his present duties. He shall take charge of and keep safely at the close of the present session of the Legislature, all the copies of Purdon's Digest and the extra Legislative Manuals, which are or shall be placed in the possession and use of the members and clerks of the Legislature, and shall deliver them for the use of the members of the next session of the Legislature, and so on indefinitely.

Mr. HOTTENSTINE entered the following upon the Journal as his reason for submitting the above.

I hold that I have no legal right to accept a copy of Purdon's Digest nor extra copies of Legislative Manuals, at the present time; having examined the Constitution, and formed an opinion relative to all appropriations. Being a new member and under the impression at the time the resolution was under consideration, (and am of that opinion yet,) that said resolution authorizing the Clerk to procure the Digests, &c., required the concurrence of both Houses, and the signature of the Governor before it could legally take effect. But having since been verified by placing Purdon's Digest into actual possession of the members, (in the first instance,) upon the mere authority of the resolution of this House. This morning, upon the authority of the concurrence of a resolution without the signature of the Governor, extra Legislative Manuals were tendered to the members. This being the fact, the members may upon the same principle, and with the same propriety, resolve and appropriate to themselves five hundred, as well as five dollars worth of books to each member. The amount will certainly not change the nature of the custom,

and such antecedent appropriations, are, in my opinion, an indirect violation of the Constitution.

Article 1st Sec. 22d. No money shall be drawn from the Treasury but in consequence of law.

Sec. 24th. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, shall be presented to the Governor, and before it shall take effect be approved by him. And I do assert that it is indispensably necessary in all cases to have the concurrence of both Houses, and the approval of the Governor, (in order to guard the Treasury properly.) And being thus impressed I cannot take those copies at the present time as my absolute property, not being yet legally entitled thereto. And if correct in this view, my resolution might have been carried out. And by so doing might have hereafter saved about two thousand dollars per year in one item, and abolish a custom, which in my opinion cannot constitutionally exist. I aimed at nothing in offering said resolution but a faithful discharge of my duties (as I believe,) in conformity with the oath I have taken.

### LEAVE OF ABSENCE.

Mr. WILCOX asked and obtained leave of absence for Mr. BRODHEAD, for a few days from to day.

Mr. M'DOWELL asked and obtained leave of absence for Mr. PATTERSON.

Mr. RAMSDELL asked and obtained leave of absence for the Messenger, on account of death in his family.

### REPORTS OF COMMITTEES

Mr. CAMPBELL, (Roads and Bridges,) as committed, "An Act declaring Knapp's Creek, in M'Kean county, a public highway."

Also, (same,) as committed, "An Act in relation to navigation in Tionesta creek, in the county of Warren."

Mr. DURBORAW, (same,) as committed, "An Act supplementary to an act to incorporate the Belmont Avenue and plank road company, approved April 8th, 1853."

Mr. HOTTENSTINE, (same,) as committed, "A supplement to an act to incorporate the road Spinnerstown and Goshenhoppen turnpike company."

Mr. STEWART, (same,) as committed, "An Act to extend the width of Jones street, in the city of Philadelphia."

On motion of Mr. THORN, the rule being in this case dispensed with, said bill was taken up and passed finally.

Also, (same,) as committed, "An Act to modify the first section of the act widening Chatham street, in the city of Philadelphia."

Also, (same,) as committed, "An act to incorporate the Hollenback and Hanover turnpike road company."

Mr. WALKER, (same,) as committed, "An Act repealing the tenth section of an act approved 26th of April, 1852, authorizing the laying out of a State road in Montgomery and Berks counties, relative to fishing in certain streams in Potter county, and for other purposes."

Also, (same,) as committed, "An Act relating to road and bridge viewers in Somerset county."

Mr. WALBORN, (Railroads,) as committed, "A further supplement to the act incorporating the Erie city railroad, approved April 6th, 1853."

Also, (same,) as committed, "A supplement to the act incorporating the Bedford railroad company, approved March 18th, 1858."

Also, (same,) as committed, "A supplement to the act incorporating the Philadelphia and Darby railroad company, approved April 28th, 1857;" and moved a suspension of the rules; which was not agreed to.

Mr. M'DOWELL, (same,) as committed, "A

further supplement to the act incorporating the Pittsburg and Erie railroad company."

Mr. BRODHEAD, (Pensions and Gratuities,) with a negative recommendation, "An Act for the relief of Jane Pierce, daughter of a Revolutionary soldier."

Mr. DURBORAW, (Corporations,) as committed, "A supplement to the act to incorporate the Belmont avenue and plank road company."

Mr. MILLER, (same,) "An Act to incorporate the Allen mutual insurance company as committed."

Mr. CHURCH, (same,) as committed, "A supplement to the act to incorporate the Dark Hollow and New Hope cemetery company."

Mr. QUIGLEY, (same,) as committed, "An Act relative to the Leverington cemetery company."

Mr. GLATZ, (same,) with a negative recommendation, "An Act to incorporate the borough of New Columbus, Luzerne county."

Mr. SHAFER, (same,) as committed, "An Act to incorporate the Fairview cemetery company, Berks county."

Mr. HAMERSLY, (same,) with a negative recommendation, "An Act to change the name of the Pittsburg life fire and marine insurance company."

Mr. PRICE, (same,) as committed, "An Act to incorporate the Union cemetery association of Womelsdorf, Berks county."

Mr. MILLER, (same,) as committed, "An Act to incorporate the Reading and Allentown telegraph company."

### BILLS CONSIDERED.

Mr. WALKER moved to suspend the rules and proceed to the consideration of Senate bill number 24, relative to the Bedford railroad, being a supplement to an act passed in 1858.

The rules were suspended, and the House dispensed with going into committee of the whole.

Mr. WALKER stated the reason which influenced him in urging the passage of the bill.—Surveys of the road had been made and the company was ready to give out contracts as soon as the Legislature took any definite action.

The bill was read the second time, considered and agreed to; and passed finally.

Mr. ABBOTT asked leave to make a statement. Leave being given, he said that he would solicit the House to take action on the bill supplementary to the act incorporating the Darby railroad company. He was confident that its provisions would meet the approbation of the members. The bill authorized the Darby railroad company to borrow any sum of money not exceeding \$100,000 for the purpose of completing their road, and to issue bonds and mortgage, the bonds not to be less in amount than \$100.

On motion of Mr. ABBOTT the House reconsidered the vote by which it had formerly refused to consider the bill.

The bill passed finally.

### BILLS IN PLACE.

Mr. WOOD, "An Act to incorporate the International Union of Art and Literature."—(Referred to Committee on Corporations.)

Also, "An Act to confer on certain associations of this Commonwealth the powers and immunities of corporations and bodies politic, and to confirm charters heretofore granted."—(Referred to Committee on Judiciary.)

Mr. FOSTER, "An Act relating to party walls in Allegheny county." (Referred to Committee on Judiciary.)

Mr. WILCOX, "A further supplement to the act incorporating the Buffalo and Bradford railroad company, approved March 14, 1856." (Referred to Committee on Railroads.)

Mr. LAWRENCE, (Washington,) read in his place and presented to the chair, "An Act authorizing the Auditor General and State Treas-



er to sell the stock belonging to the State in the Washington and Williamsport turnpike road company." (Referred to Committee on Ways and Means.)

Also, "An Act authorizing the guardian of the minor children of Wm. R. Oliver, late of Washington county, to sell and convey certain real estate." (Referred to Committee on Judiciary.)

Also, "An Act for the relief of Burke and Gonder, contractors on the Allegheny Portage railroad." (Referred to Committee on Claims.)

Also, "An Act to authorize the Canal Commissioners to settle the claim of Moorehead and Patterson against the Commonwealth." (Referred to Committee on Claims.)

Mr. PRICE, "An Act for the conveying of convicts from one county to be tried for offences committed in another, while undergoing their sentence." (Referred to the Committee on Judiciary.)

Mr. KENEAGY, "An Act to incorporate the First Presbyterian church and cemetery in the borough of Strasburg, Lancaster county." (Referred to the Committee on Corporations.)

Mr. DODDS, "An Act for the relief of Henry Bumgardner, a soldier of the Indian war of 1794." (Referred to Committee on Pensions and Gratuities.)

Mr. NEALL, "An Act to incorporate the Fairmount Park passenger railway company." (Referred to the Committee on Corporations.)

Mr. THORN, "An Act to incorporate the Richmond and Schuylkill passenger railway company." (Referred to the Committee on Railroads.)

Also, "An Act relative to pawnbrokers in the city of Philadelphia." (Referred to the Committee on Judiciary.)

Also, "An Act to incorporate the trustees of the Young Men's Christian building association of Philadelphia." (Referred to the Committee on Corporations.)

Also, "Joint resolution from the councils of the city of Philadelphia, relative to State taxes on city loans." (Referred to the Committee on Ways and Means.)

Also, "A further supplement to the act consolidating the city of Philadelphia." (Referred to Committee on Judiciary.)

Mr. GRITMAN, "A further supplement to the act incorporating the Scranton gas and water company." (Referred to the Committee on Corporations.)

Also, "An Act to incorporate the Huntingdon Valley mutual insurance company." (Referred to Committee on Corporations.)

Mr. PATTERSON, "An Act to require the commissioners of Juniata county to maintain and keep in order a certain mountain road, in said county," and on leave presented a petition from citizens of Turbet township, Juniata county, in relation thereto. (Referred to Committee on Roads and Bridges.)

Mr. GRATZ, "An Act to incorporate the Thirteenth and Fifteenth Streets passenger railway company of Philadelphia." (Referred to the Committee on Corporations.)

Also, "An Act to amend the act of 13th October, 1857, entitled 'An Act for the better security of laborers, mechanics and others, in certain companies.'" (Referred to the Committee on Judiciary.)

Mr. GOEPP, "An Act relative to the Delaware Division canal company of Pa." (Referred to Committee on Judiciary.)

Mr. BURLEY, "An Act to protect labor in Blair county." (Referred to the Committee on Judiciary.)

Mr. FLEMING, "An Act to change the place of holding elections in Jenks township, Forest county."

Also, "An Act to change the time for holding elections in Forest county."

On motion of Mr. FLEMING, the rules being

in this case dispensed with, said bills were taken up, considered, and passed finally, and ordered that the Clerk present the same to the Senate for concurrence.

Mr. PENNELL, "An Act to incorporate the Delaware County association for the insuring against horse stealing, and for the recovery of stolen property."

On his motion said bill was taken up and passed finally; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. WILCOX, "Resolution to pay the expenses of the late commissioners appointed to investigate into the affairs of certain Banks." (Referred to Committee on Ways and Means.)

Also, "A further supplement to an act incorporating the Buffalo and Bradford railroad company." (Referred to Committee on Railroads.)

Mr. GREEN, "An Act relative to sheriff's sales in Lancaster county." (Referred to Committee on Judiciary.)

Mr. DISMANT, "A further supplement to the act incorporating the Royersford bridge company." (Referred to Committee on Roads and Bridges.)

Mr. HARDING, "An Act to annul the marriage contract between Alexander M'Knight and Margaret his wife." (Referred to Committee on Divorces.)

Also, "An Act relative to the State Arsenal of Philadelphia." (Referred to the Committee on the Militia System.)

Also, "A supplement to an act in relation to corporations and estates held for corporate, religious and charitable uses." (Referred to Estates and Escheats.)

Mr. HAMERSLY, "An Act securing to people of Philadelphia the right of free travel over certain highways."

Mr. WALBORN, "An Act relative to the Chambersburg and Hagerstown railroad." (Referred to Committee on Railroads.)

Mr. WOOD, "A further supplement to the act incorporating the Fairmount and Arch Street passenger railway company." (Referred to the Committee on Corporations.)

The SPEAKER laid before the House a communication from the Superintendent of Common Schools, transmitting the estimated contingent expenses of that department for the ensuing year.

#### SENATE AMENDMENT

To House bill No. 3, entitled "An Act to authorize the court of common pleas of Union county to appoint a trustee to receive and apply certain money bequeathed by Jno. Brown, dec'd," was read.

On account of the absence of the gentleman who has the above bill in charge, Mr. THORN moved that the same be postponed for the present; which was agreed to.

#### RESOLUTION RE CONSIDERED

Mr. FOSTER moved that the House reconsider the vote and resolution by which it had declared that Mr. Donovan, of Philadelphia, should not be allowed to come upon the floor.

The motion was seconded by Mr. ROSE.

The SPEAKER. Is the House ready for the question?

Mr. ROSE said that he regretted being obliged to have anything to do with this unfortunate affair. He was allied by ties of friendship to both of the parties. For the member from Philadelphia, (Mr. CHURCH,) he entertained the highest respect; and as far as concerned Mr. Donovan, he was pleased to say that he had ever deported himself as a gentleman, and, as an old member of the House, had been so considered. But it was evident that he was a man of strong impulses, and, while under the influence of these, was apt to act without due reflection. This misfortune, not fault, demanded an exercise of charity, and this he hoped the House would not refuse.

As an additional reason for seconding the motion, Mr. ROSE stated that he had considered

ed the passage of the original resolution, excluding Mr. Donovan from the floor, as an improper extension of power. It was without precedent, as gentlemen would find if they would examine the Journals of the House and Senate. It was extremely doubtful whether the Legislature had any right whatever to take cognizance of an act committed upon one of its members when in the public street, and even admitting that they had authority, the matter was of so delicate a nature that nothing should be done except upon extraordinary occasions. For these, and other reasons, it was to be hoped that the House would agree to re-consider the resolution.

Mr. STEVENS then took the floor, and spoke as follows:

MR. SPEAKER:—With a proper regard for the feelings of the members of this House, and with due respect for the honored member from the 6th district of the city of Philadelphia, (Mr. CHURCH) it is with reluctance that I arise to say a few words upon this motion, in order to correct what I conceive to be a biased judgment of the members, acting upon the impulse of the moment, without reflection. Sir, I would be false to my own feelings should I suffer the late action of the House to go by unheeded, without expressing my condemnation of the resolution, which deprives Captain Donovan, late member of this Legislature, of the privileges of this floor, which consigns him and his character to unmerited obloquy, by spreading broadcast throughout the length and breadth of this State two thousand copies of the *Daily Record*, bearing upon its pages the fiat of this House, that Captain Donovan is unworthy of the privileges granted to all ex-members. Thus a blot has been placed upon our fair *Record* which can only be erased by undoing what we have done amiss, for this House has no right to take cognizance of anything which transpires outside of its limits. When the resolution was offered, I would have rebuked the spirit of the storm, which dictated the action of this body, but I knew it was necessary that the storm should be lulled before justice could be done to the injured parties. The question here arises, what were the causes that produced this most unfortunate occurrence? It is well known to you, gentlemen, that Captain Donovan claimed a right to a seat as a member upon this floor, upon the allegation that his opponent did not live in the district for one year previous to his election, and was not therefore legally chosen. On this presumption Captain Donovan claimed a seat, and not a few of the members of this House thought that, if justice was done unto him, he would remain in our midst. But whether he had a right or not, I believe that Captain Donovan honestly thought that he was the member elect by law, and as such, a resolution was read in this body to investigate that right. The resolution being declared out of order by the Speaker, and leave being granted to the gentleman from Philadelphia (Mr. CHURCH) to say a few words, that gentleman took occasion to give vent to his feelings, and the words which he then uttered gave rise to the unfortunate collision between himself and Captain Donovan, and that breach of the courtesy of this House, which deprives Captain Donovan of the rights of this floor. Is it then to be wondered at, the course then pursued by Donovan? Cut off from all hope of gaining his seat, (the ten days having expired in which time he must commence his proceedings,) goaded on to madness by the intemperate speech of his opponent, in which he said it was but a few years since Donovan had left his native bogs in Ireland.—Inasmuch, as he, being a foreign-born and an Irishman, is unworthy to represent so wealthy and excellent a constituency as the Sixth district of the city of Philadelphia. Having asked



him to take back his offensive expressions, and offer acknowledgments for his intemperate zeal, he is spurred from his presence as though he was unworthy of notice; and says as much by his actions, is thy opponent a dog, that he should listen to thy sayings, much less make an apology to a foreign-born! Captain Donovan would have been more than mortal, could he have stood all of this. While his feelings are thus wrought up to the highest degree of excitement, in a state of infatuation he rushes upon his opponent, and commits that breach of the peace which his heart would have recoiled from had reason had her sway. There is not a gentleman upon this floor who, were they placed in a similar position, but would have done the same thing or probably worse. For that act I blame him, for he deserves censure. But I can forgive him, for the motives which influenced him to action are beyond the control of human nature. But I cannot forgive the gentleman from Philadelphia without some apology upon his part. Had he treated Capt. D. like a man and his equal, and offered a suitable excuse for his actions, this occurrence would not have happened.

The blow which he struck was not only aimed at Mr. Donovan, but that party which I happen to be an humble member of. I would say to that gentleman, that as a party, we have always extended the hand of fellowship to the oppressed of the whole world. Whether they come from the Emerald Isle, or the Fatherland, or old England, or any part of the globe, when they have become adopted citizens, we recognize them as Americans, and are willing to extend to them all the rights and privileges of constitutional freedom. I would be unworthy of my constituents, of whom a large portion are adopted citizens, if I did not resent this insult to their manhood—of whose industry, virtue and intelligence I am proud of; and whose love for the institutions of this country glows as warm in their breasts as in those of any men born on the soil. I trust that the gentleman from Philadelphia will offer a suitable apology for his conduct, and that all of the members of this House will join in voting for the re-consideration, which will heal all the wounds which have been opened and blot from our record a stain upon its sacred pages.

Mr. IRISH desired to record his entire disapprobation of all acts of the kind alluded to, and should place a seal of condemnation upon the instigator in the present instance by voting against any re-consideration of the resolution.

Mr. GRITMAN hoped that the motion to reconsider would prevail, and would state his reasons. After due consideration he was inclined to believe that the House in passing the resolution had acted rather hastily, and had exercised at least a doubtful power. In cases of this character it was always advisable that the points should be well and distinctly understood, and that the merits of the opponents should be ascertained from a responsible source, before the Legislature suffered itself to be led into any expression of opinion. In this particular it would have been not only proper but just, to have gone beyond mere newspaper reports and flying rumors, and appointed a committee to investigate. Great caution should have been exercised, for it was a grave matter to debar even the meanest citizen from entering the halls of legislation of the Commonwealth. Some reason should have appeared upon record for the passage of a resolution like that relative to Donovan, so that the country at large might have been apprised of the motives of the House. But to have acted in the heat of the moment was certainly wrong, and to have acted, too, without any definite or responsible knowledge of the circumstances, was still worse. There was now no reason on record why Mr. Donovan was excluded—nothing in fact but the arbitrary decision of the House.

It was held, by Mr. GRITMAN, that Mr. Donovan had even a superior right to be upon the floor of the House to ordinary citizens, for he was an ex-member of the Legislature, and, as such, entitled to additional courtesy.

Reiterating the assertion that the House had acted hastily in the matter, and that some reason for their course should have appeared upon the Journal, Mr. GRITMAN said that if the resolution was re-considered, he should move the appointment of a committee to investigate the subject, or should even advocate that Mr. Donovan be heard before the House in his own defence. The offence, if it had been committed as alleged, was a very grave one; but nevertheless the alleged criminal had a right to be represented, and it was unfair and unjust for the House to adopt merely an *ex parte* statement.

There could be no doubt but that the House was really empowered to exclude any one from the floor, for it was the regulator of its own affairs, and was competent to make decisions in all matters concerning its own government.—But it was equally true that valid reasons should always be assigned for the adoption of such an extreme course.

Mr. Donovan, the speaker had understood, had expressed a wish to be heard in extenuation, and to make a statement to the House.—It was but right that he should have that privilege, and, in view of this, the speaker, although he had voted in favor of the resolution, should now vote for a re-consideration.

Mr. LAWRENCE, (Washington,) said that he too had voted for the passage of the resolution, not because he was acquainted with the parties, but because he considered that a disrespect had been committed to the House, and was desirous of exhibiting his condemnation thereof. Mr. Donovan, as a member had stated, had been a member of the House, but what of it? If he (Mr. LAWRENCE,) had been in the Legislature for ten years, and then had so forgotten himself and his dignity as to lie in wait in one of the highways of town, he would feel that any Legislature was right in excluding him from their hall forever after. He was glad to learn that the assault had been committed in the heat of passion, and was equally glad to know, as the gentleman from Luzerne (Mr. GRITMAN,) had said, that the alleged assailant was disposed to make an apology. But let him apologize to the one whom he had injured. The speaker bore no ill-will towards Mr. Donovan, but felt that the self-respect of the House demanded his exclusion from the floor.

He had this to say, however, that if any man would attack him, for words spoken in debate, he would take care to defend himself; ay, even though he was assailed with pistols, and canes, and whips.

A respect for the House ought to induce the members to allow the resolution to remain.—The plea of excitement, on the part of the gentleman from Philadelphia, (Mr. Donovan,) was scarcely admissible—for he had no right to be excited. He had no authority to call to account any member of this House, for words spoken upon the floor. The speaker had not a particle of ill-feeling against Mr. Donovan because he had been born in a foreign land.

Mr. ZOLLER gave notice that he should call for the yeas and nays.

Mr. FOSTER said that he would have hesitated to make the motion, had he imagined that this lengthened debate would have followed.—He was personally acquainted with both of the gentlemen who were connected with the unfortunate affair, and would state now that his sole object had been to give the one who was accused a hearing. Not that he justified any of his acts, or was prepared to espouse his cause, but simply that justice might be done, and that the axiom that "every man is innocent until proven guilty," might be illustrated. He denied, however, in reply to an intimation which

had been made, that Mr. D. had been armed with deadly weapons.

Mr. LAWRENCE (Washington,) said that he may have been in error in saying that Mr. Donovan had pistols. Such was the rumor, and if it was incorrect, he could only offer an apology to Mr. D. and his friends. He had been misinformed.

Mr. FOSTER was authorized to deny most positively that the assailant had any fire-arms. But the House had not yet received any formal notice that an assault had been committed. If such was proven, he should vote for meting out justice to the party in error. But to proceed, as the House already had, to take action, after having only heard an *ex parte* statement, was altogether wrong.

Mr. ROSE had a few words to say in defence of his own course. He favored the appointment of a committee of investigation, in case the House should determine to re-consider the resolution. Should the report of that committee be against Mr. Donovan, he would unhesitatingly vote to exclude him from the floor, and should have nothing more to say, but the extreme injustice of accusing a man before he was allowed an opportunity of being heard could not fail to be apparent to all. The committee should be appointed.

Mr. KETCHUM said that he was opposed both to the appointment of a committee and to the House resolving itself into a court of quarter sessions oroyer and terminator to try this case. As individuals, the members had of course a right to some opinion, and he believed that there were few present who had not already formed their views.

If the fracas had occurred in the House, in disturbance of its peace, order and dignity, he would then have considered the assembly insulted, and the parties in the contest would have been amenable. It would then have been the duty of a committee to investigate, but take the case as it stood, and what were the facts?—A gentleman who is a member of the House meets another one who is not a member—report says that a collision takes place in the public street. He was not disposed to doubt that this was the fact, but was disposed to doubt the right of the House to take cognizance of the matter.

He had his own notions of this affair, and had condemned it from the first. He had no palliation to offer for Mr. Donovan, for no language which the gentleman from Philadelphia, (Mr. CHURCH,) could have uttered would have justified an assault upon him. Politics had nothing to do with the question. He would not insult the great Democratic party by supposing that they would ever countenance an act of the kind alleged. Neither did he believe that they had elected Mr. D., or would have elected him if they had supposed him liable to have committed such acts. Individually, the members were entitled to treat Mr. D. as suited their own inclinations, but the proposal to appoint a committee was altogether wrong. Suppose that they were chosen and made a report. What then? If Mr. Donovan was found guilty, what could the House do with him? The court of quarter sessions was established to take charge of cases of this character, and the Legislature had no earthly right to go out in the streets and find actions wherewith to deprive men of entering the House. If a committee was appointed, it would only be a useless waste of time and money. He was willing, however, to vote for a re-consideration.

Mr. RAMSDALL moved that the matter be postponed.

The motion was decided in the negative.

The SPEAKER. The question is now on re-considering the vote by which the resolution was adopted.

The yeas and nays were required by Mr.



WALBORN and Mr. BAYARD, and were as follow, viz:

YEAS—Messrs. Abbott, Balliet, Bertolet, Brodhead, Custer, Dismant, Durboraw, Ellmaker, Fleming, Foster, Galley, Glatz, Goepp, Gritman, Harding, Hill, Hottenstine, Jackson, Ketchum, Kinney, Laird, M'Dowell, Pennell, Pierce, Porter, Price, Pugh, Quigley, Rose, Shaffer, Shields, Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Thorn, Warden, Wilcox, Wolf and Woodring—40.

NAYS—Messrs. Acker, Barusley, Barlow, Bayard, Boyer, (Schuylkill,) Burley, Campbell, Chase, Dodds, Eckman, Fearon, Graham, Gratz, Green, Hamersly, Irish, Keneagy, Lawrence, (Washington,) Mann, Mehaffey, M'Curdy, Miller, Neall, Palm, Pinkerton, Ramsdell, Rohrer, Rouse, Sheppard, Styer, Taylor, Thompson, Walborn, Walker, Whitman, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wood, Zoller and Lawrence, *Speaker*—44.

So the question was determined in the negative.

Mr. GOEPP stated that he had cast his vote in the affirmative, because he considered that the passage of the original resolution ought to have been preceded by an inquiry into the facts of the case.

Mr. ABBOTT voted "Yea," because other questions of the same kind might come up, under the same embarrassing circumstances.

Mr. KINNEY voted "Aye," solely because he was opposed to condemning any man without a hearing.

#### BILLS ON FINAL PASSAGE.

The joint resolution, declaring the contract with R. J. Haldeman, for the printing of the *Legislative Record*, at an end, came up on final passage.

The SPEAKER. Is the House ready for the question?

Mr. GOEPP said that he had yet to learn what good and sufficient reasons were advanced for the annulling of the present contract. He had listened attentively since the subject was first broached, and with the single exception of the gentleman from Tioga, (Mr. WILLISTON,) had not heard any one complain as to its character, or speak in condemnation of its reports. On the contrary, even gentlemen who were most anxious to have the publication change hands, had willingly admitted its accuracy and reliability, and had confessed that it was as able and perfect as could be desired or obtained for the price paid.

He had heard remarks, alleging that the Legislature of last winter had entailed a contract upon this one in the matter of the publication of the *Record*. Such assertions were utterly unfounded. The preceding Assembly had acted in a sensible manner. The members very properly taking every possible means to avoid the necessity of being without any *Record* at all, as had been the case in the early part of a previous session. The contract had not been made for the purpose of tying the hands of the House, but in order that they might reap benefit, and receive the *Record* from the present publisher until otherwise ordered by joint resolution. It was a work of time to make a contract, and it would be absurd to abrogate the existing agreement until due measures had been taken for the continuance of the publication. A committee would first have to be appointed, as in the case of all other business coming before the House—it would be necessary for them to examine into the proposals and make satisfactory reports to both branches of the Legislature.—All these things would require time, and while they were progressing, the people throughout the State, who looked to the *Record* for an accurate report of the proceedings of their Representatives, would be left in almost total ignorance.

The Legislature of last winter, Mr. GOEPP repeated, had not attempted to bind the present body. But if they had done so, what redress

would there be? If they had thought proper to make a contract for the publication of the *Record* for the next ten years, how could their agreement have been repealed. It would have been binding. But they had no such intention. As a member of the Assembly which had framed the contract and act, he would state distinctly that the sole object of the clause continuing the *Record* during the present year, had been to avoid trouble. All the allegations against the Assembly of 1858 were unfounded.

It was a very unsatisfactory reason for a good contract to be repealed, simply because it had been made by a body not now in existence. But if it was repealed, would any good result follow? If gentlemen were dissatisfied with the present publication, why did they not state their reasons, and give particulars. As yet, however, no charges had been advanced, except by the gentleman from Tioga, (Mr. WILLISTON.)

An offer, it was said, had been made to print the *Record* at lower rates. It had been printed before at what purported to be "lower rates." In 1857 a contract had been made which was nominally more advantageous to the House. But how had that agreement been carried out. Why, he was informed by men conversant with the printing and publishing business, that unimportant and trivial bills were printed and reprinted in that *Record*, in many instances as many as twelve, fifteen, and perhaps even twenty times. These bills were of no possible service. They were put in type once by the contractor, and then allowed to remain, and be used as stated. And for every page which this "dead matter" had filled the State had paid the same price as for original composition. Now he would submit it to the members, whether it was better to pay \$5 60 per page to have old bills printed over and over again, or to pay \$7 per page, and have full and complete reports, which were original. It remained to be seen if the present contract was broken, whether an offer to print at similar "cheap rates" would again be made.

The whole subject, Mr. GOEPP said, must be referred to a committee. It would be impossible for the one hundred men in the House, and the thirty-three in the Senate, to enter into and discuss all of the details. A committee had already been appointed. Why then should any action be taken until their report was submitted? When they came forward and stated, as the result of their investigation, that the *Record* could be printed at a cheaper rate by responsible and honest men, it would be time enough for the House to pass a repealing law, but until then he submitted to the judgment of the House, whether it was not unwise to take decisive action merely in the vague hope that the matter might be more advantageously arranged. Nobody found fault with the *Record* but the gentleman from Tioga, and he would reiterate the assertion, that the reports were quite as accurate as any that have ever appeared, and, in fact, better.

If, however, it was possible to get another *Record* really as good as the present, and for a lower sum, a regard for the interests of the State would induce him to vote for the change, but until then he would deprecate the annulling of the agreement under which the paper was published.

No gentleman would have the hardihood to assert that the House had either the time or ability to go into the various details necessary for the completion of a new contract. All this would have to be attended to by a committee.—In conclusion, he would ask, what possible reason there was for not allowing the publication to continue as heretofore to the expressed satisfaction of almost every member of the House.

The SPEAKER. Is the House ready for the question on the adoption of the resolution?

The yeas and nays were required by Mr.

HARDING and Mr. JACKSON, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Fearon, Graham, Gratz, Green, Hamersly, Harding, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mehaffey, M'Dowell, Miller, Neall, Pennell, Peirce, Pinkerton, Price, Ramsdell, Rouse, Shafer, Sheppard, Styer, Taylor, Thompson, Thorn, Walboru, Walker, Whitman, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wood, Zoller and Lawrence, *Speaker*—57.

NAYS—Messrs. Bertolet, Brodhead, Custer, Evans, Fleming, Foster, Galley, Glatz, Goepp, Gritman, Hill, Hottenstine, Jackson, Laird, Mann, McClain, Porter, Pugh, Rohrer, Shields, Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Warden, Wilcox, Wolf and Woodring—28.

So the question was determined in the affirmative.

The hour of adjourning arrived, the SPEAKER adjourned the House until Thursday at 11 o'clock, A. M.

#### MEMORIAL.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

The undersigned respectfully submits the following memoranda, in explanation of the bill to incorporate the American improvement and loan company.

The American iron master cannot receive American railroad bonds in payment for iron, because there is not sufficient capital in the United States, seeking investment in such securities, to enable the manufacturer to convert them readily into money. The English iron master can receive such bonds in payment for iron, because he can sell them for money.

The purpose of the bill is to organize a company with sufficient capital, under the control of citizens of this State, who will make advances of money to railroad companies and to manufacturers and contractors, and thus protect their credit until their works shall be so far completed as to give value to their bonds, which may then be advantageously sold, in the European market, for money. The effect of such an arrangement would be to develop the manufacture of American iron, and so increase our home industry as in a few years to provide ample means to purchase and retain among ourselves such new bonds as will be put in the market, and to bring back a large part of those now held abroad.

It is estimated that railroad bonds now held in Europe—chiefly in England—amount to nearly or quite five hundred millions of dollars.—This fact is conclusive to show that our bonds may be sold abroad for money; and as the purpose of the bill is to organize a company to aid in selling such bonds for money, instead of giving them, as now, in exchange for foreign iron; and as in either case the sale will create a debt, it becomes important to show that whilst a persistence in the present system of importing foreign iron, purchased with our bonds, must overwhelm us with irretrievable ruin, the sale of our bonds for money, with which to pay for domestic iron, is the only means of relieving ourselves from our present financial embarrassments.

Mr. Cobb's report on the finances shows that the total coinage of gold and silver in the United States since 1793 to the 30th of September, 1857, inclusive, was.....\$601,155,486.46 And that our exports of gold and silver from the 30th of September, 1821, to the 30th of September, 1857, was..... 505,724,278.00

Leaving a surplus of but..... \$95,431,210.46



The most zealous advocates of free trade admit that commerce should be a reciprocal exchange of the surplus products of the labor of commercial nations. It has been urged that we must buy British manufactures, because if we do not, then England cannot buy our cotton.—If England cannot buy our cotton unless we buy her manufactures, then it follows that we cannot continue to buy her iron unless she receives the products of our labor in payment for it. To purchase her iron on credit, and pay for it in our bonds, is a palpable violation of the fundamental principles of trade. To sell our bonds for money and use the money to give profitable employment to labor, is a very different proposition.

Jacobs says, that the gold and silver constitutes but a very small part of the wealth of a prosperous nation—not more than one per cent.

Mr. Calhoun, in his speech on the re-charter of the Bank of the United States in 1834, said:

"If we take the aggregate property of a community, that which forms the currency constitutes in value, a very small proportion of the whole. What this proportion is in our country and other commercial and trading communities, is somewhat uncertain. I speak conjecturally in fixing it at one to twenty-five or thirty, though I presume this is not very far from the truth."

We thus see, that whilst Jacobs and Mr. Calhoun both agree in saying that the gold and silver constitute a very small part of the aggregate wealth of a prosperous commercial people, Mr. Calhoun lays it down as an axiom, that it requires *four per cent.* of the aggregate values of property to be in gold or silver, to aid in the transfer of the produce of the soil and of labor from the producer to the consumer. He illustrates this axiom by reference to the blood in the human body. A man in vigorous health has about twenty five pounds of blood. If a very small part be taken from him, he is prostrated, until by air and food he restores the quantity so as to enable the heart to perform its functions; so if we deprive the industrial system of any part of that four per cent. of the precious metals which are required for its vital action, that system sinks until the quantity of gold and silver is restored. For as money is the measure of the value, of property, and its relation to the aggregate is one twenty-fifth part, or four per cent., it follows that any operation of trade which diminishes the quantity of gold and silver below the relative proportion which it should bear to the aggregate values of property, must reduce the aggregate values in the same ratio, as such operation of trade may diminish the quantity of gold and silver. For example, if a railroad company buys foreign iron, and *pays for it out of the currency*, the effect will be to diminish the aggregate value of property twenty-five times the sum of the gold and silver paid for such iron; or, if A. buys foreign iron at forty dollars per ton, and *pays for it out of the currency*, the effect will be to diminish the aggregate values of property in the ratio of twenty five times forty, or one thousand dollars per ton, for every ton of iron so purchased and *paid for out of the currency*. A. gets the iron at forty dollars per ton, but the community suffers a depreciation in the aggregate values of their property, at the rate of one thousand dollars per ton. This is forcibly illustrated by an analysis of the financial crisis of 1857.

We have seen that Mr. Calhoun held that there should be at least four per cent. of gold and silver to maintain the aggregate value of property. It follows that, if from any cause, there is an extraordinary foreign demand for gold and silver, and our trade with foreign nations be so regulated that they can obtain gold and silver from us in less time and at less cost than it can be had elsewhere, then large exports of our gold and silver will be the inevitable consequence of such foreign demand.

We have seen that our entire cargo since 1793 to 30th Sept., 1857, was but.....\$601,155,486 46

And that our exports from 30th Sept., 1821, to 30th Sept., 1857, were..... 505,724,276 00

The same report shows us that our exports of gold and silver for three years, ending 30th Sept., 1857, were..... 163,971,567 00

And that for six months in 1857 they were..... 69,849,132 00

Does any one ask what caused this extraordinary export of gold and silver? We find from

Mr. Cobb's report that our consumption of foreign imports, exclusive of Spain, were in seven years more than three hundred millions of dollars more than our domestic export, and that the value of our imports of iron and steel and the manufactures thereof, was in ten years nearly four hundred millions of dollars. If we assume that the interest on our debt held in England is but thirty millions of dollars and that our surplus imports are but thirty millions more, these two items create a balance against us of sixty millions of dollars per annum, which compounded at six per cent. per annum will create a charge against us, in less than thirty years, of more than six thousand millions of dollars, the interest on which will be more than three hundred and sixty millions of dollars per annum. Such are the results of a perseverance in our present system. You see and feel the pressure, and you memorialize Congress to modify the tariff; but no modification of the tariff will give you relief or secure the return of prosperity. You must co-operate. You must do your part, and aid in giving life to your industry.

Many believe that England can undersell us in the markets of the world because she pays less than we do for labor. With a population of twenty-one millions of people, or say four millions of laboring men, Great Britain has, in her machinery, a capacity of production equal to the labor of six hundred millions of men.—This machinery is the product of her *cheap money*. If we multiply this six hundred millions by five it will be seen that with a population of twenty one millions Great Britain has a capacity of production equal to a population of *three thousand millions*, which is more than the population of the whole world. It is apparent, therefore, that it is the labor of her machinery, and not the labor of her men, that enables Great Britain to command the markets of the world. And it is equally apparent that if we would compete with her at home, or elsewhere, we must profit by her experience, and cheapen the value of money and of credit. The purpose of the bill is to aid in doing this.

We have seen that it requires four per cent. of the aggregate values of property to be in gold and silver to maintain the value of property. It requires no argument to show that the value of credit depends upon the value of property, but to illustrate this, and to show how necessary it is to protect the value of credit, we refer to the official exchanges of the "Clearing House," in the city of New York, from which it appears that, although during the year preceding the panic, the average amount of specie held by the Banks of the city of New York was less than twenty millions, the exchanges were more than eight thousand millions of dollars, and that last year the average was nearly four hundred and fifty millions per month, and nearly eighteen millions per day. If such was the use of credit as between the Banks, what was the amount of credit used in the transactions of the Banks and the public, and in the transactions which were not carried into the Bank accounts?

We know that some believe the crisis was the necessary consequence of over-trading and reckless speculation; and that these were the result of an over issue of Bank credits. We have

before us a statement which we believe to be authentic, showing that on the 29th Oct., 1856, the comparison of paper currency of England, France and the United States, was as follows:

	Bank Circulation.	Specie in Bank.
England.....	\$189,780,000.....	\$72,980,000
France.....	122,419,000.....	33,320,000
United States.....	165,888,000.....	60,072,000

#### BANKING IN LONDON, PARIS AND NEW YORK.

	London.	Paris.	New York.
Capital.....	\$92,515,000	\$18,250,000	\$50,047,000
Surplus.....	20,513,000	2,596,000	7,060,000
Private deposits.....	240,813,000	23,618,000	58,696,000
Public money.....	28,795,000	20,252,000	13,898,000
Circulation.....	167,420,000	110,395,000	8,649,000
Miscellaneous.....	4,528,000	.....	.....

Total amount.....\$504,582,000 \$189,036,000 \$144,268,000

Loans and disc'ts.....	\$375,757,000	\$143,572,000	\$104,156,000
Specie in bank.....	53,020,000	15,412,000	10,550,000
Government's treasury.....	Nil.	Nil.	13,616,000
Public stocks.....	74,875,000	13,596,000	5,514,000
Real estate, &c.....	.....	7,456,000	10,204,000

Total as above.....\$504,582,000 \$189,036,000 \$144,268,000

#### COMPARATIVE SPECIE BASIS.

	London.	Paris.	New York.
Movement.....	\$504,582,000	\$189,036,000	\$144,268,000
Specie.....	53,020,000	15,412,000	24,398,000
Per centage.....	10½	8½	17

It will thus be seen that our specie basis was 17 per cent., whilst that of England was but 10½ and that of Paris but 8½ per cent.

Does any one wish to know why it was that under such a statement the Banks of England and the Banks of France continued to pay specie when our Banks were compelled to suspend specie payment? We refer to another table, showing that the coinage of France was, in

	Gold.	Silver.
1849.....	27,100,000 francs.....	\$206,500,000
1850.....	85,200,000 ".....	86,500,000
1851.....	285,200,000 ".....	68,500,000
1852.....	27,000,000 ".....	71,700,000
1853.....	330,500,000 ".....	20,100,000
1854.....	526,500,000 ".....	2,100,000
1855.....	400,000,000 ".....	7,000,000

This table shows that France gradually, but rapidly substituted gold for silver. The reason of this was, that as England was compelled to bid a premium for silver, to meet her disbursements, caused by the wars in Russia, India, Persia and China, which caused the silver to flow from France to England, France gave a premium for gold, which caused the gold to flow from England into France. This enabled the Bank of France to maintain her line of discounts and circulation, and prevent a paralysis of French industry, which would have been the inevitable consequence of curtailing her discounts. Hence France, with a much greater use of credit, was enabled to prosecute the war in the Crimea, and pass through the crisis of 1857, which fell with its withering influence on us.

That the crisis of 1857 was not caused by an over issue of our Bank notes appears in this. The depreciation of Bank notes as compared with gold and silver was less than the depreciation in the value of all other property—for corn, wheat, land and all descriptions of property, could, at any time during the crisis, be purchased with Bank notes at less price than they could have been purchased before the Bank suspension with gold and silver. It is a fact notorious, that the Banks enlarged their discounts more than one hundred and thirty-seven millions in the fruitless effort to maintain the value of property, and thus prevent the crisis, and that the large export of specie and not the issue of Bank notes produced the crisis. It is well known that when money is scarce and interest high, it requires the best class of securities to obtain it, and hence, as next to Bank notes, good railroad bonds are the most available, large amounts of these bonds were forced upon the market at ruinous rates.

The public debt of the governments of Europe,



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FOR THE SESSION OF 1859.

No. 13.

for the greater part, bears but three per cent. interest, and those governments and their agents are interested in preventing an increase of this rate. If we can satisfy the European public that our railroad bonds are as safe an investment, many of the holders of the European three per cents will sell out and purchase our six per cents.; and it is therefore important that an agency, such as contemplated by the bill, shall unite European capitalists with an American board, whose character and management will be such as to inspire the greatest possible degree of confidence, as the effort will be to equalize the value of American and European securities, and by reducing the rate of interest, cheapen the value of money so as to approximate the rates paid in Europe. The bill therefore, upon its face, declares that the European shareholders shall not be responsible beyond the value of the capital they subscribe; and surely if they consent to place their money under the control of Pennsylvania directors to be advanced in aid of American enterprise, we should not prevent their doing so by the imposition of conditions which will excite their fears, by notifying them that we do not believe that we are worthy to be trusted. The purpose of the bill is to avail ourselves of the confidence and sympathy which many persons in Europe have in us and in our institutions, to obtain money from them at the lowest possible rate of interest, to be used by us for the promotion of our industry and the development of the mineral and other resources of this country.

Let it not be said that this bill will create a monopoly. If this company is well managed it will be a pioneer, and will induce others to get like charters, and the competition between rival companies will necessarily benefit the public; for the profits of such an agency will depend upon the business it may do, and this will depend upon their giving greater facilities and cheaper rates than can be had of others.— If they do better for the public than the present agencies, then they will do the business, because the public will be benefitted. If they do not, then they will not be employed, and no one will suffer by them.

We are indebted to the *New York Times* and the *Courier and Enquirer* for the tables giving the coinage of France, and the condition of the Banks in England and France. We presume that they are derived from official returns, and are reliable. They show conclusively that the demand for money, that is for gold and silver, in Europe, was to supply the means of carrying on the wars in Russia, Persia, India and China, and preceded the demand in the United States. Mr. Cobb's report shows that our Bank discounts in 1857, were .....\$684,456,887 which in 1854, were but..... 557,389,779

Showing an increase of.....\$137,067,108

Why did the Banks increase their discounts? We have seen that, owing to the extraordinary foreign demand, our exports of gold and silver were more than three hundred millions of dollars. This export of specie created an extraordinary demand for money, and the Banks enlarged their discounts in a fruitless effort to maintain the value of property. They failed, not because the actual value of property was less, but because the export of the precious metals had destroyed the exchangeable value of property, and thus rendered of no value that large volume of credit, indicated by the sum of

the exchanges at the clearing house in New York, and which sum of credit, large as it is, is indispensable to the operations of the trade and industry of the United States.

We know that many believe that credit is for the rich and gold and silver for the poor man. Gold and silver are the life-blood, but credit is the bone and muscle of our industry. When money is plenty, and credit is good, the poor man can get constant employment, and a fair price for a fair day's work. Labor is the poor man's capital, and labor cannot get employment unless there be money to pay for it. He, therefore, who provides the means of paying for labor is the friend of the poor man, and he who makes war upon credit is his enemy.

We know that there is a vast reservoir of surplus capital in Europe; we know that by a proper organization we can obtain a part of that accumulated capital, at less price than we can get it at home. This bill is the result of many years reflection and experience, and is prepared in reference to the wants to be supplied, and the obstacles to be overcome. The purpose is to sell our railroad bonds for the highest price that can be obtained in the market where money can be had at the lowest rate, and to appropriate the money thus obtained so as to give employment to our own labor, and thus increase our wealth, and stimulate our industry to develop our own resources.

Does any one ask why the undersigned makes his application to the State of Pennsylvania? He replies that Pennsylvania is in advance of the other States in the manufacture of iron, and therefore demands an increased duty upon iron; that an increased duty will create an increased demand for iron, and to supply that increased demand, we must have an increased supply of money. The bill has been framed with a view to obtain that increased supply of money upon the best terms, as the undersigned believes, from the only source from whence it can be obtained. All of which is respectfully submitted by

DUFF GREEN.

## SENATE.

THURSDAY, January 20, 1859.

The Senate was called to order by the SPEAKER at 11 o'clock, A. M. A quorum of Senators present.

Prayer by the Rev. Dr. Bartine, of the Methodist Episcopal church, Harrisburg.

Mr. RUTHERFORD appeared in his seat. The Journal was read and approved.

## REPORTS OF COMMITTEES.

Mr. FINNEY, (Judiciary,) reported, with a negative recommendation, "A further supplement to an act to provide for the appointment of a reporter of the decisions of the supreme court of this Commonwealth."

Also, (same,) with a negative recommendation, "A supplement to the several acts relative to the lieu of mechanics and material men."

Also, (same,) as committed, "An Act to better secure the payment of wages of labor in Schuylkill county."

Mr. BELL, (same,) with amendment, "An Act relative to pawn-brokers in the city of Philadelphia."

Also, (same,) with a negative recommendation, "An Act to provide for the taxation of non-

resident venders of merchandize in Dauphin county."

Also, (same,) as committed, "A resolution relative to the appointment and election of officers of the Legislature."

Mr. MILLER, (same,) as committed "An Act relating to interest upon verdicts."

Also, (same,) as committed, "An Act relative to the board of revision, in Elk county."

Also, (same,) with a negative recommendation, "A supplement to an act incorporating the Pennsylvania Asylum for the insane poor, passed April 11, 1848."

Mr. SCOFIELD, (same,) as committed, "An Act relative to the registration of marriages, births and deaths in the city of Philadelphia."

Also, (same,) "A further supplement to an act relative to huckstering in the counties of Berks and Lebanon."

Also, (same,) with negative recommendation, "A supplement to an act empowering the judges of the courts of common pleas to appoint an examiner."

Mr. WELSH, (Estates and Escheats,) as committed, "An Act to confirm the title to a certain lot, the property of Arthur Howell, deceased."

Mr. BALDWIN, (Agriculture and Domestic Manufactures,) as committed, "An Act to repeal 'An Act for protecting sheep and taxing dogs in the county of Blair.'"

Mr. MARSELIS, (Banks,) with amendment, "An Act to consolidate the stock of the Girard Bank in the city of Philadelphia."

Mr. KELLER made a report from the Committee to Compare Bills—stating that they had compared and presented certain bills to the Governor for his approval.

Mr. WELSH, (Finance,) as committed, "A bill entitled 'A resolution relative to Zeigler's Manual;' which, on motion, the Senate proceeded to consider, having resolved itself into committee of the whole. (Mr. WRIGHT in the Chair.) After some time the committee rose, and the Chairman reported the same without amendment.

On motion, the Senate proceeded to the second reading of said resolution.

Mr. SCOFIELD rose to a question of inquiry. He wished to know whether the Senate had yet received the proportion of the one thousand copies of this work to which they are entitled? According to his poor figures, the Senate was entitled to one-fourth, about seven to each Senator. If the Senate paid for them, he was desirous that they should get them.

Mr. RANDALL wished to ask the Clerk, through the SPEAKER, whether the Senate was to pay for this number of copies before receiving them, or whether they had yet been furnished? He was satisfied that he had not had his share of the public documents. Last session he received more than he was entitled to, but this session the supply had fallen short. If the State pays for the printing of these documents, it is but right that they should obtain them.

Mr. BELL remarked that if Senators were entitled to more than the number of copies which had already been furnished them, he was desirous of securing them. One of the four which had been furnished him, he had given to a friend, and another some person had taken the privilege of carrying off.

Mr. HARRIS wished to know whether the sum named in the resolution was intended



for the purchase of the one thousand copies of the Manual, or to compensate Mr. Zeigler for his labor in compiling it?

The SPEAKER explained that it was designed as a compensation for his labor in compiling the book.

The resolution finally passed.

#### BILLS IN PLACE.

Mr. SCOFIELD read in his place and presented to the chair, "An Act to enable the county of Warren to effect certain compromises."

It was moved and seconded that the Senate resolve itself into committee of the whole on this bill; which was agreed to. (Mr. WELSH in the chair.)

After some time the committee rose, and the chairman reported the bill as committed.

Mr. GAZZAM supposed that the bill was all right, but he wished to hear some explanation of it from the gentleman who presented it.

Mr. SCOFIELD explained that the county of Warren, some four years ago, subscribed four hundred thousand dollars to the Sunbury and Erie railroad. A party now propose to take this subscription off the hands of the county, and to pay it to the Sunbury and Erie company, at a reduction of twenty per cent. He thought it was a good speculation, and felt authorized to offer the bill empowering the county commissioners to enter into the arrangement.

The bill then passed second and third readings. The Clerk of the House being introduced presented bills for concurrence.

The Deputy Secretary of the Commonwealth presented two messages from the Governor; which were read, as follows:

EXECUTIVE CHAMBER,  
Harrisburg, Jan. 20, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have this day transmitted to the House of Representatives for the use of the Legislature, the eighth annual report of the trustees of the State Lunatic Hospital, with the reports of the superintendent and treasurer to the trustees of said institution.

WM. F. PACKER.

EXECUTIVE CHAMBER,  
Harrisburg, Jan. 20, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following acts of the General Assembly, viz: On the 14th inst., "An Act to authorize the President of the select council of the city of Erie to act as mayor of said city."

On the 19th inst., "An Act relative to the sale of unseated lands in the county of Elk."

"Resolution relative to the purchase of Purdon's Digest."

W. F. PACKER.

On leave given, Mr. RUTHERFORD recorded his vote "Yea," on the tariff resolutions.

Mr. WRIGHT read in his place and presented to the Chair, a bill, entitled "An Act to incorporate the Cottage building association at Beverly."

Mr. PARKER, "An Act to incorporate the South City passenger railway company."

Mr. PALMER, "An Act to extend the charter of the Forest improvement company."

On leave given, Mr. PALMER presented a petition from citizens and lessees, praying for the extension of the charter of the Forest improvement company.

Mr. WRIGHT gave notice that he would hereafter object to the reading of petitions and other documents, out of the regular order of business. It required the unanimous consent of the Senate, and he was disposed to withhold his consent, because proceedings out of the regular course spoiled the Journals.

Mr. GREGG, "An Act relative to elections in Williamsport, Lycoming county."

Mr. RANDALL, "An Act to incorporate the Indian and Commercial company."

Mr. MILLER moved to re-commit a bill relative to hucksters in the counties of Lebanon and Berks.

A communication was received from the Canal Commissioners and read, as follows:

CANAL COMMISSIONERS' OFFICE,  
Harrisburg, Jan. 19, 1859. }

HON. JOHN CRESSWELL, Jr.,

Speaker of the Senate:

SIR:—In pursuance of an act of the 6th of April, 1854, entitled "An Act to authorize the Canal Commissioners to assess the damages arising from the destruction of property on the public works,"

The Board submit the following report on the claim of Peter S. McCullough. On the 4th of October, 1853, a collision occurred between two trains on the Allegheny Portage railroad, by which a four section boat belonging to Mr. McCullough, was nearly destroyed. The third section of the boat, next to the bow, had its end and side knocked out, the bulkhead of the next section torn out, and the stern section shattered and broken. The boat was loaded with pig metal destined for Pittsburg, which had to be re-shipped by another conveyance. The collision occurred in consequence of the negligence of the agent of the Commonwealth having charge of the train. It appears that whilst making a change in the location of the road, at the point where the damage occurred, for the purpose of straightening a curve, the two tracks were brought so close together as not to permit the passage of trains going in opposite directions. It was the duty of the agent having charge of this train to have stopped at this point, and have permitted the train going eastward to pass. He neglected to do so, and the collision occurred from that neglect, for which he was discharged from the service of the Commonwealth. As the claim comes clearly within the provisions of the act before referred to, the Board have assessed the damage sustained at \$365.

I have the honor to be, very respectfully, your obedient servant,

GEO. SCOTT, President.

On leave given, Mr. RUTHERFORD withdrew certain papers and documents of Dr. Thomas Duncan, executor of Mrs. Rebecca Duncan and James McCoy, dec'd.

#### BILLS ON SECOND READING.

"An Act to abolish the office of Canal Commissioner."

Mr. BELL moved to amend in the thirteenth line by striking out the words "forever barred," and inserting in lieu thereof the following: "Referred to the Auditor General for examination and settlement, provided the same be presented one year after the passage of this act;" and in the fourteenth line, after the word "all," insert "such."

Mr. TURNEY offered an amendment to the amendment so as to make the first part of the first section read thus: "That from and after the passage of this act the office of Canal Commissioner of this Commonwealth be, and the same is hereby abolished, and the commissioners," &c.

Mr. TURNEY hoped the Senator from Chester would withdraw his amendment. He had ascertained, from the proceedings of the Canal Board, that they had realized all their forebodings of the effect of this proposed legislation upon claims. The Board, he had ascertained from a reliable source, had opened up, and were now examining claims that had been once rejected, and they were now sitting up in their room digging up rotten claims which had long been buried, as worthless and fraudulent. Pass the bill to day, and it will immediately receive the signature of the Governor, thus putting an end to the existence of a Board for

which there was no longer a necessity, and the abolition of which was demanded alike by the people and the interests of the State.

Mr. BELL understood the object of the gentleman to be the immediate abolition of the Canal Board. This can be reached in another manner. If the Canal Commissioners were acting with impropriety—digging up old and rotten claims which had been long disposed of as unjust and rotten, they should be deprived of their power to act forth with. Yet, even if upon this just ground, the Board is abolished, it does not change the necessity of making provision for the payment of claims which may justly exist against the Commonwealth. He did not feel willing, however, without some other evidence than that which had been furnished by the Senator from Westmoreland, to believe that the Canal Commissioners have entered upon an examination of exploded or rotten claims. He knew at least one member of the board, and he could say that his character for integrity and a high sense of duty, was as fair as that of any gentleman.

Mr. TURNEY wished to explain, emphatically, that he had no reference to the member of the Board to whom the Senator from Chester had referred. If we had another like him in the Board, matters would be all right.

Mr. BELL resumed. If the Senator from Westmoreland had any positive knowledge that the Canal Commissioners were thus digging up rotten claims against the Commonwealth—for it was a grave charge—or that they had gone beyond the strict line of their duty in any other respect, he would willingly consent to a section for an immediate abolition of the Board. But this may be all mere rumor, founded upon the hearsay of a third party, unknown, and whose opportunity for obtaining information upon the matter, does not entitle it to credit. There should be some other evidence than the mere rumor, to warrant the precipitate action contemplated by the bill.

Mr. TURNEY replied, that if the Senator from Chester had any doubt as to the character of his authority, he would refer him to his friend Judge S. Rickard.

Mr. BELL said the authority was undoubted.

Mr. GREGG hoped Mr. BELL'S amendment would not prevail. It were much better to adopt the bill, as amended by the Senator from Westmoreland, immediately abolishing the Board; and to make future provision for the adjustment of claims. The proposition to refer them to the Auditor General for adjustment, was entailing upon him too much power and trouble.

Mr. BELL explained that his proposition did not invest the Auditor General with any power, save that of examining the claims against the State, and presenting them for the approval of the Legislature. He was willing that they should be referred to any other person. His aim was simply to secure for them a proper examination, before the Legislature was called upon to approve them.

Mr. RANDALL would vote against the amendment of the Senator from Chester. The step contemplated by it would be a dangerous one. We had been told yesterday, by the Senator from Westmoreland, that there were not a half dozen just claims against the Commonwealth, growing out of damages; and yet we now propose to open the door, and invite the introduction of claims which have been heretofore rejected.

Mr. SCOFIELD remarked that the usual practice with reference to claims had been to have them first come before the Legislature, and upon their justice being recognized, to go to the Canal Board for allowance. The Board, until a bill was passed authorizing it, had no power to allow claims. The amendment of the Senator from Chester not only proposes to change



the ordinary tribunal, but enacts a general bill by which a tribunal is created and empowered to investigate and pass upon claims. We had heard of the last of the Tribunes, and the last of the Mohicans; and he had thought we were about bearing of the last of the Canal Board.—He found, however, from what he had heard to-day, that the writer of fiction, who is to write the history of that body, is not yet furnished with the facts for the task.

He did not believe all that was said against the Canal Board; as good men had been found in it as in any other public department. He was in favor of referring these claims to Mr. Wilson, the clerk of the Board, who had so long been connected with the department, that he was cognizant of the nature of every claim which had been presented before it. He had never heard the slightest whispering against his integrity; and although he had been about this Capitol for five winters, he did not know him, so quietly and attentively does he go about his business. He was in favor of transferring him to the Auditor General's department, with his great knowledge of facts and figures, thereby securing, as he believed, a vast saving of time and trouble to the Legislature, and money to the State.

Mr. BELL again urged upon the Senate the adoption of his amendment. As the bill now stands, it simply abolishes the Canal Board, without making any provision for the adjustment of claims. The Legislature should make some provision for the adjustment of claims which are known to be outstanding against the Commonwealth. It was the fashion to abuse the Canal Board, not only for something which they had done, but something which they might do *in futuro*. It was easy, too, to say that men vested with power are likely to use it. Yet, there had been no charge of mal practice against them; and he suggested to the gentleman who intimated the charge that they were engaged in digging up rotten claims, that they should give us some specific data. Justice also requires, that if they have accusations, they should point to some particular party, without indulging in a wholesale imputation upon the Board.

Mr. SCHELL wished to say one word. He should be constrained to vote against the amendment of the Senator from Chester, because it would throw open the door to claims that had already been rejected. With him there were two questions, one of which was the policy of abolishing the Canal Board, upon which we are all agreed; the other as to the mode of disposing of claims against the Commonwealth. Upon this we differ. He believed the proposition for their settlement, by the Senator from Chester, was crude and indigested, and involved a nice question, upon which the Senate is not now prepared to vote.

Mr. BELL, (by request,) withdrew his amendment, and the question being upon the amendment offered by Mr. TURNER, it was adopted.

Mr. BELL renewed his motion to amend.

And on the question,

Will the Senate so amend?

It was decided in the negative, and the first section as amended by Mr. TURNER, passed.

The second and third sections were read and adopted.

The fourth section being before the Senate, Mr. TURNER proposed to amend, by striking out the words "Canal Commissioners" and inserting in lieu thereof, "Auditor General;" which was agreed to.

And the section as amended passed.

Mr. RANDALL moved to amend the title, by adding "State Engineer;" agreed to.

The bill passed finally, as follows:

YEAS—Messrs. Baldwin, Bell, Coffey, Craig, Fetter, Finney, Francis, Gazzam, Gregg, Harris, Keller, Marselis, Miller, Nunnemacher, Palmer,

Parker, Penney, Randall, Rutherford, Scbell, Shaeffer, Schindel, Steele, Thompson, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—29.

NAYS—None.

#### BILLS CONSIDERED.

On motion of Mr. RANDALL, the Senate proceeded to consider Senate bill number 71, entitled "An Act to consolidate the stock of the Girard Bank in the city of Philadelphia."

The Senate resolved itself into committee of the whole on this bill. (Mr. BALDWIN in the chair.)

After which the chairman reported the same as committed, when it was read a second and third time, and finally passed.

Mr. GREGG wished an explanation of the bill; he did not understand its object or provisions.

Mr. RANDALL explained that, some time ago, the Girard Bank was unfortunate, when the stockholders rushed in, and reduced the stock from fifty to twelve dollars. Under the general banking law, all banks are compelled to have their stock at a par value of fifty dollars; and as the bank was chartered before the passage of the general law, the object of the bill was to authorize the bank to issue four shares of stock, instead of one. There was no objection, that he was aware of, to the bill, and he hoped it would be permitted to pass.

Mr. BELL moved that the Senate proceed to consider a bill, entitled "An Act providing for the refunding of certain taxes paid by the West Chester gas company;" which was agreed to.

The Senate went into committee of the whole. (Mr. COFFEY in the Chair.)

After some time the chairman reported the same as committed.

Mr. BELL explained the object of the bill to be, simply, to authorize the State Treasurer to pay back to the West Chester gas company certain taxes paid by them, which they were not entitled to pay. The sum involved is a small one; yet, under the decision of the supreme court, that gas companies are not taxable, the claim was a just one, and the company should be refunded the money.

Mr. SHAFFER had no wish to object to the passage of the bill; but there were gas companies in Lancaster and elsewhere which are similarly situated, and he was opposed to the local legislation which this bill would inaugurate for every company who chooses to ask it. He did not oppose this claim of the West Chester gas company, but he wished to have a general bill, so as to cover every similar case that may be presented. He therefore hoped it would be postponed.

Mr. BELL was surprised that the Senator should raise objections to so small a bill as the one under consideration. There was no reason why it should be postponed; and he asked that the Senator should extend the same courtesy that he would extend to him under similar circumstances. If his statement of facts with regard to the matter was correct, there could be no objection to the passage.

Mr. WRIGHT observed that although the facts may be correct, as stated by the Senator from Chester, he much doubted the propriety of the passage of the bill. The effect of it would be to open up the flood gates of corruption on the Commonwealth. A thousand cases were waiting now for the passage of just such a bill as this. If the parties were injured, the amount was but small; and he had no doubt, if the matter was fairly probed, it would be found that the company had, in some way, avoided paying taxes to a far greater amount than their claim here. He alluded to the disposition not only of companies, but individuals, to avoid the payment of taxes, and the many advantages which are taken. If this refunding

of money were done at all, it should be by a general law.

Mr. GREGG was disposed to guard the treasury as closely as any other man, and he would not vote to take one dollar out of it that was not justly claimed. Yet he could see no reason why, if the West Chester gas company had paid tax which they had no right to pay, the money should not be refunded. The decision of the supreme court had established the principle that they were not justly taxable; and as there was nothing in the bill indicating dishonesty or roguery, it should receive the sanction of the Senate.

Mr. BELL rose to say that there was neither logic, honor, or honesty in the argument of the Senator from Philadelphia. What, he asked, does the Senator mean by saying that he is opposed to giving this company any advantage? He has no doubts as to the correctness of the facts stated, and yet, he says the passage of this bill will accord to it some advantage. Notwithstanding all the admitted facts, as to the justness of the demand, he says the State Treasurer should not refund the amount wrongfully paid, because some other company may come here with claims. This idea did not come from the Senator from Philadelphia, but from the Auditor General, who sits upon the lid of the treasury like a Cerberus.—There is a contagion in the office of the Auditor General, and any one who goes there is liable to the disease. The Senator from Philadelphia would say to this company, notwithstanding your admitted facts, you have no right to the money in our strong box. They did not come begging for it. They simply claimed it as justice—bare, bold justice—to the amount of forty-eight dollars. If the Senate saw proper to refuse it—for he was not interested in any way in it—they could solace themselves for their dishonesty by the fact that they had saved the State the tremendous sum of forty-eight dollars.

Mr. WRIGHT was pleased with the remarks of the Senator from Chester. There was wit and humor in them. He was not convinced, however, that he was right in his position. If he were entirely satisfied that this amount was justly due the company, he should vote for the bill. He was desirous of having the matter postponed, in order that he might have an opportunity of investigating its merits.

Mr. FINNEY remarked that the Senate had before it a case which had already been adjudicated, and what effect can a further investigation have here? The gas company on one side and the Commonwealth on the other; certain facts exist, and a decision of the supreme court declares that the amount paid by this company was not legally exacted. What good, then, can be done by a postponement? The company come here and ask that they may be refunded the sum of forty-eight dollars, illegally paid to the State, and which they could recover, if execution could be issued against the Commonwealth.

Mr. SCHELL moved to postpone the consideration of this bill for the present,

And on the question,

Will the Senate agree to postpone?

The yeas and nays were required by Mr. SCHELL and Mr. BELL, and were as follow, viz:

YEAS—Messrs. Fetter, Gazzam, Harris, Keller, Marselis, Parker, Schell, Shaffer, Schindel, Turney, Welsh and Wright—12.

NAYS—Messrs. Baldwin, Bell, Coffey, Finney, Francis, Gregg, Miller, Palmer, Penney, Randall, Rutherford, Steele, Thompson and Cresswell, *Speaker*—15.

So the question was determined in the negative.

Mr. SCHELL was unprepared to vote upon the bill, and it was but courtesy that the Senator should accede to his request, that it lay



over. He wished to investigate the decision of the supreme court, upon which the bill was based, of which he had not yet had an opportunity.

Mr. GAZZAM thought the request of the Senator from Bedford was a reasonable one, and that the Senator from Chester, in the exercise of the usual courtesy, should grant it.

Mr. MARSELIS remarked, that although the amount proposed to be refunded by the bill was a small one, it may yet involve thousands and thousands of dollars. There were many companies in Philadelphia, which had invested vast sums in similar enterprises, to which we may be asked to make similar restitution. There was no telling where this matter might end, if we once opened the door for the admission of such claims.

Mr. BELL, under the circumstances, and at the request of Senators, would have no objection that the bill should lay over.

The Clerk of the House being introduced, presented Senate bills passed without amendment.

The SPEAKER read titles of bills from the House, and referred them to their respective committees, viz:

No. 15, "Resolution to dissolve the contract between the Commonwealth and R. J. Haldeman, for the publication of a *Daily Legislative Record*." (Referred to Committee on Finance.)

No. 56, "An Act to extend the width of Jones street, in the Ninth ward of the city of Philadelphia." (Referred to the Committee on Roads and Bridges.)

No. 78, "An Act to change the place of holding the elections in the township of Jenks, in the county of Forest." (Referred to the Committee on Election Districts.)

No. 79, "An Act to change the time of holding township elections in the county of Forest." (Referred to the Committee on Election Districts.)

No. 80, "An Act to charter the Delaware County association for insuring against horse stealing and detecting horse thieves." (Referred to the Committee on Corporations.)

Mr. TURNEY moved that the Committee be discharged from the consideration of House bills, Nos. 78 and 79, as above; that the Senate dispense with going into committee of the whole, and proceed to consider said bills; which was agreed to; and the bills finally passed.

On motion of Mr. WELSH, the Senate proceeded to consider "An Act relative to the estate of Arthur Howell, deceased," and dispensed with going into committee of the whole.

The bill passed.

The hour of one having arrived, the SPEAKER adjourned the Senate until 11 o'clock tomorrow morning.

## HOUSE OF REPRESENTATIVES.

THURSDAY, Jan. 20, 1859.

The House was called to order at the usual hour by the SPEAKER.

Prayer was offered by the Rev. Mr. Colder.

The Clerk read the Journal of yesterday.

### MESSAGE FROM THE GOVERNOR.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, informing the House that he had approved and signed the following bills:

"An Act authorizing the president of the select council of the city of Erie to act as mayor until the next election for mayor in said city."

"An Act relative to the sale of unseated lands in Elk county."

Also, "A resolution relative to the purchase of Purdon's Digest."

The SPEAKER laid before the House a communication from the Canal Commissioners relative to the claim of Peter McCulloch, for damages sustained on the public works.

Also, a communication from the superintendent of the State Lunatic Hospital.

### PETITIONS, &c., PRESENTED.

Mr. WILLIAMS, (Bucks,) read in his place and presented to the chair, the petition of sundry citizens of Bucks county, praying for the incorporation of the Richlandtown turnpike road company.

Mr. PALM, two memorials from boatmen and others engaged upon the Schuylkill navigation, praying for the passage of an act requiring all ascending boats (except those propelled by steam,) to keep the towpath side of the canal or pool; and descending boats on the helm side.

Mr. KINNEY, two petitions from citizens of Bradford county, for the passage of an act for the assessment and recovery of damages upon the north Branch Canal.

Mr. ZOLLER, two from citizens of Pittsburg for the passage of an act incorporating the Citizens' passenger railway company in said city.

Mr. IRISH, two of similar import.

Mr. WILEY, one from citizens of Oxford township, praying for a division of said township into two election districts.

Mr. HILL, one from citizens of Montgomery county for a railroad to connect Lime Kiln with the Reading railroad at Port Kennedy.

Mr. PINKERTON, one from citizens of Schuylkill county, lessees and mining tenants of the Forest improvement company, for a law extending the charter of said company.

Mr. TAYLOR, one from citizens of Cambria, Clearfield, Indiana and Jefferson counties, praying for the erection of a new county out of parts of said counties, to be called Pine.

Mr. CHURCH, two from citizens of Philadelphia, in favor of the modification of the auction laws.

Mr. THORN, one of similar import.

Mr. GLATZ, one from citizens of York county, praying for certain alterations of the law relative to the collection of taxes in said county.

Mr. HAMERSLY, one from citizens of Philadelphia, in favor of the modification of the auction laws.

Mr. ELLMAKER, one from citizens of Lancaster county, for the repeal of the act of 1857 increasing the fees of district attorneys, so far as relates to Lancaster county.

Mr. KENEAGY, one of like import.

Mr. GOEPP, four remonstrances from citizens of Northampton county, against the passage of an act interfering with the location of the county seat.

Also, the petition of citizens of same county, for the passage of an act in favor of the removal of the county seat from Easton to Nazareth.

Also, one from same, for the passage of an act in relation to the office of sealer of weights and measures in said county.

Mr. BURLEY, one from citizens of Bedford and Blair counties, asking for a charter for a branch railroad from the Newry siding, on the Allegheny Portage railroad, to the town of Newry.

Mr. WOOD, a remonstrance from citizens of Pennsylvania, residing along the line of the Philadelphia, Wilmington and Baltimore railroad, against the passage of an act to prohibit the running of locomotives of said company over certain streets in the city of Philadelphia.

Mr. DODDS, the petition of Henry Bomgardner, a soldier of the Indian war, asking for aid.

Mr. FOSTER, two from 155 citizens of Pittsburg, and Allegheny county, for the incorporation of a passenger railway company.

Mr. BAYARD, one from citizens of Pittsburg, in favor of the construction of the Citizens' passenger railway company in said city.

Also, a remonstrance from citizens of Pittsburg, against the construction of the same.

Mr. WALBORN, four from citizens of Philadelphia, for the passage of an act modifying

and altering the auction laws now in force in said city.

Mr. GRITMAN, one from Esther Koons, of Luzerne county, for the passage of an act dissolving the marriage contract between her and her husband, Jacob Koons.

Mr. THORN, a memorial from Samuel Hazard, praying to be retained as editor of the Pennsylvania Archives.

Mr. ROHRER, a petition from citizens of Armstrong county, for the passage of the supplement to the act incorporating the University of Kittanning.

Leave being granted, Mr. ROHRER recorded his vote in the affirmative on the motion to reconsider the vote by which Mr. C. M. Donovan, ex-member of this House, was excluded from the floor of the House.

Mr. GALLEY, a petition from Nancy Learning, widow of a soldier of the Indian war of 1793, asking for relief.

Mr. HARDING, a remonstrance from citizens of Philadelphia, against prohibiting the Philadelphia, Wilmington and Baltimore railroad from running their locomotives in said city.

Mr. GREEN, a petition from sundry citizens of Luzerne county, to repeal the act passed the 14th day of May, 1857, raising the fees of the district attorney in said county.

Mr. PRICE, the petition of Augustus Kuhns, of the city of Lancaster, for a gratuity and annuity, for services rendered in the war of 1812, with Great Britain, and accompanying affidavits of service and disabilities of his person.

Mr. CHASE, one from Harvey Hall and forty-five others of Great Bend, Susquehanna county, for a supplement to the road laws in said township.

Also, a remonstrance against the same, from 126 citizens of Susquehanna county.

### ORIGINAL RESOLUTION.

Mr. WALBORN submitted the following:

*Resolved*, That a committee of five be appointed, to whom shall be referred so much of the Governor's message as relates to the erection of a suitable monument to the memory of those volunteers of this State who died in the Mexican war, in defence of their country; and that said committee be authorized to report by bill or otherwise.

Mr. CHASE said the resolution was a singular one, when it was considered that the House had standing committees to whom the subject might appropriately be referred. As far as the expenditure of money was concerned, the Committee on Ways Means should be consulted, and as far as the abstract question of construction was concerned, the Committee on the Militia System had jurisdiction.

Mr. ROSE moved a reference to the Committee on Ways and Means.

Mr. CHASE spoke further against the appointment of a special committee.

Mr. ROSE made some remarks.

Mr. NILL thought the resolution, as proposed, was unnecessary.

Mr. WALBORN spoke in favor of a reference to a special committee.

Mr. THORN hoped that the Committee on Ways and Means would not be burdened with it.

The motion of Mr. ROSE, to refer to the Committee on Ways and Means, finally prevailed.

Mr. PALM offered a resolution that hereafter this House meet on Monday afternoon at 3 o'clock, and adjourn at 5, and that that be the standing hour for meeting and adjourning on that day until otherwise ordered; which was read the second time.

Mr. WILCOX moved to amend the same by adding "and that hereafter the House meet every morning at 10 o'clock instead of 11 o'clock, as heretofore."



Mr. GOEPP opposed the amendment, on the ground that the different committees meet at that time.

Mr. WILCOX accordingly withdrew his amendment.

The question recurring,

Shall the original resolution pass?

On motion of Mr. WILSTON the further consideration of the same was postponed for the present.

Mr. BAYARD offered a resolution that House bill No 71, "An Act to change the name of the Pittsburgh fire life and marine insurance company be re-committed to the Committee on Corporations;" which was twice read and adopted.

Mr. GRATZ offered a resolution that copies of Ziegler's Legislative Manual be furnished to certain officers of the House; which was twice read and adopted.

Mr. PENNELL offered a resolution that 500 copies of the report of the Trustees of the Farmer's High School be printed for the use of the House; which was read the second time.

And on the question,

Shall the same pass?

Mr. FOSTER moved to amend the same by increasing the number to 2000 copies; which was agreed to.

And the resolution as amended was adopted.

Mr. HAMERSLY offered a resolution, that a committee of three be appointed to revise the rules of this House, and report what alterations, if any, are necessary; which was read the second time.

Mr. HAMERSLY stated that the object was to inquire whether there could not be some better method devised relative to bills on private calendar.

The resolution was then adopted.

#### LEAVE OF ABSENCE.

Mr. SHIELDS asked and obtained leave of absence for Mr. ROHRER, for a few days from to-morrow.

Mr. PIERCE asked and obtained leave of absence for Mr. SHAFFER, for a few days from to-day.

Mr. GLATZ asked and obtained leave of absence for Mr. WOLF, for a few days from to-day.

Mr. GOEPP asked and obtained leave of absence for Mr. WOODRING.

Mr. WILLIAMS asked and obtained leave of absence for himself for a few days.

#### PETITIONS WITHDRAWN.

Mr. GALLEY asked and obtained leave to withdraw the petition from citizens of Fayette county, asking for the repeal of the act of the 23d of April, 1855, relative to certain real estate in said county.

Mr. PRICE asked and obtained leave to withdraw the petition of Augustus J. Kuhns, a soldier of the war of 1812, asking for relief.

#### REPORTS OF COMMITTEES.

Mr. THOMPSON, (Judiciary,) reported with a negative recommendation, "An Act relative to the Cottage building association of Beverly."

Mr. KETCHUM, with a negative recommendation, "A further supplement to the act to establish an asylum for the insane poor of this Commonwealth, passed 11th April, 1848."

Mr. IRISH, as committed, "An Act in relation to improvements in the city of Pittsburgh."

Mr. CHASE, with amendment, "An Act relative to pawn-brokers in the city of Philadelphia."

Also, as committed, "An Act repealing an act changing the venue of a certain case from Union to Northumberland county, approved April 13, 1858."

Mr. GRATZ, as committed, "An Act to extend the act of 30th October, 1857, entitled 'An Act for the better security of laborers, mechanics and others, in certain counties.'"

Mr. BURLEY, (New Counties and County Seats,) as committed, "An Act authorizing the

appointment of commissioners, to run boundary lines between the counties of Centre and Union and Clinton and Centre."

Mr. PUGH, (Mines and Minerals,) with amendment, "An Act to incorporate the Balliotsville railroad and mining company, in Lehigh county."

Mr. TAYLOR, (Estates and Escheats,) as committed, "An Act authorizing the trustees of the Associate Reformed, now the United Presbyterian Congregation of the city of Erie, to sell certain real estate and to remove the bodies of persons interred therein."

Mr. BARNSELY, from the Committee to Compare Bills reported that they had compared and presented to the Governor the following for his approbation:

"An Act to authorize the President of the select council of the city of Erie to act as mayor of said city until the next election for city officers."

"Resolution relative to the purchase of Purdon's Digest."

"An Act relative to the sale of unseated lands in the county of Elk."

"Joint resolution relative to the tariff."

"Supplement to the act incorporating the Bedford railroad company."

"An Act supplementary to the act incorporating the Philadelphia and Darby railroad company."

#### BILL PASSED.

Mr. ROHRER asked the indulgence of the House to suspend the rules and proceed to the consideration of Senate bill No. 55. "A supplement to the act incorporating the University of Kittanning."

Said bill was then taken up, considered, and passed finally.

#### BILLS IN PLACE.

Mr. WILLIAMS (Bucks,) read in his place and presented to the chair, "An Act to incorporate the Richlandtown turnpike road company." (Referred to Committee on Roads and Bridges.)

Mr. PALM, "An Act to incorporate the Easton, Philadelphia and Pittsburg transportation company." (Referred to Committee on Corporations.)

Mr. HILL, "An Act incorporating the Port Kennedy railroad company." (Referred to Committee on Corporations.)

Mr. HOTTENSTINE, "An Act relating to sheriff's fees in conveying convicts to the penitentiary, and duties of county commissioners." (Referred to Committee on Judiciary.)

Also, "An Act relating to road views and road damages in Northumberland county." (Referred to Committee on Roads and Bridges.)

Mr. WOOD, "An Act to confer on certain associations of the citizens of this Commonwealth, the powers and immunities of corporations and bodies politic in law, and to confirm charters heretofore granted."

Mr. SMITH, (Philadelphia,) "An Act to incorporate the South passenger railway company." (Referred to Committee on Railroads.)

Also, "An Act to amend the act approved April 16, 1858, relative to meadow lands in the First and Twenty-fourth wards of the city of Philadelphia."

Mr. THORN, (Estates and Escheats,) "An Act for the modification of the auction-laws of this Commonwealth." (Referred to select committee.)

Also, "A resolution extending the time and continuing the salary of the editor of the *Colonial Records*."

Mr. FLEMING, "An Act to prevent the intermarriage of the white and black races." (Referred to Committee on Judiciary.)

Mr. MILLER, "An Act to prohibit the running of locomotives or steam engines on the Philadelphia, Wilmington and Baltimore rail-

road, in the city of Philadelphia." (Referred to Committee on Railroads.)

Mr. CAMPBELL, "An Act to attach a portion of Washington township, Erie county, to the borough of Edinboro', for school purposes." (Referred to Committee on Education.)

Mr. PRICE, "An Act for the relief of Augustus J. Kuhns, a soldier of the war of 1812," together with a petition, which will be found in its appropriate place. (Referred to Committee on Pensions and Gratuities.)

Mr. GRITMAN, "An Act to divorce Jacob Kuhns from his wife." (Referred to Committee on Divorces.)

Mr. FISHER, "An Act to pay for the diagrams furnished the members of this House." (Referred to Committee on Ways and Means.)

Mr. CHASE, "An Act relating to pathmasters in Great Bend, Susquehanna county." (Referred to Committee on Judiciary.)

Mr. WILLISTON, "An Act declaring Thom's, or State run, in Lycoming county, a public highway." (Referred to Committee on Roads and Bridges.)

Mr. ROUSE, leave being granted, called up bill, entitled "An Act to enable the county of Warren to effect certain compromises."

Mr. LAIRD inquired whether the bill had been presented with the concurrence of the Sunbury and Erie railroad company.

Mr. ROUSE replied that it had.

Said bill was then taken up, considered and passed finally.

Mr. WARDEN, "An Act releasing Geo. Jameson, a collector of the Canal Board, at Blairsville, from money due the Commonwealth."

#### BILLS ON SECOND READING.

The joint resolution introduced by the gentleman from Berks, (Mr. SMITH,) relative to the pay of members of the Legislature, came up in order.

On motion of Mr. THORN, said bill was postponed for the present, on account of the absence of that gentleman.

#### SENATE AMENDMENTS.

To the bill abolishing the Board of Canal Commissioners and State Engineer, were read.

And on motion of Mr. HAMERSLY, the further consideration of the bill was postponed for the present.

The bill of Mr. KINNEY, annulling the contract with R. J. Haldeman for the publication of the *Daily Record* (a joint resolution to the same effect having been passed on Wednesday,) came up for consideration.

Mr. ROHRER said that he really could not perceive the advantage to result from the passage of any act of this kind. If it was done on the ground that one Legislature had no authority to bind another, it was certainly wrong, not that he was prepared to deny the right of the House to make its own contracts, but he could not overlook the peculiar circumstances under which the publication had been ordered to be continued. But suppose that the act was passed, what would be the result? It would be necessary for the Senate to give its concurrence. Would it do so? Not at all; and the bill would be allowed to lie in that body for a long time to come. Meanwhile the House having discountenanced and refused to receive the publication, would be without any *Record* at all, and yet would have to pay for it; the Senate alone reaping the advantages.

This was a legal view of the case, and the House certainly had a right to act as proposed. It would not then become the duty of the contractor to force the paper upon the members against their inclination, but he would be justly entitled to go on printing, and draw the money therefor, at the end of the session. This state of things would evidently continue until adjournment, if not being probable that the Senate would take any action at all.

He would be perfectly willing, if a better



contract could be made at a cheaper rate, to allow the publication to change hands, but justice compelled him to say that he believed that it was now obtained at as moderate a price as possible, and that a good *Record* could not be published for less. So far as accuracy and perfection was concerned, it would be impossible to improve it, without the employment of a stenographer at an enormous salary.

There was, he understood, but a single applicant for a new contract, and that person had once before had charge of the *Record*. He should not be willing to vote for any man who would publish and re-publish standing matter at \$5.60 per page, and if the applicant was the same man who had once done this, he should refuse to countenance him, although he offered to carry on the paper for fifty dollars per year. Seven dollars a page was as cheap as it could be published, without recourse to outside means of obtaining money, and the present contractor could afford to do it well at that price, because he had the advantage of using the same "matter" for his regular daily paper.

Two points had then been elicited—first, that legally considered, the passage of the act would amount to nothing; and second, that the person who was an applicant was not the one who ought to have the contract. These things, he hoped the House would duly consider before taking action.

Mr. KINNEY said that he had introduced the bill because it had become evident that the Senate would do nothing in the matter. The House had appointed a committee to confer with a like body chosen by the Senate, and it had been stated on the floor, by the gentleman from Allegheny, (Mr. FOSTER,) that a meeting was to have taken place on Wednesday. Wednesday had passed and no report had been made, and the fact was palpable that it was the policy of the Senate to continue, from day to day, until the close of the session. The gentleman from Allegheny, (Mr. FOSTER,) had urged a postponement, when the subject was previously broached, in order to allow the committee an opportunity to fulfil their duty.

Mr. FOSTER desired to be heard in explanation. He had not stated positively that a meeting of the committee was to have taken place on Wednesday, but had only heard it so alleged.

Mr. KINNEY continued, and said that his only object was to set the House right. If a gentleman came forward and offered to print the *Daily Record* twenty per cent. cheaper than at present, it was his duty to consider the matter, and if proper security was offered, to embrace the proposition. Under these circumstances, the present contract should be annulled by the House, and even if this action would not entirely abrogate the contract, it would throw the entire responsibility of its continuance upon the Senate.

It had been alleged that the *Record* could not be published at a cheaper rate, without recourse was had to "stalings." He was assured by those conversant with the subject, and was convinced by his own knowledge of printing, that it could be done as well as at present for \$5.60 per page. In the *Telegraph* were to be found full reports of the proceedings of the House, equal to those (with perhaps a few exceptions,) which were published in the *Record*. These reports were made for Mr. Bergner, by men paid by himself, and were verbatim. Now it was folly to say that it was worth seven dollars per page, to merely take these reports out of the *Telegraph* and put them in the *Record*, as could be done. In fact, he believed that it would be possible to have the *Record* published at half of the present rates, and still leave a margin for profit. He desired to throw the whole responsibility of paying a partizan press enormous

prices, upon the Senate, and in making these remarks had been solely actuated by a sense of duty to his constituents and the public treasury.

Mr. FOSTER had heard it stated that proposals had been made by another person for the printing of the *Record*, at a reduction from present rates. Now he would ask the gentleman (Mr. KINNEY,) to suppose a case. If he had engaged a workman who was performing a stipulated duty, in a satisfactory manner, for a reasonable sum, would he discard him when another party came forward and offered to do it for less? and when the credentials which were presented by this party were not of a satisfactory character; in fact, were disreputable?—Now the Auditor General's report would show a series of bills which had been presented, not a very long time since, (in 1850,) for German printing, by the person who now, he understood, offered to contract for the *Record*. One of these bills consisted of 43 items—some 12 of which were worthy of notice.

Mr. HAMERSLY interrupted the speaker by rising to a point of order. He held that these statements could not now properly come before the House, as the debate was not upon accepting a contract with the person alluded to, but simply an annulling of the old agreement.

The SPEAKER. The gentleman from Allegheny (Mr. FOSTER,) will please confine himself, as far as possible, to the matter at issue.

Mr. FOSTER held that he had been in order. The gentleman from Bradford (Mr. KINNEY,) had broached the subject of a new contract, and by narrating the advantages of this had endeavored to influence the House to annul the existing one. The speaker certainly was justified in considering what might follow in case a new agreement was made as desired, and could only do this properly by reference to the past, which he had accordingly made.

He then read several items from the Auditor General's report, giving the sums set forth in the bills and claimed by the printer, and the amounts which had been allowed upon them by the Auditor General.

A bill for \$125.00 had been cut down to \$13.70.

A bill for \$150 had been cut down to \$5.18.

A bill for \$125 had been cut down to \$8.10.

A bill for \$25 had been cut down to \$1.87.

And in the aggregate, twelve bills amounting to \$869.10 had been cut down to \$81.97.

He said that if the gentleman who desired the contract, would give assurance to the House that he would allow his bill to be cut down in the same proportion as the above, he could have no particular objection to giving him the contract. A reduction of nearly ninety per cent. was considerable.

Mr. HAMERSLY said, in defence of the person who had presented the above bills, that there had been a difference of opinion in regard to the construction of law in the matter. Mr. Bergner had presented the bills to the Auditor General, and they had been *razed* by him, without any recourse being left open to Mr. B.

Mr. KINNEY was not aware that Mr. Bergner had ever attempted to swindle the State at all, as had been implied. But whether he had or not, was not now in question. The contract which was to be entered into, required security. Mr. B. had said that he would give good and sufficient bonds.

Mr. HARDING said that he had been requested to have a communication read, which Mr. B. had placed in his hands.

The statement was read. Its purport was, that having been unjustly assailed upon the floor of the House by Mr. FOSTER, the writer took this means of obtaining a hearing. He would present a certified copy of court proceedings, by which it would be perceived that two persons had been sentenced to the county

jail, (for periods which were named,) for having committed slander in making allegations similar to those of Mr. FOSTER, of Allegheny.

The reading of the statement was interrupted by Mr. WILCOX, who objected.

The statement was withdrawn.

Mr. GRITMAN said that he did not rise to advocate either the repeal or continuance of the contract, but to protest against the manner in which the matter had been urged and insisted upon by the gentleman from Tioga (Mr. WILLISTON.) He held that it was in opposition to all precedent and to all rules of the House and Senate thus to proceed to the passage of an act before it had been duly reported upon by a joint committee. He would not complain if the majority should pass the bill, provided they exercised due formality and legality. A committee had been raised and authorized to make a report, and if the gentleman from Bradford (Mr. KINNEY) was so anxious to throw the entire responsibility upon the Senate, he need only wait until the committee should make such a report as would warrant action. He would call upon the committee to know why they had not done as the majority desired.

Mr. WILLISTON desired to know what was the question before the House, and being informed, that it was on the adoption of the bill of Mr. KINNEY, said that he had so thought until the gentleman from Luzerne (Mr. GRITMAN) had used his name in connection with it. He was opposed to the *Record*, because it was not full and accurate; and he did regard it as a piece of impertinence for the Assembly of last session to pass an act entailing the contract upon the House. They had no more right to do so than they had to appoint officers for this body. Self-respect should at once induce the abrogation of the contract.

Mr. HAMERSLY said that the clause had been created expressly in view of the present state of affairs, and for the purpose of impeding action. He was free to confess that he was a party man, and was in favor of taking the *Record* out of the hands of the enemies of the party and giving it to its friends.

Mr. RAMSDALL said that repeated allusions had been made to the committee. On behalf of that committee, he would repeat that the Senate had not appointed any similar body to confer with them. In the Senate, the matter of the *Record* had been referred to the Finance Committee, and they had refused, (and the speaker thought very properly,) to hold a conference. He was of opinion that the bonds which would be given by Mr. Bergner, would be ample security for his faithful performance of the contract, and believed, moreover, that the securities of Mr. Haldeman were not in force. In regard to "dead matter," this could be remedied by special provisions. As one of the minority in the House last winter, he had received no quarter, and now in carrying out the principle that "to the victors belong the spoils," he was disposed to give the *Record* to Mr. Bergner.

The question then being called on the adoption of the bill of Mr. KINNEY,

The yeas and nays were required by Mr. WILCOX and Mr. JACKSON, and were as follows, viz:

YEAS.—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Boyer, (Schnylkill,) Bryson, Burley, Campbell, Chase, Church, Dodds, Durboraw, Eckman, Ellmaker, Fearon, Fisher, Graham, Gratz, Green, Hamersly, Harding, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, M'Curdy, M'Dowell, Miller, Neall, Palm, Peirce, Pinkerton, Price, Pugh, Ramsdell, Rouse, Sheppard, Styer, Taylor, Thompson, Thorn, Walborn, Walker, Whitman, Wiley, Williams, (Bedford,) Williams,



(Bucks,) Williston, Wilson, Witbrow, Wood, Zoller and Lawrence, *Speaker*—57.

NAY—Messrs. Bertolet, Custer, Dismant, Evans, Fleming, Foster, Galley, Glatz, Goepp, Good, Gritman, Hill, Hottenstine, Jackson, Laird, McClain, Porter, Quigley, Robrer, Shields, Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Warden and Wilcox—26.

So the question was determined in the affirmative.

The hour of one having arrived, the SPEAKER adjourned the House until Friday morning at 11 o'clock.

Before Mr. LAIRD voted on the tariff resolutions, he desired to have his reasons for voting entered on the Journal; which are as follows:

I desire in justice to myself, and in order to put myself right upon the record, to enter on the Journal of the House, the reasons which govern my vote on these resolutions.

I vote against the resolutions, not from motives of opposition to the spirit and sentiments expressed therein, for in the main, I approve them; but I oppose their passage because I cannot yield my assent, directly or indirectly, to the doctrine of instruction in the manner proposed by the resolutions. I do not think that the genius of our government is in consonance with this doctrine, thus attempted to be enforced.

I do not concede the right of the State Legislature to control the action of the Senators in Congress, upon subjects which come exclusively within the jurisdiction of the National Government.

I recognize, in its fullest extent and in all its legitimate results, the responsibility of the agents of the people to their principles—the servants to their masters—for in this view I regard the relations existing between the people and their representatives. But this accountability should be to the proper tribunal, to the people in their primary capacity as citizens of the United States, and not to their representatives in the State Legislature. The members of the State Legislature are elected for local and specific purposes, and I hold it to be unwise and impolitic for them to consume the time of their constituents, in the discussion of, and action upon, questions exclusively affecting our National Legislature.

The Senators in Congress are not, legitimately and properly considered, the representatives of the State Legislatures, although elected by those bodies.

Their power emanates from the people under the Constitution of the United States, and the State Legislature is only made the medium by that instrument for the election of United States Senators, and the mode by which they become invested with the powers, duties and obligations of representatives of the people.

Their powers and duties are defined by the Constitution, and have reference to their position as constituent members of the National Legislature.

I entertain the opinion, that the doctrine that the State Legislatures are the constituents of the Senators in Congress, to be politically erroneous, contrary to the theory of our government—one that results from a confusion of ideas in regard to the constitution of the body called the United States Senate; dangerous to be exercised; antagonistic to the genius and spirit of our institutions; and, if generally practiced, would ultimately result in the destruction of our system of government.

As an expression of individual sentiment, I would have yielded my support to the resolutions; but in the light of positive instructions, I cannot give my assent to the principle therein involved.

Entertaining sentiments of this kind, which I have imbibed from long and careful study of the

peculiar nature of our institutions, I am compelled, by a sense of duty in obedience to my own views thus indicated, to vote against the resolutions.

#### No. 23.—FILE OF THE SENATE.

WRIGHT, Corporations—Jan. 11.

AN ACT to incorporate the Western Market company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Philip Lowry, Jr., Abraham R. Paul, David B. Paul, John A. Wallace, Alexander C. Garvin, Francis B. Smith, James A. Gowie and their associates, and all persons who may now, or hereafter be holders of the stock hereinafter mentioned, shall be, and they are hereby declared to be constituted a body politic or corporate, by the style of the Western Market company, to have perpetual succession, to be capable in law of suing and being sued, to have a common seal and the same to alter and renew at pleasure, and to have, hold, receive, enjoy and take in fee simple, or upon ground rent, such real and also such personal estate as may by them be deemed necessary and proper for the ownership, and for the construction, and for the proper use and management and maintenance of a market house in the city of Philadelphia, and for the accommodation and use of any parties, who may be desirous of renting and occupying the same; with free power to sell, mortgage, create the necessary ground rent deeds, or convey the said real and personal estate.

SEC. 2. That the object and purpose of said corporation shall be to erect and maintain suitable building or buildings and stalls, with all things necessary for the use thereof, and at any place within the limits of the city of Philadelphia; the same to be appropriated and used as a public market house for the sale and vending of meats and vegetables, and all other kinds of victuals and provisions whatever, and such other articles as the board of managers may deem proper; the said market buildings, the stalls, or any one or more, or all of the same, to be leased, rented or disposed of in such manner, and upon such terms and conditions, as the managers shall determine.

SEC. 3. That the capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, divided into five hundred shares, of five hundred dollars each, and shall be in such form and be issued and transferred in accordance with such by-laws, as the said managers may establish.

SEC. 4. That the government and control of the Western market company, and the management of its property shall be vested in, and the corporate powers of said company shall be exercised by a board of seven managers, who shall be elected by ballot from among the stockholders; they shall continue in office until their successors be elected; they shall elect a president, secretary and treasurer from among themselves; shall supply all vacancies in their number, however occasioned, and shall have the general and entire control of the affairs and interests of the company, and that until other officers be duly elected, the persons named in first section of this act shall be held to be managers of the said corporation, and shall have power and authority as such.

SEC. 5. That a general meeting of the stockholders shall be held annually, on the second Monday of January, for the election of seven managers and the transaction of other business; but if such meeting or election shall not then take place, the corporation shall not for that cause be dissolved, but such meeting or election

shall take place as soon thereafter as may be; one week's public notice of such meeting, being first given in at least three daily newspapers in the city of Philadelphia; and special meetings of the stockholders shall be called and held as may be provided by the by-laws thereof; and that in the enactment of by laws for the government of the corporation and its officers, and in the election of officers and the decision of all questions, and at all meetings of stockholders present either in person or by proxy, shall severally vote one for each share of stock held by them.

#### No. 31.—FILE OF THE SENATE.

TURNEY, Finance—Jan. 17.

AN ACT to abolish the office of Canal Commissioner and State Engineer, as passed by the Senate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the office of Canal Commissioner of this Commonwealth be and the same is hereby abolished; and the Canal Commissioners are hereby required and directed to deliver up to the custody of the Auditor General, all books, papers, records, and other property belonging to said department, whose duty it shall be to take charge of and preserve the same.

SEC. 2. That the Auditor General is hereby authorized and required, upon the application of any person or persons, to give copies of any entry or entries of the books heretofore kept by the Canal Commissioners under the seal of his office; and also to furnish, upon application as aforesaid, copies of any paper or papers on file in said office, to any person or persons requiring the same under the seal of his office; and for every such certificate shall charge the person or persons receiving the same, one dollar, for which he shall account to the Commonwealth; and the copies certified and attested shall be deemed and admitted as legal evidence in any court of this Commonwealth, with like effect as the original.

SEC. 3. That from and after the passage of this act, the office of State Engineer be and the same is hereby abolished.

SEC. 4. That the Auditor General shall cause to be entered, in a book procured for the purpose, a list of all claims that have been or may be preferred against the Commonwealth, to be alphabetically arranged; and shall contain the name or names of claimants; on what branch of the public improvements the said claim originated, and what for; the date when the alleged liability accrued; amount of claim; amount allowed, or when rejected and when acted upon, and such remarks as may facilitate future investigations; which book shall be deposited in the Auditor General's office, and be completed at the earliest possible day.

#### No. 16.—FILE OF THE HOUSE.

BELL, In place—Jan. 13.

JOINT RESOLUTION instructing our Senators and Members of Congress to oppose any increase of the present rates of postage.

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That our Senators in Congress be, and are hereby instructed, and our Members requested, to oppose any increase in the present rates of postage.

*Resolved,* That the Governor is hereby directed to transmit a copy of the foregoing resolution to each of our Senators and Members of Congress.



## No. 11.—FILE OF THE SENATE.

SCHELL, Banks—Jan. 13.

AN ACT to prohibit the issuing and circulation of bank notes of a less denomination than twenty dollars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall not be lawful for any bank to create, issue or put in circulation, any note, bill, check, ticket or paper, purporting to be a bank note, of any less denomination than ten dollars, after the first day of August next, and of any less denomination than twenty dollars after the first day of January, Anno Domini one thousand eight hundred and sixty; and any violation of this act, by any officer of such bank, shall be taken and deemed to be a misdemeanor, punishable, upon conviction, by a fine of not less than five hundred dollars, and imprisonment in the jail of the proper county not less than six months.

SEC. 2. That it shall not be lawful for any person or persons, corporation or body corporate, directly or indirectly, to issue, pay out, pass, exchange, put in circulation, transfer or cause to be issued, paid out, passed, exchanged, circulated or transferred, any note, bill, check, ticket or paper, purporting to be a bank note, issued, or purporting to be issued, by any bank, or incorporated company or associations of persons not located in Pennsylvania, of any less denomination than ten dollars, after the first day of August next, and of any less denomination than twenty dollars, after the first day of January, Anno Domini one thousand eight hundred and sixty; every violation of the provisions of this section by any corporation or body corporate, shall subject such corporation to the payment of a fine of five hundred dollars; and any violation of the provisions of this section, by any public officer holding any office or appointment of honor or profit under the constitution and laws of this State, shall subject such officer to the payment of one hundred dollars; and any violation of this section, by any other person not being a public officer, shall subject such person to the payment of twenty-five dollars, one-half of which, in each case above mentioned, shall go to the informer, and the other half to the county in which the suit is brought; and may be sued for and recovered as debts of like amount are now by law recoverable in any action of debt in the name of the Commonwealth of Pennsylvania, as well for the use of the proper county as for the person suing.

## No. 37.—FILE OF THE SENATE.

BELL, Judiciary—Jan. 17.

A SUPPLEMENT to an act, entitled "An Act relating to executors and administrators," approved the twenty fourth day of February, Anno Domini one thousand eight hundred and thirty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That whenever the executors or administrators of a deceased plaintiff or defendant, in any action or proceeding pending in any court of this Commonwealth, resides without the jurisdiction of the said court, the writ of *scire facias*, provided by the twenty-seventh and thirty second sections of the act to which this act is supplementary, may be served on such executor or administrator by the sheriff of the county where he is resident, if in the opinion of the proper court such service may be reasonably practica-

ble; but if otherwise, and also where the said executors or administrators reside in some other State in the United States, such service may be made by publication in one or more public newspapers, as in the opinion of the court will be most likely to give notice to the said executors or administrators; the said manner of service herein provided to have the same force and effect as the manner of service provided by the said act to which this is supplementary.

## No. 36.—FILE OF THE SENATE.

BELL, Judiciary—Jan. 17.

AN ACT supplementary to the acts relating to special courts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the power to hold special courts, under the provisions of the act passed the fourteenth day of April, Anno Domini one thousand eight hundred and thirty-four, the fourth day of April, Anno Domini one thousand eight hundred and forty-three, the tenth day of April, Anno Domini one thousand eight hundred and forty-nine, and the eighteenth day of April, Anno Domini one thousand eight hundred and fifty-three, shall be, and is hereby, extended to all the judges of the several district courts and the associate judges of the courts of common pleas in this Commonwealth, who are learned in the law, and required so to be commissioned, that every district and associate judge thus holding a special court shall, for the time being, be the president of the said court, having all the powers and jurisdictions of the proper president of the several courts of the county wherein the special court shall be held, in the matters coming before him in the said special court.

SEC. 2. That for the purpose of expediting and furthering the business of special courts holden by any president, district or associate judge, where matters shall be held under advisement by him and points reserved, and when motions for a new trial and in arrest of judgment, and other questions, shall be left pending after the termination of the term or session, the judge so holding the said special court shall have power, in vacation, to determine the matters so held under advisement, reserved and left pending, and to send his decision in writing to the prothonotary or clerk of the court, as the case may be, (with his reasons if he deem it necessary,) to be filed of record in the cause, either in vacation or in term time, with the same effect as if decided and entered in term time: *Provided*, That no execution, process or other proceeding shall be taken upon any judgment, decree or order so entered in vacation by the party in whose favor the same shall be determined, until he shall have given due written notice of the entry of the same to the opposite party or his attorney, who shall be entitled to the same stay, writ of error, appeal or other remedy or proceeding, after the service of the said notice, as he would have had if the said judgment, decree or order had been entered in term time; for the purpose of enabling the said judge to decide in any case, where a hearing or an argument may be required, he shall have power to make an order requiring the parties, their attorneys or solicitors, to submit their depositions, exhibits and written arguments to him, at a time and place to be named by him, and also to make all orders necessary to meet the justice of the case.

SEC. 3. That the act of the twenty-second day of April, Anno Domini one thousand eight hundred and fifty-six, restricting the holding of special courts to the judge residing nearest

to the place of trial, is hereby repealed; and all special courts heretofore held, and the proceedings therein before a judge not the nearest, shall be as valid and effectual as though the said court had been held by, and the proceedings therein done, before the judge residing nearest to the place of trial.

## No. 4.—FILE OF THE SENATE.

SCOFIELD, Judiciary—Jan. 17.

AN ACT to alter the districts of the Supreme Court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of holding the Supreme Court of Pennsylvania the Commonwealth is hereby divided into two districts, denominated the Eastern district and the Western district; the Eastern district consists of the city of Philadelphia and the counties of Bucks; Chester, Delaware, Northampton, Montgomery, Lehigh, Pike, Wayne, Monroe, Schuylkill, Carbon, Bradford, Susquehanna, Luzerne, Tioga, Wyoming, Potter, Northumberland, Lycoming, Clinton, Columbia, Union, Sullivan, Montour, the city and county of Lancaster, Dauphin, Berks, York, Lebanon, Mifflin, Centre, Clearfield, Juniata, Huntingdon, Cumberland, Bedford, Franklin, Adams, Perry, Blair, Fulton, and Snyder; the Western district consists of the cities of Pittsburgh and Allegheny, and the counties of Allegheny, Somerset, Westmoreland, Fayette, Greene, Washington, Beaver, Butler, Mercer, Crawford, Erie, Warren, Venango, Armstrong, Cambria, Indiana, Jefferson, Elk, Forest, Lawrence and McKean.

SEC. 2. That the judges of the said Supreme Court shall annually hold two terms of the said court, at the places and during the times hereinafter specified, if the business pending in the said court shall require it, to wit: One term in the city of Philadelphia, for the Eastern district, commencing on the first Monday of January and ending on the last Monday of July; and one term in the city of Pittsburgh, for the Western district, commencing on the first Monday of October and ending on the last Monday of December; each of the said terms to continue as long as the business of the particular district may require, yet so as not to interfere with the commencement of the other term, except in case of absolute necessity, in the discretion of the said judges.

SEC. 3. That the said judges may adjourn and continue the said terms respectively, as the condition of business and the convenience of the suitors may require; and the said court shall also have power to order special terms to be holden at the seat of justice of any county within this Commonwealth, for the purpose of hearing arguments and for the disposition of causes pending in the said court, from the said county, or any other counties, within the same judicial district.

SEC. 4. That the office of prothonotary of the said Supreme Court for the Middle and Northern districts are hereby abolished, and the books, papers, records and documents heretofore pertaining to and kept within the said districts, shall be forthwith conveyed to and deposited in the office and placed in the custody of the prothonotary in and for the said Eastern district, by the said late prothonotaries of the said Middle and Northern districts, or under their direction or control; for which service they shall receive adequate compensation, to be paid out of any moneys in the treasury not otherwise appropriated.

SEC. 5. That all existing laws inconsistent herewith are hereby repealed.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 14.

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## SENATE.

FRIDAY, Jan. 21, 1859

The Senate convened at the usual hour. The SPEAKER in the Chair.

Prayer was offered by Rev Mr. Castleman, of the Episcopal church, Harrisburg.

The Journal of yesterday was partly read; when, on motion of Mr. STEELE, its further reading was dispensed with.

## LEAVE OF ABSENCE.

Mr. PENNEY asked and obtained leave of absence for Mr. SCOFIELD, for a few days.

Mr. BELL asked and obtained leave of absence for himself.

The SPEAKER presented a petition from sundry citizens of Philadelphia, asking for the modification of the auction laws of this Commonwealth.

Also, a petition, praying for the erection of a new county, to be called Pine.

Also, a petition from citizens of Blair county, asking for an additional appropriation for the erection of a monument to the memory of the soldiers who were lost or slain in the war with Mexico.

## PETITIONS AND MEMORIALS.

Mr. WELSH presented the petition of citizens of Hanover, praying for the re-charter of the Hanover savings fund society.

Also, a petition of the heirs at law of James Rankin, deceased, praying for relief.

Mr. PENNEY, a remonstrance signed by one hundred and sixty nine citizens of Pittsburg, against the incorporation of the Citizens' passenger railway company.

Mr. MARSELIS, five petitions from citizens of Philadelphia, asking for the modification of the auction laws.

Mr. COFFEY, a petition of citizens of Indiana and other counties, praying for the creation of a new county to be called Pine.

Mr. SCHELL, the petition of citizens of Huntingdon county, asking for the payment of the claim of John Genmill for damages done to real estate by the construction of the Pennsylvania canal.

Mr. PARKER, three petitions from citizens of Philadelphia, asking for a modification of the auction laws.

Mr. RANDALL, two of a similar import.

Mr. SCHINDEL, twelve remonstrances from citizens of Northampton county, against the removal of the seat of justice from Easton to Nazareth.

Also, the petition of Mrs. A. R. Emry for the passage of an act divorcing her from J. B. Emry.

Mr. MILLER, a remonstrance signed by two hundred and fifty-four citizens of Washington county, against the repeal of an act authorizing the construction of a State road from Claysville, Washington county, to David Enock's, Green county.

Also papers relative to the same.

Mr. RANDALL, the memorial of Samuel Hazard, Editor of the *Pennsylvania Archives*, in reference to the completion of said Archives.

Mr. BELL, a petition of citizens of Chester county, praying for the increase of the fees of constables and justices in that county.

Mr. PALMER, a petition of citizens of Milton, in Northumberland county, praying for a reference to the proper authorities of the claims of Col. Robert M'Guigan's heirs.

Mr. BALDWIN, a petition praying for the repeal of an act to increase the fees of district attorneys, so far as relates to Lancaster county.

## REPORTS OF COMMITTEES.

Mr. STEELE, (Railroads,) reported as committed, "A further supplement to an act incorporating the Lackawanna and Bloomfield railroad company."

Mr. COFFEY, (same,) as committed, "a further supplement to an act to incorporate the Meadville railroad company."

Mr. WRIGHT, from the Committee to compare bills, reported that they had compared and presented to the Governor for his approval the following bills:

"An Act extending the time for the commencement of the Columbia and Octorara railroad beyond the time allowed by its act of incorporation and supplements thereto."

"Resolution relative to the Legislative Manual, compiled by Jacob Ziegler."

"An Act to enable the county of Warren to effect certain compromises."

## BILLS IN PLACE.

Mr. PALMER read in his place, and presented to the Chair a bill, entitled "An Act to incorporate the Mabeauy railroad company"

Also, "An Act to extend the time for the commencement and completion of the Schuylkill Haven and Lehigh railroad company."

Mr. PARKER, "A supplement to an act incorporating the Mutual saving and loan association, Philadelphia."

Mr. FETTER, "An Act providing for the payment of the claim of Peter S. McCullough."

Mr. SCHINDEL, "An Act to erect the Twenty-seventh judicial district."

Also, "An Act to incorporate the Ario Iron company."

Mr. STEELE, (by request) "An Act to incorporate the Chatham and Moore Street passenger railway company"

Mr. PARKER, "An Act to incorporate the Chemical manure manufacturing company."

Mr. MARSELIS, "A supplement to an act relative to certain courts in Philadelphia."

## ORIGINAL RESOLUTIONS.

Mr. KELLER offered the following resolution:

*Resolved*, That a committee of three be appointed to investigate the condition of the Shamokin Bank."

On motion, the Senate proceeded to its consideration.

Mr. COFFEY, offered the following amendment:

*Provided*, The expenses of said investigation be paid by the bank.

Mr. GREGG wished to inquire whether a committee had not been appointed at the last session for the purpose of inquiring into the condition of banks? His apprehension was that such a committee had been appointed, and that investigations of the character had not been found very profitable to the Commonwealth. The Shamokin Bank, to investigate whose affairs this resolution proposes, he understood to be in a sinking condition, and if left alone, it would run down itself, without any investigation.

Mr. WRIGHT saw no objection to the appointment of a committee for the purpose specified. He thought it perfectly reasonable that the Bank should ask it at the hands of the Legislature for the purpose of setting its credit right before the public.

Mr. COFFEY supposed the investigation was right enough; but why should this particular bank be selected, while there were others, equally bogus, and whose credit had been equally impaired?

Mr. KELLER remarked that it was by request that he had submitted the resolution. The credit of the bank had suffered; but he understood that new officers had been recently elected, under whose management the bank confidently expected to raise that credit equal to any bank in the State. He was assured that the bank was safe and sound, and justice to the officers required that the Legislature should grant the examination desired. If the investigation proved the bank to be unsound, let it say so; but if, on the contrary, its affairs are found to be in a safe condition, it is but justice to those interested in its management, as well as the public, that it should be known.

Mr. PALMER understood that it was at the request of the officers of the bank themselves, that this resolution was offered. It was suggested in the Governor's message that the alleged condition of the bank demanded investigation; and it would be doing injustice to the officers to refuse it, and of affording them the opportunity of placing the institution and its affairs in a proper light before the public. He suggested, however, that the resolution should be in the form of a joint one.

Mr. RANDALL remarked that the best way for a bank to establish its credit, was by the payment of its debts in the usual way. If the State was to be made a white-washing machine—a cats paw, with which others may pull their chestnuts out of the fire let us know it. Other banks were in the same condition as the Shamokin bank, and we might as well include them all in the resolution and investigation. This was a novel proceeding; and denning it such, with all respect to the Senator from Snyder, he should vote against the resolution.

Mr. COFFEY said, as the investigation asked for, according to the Senator from Schuylkill, was desired by the officers of the bank, the ex-



penses of the committee should be borne by the bank, and not by the State. If the State were to order an investigation, which was not at their instance or request, the expenses of the committee would be justly borne by the Commonwealth. He therefore offered an amendment, making the bank responsible for the expenses so incurred.

Mr. WRIGHT was opposed to the amendment of the Senator from Indiana. If the suggestions contained in the Governor's message have injured the bank, or are operating to its detriment, it was but just that an investigation should be ordered, particularly when desired by the parties themselves. Notwithstanding he believed a thorough investigation would be had, if a committee were appointed, he much doubted whether a bad state of things would be exhibited. He had but a poor opinion of bank reports, or the exhibits which were made. Many banks, up to the time of breaking, had been able to exhibit a clear statement, and he had but little faith in their figures. He had no thought that the Senator from Snyder had any other motive, in offering the resolution, than to discharge his duty and render what he conceives to be justice to the bank. He believed that the bank, however, had some object in view which does not appear upon the surface. He hoped, in the event of the passage of the resolution, that a thorough investigation would be made. The Shamokin Bank had an opportunity of establishing its credit abroad as well as at home. A number of the principal banks of the State have taken steps for establishing and maintaining their credit, by establishing a clearance house, where they act fairly with each other in the effort. The Shamokin Bank had not come up to its requirements, and had not kept its notes at par in the city of Philadelphia, or other cities.

Mr. COFFEY had no objection to the investigation of the affairs of any bank in Pennsylvania, but he was opposed to the Legislature establishing of a roving commission to make an examination of the affairs of banks, at the expense of the Commonwealth. Let the expense fall upon the parties desiring it. At best he had but little faith in the reports of these investigating committees; they were often white washing affairs, and if this examination is courted by the Bank of Shamokin, he was opposed to paying the expenses of the committee asked for by the resolution. The State had already been saddled with a bill of twenty-four hundred dollars for investigating the condition of several banks, and he was opposed to entailing upon it an additional expense when there was no reason requiring it. If the Bank was in a solvent condition and stands fair, the fact can be established without the aid of an examining committee. By making and keeping its money at par in different portions of the State, this could be easily accomplished. Confidence was a plant of but slow growth. It is necessary that they shall first secure confidence at home, when it will soon spread, gradually, until its reputation for soundness is established. This was the proper course for the Bank to relieve itself from the suspicion of unsoundness which attaches to it.

Mr. WELSH remarked that Senators seemed to labor under a misapprehension as to the circumstances which had originated the resolution for the appointment of a committee to investigate and report upon the condition of the Shamokin Bank. He had before him the message of the Governor, in which he says "in view of the facts reported by the Committee, in reference to the organization and subsequent management of the Tioga County Bank, the Crawford County Bank, and the Bank of Shamokin, I would recommend a careful inquiry into the present condition of these institutions, and if it shall be ascertained

that the public is likely to suffer injury from the further existence of either, a certain and speedy remedy may be found in a legislative repeal of the rights and privileges granted by the acts of incorporation." The Bank has been driven to ask for this investigation, in accordance with the recommendation of the Executive, in order to establish its own credit; and under these circumstances it was not right that the expenses of the examination should be met by the Bank, but by the State.

Mr. MARSELIS remarked that the Senate was placed in an awkward position. He believed, with the Senator from York, that in view of the reference made to this institution by the Governor, which demanded some examination, that the State should pay the expenses. There was no other course to be pursued; and yet he believed the whole object of the investigation asked for, was to acquire character for the bank, whilst, if the Senate refused that investigation, that character is obtained by the very fact that there was a refusal. He saw no other course than to go for the investigation and to pay the expenses of the committee.

Mr. HARRIS could see no good to grow out of the investigation. The bank had already made a report of its affairs, and it was not to be supposed that the committee would have other facts or figures presented for their examination, than those contained in the same books. He believed with the Senator from Indiana, that if there has been an inquiry asked for by the bank officers, that the State should not be called upon to defray the expenses. The Governor, in his message, alludes to three banks in equal terms; and yet only one of these comes up and asks an investigation. If a committee is appointed at all, let it be for the purpose of inquiring into them all.

Mr. FRANCIS had very little sympathy with what are called wild cat banks; but he was disposed to give credit where credit was due. If the Governor, in his message, has thrown out any suggestion which is calculated to injure the credit of the Shamokin Bank, and its officers come here, in accordance with those suggestions, and ask at the hands of the Legislature an investigation, it is bound, in justice and honor, to proceed with the inquiry. To ask the bank to pay the expenses of such an examination would be like asking a defendant, who was arraigned at the bar of the courts, to pay the costs of prosecution. This examination was not only necessary, to protect the bank, but the people, and he should vote for the resolution, without entailing the expenses upon the officers.

Mr. KELLER was sincere in his motives, in offering the resolution to the Senate. He did not believe, with the Senator from Philadelphia, (Mr. RANDALL,) that the object was to white wash the bank, but rather to wipe out a stain which had been cast upon their credit.

Mr. MARSELIS did not care whether the credit of the bank was good or not—the people can take care of themselves. If it is good, it can be established without any white-washing process; and this can be done by making it known that their money is good, and by keeping it good.

Mr. SCHELL would vote against the resolution. He was in favor of investigating the affairs of a bank, or any other corporation, where any good could result from it; but in this case he deemed it unnecessary. A bank committee had already reported with reference to the affairs of this bank; and it was not a fair deduction that the bank should demand an investigation, or be white washed now, because the Governor, in his message, had suggested an inquiry into its affairs. The bank had created suspicion by the manner in which it organized, and there would be no change of the public impression

with regard to its unsoundness, until it had, itself, established and maintained its credit.

The Senator from Schuylkill had informed the Senate that this investigation was desired by the officers of the bank—and he could see no other object of the officers, than to have the Legislature whitewash the bank by this action. We had been well told, by the Senator from Philadelphia, that the officers had it in their power to establish its credit by keeping its money at par, as other banks had done whose credit was unimpaired. He was in favor of the appointment of any committee which will bring in a bill repealing the charter of all wild-cat banks; for he believed that they were all alike worthless, and should forfeit their privileges.

Mr. RANDALL distinctly disclaimed any reflection upon the Senator from Snyder. He had, no doubt, submitted the resolution in good faith. But the affairs of this bank had already been examined by the other branch of the Legislature, and with the record which was presented before the Governor, the proper course was to instruct the Attorney General to proceed directly against the bank. He was willing to vote for a committee to probe all banks, but he should vote against it at this time. He had been told, when a boy, that "figures won't lie," but as his experience in life extended he had found that the saying was not always true, for some of the worst stories he had ever seen told were those published in bank reports. It was not difficult to see the object of the resolution, and he should be compelled to vote against it.

Mr. PALMER was surprised to hear the Senator from Philadelphia say that this was not a sufficient matter of importance to demand an investigation. Why, sir, said he, this bank is an institution chartered by your Legislature, which has received the sanction of your Executive, and its notes constitute a part of the circulating medium of your State. The allusion to the subject by the Governor, in his message, showed that importance attached to it; and his suggestions compel them to court the investigation asked. Whatever may have been its errors in organizing, it may be all well in the future, and the affairs of the bank be in a safe condition now. It was but just that men, who invest money in a bank, should be granted the privilege of setting themselves and their credit right before the public, and he hoped the resolution would pass.

Mr. GAZZAM could not agree with the Senator. If these grants of committees of investigation be made, the State may send out, every year, legislative committees to investigate the affairs of suspected banks. But if these investigations are had, it is better for the State to pay the expenses of them than the banks themselves. He thought the whole matter should be dismissed.

Mr. GREGG said that if either the bank or the public could derive any benefit from the investigation, he should have no objection to the appointment of the committee. If all banks would carry out the obligations imposed upon them by their charters, the Legislature would have no trouble with suggestions in the Governor's message, or from any other source. It requires considerable skill and experience in the examination of bank figures, and he much doubted whether a committee selected by the Senate would be able to understand them. If they give false figures in their reports, it is easy to give the same to the committee.

Mr. MILLER moved to postpone the consideration of the resolution indefinitely; which was not agreed to.

On motion of Mr. MARSELIS, the consideration of the resolution was postponed for the present.

On leave given, Mr. TURNEY made a statement, in substance as follows:

Mr. TURNEY desired to make a statement.



In the discussion of the bill for the abolition of the Canal Board, he gave the name of Judge Strickland as his authority for a statement—A misconception had been placed upon his remarks—the idea being entertained that Judge Strickland had volunteered the information.—He would now state, that the information to which he alluded, was in reply to a note of his to Judge Strickland, making inquiry as to the action of the Board.

The Deputy Secretary of the Commonwealth being introduced, presented two messages from the Governor; which were read, as follows:

EXECUTIVE CHAMBER,  
Harrisburg, Jan. 21, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following acts of the General Assembly, viz:

On the 20th instant, "A supplement to an act to incorporate the Philadelphia and Darby railroad company, approved the 25th of April, 1857."

"Supplement to an act incorporating the Bedford railroad company, approved the 18th of March, 1858."

"An Act extending the time for the commencing of the Columbia and Octorara railroad beyond the time allowed by its acts of incorporation and supplements thereto."

"Resolution relative to the Legislative Manual compiled by Jacob Ziegler."

W. F. PACKER.

EXECUTIVE CHAMBER,  
Harrisburg, Jan. 21, 1859.

To the Senate of Pennsylvania:

GENTLEMEN:—In compliance with the resolution of the Senate of the 17th inst., relative to the sale of the Delaware Division, &c., I have the honor to inform the Senate that the offer made for the Delaware Division of the Pennsylvania Canal, after the same had been sold to the Delaware Division canal company, was by Erskine Hazard, on behalf of the Lehigh coal and navigation company, and by B. Rush Plumley, for himself and associates. The amount offered, according to my information, was two millions of dollars. This was two hundred and twenty-five thousand dollars more than the previous contracted price, and it is to be regretted that the offer was not made before the sale had actually taken place.

The act for the sale of the public works was approved on the 21st of April, 1858. The transfers were made by the Commonwealth to the Sunbury and Erie railroad company on the 19th of May, and the different divisions were sold by the company between the 19th of May and the 10th of July, 1858. The Sunbury and Erie railroad sold the canals for \$3,875,000, of which the State received \$3,787,250; leaving the sum of \$87,750 as the proportion of the excess of sale belonging to the company under the contract between the company and the Commonwealth.

W. F. PACKER.

On motion of Mr. MILLER, the message from the Governor was ordered to be printed in the *Daily Record*.

A communication was received from the Canal Commissioners and read, as follows:

CANAL COMMISSIONERS' OFFICE,  
Harrisburg, Jan. 21, 1859.

HON. JOHN CRESSWELL, JR.,  
Speaker of the Senate:

SIR:—The Board submit the following report on the claim of Samuel Copper, late contractor on the Erie extension of the Pennsylvania canal, referred to them for examination by an act passed the 8th of May, 1857. It will be seen by the minutes of the Board, recorded on page 616, vol. 8, Journal of the House of Representatives, session of 1840, that this claim was re-

ferred to the Canal Commissioners by an act passed on the 7th of May, 1839, with authority to settle the claim of said Copper, "for losses alleged to have been sustained by him in the construction of the said work, adjust the same on principles of equity and justice, having a due regard to the nature of the contingency by which the said loss was occasioned, and allowing him if the same were remote and unusual, so much, if any, above the contract price, as the said work would have cost to the contractor under the most judicious management, and with proper industry and economy;" and that on the 30th of January, 1840, the following resolution was passed by the Board:

Resolved, That the Board approve of the final estimate of W. Milnor Roberts, principal engineer on lock No. 11 of the Shenango line of the Erie extension, amounting to nineteen thousand one hundred and thirty-four dollars and fifty seven and a half cents, including an allowance of one thousand dollars for change of location; and that the superintendent of the line be and is hereby authorized to pay Samuel Copper, contractor for said lock, in addition to whatever may be due on said estimate, the sum of one thousand four hundred dollars as compensation in full for all losses sustained in the construction of said work.

This action of the Board was, after mature deliberation and examination. It was referred to the engineer and superintendent of the line, upon which the work was situated, at a period when all the facts were fresh in the minds of the claimants and of the Commonwealth's officers. It was decided by the Canal Commissioners, who, having the work under their supervision, had all the opportunities for forming a correct judgment of the claim.—Nineteen years have elapsed since that examination was made and decision given. The present Board have examined the testimony produced under the second act of Assembly, but find nothing therein to justify them in recommending to the Legislature to disturb the award of 1840. Very respectfully, your ob't servant,  
NIMROD STRICKLAND,  
President.

Mr. GREGG moved that the Senate adjourn until Monday next, at 3 o'clock, P. M.

Mr. HARRIS asked the Senator from Centre the reason for this motion.

Mr. GREGG explained that the House had agreed to adjourn over until Monday. In the Senate a number of gentlemen were asking for leave of absence, and it was doubtful if a quorum could be found to-morrow. Besides, there was nothing for the Senate to do; and this adjournment will afford an opportunity for the meeting of committees to compare bills, and mature business for the action of the Senate.

Mr. HARRIS said it was probable the House had agreed to adjourn over, but he was not aware of it. But even if it had, it was no reason why the Senate should. We adjourned on last Saturday, and the House was in session. We have been in session three weeks, and this is the third time the Senate has been asked to adjourn from Friday until Monday. The first time the pretext was to give the SPEAKER time to appoint the standing committees; the second time it was to afford the committees time to meet; and now it is the same thing and that we have nothing to do. He ventured to say that if the Senate did adjourn, there would not be a committee meeting. It was not right thus to fritter away our time. We should go to work like honest men, discharge the business which we have been sent here to do, and then go home to our constituents, prepared to render an account of our stewardship.

[The SPEAKER interrupted Mr. HARRIS in his remarks, with the statement that he had said to the Senate, distinctly, that he required

no adjournment for the preparation of the committees.]

Mr. WRIGHT thought the Senate could find sufficient to do, if they did not adjourn. They had been asked to-day to postpone the consideration of a resolution because, as was alleged, there was so much to do, there was not time for its consideration. He was opposed to the adjournment.

Mr. COFFEY said that if the Senate could find nothing to do, and did not adjourn, he would move that the Shamokin Bank bill be made the special business of to-morrow.

The SPEAKER decided that this motion was not germane to the subject, and could not be entertained.

And on the question, Will the Senate agree to the resolution.

The yeas and nays were required by Mr. HARRIS and Mr. GREGG, and were as follow, viz:

YEAS—Messrs. Gazzam, Gregg, Keller, Melis, Miller, Nunemacher, Palmer, Parker, Randall, Rutherford, Schell, Shaffer, Schindel, Steele, Turney and Cresswell, *Speaker*—16.

NAYS—Messrs. Coffey, Craig, Francis, Harris, Penney, Thompson, Welch and Wright—8.

So the question was determined in the affirmative.

On leave given, Mr. WRIGHT, (Corporations,) reported, as committed, "An Act to incorporate the Union mutual fire insurance company of Montgomery county."

Mr. GAZZAM, (same,) as committed, "An Act to incorporate the Allegheny fire insurance company of Pittsburg."

Mr. PENNEY moved the consideration of this latter bill; which was agreed to.

Whereupon the Senate resolved itself into committee of the whole. (Mr. SHAFFER in the Chair.)

After some time the chairman reported the same, as committed, and having passed its various readings, it was adopted.

On motion of Mr. FRANCIS, the Senate proceeded to consider bill No. 34, on the file of the Senate, entitled "An Act supplementary to several acts relative to taxes in Lawrence county."

Senate went into committee of the whole. (Mr. COFFEY in the chair.)

The bill being reported as committed, passed finally.

The Clerk of the House, being introduced, presented bills for concurrence.

Mr. PALMER moved to proceed to the consideration of Senate bill No. 39, entitled "A further supplement to an act relative to a certain burial ground and school lot in the borough of Pottsville;" agreed to.

The Senate resolved itself into committee of the whole. (Mr. HARRIS in the chair.)

This bill having passed second reading, was ordered to be transcribed for third reading.

On motion of Mr. STEELE, Senate bill No. 7, entitled "An Act requiring the register of wills in Luzerne county, to record in books, appraisements, inventories and vendue lists of personal property," was taken up, considered, and finally passed.

On motion of Mr. COFFEY, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

FRIDAY, Jan. 21, 1859.

The House met at the usual hour, and was called to order by the SPEAKER.

Prayer was offered by the Rev. Mr. Robinson, of the New School Presbyterian Church, Harrisburg.

The Clerk proceeded to read the Journal of yesterday.

Mr. CHURCH moved that the reading of the Journal be dispensed with; agreed to.

The SPEAKER laid before the House a communication from the Canal Board, in reference



to the claim of Samuel Copper, late a contractor on the Erie Extension of the Pennsylvania canal, referred to the above Board by an act passed May 8, 1857, for examination.

## GOVERNOR'S MESSAGE.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor informing the House that he had approved and signed the following bills:

"Supplement to an act to incorporate the Philadelphia and Darby railroad, approved 25th April, 1857."

Also, "A supplement to the act incorporating the Bedford railroad company, approved March 18, 1858."

Also, "An Act extending the time for commencing the Columbia and Octorara railroad beyond the time for commencing the same, in the act of incorporating and the several supplements thereto."

Also, "An Act relative to the Legislative Manual compiled by Jacob Zeigler, Esq."

## ORIGINAL RESOLUTION.

Mr. HOTTENSTINE offered a resolution that a committee of three be appointed to whom shall be referred that part of the Governor's message relating to the affairs of the Shamokin Brook of Northumberland—said committee to report at as early a day as practicable; which was adopted.

Mr. PALM offered the following:

*Resolved*, That when this House adjourn, it adjourn to meet again on Monday next at three o'clock, P. M., and that that hour shall be the hour of meeting every Monday thereafter, and the hour of adjournment to be at five o'clock P. M., on every Monday, until otherwise ordered.

The chair ruled the above out of order, as there was already a standing rule of this House to the same effect.

Mr. PATTERSON offered a resolution that Daniel Nehart be appointed an additional assistant Doorkeeper of this House; which was not agreed to.

Mr. PUGH offered a resolution that one thousand copies of the list of county officers be printed for the use of the members; which was not agreed to.

Mr. BARNSLEY offered the following:

*Resolved*, That the Clerk be authorized to procure and furnish each member of the House with one copy of a railroad map of Pennsylvania: *Provided*, The cost of the same shall not exceed one dollar and fifty cents per map; which was not agreed to.

Mr. SHEPPARD offered a resolution that when this House adjourns it do so to meet next Monday afternoon at half past two o'clock; which was not agreed to.

Mr. ACKER offered a resolution that when this House adjourns, it do so to meet on next Monday afternoon, at 3 o'clock.

The chair decided said resolution out of order.

Mr. IRISH inquired whether there was already a rule to that effect?

The Clerk, by direction of the chair, read the rule.

Mr. GRITMAN, instructed by the committee on the contested election case of the Third representative district of Philadelphia, submitted a resolution that said committee be authorized to proceed to Philadelphia to take evidence of said case; which was adopted.

Mr. CHASE offered a resolution that the rule of this House, adjourning every alternate Friday, until the ensuing Monday afternoon at 3 o'clock, be repealed.

The House refused to proceed to the second reading of the same.

Mr. WILLISTON offered the following:

*Resolved*, That after to-morrow we will not receive the *Daily Record*, and hereby revoke the contract for publishing it, and this House

will not appropriate money to pay for it after to-morrow.

And on the question,

Will the House proceed to the second reading of the same?

The yeas and nays were required by Mr. WILLISTON and Mr. WARDEN, and were as follow, viz:

YEAS—Messrs. Abbott, Barnsley, Barlow, Boyer, (Schuylkill,) Burley, Church, Dodds, Ellmaker, Fisher, Graham, Gratz, Hamersly, Harding, Kenegy, M'Dowell, Miller, Palm, Patterson, Ramsdell, Sheppard, Styer, Wagon seller, Walhorn, Whitman, Wiley, Williams, (Bedford,) Williston, Withrow, Wood and Lawrence, *Speaker*—30.

NAYS—Messrs. Acker, Balliet, Bertolet, Bryson, Campbell, Chase, Custer, Dismant, Eckman, Evans, Fearon, Fleming, Foster, Galley, Glaz, Gocpp, Good, Green, Gritman, Hill, Hottensine, Irish, Jackson, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mason, Mehaffey, M'Clain, McCurdy, Neall, Pennell, Peirce, Pinkerton, Porter, Price, Pugh, Quizley, Rose, Rouse, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stouck, Stuart, Thompson, Thoru, Warden, Wilcox, Wolf and Zoller—54.

So the question was determined in the negative.

## LEAVE OF ABSENCE.

Messrs. LAWRENCE, WAGONSELLER, MILLER, FEARON, KINNEY and ECKMAN, severally asked and obtained leave of absence, for a few days from to-day, for Messrs. BURLEY, BOYER, (Schuylkill,) GREEN, ZOLLER, BALLIET and DURBORAW.

## REPORTS OF COMMITTEES

The Committee on Accounts, who were instructed by a resolution adopted on the 1st inst., to investigate the charge that the franking privilege had been abused by the Clerks of the House during the recess, beg leave to report:

That they have examined the account of the postmaster at Harrisburg, for postage charged to the House of Representatives during the recess, and find that it amounts to \$477 67.

This amount is made up as follows:

Amount of postage from the 20th day of April last, (the date when the last act was rendered,) to the 22d of April, the day on which the Legislature adjourned.....	\$76 09
Stamps and stamped envelopes.....	223 40
<i>Legislative Records</i> , bound and sent to members after close of last session, in number one hundred, at cost, say \$1 each.....	100 00
Copies of <i>Record</i> , three hundred packages, containing eighteen copies each, at ten cents per package.....	30 00
Copies of <i>Militia bill</i> , containing eight copies each, at ten cents per package.....	13 30
Copies of <i>Appropriation bill</i> , one hundred and thirty-three packages, containing eight copies each, at ten cents per package.....	13 30
<i>Title of acts</i> , one hundred and thirty-three packages, containing eight copies each, at ten cents per package....	13 30
One hundred copies of <i>Constitution</i> , at three cents each.....	3 00
In all.....	\$472 09

According to this calculation the franking privilege has been used by the clerks during the recess to the extent of \$5 28.

The committee, after a careful examination of all the facts in connection with the charge of "abuse of the franking privilege," are free to exonerate not only the clerks, but the postmaster at Harrisburg from all blame. The clerks, they are confident, have only exercised the franking privilege when the public business required them to do so.

And the committee moreover recommend

that some action be taken by the House in regard to members procuring stamps and stamped envelopes, so that if they are procured from the postmaster the number may be limited and charged in the regular account, and not in the recess account.

C. L. PINKERTON,  
MATTHEW SHIELDS,  
JOHN M'URDY,  
A. R. BARLOW,  
*Committee.*

## REPORTS OF COMMITTEES.

Mr. HOTTENSTINE, (Roads and Bridges,) as committed, "An Act relating to road views and road damages, in Northumberland county."

Mr. SMITH, (Berks,) (Ways and Means,) as committed, "An Act authorizing the Auditor General and State Treasurer to sell the stock belonging to the State in the Washington and Williamsport turnpike road company."

Mr. THORN, (same,) as committed, "An Act to abolish the office of sealer of weights and measures in Schuylkill county."

Mr. GREEN, (same,) as committed, "A supplement to the act incorporating the Pennsylvania railway company."

Mr. M'DOWELL, as committed, "A resolution to pay the expenses of the late committee appointed to investigate into the affairs of certain Banks;" and, on his motion, said resolution was taken up and passed.

Also, "An Act relative to the election and appointment of certain officers of this House, with a negative recommendation."

Mr. WILCOX, (same,) as committed, a resolution relative to the final adjournment of the Legislature.

Mr. WALBORN, (same,) with a negative recommendation, an act directing the taxes arising from collateral inheritances, now applied to the sinking fund of this Commonwealth, to be hereafter applied to the school fund of the city or county wherein such tax or taxes are due or collected.

Mr. CHASE, (same,) asked to be discharged from the further consideration of an act to allow the taxables of the borough of Butler to pay their street tax in work on the streets (Referred to the Committee on Roads and Bridges.)

Also, with amendment, Senate amendments to House bill No. 1., "An Act to abolish the office of Canal commissioner and State engineer."

Mr. THORN moved that the House proceed to the consideration of the same; which was agreed to.

The amendments were then read,

And on the question,

Will the House agree to the same? it was determined in the affirmative.

Mr. WILSON, (Estates and Escheats,) as committed, "An Act to authorize the commissioners of Somerset county to sell property, owned and occupied for the use of the poor in said county."

Mr. PIERCE, (Compare Bills,) reported that the committee had presented to the Governor for his approval, the following:

"Supplement to the act extending the time for commencing the Columbia and Octorara railroad, &c."

"An Act relative to Ziegler's Legislative Manual."

Also, "An Act to enable the county of Warren to effect certain compromises."

Mr. HAMERSLY, (Corporations,) as committed, "An Act to incorporate the International Union of art and literature."

To the Hon. W. C. A. Lawrence, *Speaker of the House of Representatives*, and members:

GENTLEMEN:—We, the undersigned, committee appointed by resolution of this House to inquire into, and report, whether Oliver Evans, a member of the Thirteenth representative dis-



tract of the city of Philadelphia, is entitled to retain his seat in this House, beg leave to submit the following report:

That in pursuance of said resolution of appointment, we met, and after having been legally organized, proceeded to investigate the matter submitted to us, and after hearing the counsel of the parties, and being satisfied the allegations contained in the bill or petition of the contestant, were insufficient in law, we quashed and dismissed the same. We therefore report, that Oliver Evans was regularly and duly elected a member of this House, and is entitled to retain his seat.

All of which is respectfully submitted.

J. HERON FOSTER,  
Chairman.

Mr. HAMERSLY, leave being granted, submitted a resolution that the contestant be allowed the daily pay and mileage of a member of this House.

Mr. CHASE moved to amend the same by adding in the proper place "up to the present time;" which was agreed to.

On motion of Mr. THORN, the name of the contestant, Francis W. Edwards, was inserted in said resolution.

Mr. CHASE moved further to amend by allowing the said Edwards \$5.00 per day; which was agreed to.

And on the question,  
Shall the resolution pass?

The yeas and nays were required by Mr. PALM and Mr. WHITMAN, and were as follows, viz:

YEAS—Messrs. Abbott, Bryson, Burley, Campbell, Church, Evans, Fearon, Fisher, Foster, Gratz, Hamersly, Harding, Irish, Kinney, Maon, McHaffey, McClain, Miller, Neall, Peirce, Porter, Price, Pugh, Ramsdell, Rose, Rouse, Sheppard, Smith, (Philadelphia,) Styer, Thompson, Thorn, Wiley, Williston, Wilson, Wood, Zoller and Lawrence, *Speaker*—37.

NAYS—Messrs. Barnsley, Bertolet, Boyer, (Schuylkill,) Chase, Custer, Dismant, Dodds, Eckman, Edmarr, Fleming, Galley, Good, Graham, Hill, Hottenstine, Jackson, Ketchum, Lawrence (Washington,) M'Curdy, Palm, Patterson, Pennell, Pinkerton, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Wagonseller, Walker, Warden, Whitman, Wilcox, Williams (Bedford) and Wolf—35.

So the question was determined in the affirmative.

#### BILL PASSED

On motion of Mr. GRATZ, the rules being in this case dispensed with, the House proceeded to the consideration of the bill to consolidate the stock of the Girard Bank; which was then read the second and third time, and passed finally.

#### BILLS IN PLACE.

Mr. ECKMAN read in his place and presented to the Chair, "An Act relating to the borough of Lebanon." (Referred to Committee on Corporations.)

Mr. LAWRENCE, (Washington,) "An Act further to provide for the protection of religious meetings." (Referred to Committee on Vice and Immorality.)

Mr. HILL, "An Act declaring dogs in this Commonwealth to be personal property." (Referred to Committee on Judiciary.)

Mr. IRISH, "A supplement to an act to increase the Union school and children's home asylum; to provide for the taxation of non-resident vendors of merchandise in the city of Philadelphia." (Referred to Committee on Judiciary.)

Mr. ROUSE, "An Act relating to the navigation of Pine creek, in Warren county." (Referred to Committee on Canals and Inland Navigation.)

Mr. GRITMAN, "An Act to provide for the payment of the expenses of the special election

held in Luzerne county the 8th day of June, 1858." (Referred to Committee on Election Districts.)

Mr. GOEPP, "An Act to prevent the defacing of bank notes." (Referred to Committee on Banks.)

Mr. HARDING, "An Act to incorporate the Spring Garden Street passenger railway company." (Referred to Committee on Corporations.)

Mr. CHASE, "A further supplement to the act, approved March 27, 1713, an act relative to limitations in actions." (Referred to Committee on Judiciary.)

Mr. LAWRENCE, (Washington,) "An Act to incorporate the Chatham Street passenger railway company." (Referred to Committee on Railroads.)

#### SENATE AMENDMENTS

To the act authorizing the court of common pleas of Union county to appoint a trustee to receive and apply certain money bequeathed by John Brow, deceased,

On motion of Mr. WAGONSELLER, were read and concurred in.

Mr. PRICE moved that the House do now adjourn; which was not agreed to.

#### BILLS CONSIDERED.

Mr. LAWRENCE, (Washington,) called up the supplement to the act relative to the Tyrone and Lock Haven railroad.

The first section being before the House,

Mr. LAWRENCE, (Washington,) moved to amend the same, by striking therefrom the word "loan;" which was agreed to.

And on the question,

Will the House agree to the section as amended?

The yeas and nays were required by Mr. CHASE and Mr. PATTERSON, and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Boyer, (Schuylkill,) Bryson, Campbell, Chase, Church, Dismant, Dodds, Eckman, Fearon, Fisher, Fleming, Galley, Goep, Go d, Graham, Gratz, Gritman, Hamersly, Harding, Hill, Jackson, Keneagy, Ketchum, Kinney, Laird, Mann, McHaffey, M'Curdy, Neall, Palm, Patterson, Pennell, Pierce, Porter, Price, Pugh, Ramsdell, Rouse, Sheppard, Shields, Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Styer, Thorn, Wagonseller, Warden, Whitman, Wilcox, Williams, (Bedford,) Wilson, Wolf and Lawrence, *Speaker*—57.

NAY—Mr. Custer

So the question was determined in the affirmative.

Said bill was then read the second and third time, considered and agreed to; and on the question, shall the bill pass?

Mr. BARLOW had thought it singular that when he had presented this bill, some time since, it had been postponed. The delay which had since occurred was likely to be of serious consequence. His constituents felt a deep interest in the passage of this bill, and it would affect the coal, iron and lumber interests. The company had anxiously waited for the opening of the Legislature, and it was to be hoped that the House would at once pass the bill.

The question again recurring, shall said bill pass? it was determined in the affirmative.

Mr. PRICE renewed his motion to adjourn, and the question being taken, it was determined in the negative.

Mr. HAMERSLY asked the indulgence of the House to proceed to the consideration of a bill repealing "An Act to change the venue in a certain action from Union to Northumberland county."

Mr. PINKERTON moved to amend by substituting therefor an entirely new bill.

Messrs. WAGONSELLER, PATTERSON and HAMERSLY briefly opposed the amendment.

Mr. PINKERTON supported the same, and the question being taken, the amendment was lost.

Said bill was then read the second and third time, and on the question,

Shall the bill pass?

The yeas and nays were required by Mr. JACKSON and Mr. CUSTER, and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Campbell, Chase, Church, Dodds, Eckman, Fearon, Fisher, Goep, Graham, Gratz, Hamersly, Hill, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Neall, Patterson, Pierce, Porter, Pugh, Quigley, Ramsdell, Rose, Shields, Smith, (Philadelphia,) Thorn, Wagonseller, Walker, Warden, Williams, (Bedford,) Williston, Wilson and Lawrence, *Speaker*—41.

NAYS—Messrs. Bertolet, Custer, Dismant, Galley, Good, Stoneback and Wolf—7.

A quorum of members not voting, the SPEAKER directed the Sergeant-at Arms to close the door of the House and allow no member to leave the Hall.

The Clerk then called the roll of the members, as follows:

Messrs. Abbott, Acker, Balliet, Barlow, Bayard, Bertolet, Boyer, (Schuylkill,) Bryson, Campbell, Chase, Church, Custer, Dismant, Dodds, Eckman, Fearon, Fisher, Fleming, Galley, Good, Graham, Gratz, Hamersly, Hill, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, M'Curdy, Neall, Palm, Patterson, Pennell, Peirce, Porter, Pugh, Ramsdell, Rose, Rouse, Sheppard, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stoneback, Stuart, Styer, Thorn, Wagonseller, Walker, Warden, Williams, (Bedford,) Williston, Wilson Wolf and Lawrence, *Speaker*—57.

It having been thus ascertained that a quorum of members was present,

The SPEAKER directed another call of the yeas and nays on the final passage of the bill under consideration, with the following result:

YEAS—Messrs. Abbott, Acker, Balliet, Bayard, Bryson, Campbell, Chase, Church, Dodds, Eckman, Fearon, Fisher, Graham, Gratz, Hamersly, Hill, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Maon, Neall, Palm, Patterson, Pennell, Peirce, Porter, Pugh, Ramsdell, Rose, Rouse, Shields, Smith, (Philadelphia,) Styer, Thorn, Wagonseller, Walker, Warden, Wilcox, Williams, (Bedford,) Williston, Wilson and Lawrence, *Speaker*—41.

NAYS—Messrs. Bertolet, Custer, Dismant, Galley, Good, M'Curdy, Smith, (Berks,) Stoneback, Stuart and Wolf—10.

So the bill passed.

The SPEAKER then adjourned the House until next Monday afternoon at 3 o'clock, P. M.

#### No. — FILE OF THE HOUSE.

Mr. THORN, in place—Jan. 11.

AN ACT relating to insurance companies and associations in the city and county of Philadelphia and the county of Allegheny.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That every marine, inland, fire, life and livestock insurance company or association, now or hereafter chartered by this Commonwealth, located or doing business in the city and county of Philadelphia, or county of Allegheny, and every such company or association chartered or organized elsewhere, and doing business in said city or counties, shall within thirty days after the passage of this act, and annually thereafter, between the first day of January and the first day of February, make out and present to the Auditor General of this Commonwealth, and to the insurance commissioners under this act, for the*



county where such company or association is located, or intends doing business, statements of their affairs and condition, made up to the thirty first day of December last passed, verified by the oath or affirmation of the president or secretary, setting forth the following items, in the following forms:

#### STATEMENT A.

- I. The name or title of the company or association.
- II. When incorporated.
- III. Where located.
- IV. Whether a joint stock company, or joint stock and mutual company or association, or a mutual company or association only.

If a joint stock company; then,

- I. The amount of capital authorized by charter.

- II. The amount *bona fide* subscribed to said capital.

- III. The amount of such subscribed capital actually paid in cash, and the manner in which the same is now invested.

- IV. The amount of unpaid subscribed capital which the subscribers can be compelled to pay by the terms of the charter.

If a joint stock and mutual company or association; then,

- I. The amount of stock capital authorized by charter.

- II. The amount *bona fide* subscribed to said stock capital.

- III. The amount of such subscribed stock capital actually paid in cash, and the manner in which the same is now invested.

- IV. The amount of unpaid subscribed capital which the subscribers can be compelled to pay by the terms of the charter.

- V. The amount of stock notes or notes for premiums in advance, held and owned by the company or association as capital.

If a mutual company or association only, then the amount of stock notes or notes for premiums in advance, held and owned by the company or association as capital; also,

- I. The amount of marine and inland premiums taken during the year.

- II. The amount of fire premiums taken during the year.

- III. The amount of life premiums taken during the year.

- IV. The amount of marine and inland losses incurred during the year, including those claimed and those reported to the company or association upon which no action has been taken.

- V. The amount of fire losses incurred during the year, including those claimed and those reported to the company or association upon which no action has been taken.

- VI. The amount of life losses incurred during the year, including those claimed and those reported to the company or association upon which no action has been taken.

- VII. The amount of marine inland premiums determined during the year.

- VIII. The amount of fire premiums determined during the year.

- IX. The amount of life premiums determined during the year.

- X. The amount of cash premiums received during the year.

- XI. The amount of notes received for premiums during the year.

- XII. The amount of interest money received during the year.

- XIII. The amount of rents from real estate, owned by the company or association, received during the year.

- XIV. The amount of income from all other sources received during the year.

- XV. The amount of cash dividends declared during the year.

- XVI. The amount of scrip dividends declared during the year.

- XVII. The amount of cash dividends paid during the year.

- XVIII. The amount of expenses paid during the year, including commissions to agents, state tax, and salaries to officers and employees.

- XIX. The amount of taxes paid on property during the year.

- XX. The amount of all other payments and expenditures.

- XXI. The amount of loans made by the company or association, upon which interest has not been paid within one year.

- XXII. The amount of interest due the company or association, and unpaid.

- XXIII. The amount at risk under marine and inland policies.

- XXIV. The amount at risk under fire policies.

- XXV. The amount at risk under life policies.

- XXVI. The amount for which the company or association is liable for deposit fund on perpetual risks.

#### STATEMENT B.

To be made in the form of an account current.

##### DEBIT.

The amount of admitted marine and inland losses due and unpaid.

The amount of admitted fire losses due and unpaid.

The amount of admitted life losses due and unpaid.

The amount of claims for marine and inland losses reported, but not due, including all such as are resisted by the company or association.

The amount of claims for fire losses reported, but not due, including all such as are resisted by the company or association.

The amount of claims for life losses reported, but not due, including all such as are resisted by the company or association.

The amount of cash dividends declared and unpaid.

The amount of the indebtedness of the company for money borrowed, with statement of the security given therefor, and when the same is payable.

The amount of bills payable, or other obligations, other than those given for loans upon collateral security.

The amount of all other claims against the company or association.

The estimated amount of claims for losses, for which statements have not been received, but which have come to the knowledge of the company or association.

The estimated amount necessary to re-insure all outstanding fire risks.

The estimated amount necessary to re-insure all outstanding life policies.

The estimated amount necessary to re-insure all outstanding marine and inland risks.

##### CREDIT.

The net value of real estate owned by the company or association, giving each property separately, with the value thereof, stating if the same is in any way encumbered; and if so, the nature, character and amount of such incumbrance.

The amount of cash on hand, if deposited in banks; the names thereof, the amount in each, and to whose credit.

The amount of loans secured by bond and mortgage in detail, stating if such mortgage is the first lien on the property or otherwise; if not the first, give the character and amount of all prior liens.

The amount of all other loans in detail, with description of the security held therefor.

The amount due by agents.

The amount of all loans or stocks owned by the company or association in detail, giving each description separately, specifying the number of shares of each kind of stock, and the par value thereof, carrying the same out at their market

value, on or about the time to which the statement is made up.

The amount of bills receivable, protested or due and unpaid, including those which have matured, but which are made by parties who have suspended, carried out at a fair estimated cash value.

The amount of all other bills receivable, owned by the company or association.

The amount of book debts due the company or association, carried out at a fair estimated cash value.

The amount of mortgages owned by the company or association, giving each mortgage separately, specifying the property subject to the mortgage, stating whether or not the interest thereon is regularly paid, and if not regularly paid, when the same was last paid, whether such property is encumbered by ground rent lien, or other prior mortgage; and if so encumbered, give the character and amount of such encumbrance.

The amount of all other assets of the company or association in detail, carrying the same out at their fair marketable cash value, at or about the date the statement is made up to; and any neglect or refusal on the part of any such company or association, as aforesaid, incorporated by this State, to comply with the provisions of this section, shall be held to be a forfeiture of the charter of such company or association so neglecting or refusing; and the president and secretary shall each be liable, on conviction, to a fine of five hundred dollars; and any company or association not incorporated by this State, doing business in the counties aforesaid, refusing or neglecting to comply with said provisions, shall forfeit the license granted to them by this State, and be debarred forever after from transacting the business of insurance in this Commonwealth; and the agent or representative of any such company or association, shall, on conviction, pay a fine of five hundred dollars: *Provided*, That such forfeiture be declared by the proper court of the county, upon petition and due proof furnished by the commissioners, under this act, or any party who may be injured or aggrieved by such neglect or refusal; one-half of said fine to the use of the Commonwealth, and one-half to the party making such petition.

Sec. 2. That upon the passage of this act, and annually thereafter, it shall be the duty of the judges of the district court, for the city and county of Philadelphia, to appoint two persons, and the judges of the district court, for the county of Allegheny, two persons of known integrity of character, conversant with accounts and the principles of the insurance business, who shall not be connected with any of the corporations made subject to the provisions of this act, either as stockholder, director, officer or clerk, insurance commissioners under this act, for the county in which they are appointed; and said commissioners first being duly qualified by oath or affirmation to discharge their duties with fidelity, shall thereupon, and annually thereafter, in the month of February, proceed to discharge the duties imposed upon them by this act; and they are hereby empowered and directed to call for and require the exhibition of all such books, accounts, certificates, vouchers and other evidences of property, assets and indebtedness, as may enable them to make a thorough and full examination into the state and condition of every of the insurance companies or associations subject to the provisions of this act; and they shall have the power to compel the attendance of witnesses, administer oaths or affirmations, and take testimony whenever it may be necessary in their judgment to enable them efficiently to perform their duties under this act; and it shall be the duty of said commissioners, as soon as practicable, after the first day of February in each year, to enter into a



full examination of the affairs and condition of every insurance company or association in their respective counties, coming under the provisions of this act; and upon the completion of such investigation, they shall make out a report of the affairs of each such company or association, accompanied by a statement in the form of an account current, exhibiting on one side the indebtedness of such company or associations of all kinds and descriptions, and on the other side the assets of such company carried out at their fair market value, at the time of such examination; copies of which report shall be forwarded to the Auditor General of this Commonwealth, and to the company or associations directly interested therein; and whenever said commissioners shall believe, after an examination into the condition of any company or association chartered by this State, and subject to the provisions of this act, estimating as a debit an amount sufficient to re-insure all outstanding risks, that such company or association is insolvent; it shall be their duty forthwith to report the facts to the judges of the proper court of the county, who shall, upon the report of such insolvency, order an injunction to issue, restraining such company or association from transacting the business of insurance; and if the insolvency so reported, by the commissioners, shall appear to be correct, the court shall appoint a receiver, who shall not be either of said commissioners, to wind up the affairs of such company or association, and distribute the assets thereof, less the expense incurred in executing such trust, ratably among the creditors of such company or association; and any surplus remaining after the payment of all liabilities and expenses in full, to be divided ratably among those entitled thereto; and if it should appear to the commissioners that the assets of any such company or association, after first deducting all liabilities, and an amount sufficient to re-insure all outstanding risks are reduced, to or below fifty per centum of the capital paid in, they shall forthwith report the facts to the said court, who, if satisfied with the correctness of such report, shall order an injunction to issue, restraining such company or association from transacting the business of insurance, for the space of three months; and if additional capital, in conformity with the act of incorporation, or additional payments on subscriptions previously made, sufficient to make up the amount previously paid up, is not obtained, and paid into said company or association before the expiration of said injunction, of which payment a certificate from the commissioners shall be required, it shall be the duty of the said court to order the affairs of such company or association to be wound up in the manner herein provided in the case of insolvent companies and associations; and in case the commissioners shall believe that any company or association not incorporated by this State, doing business in the cities and counties aforesaid, is insolvent, or whose net capital is reduced as aforesaid, they shall report the facts to the Auditor General of this State, who, if satisfied of the correctness of such report, shall, by public notice, published at least three times, in at least two papers published in the county where such company or association is doing business, annulling the license of such company or association, and prohibiting them from any further transacting the business of insurance within this Commonwealth; and it shall be the duty of said commissioners to inquire into the manner in which the several insurance companies and associations in their respective counties incorporated by this State, and subject to the provisions of this act, were originally organized under their charters; and if they find such organization was not in conformity with the provisions of the act of incorporation, or in effect fraudulent or deceptive, they shall make report thereof to the judges of

the proper court, who, if satisfied of the correctness of the report, shall declare the charter of such company forfeited, and order its affairs to be wound up in the manner hereinbefore directed.

SEC. 3. That the said insurance companies or associations shall provide, at their own cost and expense, each paying a pro rata amount according to its chartered capital, a convenient and suitable office for the commissioners of their respective counties, in which the commissioners shall keep on record, in books provided for that purpose, the annual statements made under this act by the several insurance companies and associations, and the reports made by the commissioners to the Auditor General; all of which shall be open to the inspection of any person or persons who may desire to see the same, upon payment of the fees as hereinafter provided; each insurance company or association, subject to the provisions of this act, shall pay the following fees, viz: To the Auditor General, for receiving and filing the aforesaid statements annually, six dollars; to the commissioners, for receiving the aforesaid statements annually, ten dollars; to the commissioners for examining the books and affairs of such company or association annually, six dollars each per day, but not to exceed in any one case thirty-six dollars to each commissioner; to the commissioners for a copy of their report to be furnished the companies or associations, ten dollars.

The commissioners shall also be entitled to receive the following fees:

From any person for permission to examine the record as to the standing of any particular company or association, one dollar and fifty cents.

For a copy of the commissioners' report to the Auditor General of any company or association, ten dollars.

Upon filing their report, as required by this act, in the office of the Auditor General, the commissioners shall be entitled to receive from the Commonwealth a fee of five dollars for each report so filed.

For appraising value of stock and assets for taxation, and reporting the same to the Auditor General, the commissioners shall be entitled to receive from the Commonwealth five dollars for each appraisement. Whenever the commissioners are obliged for the purposes of this act to proceed to any place outside of the county for which they are appointed, they shall be entitled to receive from the company for whose account they are thus employed, the per diem allowed by this act, for each and every day they are so employed, and mileage at the rate now allowed by law to the members of the Legislature.

SEC. 4. That from and after the passage of this act, it shall not be lawful for any insurance company or association, subject to the provisions of this act, incorporated by this State, to publish, or print, or authorize or permit to be published or printed in any newspaper, journal or periodical, published or printed in this State or elsewhere, or in any other manner or form, any statement of their affairs and condition, other than that contained in the last report of the commissioners under this act; and any such company or association violating this provision, shall be liable to a fine of one hundred dollars for every such publication; one half to the use of the Commonwealth, and one-half to the use of the commissioners of the county where the office so offending is located; and it shall not be lawful after the passage of this act, for any insurance company or association not incorporated by this State, to transact, either directly or indirectly, through any citizen or citizens of this Commonwealth, either as agent, correspondent or otherwise, any insurance business, except under the establishment of a regular agency, in conformity with the provisions

of the act, entitled "An Act relative to agencies of foreign insurance, trust and annuity companies," approved the ninth day of April, Anno Domini one thousand eight hundred and fifty-six; and any citizen or citizens of this Commonwealth, who shall act as agent, correspondent or otherwise, for any such company or association, for the transaction of any such insurance business, without first complying with the provisions of said act, shall forfeit and pay the sum of one hundred dollars for each and every application for insurance he or they may contract for, or transmit for approval to any such company or association; one-half to the use of the Commonwealth, and one-half to the use of the commissioners under this act, of the county where such citizen may transact such business.

SEC. 5. That it shall be the duty of said commissioners to appraise the value of the capital stock of any insurance company or association, whenever it may be necessary to determine the valuation of such capital stock and assets for the purpose of taxation under the laws of this State, and to report the same to the Auditor General.

SEC. 6. That all other acts, or such parts thereof heretofore passed, relative to insurance companies and associations, located in, or doing business in the counties aforesaid, that conflict herewith, are hereby repealed.

#### NO. 31.—FILE OF THE HOUSE.

GOEPP, Judiciary—Jan. 18.

AN ACT to authorize the commutation of the death penalty in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That when, in any case of conviction and sentence for murder in the first degree, facts shall come to the knowledge of the Governor, which raise a reasonable doubt as to the guilt of the person convicted, but not sufficient, in his judgment, to justify an absolute pardon, it shall be lawful for him to commute the penalty of death for that of imprisonment in the State penitentiary of the proper district; there to be kept in solitary confinement at labor during the natural life of said convict, and fed, clothed and treated as provided by the act, entitled "A further supplement to an act, entitled 'An Act to reform the penal laws of this Commonwealth,' approved the twenty-third day of April, Anno Domini one thousand eight hundred and twenty nine."*

#### NO. 48.—FILE OF THE HOUSE.

THOMPSON, Judiciary—Jan. 18.

AN ACT to repeal an act, entitled "An Act regulating the rate of interest," approved the twenty-eight day of May, Anno Domini one thousand eight hundred and fifty eight, and to increase the rate of interest to seven per cent.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled "An Act regulating the rate of interest," approved the twenty eighth day of May, Anno Domini one thousand eight hundred and fifty-eight, be, and the same is hereby repealed; and that all laws repealed by said act be, and the same are hereby revived.*

SEC. 2. That hereafter the lawful rate of interest for the loan or use of money, in all cases where no express contract shall have been made for a less rate, shall be seven per cent. per annum.



## No. 34.—FILE OF THE HOUSE.

IRISH, Judiciary—Jan. 18.

A SUPPLEMENT to sundry acts relating to the city of Pittsburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the liens created by an act relating to the city of Pittsburg approved the twenty-second day of April, in the year of our Lord one thousand eight hundred and fifty-eight, shall be filed in the office of the prothonotary of the district court of Allegheny county, and entered upon the docket of said court, and be proceeded upon by writs of seire facias, as provided in the fourteenth section of an act supplementary to an act to incorporate the city of Pittsburg, approved the sixteenth day of May, in the year of our Lord one thousand eight hundred and fifty-seven; and the prothonotary of said court shall tax the same costs thereon, as now are by law taxable in mechanics' liens and writs of seire facias issue thereon.

SEC. 2. The mayor, aldermen and citizens of Pittsburg shall not be liable for costs in any suit in which said corporation may be plaintiff unless the institution of said suit has been authorized by the mayor or solicitor of said city.

SEC. 3. That so much of an act in relation to fines and forfeitures in Allegheny county, approved the nineteenth day of April, in the year of our Lord one thousand eight hundred and fifty-four, as requires the mayor and aldermen of the city of Pittsburg to furnish to the treasurer of Allegheny county an account of fines and forfeitures imposed by them, is hereby repealed; and all fines and forfeitures imposed for the violation of any ordinance of said city by the mayor or any aldermen thereof (except so much thereof as may be directed by ordinance to be otherwise appropriated,) shall be by them paid into the treasury of said city; and it shall be the duty of said mayor and each of said aldermen to make report monthly, under oath or affirmation, to the controller of said city, of all fines and forfeitures by either of them imposed or collected for violation of any ordinance of said city.

## No. 47.—FILE OF THE HOUSE.

THOMPSON, Judiciary—Jan. 18.

AN ACT relating to marriages.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the act approved the fourteenth day of February, Anno Domini one thousand eight hundred and thirty as relates to the infliction of penalties on clergymen or others for performing the marriage ceremony contrary to said act, be and the same is hereby repealed.

## No. 38.—FILE OF THE HOUSE.

CHASE, Judiciary—Jan. 18.

RESOLUTION relative to the increase of the Navy Yard at Philadelphia.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That our Senators in Congress be instructed, and our Representatives requested, to use all honorable means in procuring an act of Congress increasing the size of the Navy Yard at Philadelphia, so that the same may be a first class yard.

Resolved, That the Governor transmit a copy of these resolutions to our Senators and each of our Representatives in Congress.

## No. 47.—FILE OF THE SENATE.

PETTER, Roads and Bridges—Jan. 17.

AN ACT concerning turnpike, plank road and bridge companies.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall and may be lawful for the president and managers of any turnpike, plank road or bridge company of this Commonwealth, by themselves or by their authorized agent, to contract with individuals or with corporations, for the payment of tolls for travel over and upon their roads and bridges respectively; and for any period of time that may be agreed upon, not exceeding one year; and whether such travel shall pass through any gate, or turnpike or otherwise, and any debt incurred under such contract, may be sued for and recovered as debts of like amount are by law recoverable.

SEC. 2. That the exemption of persons in attending places of worship, from the payment of tolls on any turnpike, plank road or bridge, in this Commonwealth, shall only apply to the necessary travel in attendance at the usual place of worship of the person claiming such exemption; and the exemption of persons in attending funerals from the payment of tolls, shall only apply to travel while in actual procession, either going to or returning from the place of interment.

## No. 41.—FILE OF THE HOUSE.

GRATZ, Judiciary—Jan. 18.

AN ACT supplementary to section eleventh of act of Assembly, March twenty seventh, one thousand eight hundred and nineteen.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of all parents residing in said city, to deposit in the office of the board of health, under penalty of twenty five dollars for each offence, a certificate of birth signed by the attending physician or midwife, which certificate shall give the names of the parents, date of birth, sex and color of the child; also, describe any mark congenital, deficiency, or deformity, and any other fact which would tend to facilitate identity; and the clerk of the board of health shall cause the names of parents, sex and color of the child, date of birth, et cetera, as set forth in each certificate, to be entered in a book to be kept for that purpose, which book shall be subject to inspection by the judges of our courts and all interested persons; this act shall take effect immediately.

## No. 19.—FILE OF THE HOUSE.

LAWRENCE, Ways and Means—Jan. 18.

AN ACT exempting parsonages from taxation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all lots of ground not exceeding one-half of an acre, belonging to and owned by one or more congregation of any religious denomination in said State, on which a parsonage building is erected, for the use of the resident pastor of such congregation or congregations, and which is used and possessed for no other purpose, shall be exempted from the payment of all taxes now assessed, or which may hereafter be assessed, for State, county, borough, road or school taxes.

## No. 31.—FILE OF THE SENATE.

TURNER, Finance—Jan. 17.

AN ACT to abolish the office of Canal Commissioner and Stato Engineer, as passed by the Senate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the office of Canal Commissioner of this Commonwealth be and the same is hereby abolished; and the Canal Commissioners are hereby required and directed to deliver up to the custody of the Auditor General, all books, papers, records, and other property belonging to said department, whose duty it shall be to take charge of and preserve the same.

SEC. 2. That the Auditor General is hereby authorized and required, upon the application of any person or persons, to give copies of any entry or entries of the books heretofore kept by the Canal Commissioners under the seal of his office; and also to furnish, upon application as aforesaid, copies of any paper or papers on file in said office, to any person or persons requiring the same under the seal of his office; and for every such certificate shall charge the person or persons receiving the same, one dollar, for which he shall account to the Commonwealth; and the copies certified and attested shall be deemed and admitted as legal evidence in any court of this Commonwealth, with like effect as the original.

SEC. 3. That from and after the passage of this act, the office of Stato Engineer be and the same is hereby abolished.

SEC. 4. That the Auditor General shall cause to be entered, in a book procured for the purpose, a list of all claims that have been or may be preferred against the Commonwealth, to be alphabetically arranged; and shall contain the name or names of claimants; on what branch of the public improvements the said claim originated, and what for; the date when the alleged liability accrued; amount of claim; amount allowed, or when rejected and when acted upon, and such remarks as may facilitate future investigations; which book shall be deposited in the Auditor General's office, and be completed at the earliest possible day.

## No. 37.—FILE OF THE SENATE.

BELL, Judiciary—Jan. 17.

A SUPPLEMENT to an act, entitled "An Act relating to executors and administrators," approved the twenty fourth day of February, Anno Domini one thousand eight hundred and thirty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That whenever the executors or administrators of a deceased plaintiff or defendant, in any action or proceeding pending in any court of this Commonwealth, resides without the jurisdiction of the said court, the writ of seire facias, provided by the twenty-seventh and thirty second sections of the act to which this act is supplementary, may be served on such executor or administrator by the sheriff of the county where he is resident, if in the opinion of the proper court such service may be reasonably practicable; but if otherwise, and also where the said executors or administrators reside in some other State in the United States, such service may be made by publication in one or more public newspapers, as in the opinion of the court will be most likely to give notice to the said executors or administrators; the said manner of service herein provided to have the same force and effect as the manner of service provided by the said act to which this is supplementary.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 15.

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## SENATE.

MONDAY, January 24, 1859.

The Senate met and was called to order by the SPEAKER at 2 o'clock, P. M.  
A quorum of Senators was present.  
Prayer by Rev. Mr. Winebrenner.  
The Journal of Friday was read and approved.  
Mr. BLOD appeared in his seat.  
The SPEAKER presented the report of the treasurer of the Delaware and Hudson canal company. It is as follows:

OFFICE DELAWARE AND HUDSON CANAL CO., }  
New York, Jan. 22, 1859. }

To the HON. JOHN CRESSWELL, Jr.,  
Speaker of the Senate of Pennsylvania:

SIR:—Pursuant to the provisions of the third section of an act of the Legislature passed on the 9th day of February, A. D. 1826, entitled "A further supplement to an act, entitled 'An Act to improve the navigation of the river Lackawaxen, passed March 13th, 1823,'" I have the honor to report, through you, to the Senate of Pennsylvania, that the amount of tolls taken on the canal of this company within the State of Pennsylvania during the year 1858, was \$290,009 98, of which, however, the sum of \$19,468 76 is to be refunded at this office to the parties from whom it was collected, it being for toll taken in excess of the true amount which would be chargeable under an agreement with those parties, but which true amount could not be ascertained until after the close of the year. Of the total amount of tolls collected on the canal during the year, the sum apportioned under the rules of the company to the Pennsylvania section of the canal, is 56,022 17. The apportionment of earnings between the New York and Pennsylvania sections being made according to the extent of navigation used in each State.

I have the honor further to report, pursuant to the provisions of the above mentioned section, that a dividend of three and a half per cent. was declared by this company in June last, and a dividend of three and a half per cent. in December last; after paying which, the amount of ascertained profits reserved as a contingent

or surplus fund was, as appears by the books of the company, \$709,568.11.

Very respectfully,  
Your obedient servant,  
J. N. SEYMOUR, *Treasurer.*

## LEAVE OF ABSENCE.

Mr. CRAIG asked and obtained leave of absence for Mr. YARDLEY, for to day.

## BILLS IN PLACE.

Mr. WELSH read in his place and presented to the chair, a bill, entitled "An Act for the relief of James Rankin, deceased."

Mr. SHAFFER, a bill, entitled "An Act to incorporate the First Presbyterian Church and Cemetery, in Strasburg, Lancaster county."

Mr. RANDALL, "An Act relative to passenger railway companies in the city of Philadelphia."

Also, "A further supplement to an act consolidating the city of Philadelphia."

Also, "An Act to make decrees for the payment of money in equity proceedings, liens upon real estate, with the right to revive or continue the liens of the same by writ of *scire facias*."

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, relating to the investigation of the condition of the Lancaster savings institution.

On motion of Mr. SHAFFER, five hundred copies of this document were ordered to be printed.

## ORIGINAL RESOLUTIONS.

Mr. RUTHERFORD offered the following resolution:

*Resolved*, That one thousand copies of the annual report of the trustees and superintendent of the Pennsylvania lunatic asylum, be printed for the use of the Senate. Said resolution was twice read, considered and adopted.

## ORDERS OF THE DAY.

Senate bill No. 39, entitled "An Act relative to a certain school lot and burial ground in the borough of Pottsville," came up on its final passage and was agreed to.

## BILLS CONSIDERED.

On motion of Mr. BLOOD, the Senate resolved itself into committee of the whole on Senate bill No. 54, entitled "An Act relative to school taxes in Jefferson county." (Mr. CRAIG in the Chair.)

The Chairman reported the same as committed, and after being read a second and third time, it passed.

On motion of Mr. COFFEY, the Senate went into committee of the whole on Senate bill No. 45, entitled "An Act to incorporate the town of Jefferson, Cambria county, into a borough, to be called Wilmore." (Mr. BLOOD in the Chair.)

Said bill, having gone through its various readings, passed finally.

Mr. RANDALL brought up Senate bill No. 53, entitled "An Act relative to the Hollidaysburg school district in Blair county." (Mr. FETTER in the Chair in committee of the whole.)

Said bill passed without amendment.

Mr. RUTHERFORD called up Senate bill No. 51, entitled "An Act authorizing Asa Dimock, administrator of Lafayette G. Dimock, dec'd, to sell and convey certain real estate." This bill passed committee of the whole, (Mr. FRANCIS in the Chair,) and was finally adopted.

On motion of Mr. WRIGHT, Senate bill No. 50, entitled "An Act authorizing the House of

Refuge to extinguish certain ground rent;" was taken up.

The Senate resolved itself into Committee of the whole, on this bill, (Mr. GREGG in the Chair,) and the bill being reported by the Chairman, as committed, was read a second and third time and passed.

Mr. WELSH, on leave given, presented a remonstrance signed by one hundred and twenty-five citizens of Riley township, Schuylkill county, against the passage of an act removing the place of holding elections in that township.

On motion of Mr. WRIGHT,

The Senate adjourned until to-morrow morning, at 11 o'clock.

## HOUSE OF REPRESENTATIVES.

MONDAY, Jan. 24, 1859.

The House was called to order at 3 o'clock, P. M., by the SPEAKER.

The Clerk read the Journal of Friday.

The SPEAKER announced to the House that he had appointed Messrs. HOTTENSTINE, WAGONSSELLER and NEALL a committee to inquire into the affairs of the Shamokin Bank.

The SPEAKER laid before the House the annual statement of the Delaware and Hudson canal company, within the limits of Pennsylvania.

Mr. WARDEN rose to a privileged question. He moved that the House re-consider the vote by which Senate bill relative to the university of Kittinging passed the House finally, a few days since.

And on the question,

Will the House agree to the motion?

Mr. HAMERSLY said that he had been requested to state that the bill had passed somewhat hastily. He would rather that the consideration should lie over for a time, and he would therefore move, that the motion to reconsider be postponed for the present; which was agreed to.

## PETITIONS, &c., PRESENTED.

The following petitions, &c., were presented, and referred to their appropriate committees.

Mr. BOYER, (Clearfield,) read in his place and presented to the chair, three petitions from citizens of Jefferson, Clearfield, Cambria and Indiana counties, praying for the erection of a new county, to be called Pine.

Mr. FLEMING, the petition of citizens of the village of Corsica, Jefferson county, to be incorporated into a borough.

Mr. WILCOX, one from citizens of Clearfield, Indiana and Cambria counties, praying for the erection of a new county, to be called Pine.

Mr. ROUSE, one from citizens of Crawford county, praying for the erection of a new county, to be called Marion.

Mr. MANN, one from citizens of West Branch township, Potter county, praying for the passage of an act authorizing the holding of special, general and township elections at the house of S. M. Conable in said township.

Mr. PENNELL, one from citizens of Delaware county, for an act divorcing certain offices in said county.

Also, a remonstrance from citizens of Chester borough and vicinity, against proposed amendments to the charter of said borough.

Also, one from citizens of Delaware county, praying for the enactment of such laws as will prevent the proposed removal of market houses in High street, in the city of Philadelphia.

Also, one from same, praying that the provisions of an act relative to the township of Mid-



dletown, in said county, approved April 20, 1854, entitled "An Act relative to the assessment of taxes in the county of Delaware," may be extended to the township of Thornbury, in said county.

Also, one from citizens of Thornbury township, Delaware county, praying for the enactment of a law providing that all cattle, sheep and horses running at large in the public highways, and owned by persons owning or occupying more than three acres of land, shall be treated as strays, and subject to all the provisions of the act of assembly in such case made and provided.

Also, one from same, for the enactment of a law authorizing and requiring the supervisors of said township to divide into (as nearly as may be) equal sections, all new roads to be opened and graded and sell out the same to the lowest responsible bidder.

Mr. JACKSON, one from citizens of Wyoming county, asking for the passage of an act authorizing the assessment of damages arising from the location and construction of the North Branch canal, and making provision for the payment of the same.

Also, one from the grand jurors of the same county, for January term, 1859, of similar import.

Mr. BAYARD, a remonstrance from thirty citizens of Pittsburg, against the passage of any act for the incorporation of the Citizens' passenger railway of said city.

Mr. WOLF, one from citizens of York and Adams counties, for the re-charter of the Hanover saving fund society of Hanover, York county.

Mr. GLATZ, one of similar import.

Mr. GALLEY, eight petitions, signed by two hundred and sixty citizens of Fayette county, praying for a change in the manner of collecting taxes in said county.

Mr. JACKSON, a petition from citizens of Cattawissa, Columbia county, asking that certain streets and alleys in said town may be made public highways.

Mr. KETCHUM, one from citizens of Wilkesbarre township, Luzerne county, praying for a division of said township into two wards.

Mr. SHAFFER, one from the constables, justices of the peace and citizens of Chester county, asking for the re-enactment of the fee bill of 1814 in said county.

Mr. WILEY, one from the congregation of the German Evangelical church at Frankford, for the repeal of the laws prohibiting the running of passenger railway cars on Sunday.

Mr. WAGONSELLER, one for an act fixing a place for holding elections in the new township of West Perry, in the county of Snyder.

Mr. SMITH, (Philadelphia,) one from citizens of Philadelphia, for a modification of the auction laws now in force in said city.

Mr. HAMERSLY, one of like import.

Mr. GLATZ, a memorial from citizens of Harrisburg and Dauphin county, praying for additional appropriation for the erection of a suitable monument to the memory of Pennsylvanians who lost their lives during the late war with Mexico.

Mr. WALBORN, one of similar import.

Mr. CHURCH, a petition from sundry owners of push-carts, wheelbarrows and half bushel baskets in the city of Philadelphia, praying for the passage of an act obliging city passenger railroad companies to purchase their stock; which was read.

Mr. WALBORN, one from citizens of Dauphin county, asking an additional appropriation for the erection of a monument to the memory of Pennsylvanians who lost their lives in Mexico.

Mr. RAMSDELL, petition numerously signed citizens of Venango county, praying for an "omit and restrict the amount of tax to be

levied for school and building purposes in said county.

Also, a petition of citizens of Venango county, praying for the erection of a new county out of parts of Venango, Warren and Crawford.

Also, a petition of citizens of Venango county, relative to Big Sandy creek, in said county.

#### ORIGINAL RESOLUTIONS.

Mr. WILCOX offered a resolution that a committee of two be appointed to wait upon and introduce into the bill of the House, to-morrow, at 12 o'clock, the SPEAKER and members of the Senate, for the purpose of allotting the public printing and binding for the ensuing three years; which was adopted.

The SPEAKER appointed Messrs. WILCOX and WILSON said committee.

Mr. PENNELL offered a resolution that the Clerk of the House be authorized to furnish to each member a copy of a railroad map of the city of Philadelphia.

The House refused to proceed to the second reading of the same.

#### LEAVE OF ABSENCE.

Mr. LAWRENCE, (of Washington,) asked and obtained leave of absence for Mr. CHASE for a few days from to-day.

On motion of Mr. GRATZ, the Committee on the Judiciary System was discharged from the further consideration of a certain bill, which was afterwards referred the Committee on Estates and Escheats.

On motion of Mr. HAMERSLY, the bill entitled, "A supplement to the act incorporating the Belmont avenue plank road company." (Referred to the Committee on Railroads.)

#### BILLS IN PLACE.

Mr. WILCOX read in his place and presented to the Chair, "An Act to incorporate the Northwest Portage railroad company." (Referred to Committee on Railroads.)

Mr. FLEWING, "An Act to incorporate the village of Carleton into a borough." (Referred to Committee on Corporations.)

Mr. ROUSE, "An Act relating to the navigation of Pine creek in Warren county." (Referred to Committee on Roads and Bridges.)

Mr. JACKSON, "An Act declaring the streets and alleys in Roberts' addition to the town of Cattawissa, Columbia county, to be public highways." (Referred to Committee on Roads and Bridges.)

Mr. KETCHUM, "An Act to divide the township of Wilkesbarre, in the county of Luzerne, into two wards." (Referred to Committee on Corporations.)

Mr. WALBORN, "An Act to incorporate the Council Ridge and White Haven railroad company." (Referred to Committee on Railroads.)

Also, "An Act to incorporate the Arch Street passenger railway company, in the city of Philadelphia." (Referred to Committee on Railroads.)

Also, "An Act relative to the recording of deeds, &c., in and for the city of Philadelphia." (Referred to Committee on Judiciary.)

Mr. SHIELDS, "An Act for the relief of Rachel George, widow of an old soldier." (Referred to Committee on Pensions and Gratuities.)

Mr. LAWRENCE, (Washington,) "Joint resolution to pay Hon. Wm. E. Frazer, for performing his duties as canal commissioner." (Referred to Committee on Ways and Means.)

Mr. HAMERSLY, "Joint resolution relative to the payment of certain moneys into the State Treasury by the Manufacturers' and Mechanics' Bank of Philadelphia." (Referred to Committee on Ways and Means.)

Mr. BOYER, (Clearfield,) "An Act to erect a new judicial district out of Clearfield, Jefferson, Elk and Forrest counties, to be called the Twenty-sixth." (Referred to Committee on Judiciary.)

Mr. PENNELL, "An Act relating to strays in

the township of Thornbury, county of Delaware." (Referred to Committee on Judiciary.)

Also, "An Act relative to the assessment of taxes in Thornbury township." (Referred to Committee on Ways and Means.)

Also, "An Act relative to the opening and grading of new roads in Thornbury township, Delaware county." (Referred to Committee on Roads and Bridges.)

Mr. WARNER, "An Act to change the place of holding elections in West Branch township, Potter county;" and, on his motion, the rules being in this case dispensed with, said bill was taken up and passed, and ordered that the Clerk present the same to the Senate for concurrence.

Mr. RAMSDELL, "An Act repealing part of an act declaring Big Sandy creek a public highway."

Also, "An Act in relation to a reserve tract or out lot in the borough of Franklin, Venango county;" on his motion, said bill was ordered to be placed on private calendar.

#### BILLS CONSIDERED.

On motion of Mr. LAWRENCE, (Washington,) the House proceeded to the consideration of House bill No. 25,

AN ACT for the relief of certain collectors of taxes in Washington county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same. That the county commissioners of the county of Washington be authorized to grant such exonerations as they think just and right to the several collectors of county and State tax in said county for the year, one thousand eight hundred and fifty-seven and fifty-eight, as fully as if they had been presented on or before the first of January: Provided, That all such as claim such relief shall present their claim on or before the first of July, one thousand eight hundred and fifty-nine.*

Said bill was read the second and third time and passed finally; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. HAMERSLY moved that the House proceed to the consideration of House bill No. 27, as follows:

AN ACT to incorporate the Penn Warehouse company

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Andrew C. Craig, Stacey B. Barcroft, Edward G. James, Peter C. Ellmaker, William D. Kelley, James Milliken and John C. Keffner, and their associates, and such persons as shall become stockholders, be, and the same are hereby made and constituted a body corporate and politic, by the name of the Penn Warehouse company, of Philadelphia; and by said name, they and their successors shall have perpetual succession, and shall be, in law, capable of suing and being sued, pleading and being impleaded in all courts and judicatories whatever; and also, of contracting and being contracted with, relative to the business and objects of the said corporation as hereinafter declared; and they and their successors may have a common seal, and may change and alter the same at pleasure; and shall have power to purchase, rent or lease such real estate as may be necessary for the purpose of carrying on the business of the company; and in their corporate name, to make and execute obligations for the liabilities created in the transactions of the business of the company, and for none other.*

SEC. 2. That the capital stock of the company shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, and may be increased from time to time, to not exceeding five hundred thousand dollars, as the



directors thereof shall deem necessary; for which certificates shall be issued, signed by the president, countersigned by the treasurer, and sealed with the common seal of the company; which certificates shall be transferable at pleasure by the owner thereof, or by attorney duly authorized for that purpose, in the presence of the treasurer, in a book to be kept for that purpose by the company.

Sec. 3. That the said company shall have power and authority to receive, for warehousing, goods and merchandize of every sort, kind and description, and to take charge of and perform the duty of paying duties on bonding, receiving, landing, hauling and delivering all property deposited or intended to be deposited with the said company; to insure the owner or owners of such merchandize against all loss or damage by fire in the warehouses occupied by the company, for such an amount, time and price as may be agreed upon between said owner or owners; and the company to make advances upon all goods in the warehouses occupied by the company, at any rate of interest not exceeding six per centum per annum, and at any rate of commission not exceeding two and a half per centum for four months, which may be agreed upon between the parties respectively; and shall have all powers and privileges necessary and convenient to carry the same into effect: *Provided*, That such advances shall be paid in money, and not in the notes or acceptances of the company.

Sec. 4. That the said company shall have authority to issue certificates to the owner or depositor of any goods, stored with them, specifying the character of said goods, the time and place of their deposit, the charge for storage, and the time, rate and amount of insurance; which certificates shall be fully binding upon the company, as policies of insurance, according to the terms thereof, as well as receipts for the goods, and shall be transferable by delivery; the interest of the company in the goods, for which said certificates may be issued, shall be deemed an insurable interest in all respects the same as if the said goods were the absolute, *bona fide* property of the company; and the company shall have authority to protect said interest by obtaining policies of insurance on goods generally, and without exception, stored in the warehouses occupied by the company, upon such terms as the said company and those who may issue policies to the said company may agree upon.

Sec. 5. That said company shall have a lien upon all goods entrusted to them for storage thereof, and all advances, insurances, and other charges thereon; and that the goods of any one owner shall be and remain liable for the whole amount of the storage, advances, insurance, and other charges due by him; and so that the delivery of a part shall not in any wise affect or impair the lien upon the residue for the whole amount so due.

Sec. 6. That when the sum of fifty-thousand dollars shall have been subscribed to the said company, and not less than twenty-five thousand dollars paid in in cash, there shall be an election held by the stockholders for five directors, who shall serve the said company from the time of their election until the first Monday in March thereafter ensuing; on which day, and annually thereafter, on the first Monday in March, a general meeting of the stockholders shall be held, of which two weeks' public notice shall be given, for the election of five directors; to serve one year; and the said directors shall elect one of their number president, to serve for same time; at all elections each share of stock shall entitle the holder thereof to one vote; but if such meeting or election shall not then take place, the company shall not for that cause be dissolved, but such meeting or election shall take place as soon thereafter as may be, one week's public notice thereof being first given in at least two daily newspapers published in Philadelphia.

Section 7. That the board of directors of the said company shall have power to make by-laws not inconsistent with the laws of this Commonwealth, and the same to alter, repeal or amend, from time to time, and shall keep minutes of their proceedings, and do all such acts and things for the proper regulation and government of the corporation, as they may deem necessary; they shall have power to declare dividends of so much of the net profits of the corporation as shall appear to them advisable, on the first Mondays in March and September, in each year, which shall be paid to the stockholders on demand ten days after the same shall have been declared.

Section 8. That the stockholders of the said company shall be jointly and severally liable in their individual capacities, for all debts and contracts made by said company, to the amount remaining unpaid on each share of stock held by them respectively, and also for all debts due mechanics, workmen and laborers employed by, and for materials furnished to said company, to be sued for and collected as provided by the twelfth, thirteenth and fourteenth sections of an act incorporating the Lackawanna iron and coal company, approved April fifth, one thousand eight hundred and fifty-three.

Section 9. That said company shall pay a bonus to the State, of one-half of one per centum on their capital stock as paid in, payable in four equal annual instalments; the first payment to be made within one year from the passage of this act; and shall also pay such tax on dividends as is or may be provided by law.

And on the question,

Will the House agree to the motion?

It was ascertained that a quorum of the members present had not voted.

The SPEAKER in accordance with law, ordered the sergeant-at-arms to close the bar of the House, and directed the Clerk to call the roll of the members, when the following gentlemen answered to their names:

Messrs Acker, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Campbell, Church, Custer, Dismant, Dodds, Durbinow, Eckman, Fearon, Fleming, Galley, Glatz, Good, Graham, Gratz, Green, Hamersly, Hottebstine, Jackson, Keneagy, Keichum, Lawrence, (Washington,) Mann, Mehaffey, McCurdy, Neall, Oaks, Palm, Pennell, Pierce, Pinkerton, Porter, Price, Pugh, Quigley, Ramadell, Rouse, Shaffer, Sheppard, Shields, Smoad, Smith, (Philadelphia,) Stephens, Stuart, Styer, Wagenseller, Walborn, Walker, Wardeu, Whiman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williston, Wilson, Withrow, Wolf and Lawrence. *Speaker*—65.

The question recurring, will the House agree to the motion to consider the above bill?

It was determined in the affirmative.

Said bill was then taken up and passed finally; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. WILEY called up House bill No. 25, "Supplement to an act to incorporate the Berry and Bensalem turnpike road company, approved March 10, 1848."

Said bill passed finally; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. BOYER, (Schuylkill,) on leave, presented a petition from citizens of Butler township, Schuylkill county, praying for a law authorizing the election of but one supervisor in said township.

Mr. KENEAGY called up joint resolution relative to the final report of Rogers' Geological Survey of the State.

Mr. WILLISTON moved to amend, by striking out the word proviso; which was not agreed to.

The original section was then agreed to.

Mr. WILLISTON moved that the House go into committee of the whole, for the purpose

of general amendment, so that each county in the State should have a copy of said report; which was not agreed to.

Said resolution was then read the second and third time, and passed finally.

Mr. PENNELL, on leave, presented a remonstrance from three hundred citizens of Philadelphia, and along the line of Philadelphia, Wilmington and Baltimore railroad company, against the passage of an act to prohibit the running of locomotives in certain parts of Philadelphia by said company.

Mr. GOOD called up the following:

AN ACT to incorporate the Allen mutual insurance company.

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Charles W. Cooper, Charles Runk, Ephraim Grim, James F. Kline, Reuben Haninger, James Bush, Joseph Young, Jesse M. Line, Isaac Staher, Jacob Zimmerman, Joshua Seiberling, Henry Grim, John Modern, Enos Erdman, T. H. Good, of the county of Lehigh, are hereby appointed commissioners, who, or a majority of them, are authorized and empowered from and after the passage of this act, to establish an insurance company by the name and title of the Allen mutual insurance company, to be located in the borough of Allentown, in the county of Lehigh; which said company shall be organized and managed according to the provisions of an act to provide for the incorporation of insurance companies, approved the second day of April, Anno Domini one thousand eight hundred and fifty-six, and shall be limited to the risks designated in the first clause in the seventh section of said act, and shall transact its business upon the mutual principle.

Said bill was read the second and third time, and passed finally; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. NEALL called up the following; which passed to third reading:

AN ACT to modify the first section of an act approved the twenty-sixth of April, Anno Domini one thousand eight hundred and fifty-five, entitled "An Act to extend the width of Chatham street and open part of Tioga street, in the city of Philadelphia."

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the first section of an act of Assembly, approved the twenty-sixth of April, Anno Domini one thousand eight hundred and fifty-five, entitled "An Act to extend the width of Chatham street and open part of Tioga street in the city of Philadelphia," be and the same is hereby modified and changed, so that the width of the said Chatham street, or as it is now called Berks street, be and the same is hereby reduced to sixty feet between Front and Broad streets in the said city; the said width to be taken in equal quantity from each side of the middle line of said street, as it was originally laid out and approved, on the plans of the districts of the city and county of Philadelphia.

Mr. PINKERTON called up "An Act repealing an act to change the place for holding elections in Porter township, Schuylkill county;" which was read the second and third time and passed finally; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. KETCHUM called up the following; which passed to a third reading:

AN ACT relating to sheriff's and prothonotary's costs in Luzerne county.

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passage of this act where any



writ of execution shall be issued out of the court of common pleas of Luzerne county, directed to the sheriff of said county, and a sale of real estate shall have been advertised, either upon the said writ or upon any previous writ issued upon the same judgment, and the same not sold, and the plaintiff, his agent or attorney, shall order the said writ stayed, in every such case it shall be lawful for the said sheriff to refuse to return the said writ stayed, so far as relates to all unpaid sheriff's and prothonotary's costs legally taxed on said writ; and unless the said costs be paid by the parties, the said sheriff may proceed with the execution of said writ so far as to collect the same: *Provided*, That this act shall in no wise affect the rights of the plaintiff to issue subsequent writs for collection of the judgment and balance of costs.

SEC. 2. That in all cases where the said sheriff shall have in his hands any writ of capias in trespass or case, or any subpoena in divorce, it shall be lawful for him to demand and receive from the party, his agent or attorney using the same, all unpaid sheriff's fees on the same, before he shall be obliged by law to make return thereof.

SEC. 3. That in lieu of the fee now allowed by law, the said sheriff shall be allowed the fee of fifty cents for each juror summoned and returned to serve at any court of said county of Luzerne, to be paid by the county, without mileage.

Mr. PUGH called up the following; which passed finally; and ordered that the Clerk present the same to the Senate for concurrence:

AN ACT empowering the judges of the mayor's court of the city of Carbondale to appoint an auditor for said court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That at the next session of the mayor's court for the city of Carbondale, and thereafter during the tax term in any year of said court, the judges thereof shall appoint one competent person as auditor to perform the duties in relation to the offices of said court, provided with regard to officers of other courts by section ten, act of twenty-first April, one thousand eight hundred and forty-six; such auditors to be paid for the performance of said duties at the rate of one dollar and fifty cents per day, by the clerk of said court, who shall be audited the amount so paid in the settlement of taxes due to the State.

Mr. BOYER, (Clearfield,) called up the following; which passed finally; and ordered that the Clerk present the same to the Senate for concurrence:

AN ACT declaring Knapp's creek, in the county of M'Kean, a public highway.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, Knapp's creek, in the county of M'Kean, shall be declared a public highway, from its mouth to the upper dams now erected on the North and South Branch of the same.

On motion of Mr. LAWRENCE, (Washington,) the House resolved itself into committee of the whole, (Mr. HAMERSLY in the Chair,) on joint resolution relative to the paying of Hon. W. E. Frazer, Canal Commissioner.

And after some time, the SPEAKER resumed the Chair, and the chairman reported the same without amendment.

Said resolution was then read the second and third time; when, on motion of Mr. WILCOX, the further consideration of the same was postponed for the present.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the

Governor, transmitting a report of the commissioners appointed by the Governor to investigate the affairs of the Lancaster savings institution; which, on motion of Mr. PRICE, was ordered to be printed in the *Record*.

The SPEAKER laid before the House a communication from the Auditor General, showing a table of license taxes in this Commonwealth.

On motion of Mr. WILSON, the SPEAKER adjourned the House until to-morrow at 11 o'clock.

#### No. 23.—FILE OF THE SENATE.

WRIGHT, Corporations—Jan. 11.

AN ACT to incorporate the Western Market company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Philip Lowry, Jr., Abraham R. Paul, David B. Paul, John A. Wallace, Alexander C. Garvin, Francis B. Smith, James A. Gowie and their associates, and all persons who may now, or hereafter be holders of the stock hereinafter mentioned, shall be, and they are hereby declared to be constituted a body politic or corporate, by the style of the Western Market company, to have perpetual succession, to be capable in law of suing and being sued, to have a common seal and the same to alter and renew at pleasure, and to have, hold, receive, enjoy and take in fee simple, or upon ground rent, such real and also such personal estate as may by them be deemed necessary and proper for the ownership, and for the construction, and for the proper use and management and maintenance of a market house in the city of Philadelphia, and for the accommodation and use of any parties, who may be desirous of renting and occupying the same; with free power to sell, mortgage, create the necessary ground rent deeds, or convey the said real and personal estate.

SEC. 2. That the object and purpose of said corporation shall be to erect and maintain suitable building or buildings and stalls, with all things necessary for the use thereof, and at any place within the limits of the city of Philadelphia; the same to be appropriated and used as a public market house for the sale and vending of meats and vegetables, and all other kinds of victuals and provisions whatever, and such other articles as the board of managers may deem proper; the said market buildings, the stalls, or any one or more, or all of the same, to be leased, rented or disposed of in such manner, and upon such terms and conditions, as the managers shall determine.

SEC. 3. That the capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, divided into five hundred shares, of five hundred dollars each, and shall be in such form and be issued and transferred in accordance with such by-laws, as the said managers may establish.

SEC. 4. That the government and control of the Western market company, and the management of its property shall be vested in, and the corporate powers of said company shall be exercised by a board of seven managers, who shall be elected by ballot from among the stockholders; they shall continue in office until their successors be elected; they shall elect a president, secretary and treasurer from among themselves; shall supply all vacancies in their number, however occasioned, and shall have the general and entire control of the affairs and interests of the company, and that until other officers be duly elected, the persons named in first section of this act shall be held to be managers of the said corporation, and shall have power and authority as such.

SEC. 5. That a general meeting of the stock-

holders shall be held annually, on the second Monday of January, for the election of seven managers and the transaction of other business; but if such meeting or election shall not then take place, the corporation shall act for that cause be dissolved, but such meeting or election shall take place as soon thereafter as may be; one week's public notice of such meeting, being first given in at least three daily newspapers in the city of Philadelphia; and special meetings of the stockholders shall be called and held as may be provided by the by-laws thereof; and that in the enactment of by laws for the government of the corporation and its officers, and for the election of officers and the decision of all questions, and at all meetings of stockholders present either in person or by proxy, shall severally vote one for each share of stock held by them.

#### No. 35.—FILE OF THE SENATE.

BELL, Judiciary—Jan. 17.

AN ACT to extend the power of prothonotaries and clerks to administer oaths.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the prothonotaries and commissioned clerks of courts of this Commonwealth shall have a general power to administer oaths and affirmations; *Provided*, That no prothonotary or clerk shall be compelled to administer the same in any matter not pertaining to the proper business of his office.

SEC. 2. That oaths and affirmations heretofore administered by the several prothonotaries and clerks of courts shall be valid and effectual, though not done in conducting the business of their respective offices: *Provided*, That this confirmation shall not include cases heretofore judicially acted upon and adversely decided.

#### No. 40.—FILE OF THE HOUSE.

CHASE, Judiciary—Jan. 18.

AN ACT relating to the filing of judgments in the prothonotary's office of the courts of common pleas.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall be the duty of the prothonotaries of the city of Philadelphia, and of the several counties of this Commonwealth, to endorse the exact time on all judgments, when left for record, and to number the same according to the time when left for record, and if two or more judgments are left for record on the same day, they shall have priority according to the time left at the office for record.

#### No. 50.—FILE OF THE HOUSE.

GRITMAN, Judiciary—Jan. 18.

A SUPPLEMENT to an act for the better preservation of game, approved April twenty-first, Anno Domini one thousand eight hundred and fifty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That hereafter it shall not be lawful for any person to shoot, kill, or otherwise destroy, any partridge within this Commonwealth, between the first day of January and the first day of November; and that all persons offending against the provision hereof, shall be subject to the same penalty and conviction as are provided in the act to which this is a supplement.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 16.

## SENATE.

TUESDAY, January 25, 1859.

The Senate was called to order by the SPEAKER at 11 o'clock, A. M. A quorum of Senators present.

Prayer by Rev. D. Gans, of the German Reformed Church, Harrisburg.

The Journal was read and approved.

Messrs. YARDLEY and BELL appeared in their seats.

## LEAVE OF ABSENCE.

Mr. PENNEY asked and obtained leave of absence for his colleague, Mr. GAZZAM, for two days from to-day.

The SPEAKER presented the report of the Dime Savings, since changed to the State Savings fund institution.

Also, a petition from citizens of Blair county, asking for an additional appropriation for the erection of a monument to the memory of those who were slain or lost in the war with Mexico.

## PETITIONS AND MEMORIALS.

Mr. PENNEY presented two remonstrances, one signed by forty-five, the other by forty six citizens of Pittsburg, against the passage of an act to incorporate the Citizens' passenger railway.

Mr. CRAIG, a petition of citizens of Monroe county, asking for the passage of a law declaring McMichael's creek, in said county, a public highway, and to prevent the destruction of fish, &c.

Mr. MARSELIS, a petition signed by citizens of Philadelphia, in favor of the registration of births, marriages and deaths in that city.

Mr. RANDALL, one of like import.

Mr. SCHINDEL, three remonstrances against the removal of the seat of justice from Easton to Nazareth, in Northampton county.

Mr. HARRIS, a petition of citizens of Penu township, Butler county, praying for a law regulating the pay of supervisors in that township.

Mr. RANDALL presented the memorial of Gen. Duff Green, explaining his plan for the incorporation of the American improvement and loan company, and asked that the same be read, and moved that it be printed in the *Daily Record*; which was agreed to. It is as follows:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

The undersigned respectfully submits the following remarks in explanation of the bill to incorporate the American improvement and loan company.

The public debt of the European Government is estimated to be about ten thousand millions of dollars, the greater part of which bears interest at the rate of three per cent. No one believes that this debt will ever be paid, and yet these three per cents are worth more in that market than our railroad bonds bearing an interest of six per cent. The reason of this is, the greater part of this European debt is held by persons who look to the payment of the interest without expecting the payment of the principal, and who believe that it is better for them to have three per cent. certain, than risk our six per cents.—The purpose of the bill is to organize a company, composed in part of Europeans, who will command the confidence of the European public, authorized to negotiate the sale of American securities in that market, and who will make the requisite investigations as to the value of

these securities—who will guarantee that the mortgaged property is sufficient to pay principal and interest; that the title deeds are in due legal form; and that as trustees they are solvent and reliable, so that by commanding the confidence of the European public, our bonds may be sold for money in fair competition with the three per cents.

The American iron master cannot now take our railroad bonds in payment for iron, because there is not a sufficient American capital seeking such investment. The English iron master can and does take them, not because he intends to hold them, but because he knows that he can sell them for money. Our railroad companies are compelled to pay a high price for bad iron, and submit to heavy charges for commissions and great loss in price. Such a company as the bill proposes, would not only place the bonds in the hands of those who wish to hold them as an investment for the best price that can be had, but at less charge for commissions; and, having a large capital invested at all times in the London market, could, by the sale of old bonds, make advances on new bonds, and hold them, under a contract with the railroad company, until the road is finished and productive, so as to make the new bonds as good as the old.

It is proposed to authorize this company to lend money to railroad companies, contractors, iron masters and others. This will enable this company to use European capital, which is abundant and cheap, in building up and sustaining our own manufactures, industry and enterprise. That our bonds may be sold for money in that market appears in the fact that the sum now held there is believed to be at least five hundred millions of dollars.

One other purpose of the bill is to organize a company, with sufficient capital and credit to contract for building the Pacific railroad, and a glance at the map of the world and a moment's reflection on the great lines of travel and of commerce, will show how much Pennsylvania is interested in making that great road tributary to her wealth and prosperity.

In short, the purpose of the bill is to organize a company, whose interest and duty it will be to exchange our bonds for the best price they can possibly bring in the European market, and lend the money here to aid our own industry, instead of exchanging our bonds for hard foreign iron as we now do. The details of the bill are such as to promote this end. It is not a monopoly nor can it be made such—for any one may become a shareholder, and the Legislature may grant any number of charters. No company can get business to do, unless it be the interest of the public to employ them, and to get them employment, they must command the public confidence.

DUFF GREEN.

Mr. WELSH, a petition signed by merchants and citizens of the borough of York, asking for the repeal of a bill providing for an auctioneer in that borough.

Also, a petition praying that the bill, entitled "An Act relating to dogs in Allegheny, Chester, Northampton, Schuylkill and Lancaster counties," be extended to the county of York.

Mr. WRIGHT, the memorial of the German Lutheran Emanuel church, at Frankford, praying for the repeal of all laws directly or indirectly, prohibiting the transit of passengers on the various railroads, in the city of Philadelphia, on Sundays.

On motion of Mr. WRIGHT this memorial was ordered to be printed in the *Record*. It is as follows:

*To the Honorable the Senators and Members of the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

The undersigned respectfully represent, that at a congregational meeting of the German Lutheran Evangelical Emanuel church, at Frankford, held December 21, 1858, for the purpose of considering the propriety of petitioning the General Assembly to permit the passenger railroad cars to run on Sunday, when the following resolution was unanimously adopted:

*Resolved*, That the members of the German Lutheran Evangelical Emanuel church of Frankford, respectfully petition the General Assembly of the State of Pennsylvania, to repeal such laws now in force that prohibit the transit of passengers on Sunday, that it is only by such means of conveyance that the members of this church can be conveyed with comfort and small expense, to and from the place of our sabbath worship. And for which we will ever pray.

C. H. E. KREMEN, President.

Dr. EDWARD SPEIDEL, Secretary and Minister of the Gospel of the congregation.

Also, a memorial of citizens of Taconey, Twenty-Third ward, Philadelphia, praying for the passage of an act creating a new election division in said ward.

Mr. BELL, a remonstrance from citizens of the town of Chester, against any alteration in its charter.

Also, a memorial from the religious society of Progressive Friends, praying the Legislature to pass a law against the delivery of runaway slaves.

Mr. THOMPSON, a petition of citizens of Chester and Montgomery counties, for the extension of the mechanics lien on buildings in said counties.

Mr. PALMER, a memorial and remonstrance of citizens of the county of Schuylkill, relatives of the late John Potts, dec'd, praying for the repeal of a certain act relating to a burial ground and school house in the borough of Pottsville, and against any further legislation relative to the said grounds.

Also, a petition from citizens of Butler township, Schuylkill county, praying for a law authorizing the election of but one supervisor in said township.

Mr. STEELE, a petition of citizens of Wilkesbarre, Luzerne county, praying for the passage of a law authorizing the erection of two election districts, in said county.

Mr. SHAEFFER, a petition of Peter Martin and others, asking for power to sell a certain school-house in Clay township, Lancaster county.

Also, (by request,) a petition for an act authorizing the assessment of damages on the North-Branch canal.

Mr. COFFEY, a petition from citizens of Armstrong county, for the passage of a prohibitory liquor law.

Mr. HARRIS, a petition for a change relative to the pay of supervisors in Penn township, Butler county.

## HOUSE AMENDMENTS.

Mr. TURNEY moved that the committee be discharged from the consideration of House amendments to Senate amendments to the bill abolishing the Canal Commissioners and State Engineer, and that the Senate proceed to consider the same. The motion was agreed to.



The amendments were read a second and third time, and finally adopted.

#### BILLS IN PLACE.

Mr. FINNEY read in his place and presented to the chair, a bill, entitled "An Act changing the time of holding the spring election in the borough of Titusville, Crawford county."

Mr. MARSELIS, a bill, entitled "An Act to incorporate the Carolina steam navigation company."

Mr. SCHINDEL, a bill, entitled "An Act to incorporate the Eastern iron company."

Mr. FETTER, a bill, entitled "An Act to incorporate the Presbyterian church, of Harrisburg."

Mr. RANDALL, a bill, entitled "An Act to incorporate the Union passenger railroad company."

Mr. RUTHERFORD, a bill, entitled "A supplement to an act incorporating the Commonwealth insurance company."

Mr. COFFEY, "An Act for the relief of Joseph Brady, a soldier in the Indian war."

Mr. CRAIG, "An Act to prevent the destruction of fish in McMichael's creek, Monroe county."

Mr. SHAEFFER, "An Act relative to the auction laws in the city and county of Lancaster."

Also, "An Act authorizing Peter Martin and others to sell a certain school house in Clay township, Lancaster county."

Mr. WELSH, "An Act relative to dogs in York county."

Mr. PALMER, "An Act authorizing the citizens of Butler township, Schuylkill county, to elect but one supervisor."

Mr. FRANCIS, "An Act relative to the prevention of disturbances of public meetings."

Mr. GREGG, "An Act authorizing certified copies of insurance companies to be admitted as evidence."

#### ORIGINAL RESOLUTIONS.

Mr. FINNEY offered the following resolution:  
*Resolved*, That the Committee on Printing be requested to take measures for the printing of public laws, as provided for in the contract to publish the *Daily Legislative Record*.

In presenting the resolution, Mr. FINNEY remarked that, when the contract was made with the publisher of the *Record*, it was provided that the laws passed by the Legislature, should be published, as they received the approval of the Governor. This had not been done at the last session, and he was desirous of having them published, as contemplated, in order that persons to whom the *Record* is sent, and who are interested in many of the laws passed here, may have an opportunity of seeing and reading them some six months before they are printed and distributed in the usual form. He did not suppose it was the neglect of the printer that they were not so published, but of others, perhaps, connected with the executive department.

Said resolution was twice read, considered and adopted.

Mr. COFFEY asked and obtained leave to withdraw certain papers relative to Joseph Brady, deceased, and also to present a petition from the same for relief, with accompanying documents.

#### BILLS CONSIDERED.

Mr. HARRIS moved to proceed to the consideration of House bill, entitled "An Act relative to abrogating the contract for the printing of the *Daily Record*."

Mr. BELL hoped the Senate would not proceed to the consideration of the bill now. It had but come over from the House this morning; it was the first the Senate had heard of it, had no knowledge of its provisions, and were not prepared to pronounce upon its merits. He deprecated this hasty legislation upon bills, before they are printed for the benefit of the Senators, especially bills which came from the

House. They should take the proper course, and he referred to the committee, to whom the same subject had been committed several days since. They were prepared to investigate the matter, and there was no difficulty in getting a report, as the committees were not now burthened with business.

Mr. HARRIS said the Senator was aware, as well as himself, that the Senate had voted for the continuance of the contract with the present publisher of the *Record*, until a new one should be made. That contract is still in existence, and will remain in existence until a new one is entered into. The House had passed the bill annulling the old contract, and if we are to have a new one, let it be made now. He was not particular as to what parties are assigned the contract; so far as he was concerned, he was perfectly satisfied with the present man, but he did not recognize the right of the last Legislature to entail a contract upon this. He did not think there was anything in the bill requiring reference to a committee, and he hoped its consideration would be proceeded with.

Mr. BELL asked how the Senator from Butler could know whether the bill contained anything which required reference to committee? The Senate had not heard it read, and for the first time he had heard of the bill this morning. He understood that a struggle had been going on at the other end of the vestibule, for the purpose of giving the publication of the *Record* to another party than has it now. As well as he was able to determine, from the discussion which had taken place, the object was purely a partizan one; and although he did not know, he suspected strongly that a partizan feeling actuated the effort to press it upon the Senate now. Under the existing contract we have a *Record* every day, in accordance with its provisions, with which every person is satisfied, and to which he had no word of complaint, either as to its mechanical or mental execution. Why should the Senate, then, annul that contract? Why take up a bill which had occupied the attention of the House for one week, and before having it printed, or its provisions understood, proceed to its consideration? If the Senator from Butler would give him some good reason why the contract should be annulled, he would go with him; but until he did hear such reasons, he would be compelled to go against the bill. He had no partizan feeling in the matter, and he did not suppose the Senate would consider it in a partizan light.

Mr. HARRIS did not contend that the Senate, in annulling the old contract, should enter into a new one with different parties. But it was never intended that the contract of last year should be entailed upon the Legislature this year. He cared not with whom the contract for printing the *Record* is made, but the present one should be annulled and a new one entered into. He remarked that the securities for the faithful performance of the old contract had been released, and that there was now no binding power for its proper execution.

Mr. WRIGHT remarked that the Senator from Butler had said something about the securities under the existing contract being released. He would merely state, for the information of the Senate, that the securities had been renewed, obviating all objection upon that score.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. HARRIS and Mr. GREGG, and were as follow, viz:

YEAS—Messrs. Blood, Coffey, Craig, Fetter, Francis, Gregg, Harris, Keller, Marselis, Nunnemacher, Parker, Randall, Rutherford, Schindel, Steele, Turney, Welsh and Wright—18.

NAYS—Messrs. Bell, Finney, Miller, Palmer, Penney, Shaeffer and Cresswell, *Speaker*—7.

So the question was determined in the affirmative.

The Senate then resolved itself into committee of the whole, on this bill, (Mr. HARRIS in the Chair.) After some time, the committee rose, and the chairman reported the same as committed. On motion, the Senate proceeded to second reading of the same.

Mr. BELL said that he could not avoid congratulating the Senator from Butler upon the success of his motion. He had told him, if the bill was pressed to a vote, it would be killed, for there was a well known majority against it.—He would not receive that suggestion, and he has seen the result. But the blind won't see, nor can they be persuaded. It had been pressed as a partizan measure, in the other branch, and its fate here could not have been other than it has met.

Mr. HARRIS remarked that there was a majority opposed to the abrogation of the contract; that there would be a majority against it anyhow, and if it cannot be passed to-day, it cannot be passed to-morrow. As regarded himself, he had no partizan feeling in the matter; and however the Senator from Chester may impute them to him, he disclaimed them. His object is simply to enter into a contract for the printing of the *Record*, as is contemplated by law—no matter whether with the present party or another.

Mr. FINNEY had nothing to say upon the question, except that he desired to have the printing done as provided for in the contract—that the laws should be published in the *Record* as they receive the approval of the Governor.—There was some advantage in having them thus published; for the people are advised as to what laws are passed six months earlier than when they are furnished in the usual pamphlet form. So far as the printing was executed under the contract, he was perfectly satisfied with it. It was printed cheaply, and in a manner to which there was no objection, and he should not go for the abrogation of it. With the exception that the laws had not been published, as required, when signed by the Governor, he had no fault to find; but that was more the fault of officers in the department of State, than of the publisher. The same subject was already before the Finance Committee, and he would ask for a postponement of the bill until some understanding of the contract, on this matter, could be had. He would, however, vote for continuing the contract, for nothing could be saved by voting against it.

Mr. WRIGHT remarked that the publishers of the *Record* were perfectly willing to comply with the terms of their contract, and it was not through their neglect, but that of the State Department, that it had not been complied with in every particular. It was to their interest to publish the laws, as required by the contract, and they were glad of the opportunity to do so.

Mr. RANDALL suggested that the Senator from Crawford could secure the publication of the laws, as specified in the contract, by instructing the Committee on Printing to have its provisions carried out.

On the passage of said bill, the yeas and nays were required by Mr. WRIGHT and Mr. HARRIS, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Gregg, Harris, Palmer, Parker, Penney, Rutherford, Shaeffer, Thompson and Yardley—11.

NAYS—Messrs. Bell, Blood, Craig, Fetter, Keller, Marselis, Miller, Nunnemacher, Randall, Schindel, Steele, Turney, Welsh, Wright, and Cresswell, *Speaker*—15.

So the question was determined in the negative.

On motion of Mr. FINNEY, the Senate proceeded to consider a bill, entitled "An Act for changing the time of holding spring elections in Titusville, Crawford county." On this bill,



the Senate went into committee of the whole, (Mr. FINNEY in the chair,) and being reported by the chairman as committed, was read a second and third time and passed.

Messrs. WILSON and WILCOX, a committee from the House of Representatives, being introduced, informed the Senate that the hall of the House of Representatives was now ready for the reception of the Senate, for the purpose of allotting the public printing and binding of this Commonwealth to the lowest bidder, agreeably to the provisions of the act of Assembly on that subject; whereupon the Senate proceeded to the hall of the House of Representatives.

After some time the Senate returned to their chamber.

#### BILL ON FINAL PASSAGE.

Mr. BELL called up Senate bill No. 33, entitled "An Act to refund certain taxes to the West Chester gas company."

Mr. WRIGHT remarked that since the bill had been before the Senate, he had made it his business to inquire into the history of the case, and had learned that no evidence had been produced in the department of the Auditor General, establishing the justice of the claim. The Chester county gas company had, for many years, avoided the payment of their taxes, and have not come up to the letter of the law; and a proposition coming up as this does, requires that there should be some facts adduced that the money claimed had been actually paid in, before the Legislature is asked to refund it. The Senator from Chester could not adduce proof that the money has been paid, and the Senate should not entertain the proposition. The proper redress is against the authorities of Chester county, and he was surprised that the company did not apply to the courts, instead of coming before the Legislature. If this claim is passed, it will open up the flood-gates of corruption; hundreds of companies are similarly situated, and will come here asking for similar acts, refunding sums alleged to be illegally paid by them. He did not believe the claim is justly due the company. They had owed the Commonwealth for years, and had openly, knowingly violated the law; and their only plea now is that they had paid some tax, at some time, which was illegally exacted from them.

Mr. BELL was glad when he saw evidences of individual or collective improvement. We had often been told that the world was religiously, intellectually and morally improving; the Senate had had an illustration of the truth of it in the gentleman from Philadelphia. The gentleman objects to the allowance of this claim, because there was no evidence furnished from the county authorities of Chester that the amount had been legally paid. He had never contended that it had been legally, but illegally paid, and it was upon that ground that he asked the Legislature to refund it. He congratulated the Senator from Philadelphia, (Mr. WRIGHT,) upon the progress he had made in morals; for he had been informed that he obtained, some two or three sessions since, upon his own ipse dixit, the passage of a bill to refund an amount of tax, said to be illegally paid by the keeper of some grog-shop, in Philadelphia. But since then the gentleman's morals had improved. So far as the evidence goes to establish the payment of this claim, there could be found no evidence upon the record of State tax, only in the aggregate. But there was evidence that the tax had been paid into the county Treasury by the company, and by the county officers into the Treasury of the State. He was ashamed that the Senator from Philadelphia should trouble himself or the Senate, so much, about so small a matter. This was a simple question whether if tax was illegally received by the State, it was not in justice bound to refund the amount, or whether it shall take advantage of its sovereignty, and say that, although illegally received, it

will not refund, because the parties cannot sue and recover.

Pending the discussion, Mr. MARSELIS moved to go into committee of the whole for the purpose of considering the following amendment: *Provided*, It shall be made to appear to the Auditor General that such taxes have been paid into the Treasury of the State, and that the supreme court has decided to the effect that such taxes have been unlawfully paid into the Treasury.

Mr. BELL thought the Senate would be stultifying itself by refusing the allowance of this claim, and he would ask that the bill would not be allowed to fall, by amendments, or otherwise.

Mr. WRIGHT could see no fairer proposition than the one submitted by his colleague. It provides for the furnishing of proof of the justness of the claim, and why not accept it? Why deal in sophistry, instead of meeting the question fairly? The amendment appeals to the common sense of Senators, and there must be something wrong here, when he refuses it, and insists upon the allowance of claims, without full proof of their justice.

Mr. BELL called the gentlemen to order.—When he intimated that there was anything wrong in his advocacy of the bill, he was transgressing his right as a Senator, and he could not allow him to make any imputation dishonorable to himself.

Mr. WRIGHT was careful, he said, to avoid personal allusion; but he certainly thought there was something wrong, when the Senator will not accept of a simple amendment, calling for the very proof which the Senator from Chester says is forthcoming.

Mr. RANDALL could not see why the Senate cannot act now. The question was a simple one—whether the money asked to be refunded had been illegally paid to the county treasury of Chester county and had gone into the State Treasury. He believed there was sufficient evidence that it had been so paid, and the best thing that could be done now is to pay it back to the parties from whom it has been illegally obtained.

Mr. MARSELIS said this was a more important question than gentlemen were disposed to regard it. If the bill passes, and money is obtained, parties will flock here from all parts of the State, with claims similar to this. He had had a recent conversation with the president of a gas company in Philadelphia, who assured him that the company had a claim of some five hundred dollars, originating in a similar way. If the Legislature throws open the door for this, there is no telling where the matter will end. It is wrong to take money out of the treasury without proper proof; and it was but just that there should be some general rule established, by which money illegally paid may be refunded.

Mr. FINNEY did not understand why there should be any objections to the bill. The evidence afforded by the decision of the supreme court and the other authorities, of the illegal payment of the amount, went as far as it could go. It went to the courts upon the admission that it had been paid, and the supreme court decided that it had been illegally paid. What, then, had the Auditor General to do with it? Is he above this body, or superior in power to the supreme court? If so, we had better adjourn *sine die*, and invest him with the whole power of legislation. The bill contained a plain and simple proposition. It is a matter of record—it has been heard by the courts and determined by the courts; and the case of the five hundred dollars claimed by the Philadelphia company, was not similar to it in any respects.

In that case there had been no adjudication; no certificate from the county treasurer of the payment of taxes; and is no such case as that

now brought here. He was opposed to referring the matter to the Auditor General, for he don't understand it; and as the Senator from Chester had said, the Senate would be stultifying itself by such a course, and saying in effect that it was unable to take care of itself. The request made here, is simply, will you pay a debt, honestly due, or repudiate? That was the only light in which it can be regarded.

Mr. COFFEY regarded it as simply a question of evidence, upon which the Senate could more properly determine than the Auditor General. The supreme court had decided that the amount had been improperly and illegally paid, and it was simple justice that the sum thus paid should be refunded. He read from Casey's Supreme Court Reports, a report of the case with the decision, and entered into an explanation of the circumstances attending it. The payment of this amount having been agreed upon by the authorities of Chester county and the company, a case of facts was made for the court, upon which his decision was based; and yet the Senator from Philadelphia says that no proof has been adduced here of the payment. No higher proof could be offered, and he could see no reason for a refusal to refund the sum claimed.—The Senator from Philadelphia, (Mr. WRIGHT,) was never satisfied that any money should come out of the State treasury, and if he needed any better evidence than that furnished here, there was a fair prospect that but little ever would come out for the payment of claims against the State.

Mr. BELL entered into a further explanation of the bill, and a statement of the evidence of the payment of the tax by the company.

Mr. WRIGHT would call the attention of the Senate to the importance of this bill, and to the fact that if it is passed there must also be a general law, and thousands will come here with claims, taking up the whole time of the Legislature. There would be no end to it. He seriously asked the Senate if they were as able to decide upon the matter as the Auditor General? Even admitting that they had the opportunity, what time have they to hunt up and examine the testimony? If they were to undertake it, it would occupy the entire time of the Senate; and he appealed to Senators to pause before overleaping the authorities of the State. He hoped the amendment would pass.

Mr. MARSELIS had not any personal feeling on the subject. He believed the statement of the Senator from Chester, and that the money should be refunded. But this bill opens up a very great field, and the Senate should be careful; yet if claims of this kind are to be allowed, it should be done in a manner creditable to the State, and not without a knowledge of all the facts.

Mr. BELL did not wish to interfere with the freedom of debate; but as he believed the subject had been exhausted, he would move the previous question. At the request of Mr. MILLER, however, he withdrew it.

Mr. MILLER was not disposed to occupy the time of the Senate, and had not said a word during the whole progress of the debate upon the bill. He simply rose to say that he would vote, most probably, with the minority. It might seem strange to the Senator from Chester that a minority should be so persistently arrayed against so plain a proposition. Every man was entitled to his opinions upon all questions, and the course of the Senator, in ridiculing those who chose to express their opinions, had the effect to muzzle free speech—to deter many from giving utterance to the views honestly entertained. Although the amount involved is small, the principle is as important as if ten thousand dollars were at stake. He then went into a review of the evidence upon which the claim is urged, pro-



nouncing it insufficient to warrant the Senate in passing the bill, as proposed.

Mr. WRIGHT wished to ask the Senator from Chester a question. He understood him to say that the court in Chester county had decided against the company, and the case carried up to the supreme court, by which that decision was reversed. He wished to know whether he had understood him correctly?

Mr. BELL said that he understood him correctly, and referred to the report of the case, where a full statement of the facts is given.

The hour of one having arrived, Mr. RANDALL moved to postpone the hour of adjournment, for the purpose of finally disposing of the bill under consideration.

On which, The yeas and nays were required by Mr. RANDALL and Mr. WRIGHT, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Coffey, Craig, Fetter, Finney, Francis, Gregg, Harris, Palmer, Parker, Penney, Randall, Rutherford, Shaeffer, Schindel, Steele, Thompson, Turney, Welsh, Yardley and Cresswell, *Speaker*—22.

NAYS—Messrs. Blood, Keller, Marselis, Miller, Nunnemacher and Wright—6.

So the question was determined in the affirmative.

The question recurring on the motion offered by Mr. MARSELIS,

The yeas and nays were required by Mr. WRIGHT and Mr. BELL, and were as follow, viz:

YEAS—Messrs. Blood, Keller, Marselis, Miller, Nunnemacher and Wright—6.

NAYS—Messrs. Baldwin, Bell, Coffey, Craig, Fetter, Finney, Francis, Gregg, Palmer, Parker, Penney, Randall, Rutherford, Shaeffer, Schindel, Steele, Thompson, Turney, Welsh, Yardley and Cresswell, *Speaker*—21.

So the question was determined in the negative.

The question being on the final passage of the bill,

The yeas and nays were required by Mr. WRIGHT and Mr. BELL, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Coffey, Craig, Fetter, Finney, Francis, Gregg, Palmer, Parker, Penney, Randall, Rutherford, Shaeffer, Schindel, Steele, Thompson, Turney, Welsh, Yardley and Cresswell, *Speaker*—21.

NAYS—Messrs. Blood, Keller, Marselis, Miller, Nunnemacher and Wright—6.

So the question was determined in the affirmative.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, stating that he had approved and signed the bill abolishing the board of canal commissioners and State Engineer.

On leave given, Mr. FETTER read in place a bill, entitled "An Act to incorporate the Northumberland and Juniata railroad company."

On motion, the Senate adjourned until tomorrow morning at 11 o'clock.

## HOUSE OF REPRESENTATIVES.

TUESDAY, January 25, 1859.

The House was called to order at the usual hour by the SPEAKER.

Prayer was offered by the Rev. Dr. Dewitt, of the New School Presbyterian Church.

The Clerk proceeded to read the Journal of yesterday.

On motion of Mr. GRITMAN, the reading of the same was dispensed with.

Mr. MANN moved that the rules be suspended and that the House proceed to the consideration of the act changing the place of holding elections in West Branch township, Potter county; which was agreed to; whereupon said bill was taken up, considered and passed finally;

and ordered that the Clerk present the same to the Senate for concurrence.

Mr. WAGONSELLER, leave being granted, recorded his vote in the affirmative on the tariff resolutions, recently introduced by Mr. LAWRENCE, (Washington.)

The SPEAKER laid before the House an abstract of the receipts and disbursements of the Monongahela navigation company.

### REPORT OF A COMMITTEE.

Mr. HAMERSLY, leave being given, from the select committee appointed to revise certain rules of the House, made report, which was read, accompanied with a resolution that the thirty-eighth rule of the House as amended, be adopted as a standing rule of the same, and that the usual number of copies be printed for the use of the members.

Said resolution was read the second time.

And on the question,

Shall the same pass?

Mr. HAMERSLY said that the changes contemplated by the rule were important. One of the new provisions was that no bill should be objected off the calendar during the ten days preceding the end of the session. Some of these provisions would be of great service to-day, inasmuch as the private calendar was to be considered, and for this reason the rule should be adopted.

Mr. GRITMAN fully coincided with the gentleman, as to the importance of the rule, but desired to see it in print, and understand more fully its provisions.

Mr. THORN said that the desire of his colleague, (Mr. HAMERSLY,) was certainly a correct one, as the calendar was to-day to be considered. He would have no particular objection to the postponement, however, if the House would tacitly agree that the rule, if it finally passed, should cover the proceedings of to-day.

Mr. HAMERSLY said that he would have no objection to this.

The question being taken upon the motion of Mr. GRITMAN, it was lost.

The question then recurring upon the original resolution, it was adopted.

### CALENDAR ON PRIVATE BILLS.

Agreeably to order, the bills upon the Private Calendar, numbered and entitled, as follows, were severally read and prepared for second reading, viz:

No. 22. "An Act repealing the act, relative to roads and bridges in the county of Mercer, approved the 2d day of April, 1845, extending an act relative to roads and bridges in the counties of Crawford, Clearfield and Greene, approved May 7, 1844."

No. 23. "An Act relative to the opening and making of new roads and building of bridges in the township of West Marlborough, in the county of Chester, and relative to repairing the roads in said township."

No. 24. "An Act declaring Plunketts creek, in Lycoming county, a public highway."

No. 26. "A further supplement to an act authorizing the Governor to incorporate the West Chester and Wilmington plank road company."

No. 32. "An Act to extend to the county of Northampton the provisions of the act, approved May 7, 1857, entitled 'An Act to increase the pay of jurors and witnesses in certain counties of this Commonwealth.'"

No. 34. "A supplement to sundry acts relating to the city of Pittsburgh."

No. 37. "An Act to provide for the erection of a house for the employment and support of the poor of the county of Susquehanna."

No. 44. "An Act to increase the salaries of the prison inspectors of the Lancaster county prison."

No. 45. "An Act authorizing the qualified electors of the county of Delaware, at the gen-

eral election in October, 1859, to elect one person to fill the offices of prothonotary, clerk of the court of general quarter sessions, over and terminer, and orphans' court, and also one other person to fill the offices of register of wills and recorder of deeds."

Mr. PENNELL moved to strike out annually and insert tri-annually; agreed to.

No. 46. "An Act authorizing the registration of all inventories exhibited into the register's office of Lancaster county."

No. 51. "An Act providing for the recording of vendue lists, inventories and appraisements, by the register of wills in and for the county of Luzerne."

No. 58. "An Act to incorporate the Hollenback and Hanover turnpike road company."

No. 59. "An Act to appoint road and bridge viewers in the county of Somerset."

No. 60. "An Act to repeal the tenth section of the act of the 26th of April, 1852, entitled 'An Act authorizing the laying out of a State road in Montgomery and Bucks counties; relative to fishing in certain streams in Potter county, and for other purposes.'"

No. 61. "Supplement to an act, entitled 'An Act to incorporate the Spinnerstown and Goshopp turnpike road company,' approved the 24th day of March 1858."

Mr. WILLIAMS, (Bucks,) moved that this bill be substituted for the one just read; agreed to.

No. 64. "An Act relating to the navigation of Tionesta creek and its branches."

No. 67. "Supplement to an act to incorporate the Dark Hollow and New Hope cemetery company."

No. 68. "An Act relating to the Leverington cemetery company."

No. 70. "An Act to incorporate the Fairview cemetery association in Berks county."

No. 72. "An Act to incorporate the Union cemetery association of the borough of Womelsdorf, Berks county."

Sen. 3. "A further supplement to the act to incorporate the Erie City railroad company, approved 6th of April, 1853."

No. 81. "An Act in relation to the railroad between Chambersburg and Hagerstown."

No. 83. "An Act relating to improvements in the city of Pittsburgh."

No. 86. "An Act relative to pawn brokers in the city of Philadelphia."

No. 89. "An Act to authorize the trustees of the Associate Reformed, now the United Presbyterian congregation in the city of Erie, to sell certain property, and to remove the bodies interred therein."

No. 91. "An Act to incorporate the Balliettsville railroad and mining company in Lehigh county."

Mr. GOOD moved to strike out Balliettsville and insert Ironton; agreed to.

No. 92. "An Act relating to Big Sandy creek, in the county of Venango."

"A further supplement to the act incorporating the Pittsburgh and Erie railroad company."

Mr. THORN moved to strike out all after the enacting clause, and insert thereafter the following: That the charter of the Pittsburgh and Erie railroad company is hereby revived and renewed, and the time for completing the road is hereby extended to the 20th April, A. D. 1864.

### BILLS OBJECTED TO.

No. 41, "An Act supplementary to section 11th of act of March 27th, 1819."

Mr. THORN objected to this bill, and in accordance with the provisions of the rule, gave his reasons, which were that the bill was vague and unsatisfactory, and that he did not understand it.

"An Act to incorporate the Reading and Allentown telegraph company."

Mr. BERTOLET objected to the bill, on the



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 17.

ground that the East Pennsylvania railroad company, who were most interested, had not received due notice of its presentation or provisions. It seemed strange that residents of other counties should be allowed to construct and control a telegraph line in Berks and Lehigh counties, and that the parties who were more deeply concerned should not be consulted.

The act to authorize the appointment of Commissioners to run the boundary lines between the counties of Centre and Union, and Clinton and Centre, was objected to by Mr. WAGONSELLER, because he had had no previous knowledge of its having been introduced, and was therefore surprised to see it upon the calendar.

#### ALLOTMENT OF PUBLIC PRINTING.

Agreeably to order, the SPEAKER and members of the Senate were introduced for the purpose of proceeding, in conjunction with the SPEAKER and members of the House, to receive proposals for the public printing of the Commonwealth, for the term of three years from the first day of July next, agreeably to the act of Assembly regulating same.

#### IN CONVENTION.

The convention was called to order by the SPEAKER of the Senate.

Mr. TURNEY offered the following :

WHEREAS, Public notice has been given by the Secretary of the Commonwealth, as directed by the act of 9th April, A. D. 1856, entitled "An Act in relation to public printing," that proposals would be received until this day by the Speaker of the Senate and Speaker of the House of Representatives, for doing the public printing and binding, agreeably to the provisions of said act of 9th April, A. D. 1856; therefore

Resolved, That said proposals for doing the public printing and binding, agreeably to the provisions of the act of the 9th instant, be now opened and published, and that the public printing and binding be allotted as directed in said act of Assembly.

Said resolution was twice read, considered and adopted.

Senator FINNEY called for the reading of the act relative to public printing.

The SPEAKERS of the Senate and House of Representatives then opened and published the following proposals, viz :

A. Boyd Hamilton, 76 1-16 per cent. below prices fixed by act of April 9th, 1856.

Geo. Bergner & Co., 72 per cent. below prices fixed by act of April 9th, 1856.

J. C. Wiestling & Co., 62 per cent. below prices fixed by act of April 9th, 1856.

Jacob Babb, 70 3/4 per cent. below prices fixed by act of April 9th, 1856.

Theo. Fenn, 65 1-16 per cent. below prices fixed by act of April 9th, 1856.

Valentine Hummel, Jr., 66 3/4 per cent. below prices fixed by act of April 9th, 1856.

W. K. Verbeke & Co., 67 3/4 per cent. below prices fixed by act of April 9th, 1856.

The SPEAKER of the Senate and the SPEAKER of the House of Representatives, in the presence of both Houses, in convention for that purpose assembled, did allot all the printing and binding to A. Boyd Hamilton, he being the lowest bidder, having bid at the rate of 76 1-16 per centum below the rates specified in the act of the 9th of April, 1856.

The SPEAKER of the Senate, and the SPEAKER of the House of Representatives,

then announced that they had approved of the bond for doing all the printing and binding of the Commonwealth, a copy of which is as follows:

We, A. Boyd Hamilton, Alexander Hamilton, T. A. Hamilton and E. M. Pollock, are jointly and severally held and firmly bound unto the Commonwealth of Pennsylvania, in the sum of \$15,000.

Witness our hands and seals, this 25th day of January, A. D. 1859

The condition of this bond is such, that if the above bounden, A. Boyd Hamilton, to whom the printing and binding are allotted, well and faithfully in all respects do and perform the same for the Commonwealth, according to the manner required to be done and performed by the act, entitled "An Act in relation to public printing," approved the 9th of April, 1856, and do faithfully perform and execute the same at the rate per centum below the rates of compensation specified in said act, according to allotment this day made, for the period of three years, then this obligation to be void, otherwise valid.

A. B. HAMILTON,  
E. M. POLLOCK,  
T. A. HAMILTON,  
ALEX. HAMILTON,

Witness: WM. HAMILTON.

The Clerk of the House of Representatives was directed to file the original bond in the office of the Auditor General.

The SPEAKER and members of the Senate having withdrawn, the House proceeded with the orders of the day.

Mr. THORN moved that the House proceed to the second reading and consideration of bills upon the Private Calendar; which was agreed to.

Mr. THORN likewise moved, that when this House adjourn, it do so, to meet again to-morrow morning at the usual time, and that the House proceed to complete the bills on private calendar as soon as the reading of the Journal is disposed of.

Mr. WILLIAMS, (Bucks,) moved to amend the same, so as to make the time of meeting at 10 A. M. to-morrow; which was not agreed to.

The question being taken,  
Will the House agree to the motion of Mr. THORN?

It was determined in the affirmative.

#### LEAVE OF ABSENCE.

Mr. LAWRENCE, (Washington,) asked and obtained leave of absence for the post-master, for a few days from to-day.

#### ORIGINAL RESOLUTION.

Mr. PRICE offered a resolution that one thousand copies of the report of the commissioners appointed to investigate the affairs of the Lancaster savings institution, together with the evidence in the same, be printed for the use of this House; which was adopted.

On motion of Mr. LAWRENCE, (Washington,) the bill relative to the sale of certain real estate belonging to the estate of L. G. Dimmick, deceased, was referred to the Committee on Estates and Escheats.

#### BILLS IN PLACE.

Mr. CHURCH, leave being granted, read in his place and presented to the chair, "An Act to incorporate the Union railroad company of Philadelphia." (Referred to Committee on Railroads.)

Mr. ECKMAN, "An Act to annul the charter of the borough of North Lebanon." (Referred to Committee on Corporations.)

Mr. SHEPPARD, "A further supplement to the act incorporating the Marshall's saving fund, of Philadelphia." (Referred to Committee on Banks.)

Mr. NEALL, "A supplement to an act to incorporate the Mutual deposit insurance company, of Philadelphia." (Referred to Committee on Banks.)

Mr. THORN, "An Act relative to the fees of aldermen and justices of the peace, in criminal and penal cases in Philadelphia, and the issuing of processes thereon."

Also, "An Act supplementary to an act incorporating the Brig Mountain improvement company, approved April 12, 1851." (Referred to Committee on Corporations.)

Mr. WILSON, "An Act relative to granting of licenses to hotel, inn and tavern-keepers."—(Referred to the Committee on Vice and Immorality.)

The hour of one having arrived, the SPEAKER adjourned the House until to-morrow morning, at eleven o'clock.

#### SENATE.

WEDNESDAY, Jan. 26, 1859.

The Senate met at the usual hour. The SPEAKER in the chair.

Prayer by Rev. Mr. Martz.

The Journal of yesterday was read by the Clerk, and approved.

Messrs. MYER and SCHELL appeared in their seats.

#### REPORTS OF COMMITTEES.

Mr. WRIGHT, (Corporations,) reported as committed, a bill, entitled "An Act to incorporate the Allen mutual insurance company."

Also, (same,) with amendment, a bill, entitled "An Act to incorporate the Southwark soup society."

Also, (same,) with a negative recommendation, a bill, entitled "An Act to incorporate the Chemical manure manufacturing company."

Mr. STEELE, (same,) as committed, a bill, entitled "An Act to incorporate the Indian and American commercial company."

Also, (same,) as committed, a bill, entitled "An Act to incorporate the Carolina steam navigation company."

Mr. SHAEFFER, (same,) as committed, a bill, entitled "An Act to incorporate the Delaware County association for insuring against horse stealing, &c."

Also, (same,) a bill, entitled "An Act to incorporate the First Presbyterian church and cemetery of Strasburg, Lancaster county."

Also, (same,) with amendment, a bill, entitled "An Act to incorporate the American improvement and loan company."

Mr. SCHELL, (same,) as committed, a bill, entitled "An Act to incorporate the Delaware and Schuylkill dredging company."

Also, (same,) with amendment, a bill, entitled "An Act to incorporate the Easton iron company."

Also, (same,) as committed, "An Act to extend the charter of the Forest Improvement company."

Mr. STEELE, (Railroads,) as committed, a bill entitled, "A further supplement to an act incorporating the Tyrone and Luck Haven railroad company."

Mr. CRAIG, (same,) as committed, a bill entitled "An Act to extend the time for the completion of the Schuylkill Haven and Lehigh River railroad company."



Mr. WELSH, (Education,) with amendment, a bill, entitled "An Act authorizing the school directors of the borough of Bedford to borrow money, and for other purposes."

Mr. SCHINDEL, (same,) with a negative recommendation, a bill entitled "A supplement to an act regulating the schools of this Commonwealth."

Mr. FETTER, (Agriculture and Domestic Manufactures,) as committed, "A bill relative to dogs in York county."

Also, (same,) as committed, a bill, entitled "An Act to prevent the destruction of fish in McMichael's creek."

Mr. YARDLEY, from the Committee to Compare Bills, reported that they had compared and presented to the Governor, for his approbation, the following:

"An Act to change the time of holding township elections in the county of Forest."

"An Act to change the place of holding the elections in Jenks township, Forest county."

"An Act to consolidate the stock of the Girard Bank in the city of Philadelphia."

"An Act to abolish the office of Canal Commissioners and State Engineer."

#### BILLS IN PLACE.

Mr. TURNEY read in his place and presented to the chair, a bill, entitled "An Act to authorize the school directors of Uniontown, Fayette county, to borrow money."

Also, a joint resolution relative to the pay of Theophilus Snyder, Sergeant-At-Arms, for serving writs in the Thirteenth Senatorial district.

On motion of Mr. TURNEY, the committee was discharged from the consideration of the above resolution, and the Senate resolved itself into committee of the whole on the same, (Mr. KELLER in the chair.)

Mr. TURNEY explained the resolution. The writ for the election of a Senator in the place of Mr. Buckalew, had been issued by the present SPEAKER of the Senate; and for serving the requisite notices, the Sergeant-At-Arms had charged \$12—two dollars per day for six days—and mileage, according to law, at fifteen cents a mile.

The resolution was adopted.

Mr. WELSH read in place a joint resolution relative to the payment of claims allowed by the late Board of Canal Commissioners.

On motion of Mr. RANDALL, the Committee on Finance was discharged from the consideration of this resolution, and it was brought before the Senate in committee of the whole; (Mr. MARSELIS in the Chair.)

Said resolution was read a second and third time and passed.

Mr. BELL, "A supplement to an act in reference to running locomotive engines and cars on connecting railroads."

Also, a bill, entitled "An Act relative to certain mortgages therein stated."

Also, "An Act relative to aldermen and justices of the peace."

Mr. SCHELL, a bill, entitled "An Act to incorporate the Johnstown and Ashtola railroad company."

Also, "A further supplement to an act incorporating the Duncannon, Landisburg and Broad Top railroad company, and changing the name thereof to the Pennsylvania Pacific railroad company."

Mr. PALMER, "A supplement to an act for the limitation of actions."

Mr. BALDWIN, "A further supplement to an act appointing commissioners to lay out a State road in Lancaster county."

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. GREGG, a bill, entitled "A further supplement to an act incorporating the Tyrone and Lock Haven railroad company."

On motion of Mr. BLOOD, Senate bill No.

64, "An Act relative to the board of revision in Elk county."

Mr. TURNEY moved so to amend this bill as to make its operation general; which was agreed to.

On motion of Mr. PARKER, Senate bill No. 60, "An Act relative to pawn brokers in the city of Philadelphia."

On motion of Mr. BELL, Senate bill No. 35, "An Act to extend the power of prothonotaries and clerks to administer oaths."

Mr. MARSELIS moved to amend this bill by inserting the following words:

"Provided, It does not apply to the city and county of Philadelphia."

Mr. MARSELIS did not know, but he thought the bill might work serious difficulty. It was, so far as he understood the purport of it, interfering with the province, and tended to reduce the fees of magistrates, and to give to the prothonotaries, who are already amply provided for, additional income in their offices. There are, he said, many magistrates who barely make a living, in the discharge of the duties of their office, and he thought this interference with them, by taking away a portion of their legitimate fees, unjust and injurious.

Mr. BELL explained that the bill had passed the Senate last winter and went to the House, where for want of time it failed to receive its sanction. The simple object of the bill is to have Prothonotaries qualified to administer oaths, when the services of a magistrate cannot be readily obtained, in cases where any defect existed in papers relating to titles to real estate, &c. He was not aware that the office of magistrate was instituted for the purpose of affording a living to any man. Magistrates and aldermen, in the cities, might accept the office with a view to profit, but in the country the office is accepted by citizens merely for the accommodation of their neighbors, and for the good of the community.

Mr. SCHELL remarked that the section may be all right, but it wears upon its face the appearance of not being right. It is possible that large estates, both real and personal, may be dependent upon this section, and involving large interest may work injustice.

Mr. BELL further explained the object of the bill to be to cure any defects in affidavits made in certain cases. There could be no objection to the bill upon the ground that it is calculated to work injustice, and he hoped it would pass.

The amendment was adopted, and the bill, as amended, finally passed.

#### ORIGINAL RESOLUTIONS.

On leave given, Mr. COFFEY offered the following resolution:

*Resolved*, That 500 copies of the fifth volume of the transactions of the Pennsylvania State Agricultural Society be printed for the use of the Senate, and that the secretary of said society is hereby authorized to prepare the same for publication, provided the cost shall not exceed that of former years.

Mr. COFFEY rose in explanation of the resolution. It had been usual, heretofore, for the Senate to order a number of copies of the transactions of the society for distribution. There had already been four volumes issued and distributed, and as he understood the transactions of the society are now ready for publication, it is desirable that the present volume should be in the form of the previous volumes. It was a document which it was perfectly proper for the Legislature to distribute, as the information which it contained was of vast importance to the agricultural interests of the State. There was no document which his constituents had called upon him for more than for this, and he considered the resolution providing the Senate with them in accordance with custom, and eminently proper.

The resolution was twice read, considered and adopted.

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. STEELE, Senate bill No. 13, "An Act incorporating the Hollenback and Hanover turnpike road company."

Mr. MYER moved the postponement of this bill. Agreed to.

#### BILL IN PLACE.

On leave given, Mr. SHAEFFER read in his place and presented to the chair, "A supplement to an act incorporating the Green and Coates Street passenger railroad company."

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. PALMER, Senate bill No. 40, "A supplement to an act providing for the erection of a house of employment for the poor in Schuylkill county."

On motion of Mr. WELSH, Senate bill No. 97, "An Act relative to dogs in York county."

This bill lies over on second reading.

On motion of Mr. SCHELL, Senate bill No. 95, "An Act authorizing the school directors of the borough of Bedford to borrow money, and for other purposes."

On motion of Mr. TURNEY, Senate bill No. 101, "An Act authorizing the school directors of Uniontown, Fayette county, to borrow money."

Mr. WELSH moved to amend, by striking out the clause exempting this school property from taxation.

Mr. TURNEY thought the clause of the bill which it was proposed to strike out, was based upon safe and just principles, and that, in exempting this species of property from State taxation, for a specified period of time, the Senate would not be traveling out of the general principle to which it had adhered. If there was any system around which the strong, protecting and fostering arm of the law should be thrown, it is that of the public schools, which have told, and are continuing to tell, with so much effect upon the general interests of the State. When the revenues derived from the usual sources, for the sustenance of this important system, are insufficient, and come short of providing for the educational wants of a school district, it is no more than right that the school directors should be empowered to borrow money, from any source where it can be obtained, in order that the public schools may be sustained, and that, too, without being liable to taxation upon the amount so borrowed. The amount which the State would derive from a tax upon the amount proposed to be borrowed, is a very inconsiderable one to the State at large; but it is much to the school district. The principle of it was correct; and he was ready to vote for any bill of this character, believing, as he did, that the State should not hesitate, in any instance, to lend its fostering hand to the system which it should take so much pride in building up, and upon the success of which so much depends.

The bill, he said, simply proposed to exempt the amount from taxation for a certain period. If, at the expiration of that period, the money is not paid, it is liable to the same burthen as is imposed upon all other moneys subject to taxation. He believed there was great merit in the bill; and it was but a simple act of justice that the State should lend its fostering care to all purposes where a general good was contemplated. The same liberality should, at least, be extended to the common schools, as has been frequently extended to other interests by the Legislature—to cemeteries, to institutions for the insane, the halt, the blind, which do not contribute one dollar to the treasury of the State. The passage of this bill would be no infringement upon the general principle. By that principle, school houses are exempt from taxation, and yet it is proposed by this amendment to tax the money which is borrowed for the purpose of erecting a school house. When the



school directors are compelled to resort to other means than legitimate taxation, for the purpose of sustaining the public schools, he considered it but just that the amounts actually demanded to sustain the system should be exempt from the burthen imposed in other cases. It was not right for the State, when the school district was not embarrassed, to lay its broad palm upon it, with the crushing effects which will result from the amendment of the section as proposed.

Mr. WELSH remarked that the object which he had in view in offering the amendment had been attained. He merely wished to bring the question before the Senate, that it may decide whether cases of this kind should be liable to the usual taxation, or exempted. He agreed with the Senator from Westmoreland, that the State should extend its fostering hand to the public school system, in every way possible, not inconsistent with the principles of right. He had always voted against any proposition to exempt the property of any company or corporation from taxation, and he should continue to vote against it. But in the present case, we have a different principle presented, and he was glad that the Senate had an opportunity to decide upon the question which had been raised by his amendment.

Mr. HARRIS remarked that the Senate had passed a bill similar to this a few days ago.—He agreed with the Senators who had preceded him, as to the duty of the State in lending its fostering hand to the common school system of the State, and he hoped the bill would pass without the amendment.

The amendment was not agreed to.

Mr. SCHELL moved to re-commit Senate bill No. 95, for the purpose of inserting the amendment stricken out by the committee, exempting school property in Bedford county from taxation.

On the question, will the Senate agree to the motion? It was decided in the affirmative, and the bill passed as amended.

On motion of Mr. PALMER, House bill No. 106, "An Act changing the place of holding elections in West Branch township, Potter county."

Mr. PALMER presented a preamble to said bill, for the purpose of obviating the Governor's objections to such acts; which was adopted.

On motion of Mr. CRAIG, Senate bill No. 98, "An Act relative to the destruction of fish in M'Michaels creek."

The hour of one having arrived, the SPEAKER adjourned the Senate until to-morrow morning at 11 o'clock.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, Jan. 26, 1859.

The House was called to order at the usual hour by the SPEAKER.

Prayer was offered by the Rev. Charles A. Hay, of the Lutheran Church, Harrisburg, Pa.

The Clerk proceeded to read the Journal of yesterday; when,

On motion of Mr. MANN, the reading of the same was dispensed with.

The SPEAKER laid before the House a communication from the Attorney General, transmitting the estimated contingent expenses of that department—and recommending the increase of the salary of the Clerk from \$500 to \$800 per annum. (Referred to Committee on Ways and Means.)

Agreeably to order, the House proceeded to the second reading and consideration of bills on Private Calendar. The following were accordingly taken up and passed finally; and ordered that the Clerk present the same to the Senate for concurrence:

No. 22. "An Act repealing the act relative to roads and bridges in the county of Mercer, approved the 2d day of April, 1845, extending an

act relative to roads and bridges in the counties of Crawford, Clearfield and Greene, approved May 7, 1844."

No. 23. "An Act relative to the opening and making of new roads and building of bridges in the township of West Marlborough, in the county of Chester, and relative to repairing the roads in said township."

No. 24. "An Act declaring Plunkett's creek, in Lycoming county, a public highway."

No. 26. "A further supplement to an act authorizing the Governor to incorporate the West Chester and Wilmington plank road company."

No. 34. "A supplement to sundry acts relating to the city of Pittsburg."

No. 37. "An Act to provide for the erection of a house for the employment and support of the poor of the county of Susquehanna."

No. 44. "An Act to increase the salaries of the prison inspectors of the Lancaster county prison."

No. 45. "An Act authorizing the qualified electors of the county of Delaware, at the general election in October, 1859, to elect one person to fill the offices of prothonotary, clerk of the court of general quarter sessions, oyer and terminer and orphans' court, and also one other person to fill the offices of register of wills and recorder of deeds."

No. 46. "An Act authorizing the registration of all inventories exhibited into the register's office of Lancaster county."

No. 51. "An Act providing for the recording of vendue lists, inventories and appraisements, by the register of wills in and for the county of Luzerne."

No. 58. "An Act to incorporate the Hollenback and Hanover turnpike road company."

No. 59. "An Act to appoint road and bridge viewers in the county of Somerset."

No. 60. "An Act to repeal the tenth section of the act of the 26th of April, 1852, entitled 'An Act authorizing the laying out of a State road in Montgomery and Bucks counties; relative to fishing in certain streams in Potter county, and for other purposes.'"

Sen. 29. "Supplement to an act, entitled 'An Act to incorporate the Spinnerstown and Geshenhoppen turnpike road company,' approved the 24th day of March, 1858."

No. 64. "An Act relating to the navigation of Tionesta creek and its branches."

No. 67. "Supplement to an act to incorporate the Dark Hollow New Hope cemetery company."

No. 68. "An Act relating to the Leverington cemetery company."

No. 70. "An Act to incorporate the Fairview cemetery association in Berks county."

No. 72. "An Act to incorporate the Union cemetery association of the borough of Womelsdorf, Berks county."

Sen. 3. "A further supplement to the act to incorporate the Erie City railroad company, approved 6th of April, 1853."

No. 83. "An Act relating to improvements in the city of Pittsburg."

No. 86. "An Act relative to pawn-brokers in the city of Philadelphia."

No. 89. "An Act to authorize the trustees of the Associate Reformed, now the United Presbyterian congregation, in the city of Erie, to sell certain property, and to remove the bodies of persons interred therein."

No. 90. "An Act authorizing the appointment of commissioners to run the boundary lines between the counties of Centre and Union, and Clinton and Centre."

No. 91. "An Act to incorporate the Ironton railroad and mining company in Lehigh county."

"A further supplement to the act to incorporate the Erie city railroad," came up in order.

Mr. LAIRD moved to amend the same, by adding the following; which was agreed to:

*Provided, That the rights and privileges here-*

by conferred, shall be forfeited, unless the said railroad company shall have, within two years from the passage of this act, graded, bridged and completed, ready for the superstructure, at least ten miles of the road within the county of Erie.

Said bill was then read the second and third time, and passed finally.

"A further supplement to the act incorporating the Pittsburg and Erie railroad company," came up in order, and was read the second time.

Mr. LAIRD moved that the bill be postponed for the present.

Mr. ROSE hoped that no such postponement would take place, and did not know why it was proposed. The object of the bill was merely to extend the charter of the company. The gentleman from Erie, (Mr. LAIRD,) should have stated his reasons for postponement. There were many reasons why the bill should be passed at once; and to illustrate these, he would narrate a portion of the history of the Pittsburg and Erie railroad company.

The Pittsburg and Erie railroad company was originally chartered in 1846, and the last section of the act of incorporation, set forth that if the construction of the road was not commenced within the succeeding five years, and completed within ten years—or, if after having been constructed, it was suffered to go into decay and be impassable for the term of two years, the charter should be null and void.

In 1854 a supplement was passed extending the charter until the 20th day of April, 1859. In view of the approach of this latter period it is necessary that, at the present session of the Legislature, another extension be granted—otherwise the company will lose all the money they have expended in the construction of the road. But there is another and stronger reason why their charter should be extended. At the last session of the Legislature an act was passed incorporating a new company, called the "Erie and Pittsburg railroad company;" the position which they assumed was necessarily antagonistic to the old corporation. When the bill was pending in the House, the speaker had offered no objection, except to protect the rights of the old company.

In support of the Pittsburg and Erie railroad company, the county of Mercer had issued bonds to the amount of \$150,000—\$70,000 worth of these bonds were cancelled by a decision of the supreme court—but \$80,000 worth were allowed to remain, in consequence of having been transferred and used in the construction of a portion of the road—and, in addition to this, private individuals had also subscribed large amounts of money, and pledged their property as a security for the payment—and in fact some of them were on the very verge of insolvency on account of the failure of the enterprise.

In view of these facts, when the act for the incorporation of the new "Erie and Pittsburg railroad company" was proposed last session, the speaker had offered an amendment; which was agreed to. This amendment made it incumbent upon the new company, in continuing their road south from Jamestown, in the county of Mercer, to occupy the railroad bed of the main line of the Pittsburg and Erie railroad company already graded, or in part graded, by and with the consent of the said Pittsburg and Erie railroad company; and to pay to the said company such sum as they could agree upon for work done, right of way, fencing, and the moneys necessarily expended in the prosecution of the work done upon that portion of the main line of said road. The bill, thus amended, passed both branches of the Legislature, and was signed by the Governor; and here the matter rested until a few days before the close of the session, when a supplement was offered and hurried through both Houses, without even going to its appropriate committee, completely re-



pealing and nullifying the amendment to the original bill, and leaving it optional with the new company to follow the line of the old company's road or not, as they should find it convenient. The effect of this supplement had been to place the old company at the mercy of the new; and just as the speaker had predicted at the time, the new company, when waited upon by the old company in reference to a compromise, offered a certain sum, not one half what the work done by the old company is really worth, and asserted that if the old company would not accept that sum, they had the power, and would build a new road along side of the one already graded by the old company.

A whole summer had been spent in fruitless negotiations, and now as the charter of the old company expired on the 20th day of April next, it was the evident intention of their antagonists to postpone the matter until after that time—and then the old company would either be compelled to take a trifling sum for their work or lose the whole of it. Some fifteen miles of the road had been graded by the old company in Mercer county, and almost ready for the rails; a large amount of money had been expended, including \$80,000 of the bonds of the county, in which every tax-payer in the county had an interest.

The speaker concluded, by appealing to the members if they would suffer any set of corporators, some of whom were not residents of the State, to rob and swindle his constituents in this manner.

Mr. LAIRD said that he did not wish to be understood as objecting to the bill; but was desirous of such a postponement as would allow him time to confer with his constituents and obtain their views.

Mr. ROSE said that the same argument had been used by the new company during the whole of last summer. The corporation of the Erie and Pittsburgh railroad company knew that the old company's charter would expire in April, and that an improper delay was their only object. The extension of the charter, as was proposed, would neither affect the constituents of the gentleman from Erie, (Mr. LAIRD,) nor would it retard, in any manner, the completion of the road, and trusted that the House would take immediate action, and pass the bill at once.

The question being taken, the motion to postpone was decided in the negative.

The bill then passed finally.

#### BILLS POSTPONED.

On motion of Messrs. GOEPP, WILLISTON and ROSE, the following bills were severally postponed for the present:

"An Act to extend to the county of Northampton the provisions of the act approved May 7, 1857, relative to the increase of pay of jurors and witnesses in the Commonwealth."

"An Act in relation to the railroad between Chambersburg and Hagerstown."

"An Act repealing part of an act declaring Big Sandy creek, Venango county, a public highway."

#### ORIGINAL RESOLUTIONS.

Mr. WARDEN submitted a resolution that 3000 copies of the report of the Auditor General on the Finances of the State, be printed for the use of the members.

Said resolution was read the second time,

And on the question,

Shall the same pass?

Mr. WALBORN said that, as he understood it, the law in existence already required that each member should receive thirty copies. He had received but seven, and was under the impression that no greater number had been distributed. He desired to know whether the House, if they passed the resolution as proposed, would not be paying twice for the same thing.

Mr. WARDEN said that the law in reference to the distribution of thirty copies applied only to the Bank report, and not to the report of the Auditor General.

Mr. WALBORN thought that it applied to both, and that the order was that 7000 copies should be regularly printed for both Houses.

Mr. WARDEN had been informed by the Auditor General himself, that the law referred only to the Bank report, but if he was convinced otherwise, would cheerfully withdraw his motion.

Mr. WALBORN reasserted the correctness of what he had stated.

Mr. MANN moved that the further consideration of the subject be postponed for the present; which was agreed to.

Mr. SMITH, (Philadelphia,) offered a resolution, that the resolution adopted a few days since, excluding Mr. C. M. Donovan from the floor of the House, be and the same is hereby rescinded, and that said Donovan be restored to all the privileges of an ex-member of this House.

And on the question,

Will the House proceed to the second reading of the same?

Mr. ABBOTT asked leave to make a statement. He had endeavored, by a proposition which he had made a few days since, to arrange this matter amicably, and desired to know now whether the two parties had made any agreement. Otherwise, there was no use in considering the subject, for the House had twice voted on the question.

The question recurring,

Shall the said resolution be read the second time?

The yeas and nays were required by Mr. SMITH, (Philadelphia,) and Mr. GOOD, and were as follow, viz:

YEAS—Messrs. Bertolet, Boyer, (Clearfield,) Brodhead, Custer, Dismant, Evans, Fisher, Fleming, Foster, Galley, Glatz, Goepf, Good, Gritman, Hamersly, Hill, Hottenstine, Jackson, Ketchum, Laird, Oaks, Pennell, Porter, Pugh, Quigley, Rohrer, Rose, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stuart, Thorn, Warden, Wilcox, Wolf and Woodring—37.

NAYS—Messrs. Abbott, Acker, Balliet, Barnsley, Bayard, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Dodds, Durboraw, Eckman, Ellmaker, Fearon, Graham, Gratz, Green, Irish, Keneagy, Kinney, Mann, Mehaffey, M'Curdy, Miller, Neall, Palm, Patterson, Peirce, Ramsdell, Rouse, Shaffer, Sheppard, Smead, Styer, Taylor, Wagonseller, Walborn, Walker, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Zoller and Lawrence, *Speaker*—48.

So the question was determined in the negative.

Mr. FOSTER offered a resolution that 5,000 copies of the report of the commissioners appointed at the last session of the Legislature to investigate the affairs of certain banks, be printed for the use of the House.

Mr. GRATZ moved to amend the same, by reducing the number to 3,000; which was agreed to.

Mr. WILCOX moved to amend the amendment, by printing 2,000 in English, and 1,000 in German; which was agreed to.

The question recurring,

Shall said resolution pass as amended?

The yeas and nays were required by Mr. WILLISTON and Mr. WILLIAMS, (Bucks,) and were as follow, viz:

YEAS—Messrs. Acker, Bayard, Boyer, (Clearfield,) Campbell, Custer, Evans, Foster, Goepf, Green, Gritman, Hamersly, Jackson, Ketchum, Laird, M'Dowell, Miller, Neall, Oaks, Patterson, Peirce, Porter, Price, Pugh, Quigley, Sheppard, Smith, (Philadelphia,) Stephens, Wagonseller, Wilson, Woodring and Zoller—31.

NAYS—Messrs. Abbott, Balliet, Barnsley,

Bertolet, Boyer, (Schuylkill,) Bryson, Burley, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Fearon, Fisher, Fleming, Galley, Glatz, Good, Graham, Gratz, Hill, Hottenstine, Irish, Keneagy, Kinney, Lawrence, (Washington,) Mann, Mehaffey, M'Curdy, Palm, Pennell, Pinkerton, Ramsdell, Rohrer, Rouse, Shaffer, Shields, Smead, Smith, (Berks,) Stuart, Styer, Taylor, Thompson, Thorn, Walker, Warden, Whitman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Withrow and Wolf—55.

So the question was determined in the negative.

#### LEAVE OF ABSENCE.

Mr. DISMANT asked and obtained leave of absence for Mr. STONEBACK, for a few days from to-day.

#### BILLS CONSIDERED.

Mr. BRYSON moved that the Committee on Judiciary be discharged from the further consideration of "An Act supplementary to an act relative to the collection of taxes in Lawrence county," and that the House proceed to the consideration of the same; which was agreed to.

Said bill was then taken up, considered and passed finally.

#### REPORTS OF COMMITTEES.

Mr. GOEPP, (Judiciary,) with a negative recommendation, "An Act relative to sheriff's sales in Lancaster county."

Mr. IRISH, (same,) asked to be discharged from further consideration of "An Act to incorporate the Mercantile library hall company of Pittsburg;" granted.

Mr. HOTTENSTINE, from the Committee on Roads and Bridges, reported as committed, "An Act to require the commissioners of Juniata county, to maintain and keep in order a certain mountain road."

Mr. DUBORAW, (same,) as committed, "An Act to allow the taxables of the borough of Butler, Butler county, to their street tax in work on the streets."

Mr. WALKER, (same,) as committed, "An Act relating to the opening and grading of new roads in Thornbury township, Delaware county."

Mr. STUART, (same,) as committed, "An Act declaring the streets and alleys in Roberts' addition to the town of Cattawissa, Columbia county, to be public highways."

Mr. CAMPBELL, as committed, "An Act in relation to the navigation of Pine creek, in Warren county."

Mr. HAMERSLY, (Corporations,) as committed, "An Act securing to the people of Philadelphia the right of free travel over certain highways."

And on his motion, said committee was discharged from the further consideration of the following:

"An Act to divide the township of Wilkesbarre, Luzerne county, into two wards."

And "An Act to incorporate the Riellandtown turnpike road company."

Mr. GLATZ, (same,) as committed, "An Act to incorporate the Presbyterian church of Harrisburg."

Mr. MILLER, (same,) with amendment, "An Act to incorporate the Butler gas company."

Also, with amendment, "An Act to incorporate the Grove cemetery of New Brighton, Beaver county."

Mr. QUIGLEY, (same,) with amendment, "An Act to incorporate the Citizens' Mutual Safety insurance company."

Mr. ACKER, (same,) with amendment, "A supplement to an act, approved April 3, 1851, entitled 'An Act regulating boroughs, so far as relates to the borough of Phoenixville.'"

Also, with amendment, "An Act to incorporate the Union mutual fire insurance company of Montgomery county, Pennsylvania."

Mr. CHURCH, (same,) with a negative re-



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 18.

commendation, "An Act to incorporate the village of Corsica, Jefferson county, into a borough."

On motion of Mr. WILCOX re-committed.

Also, with amendment, "An Act to incorporate the Central market company of Philadelphia."

Mr. PRICE, (same,) with a negative recommendation, a supplement to an act, entitled, "An Act to alter and amend, an act, entitled 'An Act to erect the town of Chester and its vicinity into a borough, and for other purposes therein mentioned.'"

Also, as committed, "An Act to incorporate the Huntingdon Valley mutual fire insurance company."

Mr. ELLMAKER, (same,) with amendment, "An Act to change the name of the Pittsburg life, fire and marine insurance company."

Mr. FISHER, (same,) as committed, Senate bill No. 44, entitled "An Act supplementary to an act chartering the Williamsport water company."

Also, with amendment, "An Act to incorporate the Mutual fire insurance company of Philadelphia."

Also, with amendment, "An Act to incorporate the Centre market company of Philadelphia."

Mr. HAMERSLY, (same,) as committed, "An Act to incorporate the Western market company."

Mr. THORN moved that the rules be suspended, and the House proceed to the consideration of the above bill; which was agreed to. Said bill was then taken up.

Mr. ACKER moved to amend by adding the following to the end of the sixth line of the second section; which was agreed to:

*Provided*, That farmers renting stalls in said market, shall not be prohibited from selling meat or meats in such quantities as they may deem proper.

Said bill was then read the second time,

And on the question,

Shall the rule be suspended, and the same be read the third time?

It was determined in the affirmative; thirty-two gentlemen voting affirmatively and twenty-four negatively.

Mr. PENNELL rose to a point of order. He said that he was under the impression that it took a two-third vote of all the members present to suspend a rule.

The SPEAKER decided that two-thirds had so voted.

The question now being,

Shall said bill pass?

The yeas and nays were required by Mr. JACKSON and Mr. PENNELL, and were as follow, viz:

YEAS.—Messrs. Abbott, Acker, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Church, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Foster, Graham, Gratz, Green, Gritman, Hamersly, Hill, Irish, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffoy, M'Curdy, M'Dowell, Miller, Neall, Oaks, Palm, Patterson, Peirce, Pinkerton, Pugh, Ramsdell, Rohrer, Rose, Rouse, Shafer, Sheppard, Shields, Styer, Taylor, Thompson, Thorn, Wagonseller, Walborn, Walker, Whitman, Wilcox, Wilcy, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Zoller and Lawrence, *Speaker*—65.

NAYS.—Messrs. Barnsley, Bertolet, Brodhead, Custer, Dismant, Fleming, Galley, Glatz, Good, Hottenstine, Jackson, Pennell, Porter, Quigley, Smead, Smith, (Philadelphia,) Stephens, Warden, Wolf and Woodring—20.

So the question was determined in the affirmative."

Mr. PIERCE, from the Committee appointed to Compare Bills, reported that they had presented the following to the Governor for his approval:

"An Act to change the place for holding the elections in Jenks township, Forest county.

"An Act to change the time of holding township elections in the county of Forest."

"An Act to abolish the office of Canal Commissioner and State engineer."

Mr. PATTERSON, (Canals and Inland Navigation,) with amendment, the "Supplement to the act to protect the public in the full benefit and enjoyment of the works constructed for the purpose of inland navigation."

Mr. SMEAD, (Estates and Escheats,) Senate bill No. 69, "An Act to confirm the title to a certain lot, late the estate of Arthur Howell, deceased;" and on his motion, said bill was taken up and passed finally.

On motion of Mr. M'DOWELL, the House took up and passed finally, Senate bill No. 79, "An Act to incorporate the Allegheny insurance company."

Mr. GALLEY, leave being given, read in his place the following:

"An Act to incorporate the Uniontown and Virginia State Line turnpike road company.—(Referred to Committee on Roads and Bridges.)

Also, "A supplement to an act incorporating the Fayette railroad company." (Referred to Committee on Railroads.)

Also, "An Act to exempt from toll, boats, barges and rafts on the Youghiogheny river."—(Referred to Committee on Canals and Inland Navigation.)

Mr. MILLER called up Senate bill No. 80, "An Act to change the time for holding spring elections in the borough of Titusville, Crawford county;" which was considered and passed finally.

Mr. BRYSON, on leave, read in place "An Act relating to the taking of depositions." (Referred to Committee on Judiciary.)

Mr. HAMERSLY, "A supplement to an act to incorporate the Second and Third Street passenger railway company of Philadelphia."

Mr. WILEY said that the original charter that had been granted to the road, provided that it should be extended northward to a certain point. The supplement which was proposed, was to oblige the company to fulfil this part of their contract.

The bill being upon its final passage,

Mr. SMITH, (Berks,) wanted to know how far it would increase the privileges of the company?

Mr. HAMERSLY said that it was merely to enable the company to fulfil a duty which should have long since have been accomplished.

Mr. PRICE thought that the bill was probably put forward under disguise.

Mr. GRITMAN doubted this.

Mr. SHEPPARD moved a postponement; agreed to.

The hour of one having arrived, the SPEAKER adjourned the House until to-morrow morning at 11 o'clock.

## SENATE.

THURSDAY, Jan. 27, 1859.

A quorum of Senators being present, the Senate was called to order by the SPEAKER at 11 o'clock, A. M.

Prayer was offered by Rev. Mr. Colder, of the Fourth Street Bethel church, Harrisburg.

The Journal was read and approved.

Mr. GAZZAM appeared in his seat.

The SPEAKER presented the annual report of the Philadelphia savings institution.

Also, the Journal of the Canal Commissionere for the last fiscal year.

The Clerk of the House being introduced presented bills for concurrence.

The Deputy Secretary of the Commonwealth presented a message from the Governor; which was read, and is as follows:

EXECUTIVE CHAMBER,  
Harrisburg, Jan. 27, 1859 }

GENTLEMEN:—I have signed and approved the following acts of the General Assembly, viz:

On the 25th inst., "An Act to consolidate the stock of the Girard Bank, of the city of Philadelphia."

"An Act to change the place of holding elections in the township of Jenks, in the county of Forest."

An Act to change the time of holding township elections in the county of Forest."

On the 27th inst., "An Act to enable the county of Warren to effect certain compromises."

WM. F. PACKER.

## REPORTS OF COMMITTEES.

Mr. TURNEY, (Finance,) reported with a negative recommendation, a joint resolution relative to the purchase of Ziegler's Manual for certain officers.

The same Senator, on leave given, asked that the Committee on Finance be discharged from the further consideration of resolutions relative to the *Legislative Record* and the tariff, both those questions having been settled by the action of the Senate; agreed to.

Mr. WELSH, (same,) with amendments, "An Act for the relief of collectors of taxes in Washington county."

Mr. COFFEY, (same,) with amendment, "An Act relative to the final report of the Geological Survey."

Also, (same,) with a negative recommendation, "A joint resolution relative to the pay of Francis W. Edwards."

Mr. GREGG, (same,) with a negative recommendation, "A supplement to an act of appropriation for 1857."

Also, (same,) with a negative recommendation, "An Act for the relief of Isaac Gulick."

Mr. RANDALL, (same,) as committed, "A supplement to an act relative to the collection of taxes in Crawford county."

Also, (same,) with a negative recommendation, "A resolution relative to the pay of commissioners appointed to investigate the condition of certain banks."

Mr. BULL, (Judiciary,) as committed, "An Act relative to action, of replevin in cases of distress for rent."

Also, (same,) as committed, "An Act to simplify legal proceedings and facilitate the recovery of claims in this Commonwealth."

Also, (same,) as committed, "An Act relative to evidence."

Also, (same,) as committed, "An Act relative to testamentary trustees."



Also, (same,) as committed, "An Act relative to costs in equity in the district court of Philadelphia."

Mr. MILLER, (same,) as committed, "An Act relative to evidence."

Also, (same,) as committed, "A supplement to an act relative to certain courts in Philadelphia."

Also, (same,) as committed, "A supplement to an act limiting actions against real estate."

Mr. MARSELIS, (Election Districts,) as committed, "An Act changing the place of holding elections in Southampton township, in Somerset county."

Mr. NUNNEMACHER, (Roads and Bridges,) as committed, "A supplement to an act incorporating the Allegheny and Buffalo Run plank road company."

Mr. FETTER, (same,) with amendment, "A supplement to an act incorporating the Hilltown turnpike road company."

Mr. RUTHERFORD, (same,) as committed, "An Act regulating street commissioners in the borough of Williamsport."

Also, (same,) as committed, "A supplement to an act appointing commissioners to view, lay out and construct a road in Lancaster and Chester counties, approved April 15, 1857."

Mr. THOMPSON, (same,) as committed, "A supplement to an act incorporating the Norristown, Bridgeport and King of Prussia turnpike road company, for authority to increase their rates of toll."

Mr. BALDWIN, (same,) as committed, "An Act declaring Knapp's creek, in M'Kean county, a public highway."

Also, (same,) as committed, "An Act declaring Plunkett's creek a public highway."

Mr. FINNEY, (Judiciary,) as committed, "An Act to prevent disturbances at public meetings."

Also, (same,) as committed, "An Act authorizing Peter Martin and others, to sell a certain school house in Lancaster county."

Also, (same,) as committed, "An Act authorizing the citizens of Butler township, Schuylkill county, to elect hereafter but one supervisor."

#### BILLS IN PLACE.

Mr. WELSH read in his place and presented to the chair, a bill, entitled "An Act to annul the marriage contract between Noah G. Ruhl and Maria Ruhl his wife."

Mr. STEELE, "An Act to incorporate the Pennsylvania mining and miners' beneficial association."

#### ORIGINAL RESOLUTIONS.

Mr. RANDALL moved to re-commit to the Judiciary Committee, a bill providing for the appointment of commissioners to receive testimony in certain cases.

Mr. SCHELL offered the following resolution:

*Resolved*, That the Secretary of the Commonwealth be requested to communicate to the Senate, a statement containing the names and locations of the several charitable and benevolent institutions which have received appropriations from the State, together with the several amounts appropriated each year to each of said institutions; and also, a brief compilation of the several acts of assembly, providing for the admission of certain unfortunate people of the Commonwealth, into said institutions.

This resolution was laid on the table, under the rule.

On motion of Mr. TURNEY, the Journal of the Board of Canal Commissioners was ordered to be printed in the *Record*.

#### HOUSE AMENDMENTS

Senate bill No. 23, "An Act to incorporate the Western market company," as amended by the House, was brought before the Senate.

Mr. WRIGHT moved that the Senate concur.

Mr. BELL moved to postpone further consideration for the present.

Mr. BELL explained that he had not seen the printed bill, and had not examined it himself. It might have been printed, for aught he knew.

Mr. RANDALL rejoined that the bill had been printed and placed on the Senate file of each member; and if the Senator had not examined it, it was his own fault, and not of the Senate or of any one else.

Mr. FINNEY understood the bill to involve a simple principle—to enable the city of Philadelphia to get rid of its old, antiquated and ridiculous market sheds, and to adopt some other plan than that of selling out of cart-tails and on curb-stones. This, it appeared, did not suit the old fogy notions of a portion of the people represented by the Senator from Chester. He believed the bill asked for, was demanded by the interests of the people of Philadelphia, and he should, therefore, vote against the proposition to postpone.

Mr. BELL replied. He did not represent any antiquated notions, nor a people who are in favor of selling their marketing on curb-stones or from cart-tails. A very large class of those whom he had the honor to represent, were farmers, whose interests were, probably, as great as those of Philadelphia itself, in the provisions of this bill.

Mr. FINNEY explained. He had made no charge that the Senator represented antiquated notions. It was simply the old fogy principle which was involved in the objections to the bill, to which he had made allusion.

Mr. BELL wished to explain the features of the bill, and the position which he and his constituents occupied with reference to it.

Mr. RANDALL rose to a question of order, as to whether the gentleman could proceed with the discussion of the merits of the bill, upon the motion to postpone?

Mr. BELL hoped the bill would be allowed to lay over, in order to allow the Senate an opportunity to examine its provisions.

Mr. RANDALL was at all times willing to do anything in his power to gratify the Senator from Chester, but in this instance, he was compelled to oppose his request. It was important that the bill should pass now, and he hoped it would not be prevented by any objections on the part of the Senator. It was illiberal in the Senator to ask it, when those alone affected by it are unanimous in its favor.

Mr. BELL remarked that an association, which had not yet their building under roof, have come here with an act of incorporation, and ask that the Legislature shall pass it hurriedly, without even the necessary time to have it printed, and for the proper investigation of its provisions. He had understood that the bill had been prepared in a great hurry, and there was doubt as to whether it fully answered the object contemplated by it. Its postponement for twenty-four hours could affect neither the interest of the parties, or detract from the merits of the bill itself; and yet he had been told by the Senator from Philadelphia that it was illiberal in him to ask its postponement for that purpose—illiberal in the representative of a large constituency, who are interested in it, to ask for that which is uniformly granted as a common courtesy!

Mr. RANDALL would like the Senator from Chester to answer how he would receive any interference or objections on the part of Senators from the city of Philadelphia, or elsewhere, in any project to build market houses in the town of Chester? But the Senator has said he had not been afforded an opportunity of examining the bill—that it had not been printed, but hurriedly passed through the Senate and House. In that he was in error. The bill had been printed, and had received the deliberate action of both branches.

The SPEAKER suggested to Mr. BELL that he should confine himself as closely as possible to the question before the Senate. The merit

of the bill were not debatable on the motion to postpone.

Mr. BELL remarked that he was simply giving a statement of facts in explanation of the bill, and not discussing its merits. The farmers of several counties, including Delaware and Chester, who have been in the habit of attending the Philadelphia markets, and of vending in the regular market stalls, are largely interested in this matter. A building was in course of erection at the corner of Sixteenth and Market Streets, to take the place of the old market sheds, and before it has been placed under roof an application has been made for an act of incorporation. The bill had passed the Senate without discussion, was sent to the House, and after a slight amendment was passed hurriedly there. That body, he understands, is now calling for the bill, for the purpose of further amendment. He had been requested, by some of those whose interests are affected by it, to arrest its passage here; and yet, when it is called up, and a request is made that it lay over for a few hours, for the purpose of affording an opportunity to examine it, the request is pronounced unreasonable. There was nothing unreasonable in it—nothing but a simple courtesy as well as right. It was not for himself that he requested it, but for the large class of farmers whom he represents. There was no necessity for this hurried action, unless there was something behind it, which he was not willing to believe.

The question being on the motion of Mr. BELL.

The yeas and nays were required by Mr. BELL and Mr. RANDALL, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Coffey, Francis, Gazzam, Keller, Miller, Myer, Palmer, Penney, Rutherford, Shaeffer, Thompson and Yardley—14.

NAYS—Messrs. Blood, Fetter, Finney, Harris, Marselis, Nunnemacher, Parker, Randall, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—14.

So the question was determined in the negative.

The motion of Mr. WRIGHT was then agreed to.

On motion of Mr. FINNEY, House amendments to the bill relative to the Erie city railroad, lie over.

#### BILLS ON SECOND READING.

Senate bill No. 97, "An Act relative to dogs in York county," was taken up.

Mr. SCHELL wished some explanation of the bill. So far as he understood it, the object is to make dogs subjects of larceny. He was opposed to this, by merely having dogs registered, without having them designated as property, by collars, or some other mark.

Mr. WELSH believed that the Senator from Bedford was in his seat yesterday, when the act of Assembly with reference to the matter was read. That contained all the information he was prepared to give, and it was upon that act that the present bill was based.

The bill was then passed finally; the title being so amended as to read, "for the protection of dogs in York county."

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. FINNEY, Senate bill No. 109, "An Act relative to collection of taxes and for other purposes, in Crawford county."

On motion of Mr. BELL, Senate bill No. 27, "A supplement to an act relative to executors and administrators." This bill lies over on 2d reading.

The Clerk of the House being introduced, presented an extract from the Journal of the House, requesting the Senate to return the bill, entitled "An Act to incorporate the Western market company."



Mr. BELL moved to re-consider the vote of the Senate on House amendments, to said bill.

Mr. RANDALL moved to postpone the motion to re-consider indefinitely.

Mr. WRIGHT said that was easier said than done. The bill had been passed by the House by a vote of sixty-five to twenty, and had been sent back to the Senate, where it had received its concurrence. It was not now in the hands of the Senate, and could not be sent back, unless the vote by which it had passed was re-considered.

Mr. RANDALL did not wish to reflect upon the House or any member of it, nor would he so reflect; but he had not been blind to the influences which had been at work to prevent the passage of this bill, in the lobby and outside.—There had been no objection to the bill, on the part of the city delegation, with one exception, and it had received the sanction of the House by a large majority. The objects of the bill were simple and unobjectionable, and he must object to this unusual, unheard of course of legislation. He would not allow, with his vote, any measure to pass hurriedly through the Senate; and although he had been charged, in a city weekly paper, with having "snaked" this bill through, he appealed to the Senators if he had ever exhibited indecent haste in urging upon this body any bill. This act, he said, had been passed in the regular way, had been reported, read and printed, and every possible opportunity afforded to Senators and others to examine its provisions.

What, he asked, can be the object of this request of the House? If its return is desired for the purpose of amendment, cannot that be as well done here as in the House of Representatives? The Senate was not rightfully called upon to send back a bill to the House, which had been passed in the regular form in that body, and which has received the concurrence of the Senate. If there is anything wrong in the bill, he continued, let the Senator from Chester indicate it; but he asked if the Senate would not lower itself by complying with a request, made without any show of reason or precedent?

Mr. BELL rejoined, that the Senator from Philadelphia had made the most extraordinary proposition which it had ever been his fortune to hear—that a co-ordinate branch of the Legislature would lower itself by acceding to a request made by the other. He challenged the production of a single instance, in the legislative history of Pennsylvania, where a request had been refused, or where, within one hour, the bill requested to be sent back had not been returned. He asked the Senate whether they were prepared to say to the House of Representatives of Pennsylvania, we will not grant your request—you have no right to demand it!

As respects the bill itself, he knew nothing with regard to it, save that which was patent on its face. He knew only that some of his constituents had come here and asked him to arrest the bill, in order that they may be satisfied that it answers the object desired. He advocated a return of the bill to the House, not with a view of defeating it, but simply in compliance with a respectful request made by that body, and in compliance with the wish of his constituents. What objection, he asked, could there be to returning the bill to the House, in order that they may look at it, and if there is anything wrong, repair it? To the respectful request that it shall be sent back, shall the Senate tell them, contemptuously, no; you shall not have it—we have passed the bill, and we will not return it? Will the Senate, composed of thirty-three men, presumed to be selected for their integrity and intelligence, say to their brethren of the other House—who are more immediately elected by

the people, and who more directly represent their views—you shall not have it in your hands, because you have once passed it, and sent it here for our concurrence? He only desired that the Senate shall tender to the other branch that honor and respect which is due them. The motion to return the bill was simply made for the purpose of affording the House an opportunity of examining it, and making such amendments as it required. They were entitled to the ready compliance of the Senate in honor and courtesy.

Mr. WRIGHT considered the question a somewhat complicated one. He understood that the bill had already been transcribed and put in the hands of the Governor for his signature. It would require a joint resolution to call it back from the Governor; which he considered entirely unnecessary.

As to the merits of the bill, he was free to confess, there were a few features in it which did not meet with his approbation; yet in the main he was in favor of it. All that the parties desired, was to have a charter to build a market house, to answer the wants of the community, in lieu of the old sheds, which are to be removed. Previous to asking for an act of incorporation, they had expended a large sum for the purchase of a suitable lot, and other preliminaries to the erection of their building. The bill extending to them the privileges asked for, had received the approbation of the entire delegation from the city; and upon the vote to re-consider it in the House, to-day, there was only one member of that delegation in favor of it. So far as the butchers were concerned, he believed them to be as honorable a set of men as any other. An effort had been made to squeeze money out of them to procure the passage of the bill; and they had been sought, requested and threatened in the house and out of it—at home and elsewhere—for the purpose of laying them under contribution.—He fully exonerated the House from any dishonorable motive in regard to the matter; but there were parties who had pressed the company to the wall, for the purpose of obtaining money from them.

Before closing his remarks, he would state that the grant to this company could not possibly be a monopoly. Three other companies will be here this winter asking for the same acts of incorporation—demanded by necessity, in the removal of the market sheds of the city. The company did not desire an exclusive monopoly. The enterprise may even prove a failure; but it is one in which many persons were interested, among them farmers of Delaware and Chester counties, who were stockholders. He hoped the Senate would not stultify itself by re-considering the bill, thereby giving countenance to the outside pressure which had been used, and which was ever ready to be used, to secure the passage of measures by the Legislature.

Mr. GREGG remarked that the whole thing was to him just about as clear as mud, and he rose to ask for information. He did not see how the bill could be properly before the Senate, or how the discussion upon it was in order.

The SPEAKER explained the question as it was before the Senate, and remarked that the debate was in order.

Mr. FINNEY said that there was one view, alone, in which the question was presented to the Senate. He simply found before it a bill to incorporate a company for the purpose of erecting a market house in the city of Philadelphia, which was demanded by the necessities of the people. There was no interference with others—the rights of no one were intruded upon; but without any dissent on the part of the delegates from the city, the bill had been passed, extending to them the simple privilege desired. If there was anything wrong in the bill, why did not the House intimate to the Senate, when

sending a request that it should be returned, what that wrong is? There should, certainly, be some reason assigned, why, after its passage in both the House and Senate, it should be re-considered and returned. It was strange that objections should be raised to it by the Senator of another district, when it had received the concurrent support of the city representatives here, in both branches. If the Senator from Chester had any objections to the bill, he should be able to put them in proper form. It had been passed without fraud, in the usual deliberate way, had been printed, read and considered, and yet the Senator asks that it may be arrested and sent back to the House, without any other reason being assigned than that some of his constituents think there may be objections to some of its provisions.

Mr. BELL explained that he had made no such allegation. The reason why he had asked that the bill may be returned, is simply because the House of Representatives had desired it.

Mr. FINNEY, in continuation, remarked that that did not alter the question at all. The simple fact that the House sent a request here, furnishes no reason why it should be returned, after having been passed by this body. They had no right to demand a return, and simple courtesy to the Senate required that the request should be accompanied with a reason.—For himself, he did not feel bound to take every step asked for by the House; and in this instance, he thinks it but just that some good reason should be furnished for the demand.—He considered the bill perfectly harmless, and unless some reason can be assigned, other than that given by the Senator from Chester, why the bill should be returned, he should vote against the motion. So far as any discourtesy is concerned, he did not consider it disrespectful in the Senate to take possession of any bill and exercise its own judgment with regard to it. If he was ever discourteous himself, it may be the fault of education or breeding; but when he was prepared to vote, as a Senator, it was his right to do so, without having his motives questioned or impugned. He was opposed to these delays in the passage of local bills, for the alleged purpose of investigation. They had grown too frequent, and it was time that the Senate should be more prompt in its action.

Mr. RANDALL observed that the Senator from Crawford had so much more plainly and ably stated the question than he could hope to do, that he was not disposed to trouble the Senate with anything further upon it. He could not avoid, however, making a single remark.—The Senator from Chester does not rest his objections on anything which is wrong in the bill. He says it may be all right, just and proper; yet when he had asserted, for the information of the Senator, that his constituents had been kindly provided for, and that there was nothing to which any reasonable objection could be taken by them to the bill, he asks that its passage may be delayed, in order that an opportunity may be afforded for examination. He could not but regard the request as an unreasonable one, and he hoped it would not be acceded to by the Senate.

Mr. BELL repeated what he had said before, and what he was compelled to repeat now.—Neither he nor his constituents had presented a request for the return of the bill. It had been made by the House of Representatives, and the simple question was whether the Senate would be courteous enough to accede to that request, or refuse it. It was a request which had never been refused, from the origin of this body to the present hour; and shall the Senate refuse it now? Shall we say, scornfully and contemptuously, to a co-ordinate branch of the Legisla-



ture, that we will not comply with a request, courteously made?

The Senator from Crawford intimates that because this is a bill affecting only local interests, that other Senators have no right to interfere in its passage. And yet, it appears, the Senator himself, has come to the rescue of a local bill. He cared not whether the question was a local or general one; he considered it his duty to investigate it.—He did not represent a single or local interest, he represented every part and every interest of Pennsylvania. This bill did affect, and largely too, the interests of his constituents; and although there had been no reason assigned for its return to the House, the simple fact that a request has been made pre-supposes a reason. Shall the Senate send to the House requesting it to furnish a reason? If we did so, they might say to us, "None of your insults;" for it would be an insult thus to treat with discourtesy their request, appropriately made.—He knew nothing of the bill, but it was enough for him to know that the House have preferred a request which the Senate dare not, (he said it advisedly,) dare not refuse, without a violation of legal and parliamentary propriety.

The hour of one having arrived while Mr. BELL was speaking, the SPEAKER requested him to suspend his remarks, retaining the floor for to-morrow.

The Senate was then adjourned until to-morrow morning at 11 o'clock.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, January 27, 1859.

The House was called to order by the SPEAKER.

Prayer was offered by the Rev. Charles A. Hay, of the Lutheran Church, Harrisburg.

The Clerk proceeded to read the Journal of yesterday.

Mr. CHURCH moved that the further reading of the same be dispensed with.

Mr. PENNELL said that in the *Patriot and Union* of this morning, in reference to the market bill, which was yesterday before the House—

The SPEAKER interrupted the gentleman by inquiring whether he was about to speak upon the motion before the House?

Mr. PENNELL. I thought that I had the floor.

Mr. WILLIAMS, (Bucks.) I hope that the reading of the Journal will not be dispensed with, but that it will be read this and every other morning. The allegation has been made by gentlemen that the printer of the *Record* does not give us true accounts, and by the reading of the Journal, if there are any errors, the House will be able to correct them.

The motion to dispense with the reading of the Journal was not agreed to, and the Clerk concluded.

Mr. PENNELL asked leave to make a statement. Leave being given, he said that in the *Patriot and Union* of this morning, he found the vote recorded which had been taken yesterday upon the final passage of Senate bill No. 23, entitled "An Act to incorporate the Western market company." He asked that this vote should be put upon the Journal of the House.

The SPEAKER. How does the gentleman propose to do it?

Mr. PENNELL. By a motion to that effect.

The SPEAKER. The Clerk informs me that the vote, as recorded in the paper alluded to, is not correct. Will the gentleman make some motion?

Mr. PENNELL. I will then move that the vote be placed upon the Journal.

Mr. LAWRENCE, (Washington.) Were the yeas and nays called?

The SPEAKER. They were not. The object of the gentleman from Delaware, (Mr.

PENNELL,) can only be accomplished by a motion to re-consider the vote by which the bill was yesterday passed.

Mr. WILLIAMS, (Bucks.) I will make a motion to that effect.

Mr. THORN. Is the bill now in possession of the House, or has it been taken out?

The SPEAKER. I am informed that it has gone to the Senate.

Mr. THORN. Then it cannot be re-considered.

Mr. PENNELL. I am instructed to say, that if necessary, it will be sent back, and will make a motion to that effect, if it cannot be done otherwise.

The SPEAKER. It can be done.

Mr. WILLIAMS, (Bucks.) We of the border counties of Philadelphia feel a deep interest in this matter, and as the gentleman from Delaware, (Mr. PENNELL,) is not satisfied that his constituents have been sufficiently cared for and represented, I hope that the members from the rural districts will let the vote come up for re-consideration. What kind of use is there in putting bills through which are relative to Philadelphia, at a two-forty rate, and to make motions that the rules be suspended and such bills passed instant? I hope that a re-consideration will take place.

Mr. THORN supposed that when the House suspended the rules yesterday, and passed the bill, they knew what they were about, even if the gentleman from Bucks, (Mr. WILLIAMS,) did not exactly understand the matter.

Mr. HAMERSLY rose to a point of order. The bill could not be re-considered if it was in the hands of the Senate.

The SPEAKER. It can be done, by a motion to that effect, even after it has gone into the hands of the Senate.

Mr. HAMERSLY. It must be done before.

The SPEAKER. The motion to re-consider the vote is in order.

On the motion to re-consider, the yeas and nays were required by Mr. WILLIAMS, (Bucks,) and Mr. ECKMAN, and were as follows, viz:

YEAS.—Messrs. Acker, Balliet, Barnsley, Bayard, Bertiolet, Boyer, (Schuylkill,) Brodhead, Bryson, Campbell, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Fleming, Galley, Glatz, Good, Graham, Hill, Hottentstine, Jackson, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, M'Curdy, Oaks, Palm, Pennell, Peirce, Pinkerton, Porter, Price, Quigley, Ramsdell, Rouse, Shaffer, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Taylor, Thompson, Wagon-seller, Walker, Warden, Whitman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf, Woodring and Lawrence. *Speaker*—59.

NAYS.—Messrs. Abbott, Church, Evans, Fearon, Fisher, Foster, Gratz, Gray, Green, Hamersly, Harding, Irish, Keneagy, M'Clain, M'Dowell, Miller, Pugh, Rohrer, Rose, Shepard, Shields, Styer, Thorn, Walborn, Wiley, Williston, Wood and Zoller—28.

So the question was determined in the affirmative.

The question again recurring,

Shall said bill pass?

On motion of Mr. PENNELL, the further consideration of the same was postponed for the present.

Mr. LAWRENCE, (Washington,) offered a resolution that the Senate be respectfully requested to return said bill to the House; which was read the second time.

Mr. LAWRENCE said that if the bill was to be returned from the Senate, a request must be made in the decorous manner contemplated by his resolution.

Mr. HAMERSLY said that the passage of the resolution would accomplish nothing, inas-

much as the Governor could not return the bill to the House, when it had originally come from the Senate.

The SPEAKER. The bill, I understand, has not yet gone to the Governor, but is in the Senate.

Mr. HAMERSLY. I am informed by a member that the bill has gone to the Governor for his signature.

Mr. LAWRENCE, (Washington.) If the gentleman, upon his honor, will make this statement, I will withdraw the resolution.

The SPEAKER. The gentleman cannot withdraw his resolution. It is in the hands of the House.

Mr. HAMERSLY. I will not assert positively, but have been so informed. I think it is decidedly out of order to re-consider it when it is not in the House.

Mr. THORN. My colleague from Philadelphia, (Mr. HAMERSLY,) has said just what I intended to say, when I was decided out of order by the SPEAKER, although I had only said, "Mr. SPEAKER."

Mr. SMITH, (Berks,) asserted positively that the bill was in the hands of the Senate, and had not gone to the Governor.

Mr. LAWRENCE, (Washington,) I hope that the resolution will pass.

And the resolution passed finally.

#### MESSAGE FROM THE GOVERNOR.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, in writing, informing the House that he had approved and signed the following bills:

"An Act to consolidate the stock of the Girard Bank."

"An Act to change the place of holding elections in Jenks township, Forest county."

"An Act to change the time of holding township elections in the county of Forest."

"An Act to enable the county of Warren to effect certain compromises."

The SPEAKER laid before the House a communication from the Canal Board, accompanied with a copy of the Journal of that Board for the last fiscal year.

Also, a statement of the Philadelphia savings fund society.

#### PETITIONS, &c., PRESENTED.

Mr. MANN read in his place and presented to the chair the petition of surveyors of Potter county, for an increase of pay when employed on road views.

Also, one from citizens of Potter county, asking for the repeal of the act of 20th April, 1858, regulating the sale of intoxicating liquor; and also for the passage of an act to prohibit the peddling of alcoholic, malt or brewed liquors within the State.

Mr. KINNEY, two from citizens of Bradford county, for a law for the assessment and recovery of damages upon the line of the North Branch canal.

Mr. BOYER, (Schuylkill,) one from citizens of Schuylkill county, relative to the late Jno. Pott, deceased, and lot-holders and inhabitants of the original town plot of Pottsville, praying for the repeal of a certain act relating to a burial ground and school house in said borough, and against any further legislation relative to the same.

Mr. ACKER, a memorial of the Kennet monthly meeting of progressive friends, asking for the enacting of a law to prevent the rendition of fugitive slaves.

Mr. LAIRD, two from citizens of the borough of Wattsburg, and surrounding townships, praying the Legislature to pass an act authorizing and requiring the commissioners of Erie county, to pay annually to the treasurer of the Wattsburg agricultural society the sum of \$100.

Also, two from citizens of Wattsburg and townships of Amity and Venango, in the county of Erie, praying for the passage of an act



incorporating the Union school directors of the borough of Wattsburg.

Mr. BURLEY, three from citizens of Blair county, for an additional appropriation to aid in the erection of a monument to the citizens of Pennsylvania who died in Mexico.

Also, one from citizens of Cambria, Clearfield, Indiana and Jefferson counties, for a new county, to be called Pine.

Mr. THOMPSON, one from citizens of Penn township, Butler county, for a change in the road laws.

Also, a remonstrance against the incorporation of the Penn steam engine, steamship and steamboat company.

Mr. WILLIAMS, (Bucks,) a petition from citizens of the township of Tinicum, Bucks county, for the passage of an act giving the freemen the right to elect one person to collect State and county taxes for each ward or borough in this Commonwealth, or at least so far as the township of Tinicum is concerned.

Mr. WILCOX, one from citizens of McKean county, relative to the East and West State road in said county.

Mr. BRODHEAD, one from citizens of Monroe county, asking for the passage of an act declaring M'Michael's Creek in said county a public highway, and to prevent the destruction of fish, &c.

Mr. BARNESLEY, one from citizens of Bucks county, asking that the office of sealer of weights and measures may be abolished in said county.

Mr. PENNELL, one from one hundred citizens of the borough of Chester, for the enactment of a law amending the charter of said borough, so far as to equalize the taxation for borough and ward purposes upon all real estate; to extend the powers of council with respect to the curbing and paving of side walks; to provide means for the collection of taxes on unimproved lots, and to appropriate the tax upon dogs to school purposes.

Mr. WOLF, one from merchants and citizens of the borough of York, praying for the repeal of the law authorizing the appointment of an auctioneer in said borough.

Mr. ABBOTT, one from physicians and other citizens of Philadelphia, praying for the enactment of a law for the city of Philadelphia, securing the systematic registration of births, marriages and deaths occurring therein.

Mr. EVANS, one of like import.

Mr. ELLMAKER, one from citizens of Clay township, Lancaster county, asking for the passage of an act to authorize Peter Martiu, and others, trustees, &c., to sell a certain school house and lot in said township.

Mr. WHITMAN, one from citizens of Dauphin county, for the repeal of the law creating the office of sealer of weights and measures, so far as relates to said county.

Mr. HOTTENSTINE, one from citizens of Northumberland county, for the passage of an act (subject to the express assent of the electors of said county) annexing a part of said county of Northumberland to Union county.

Mr. BAYARD, one from citizens of Pittsburg, in favor of the construction of the Citizens' passenger railway in said city.

Mr. ROHRER, one from thirty-nine male, and seventy-two female citizens of Wayne township, Armstrong county, asking for a prohibition on the sale of intoxicating liquors within this State.

Also, one from citizens of Armstrong county, praying for a revision of the school laws, particularly that portion relating to the county superintendency.

Mr. M'DOWELL, two from citizens of Pittsburg, in favor of the Citizens' passenger railway, and two remonstrances against the construction of the same.

Also, one numerous signed by citizens of

Plum township, Allegheny county, and Franklin township, Westmoreland county, praying for the establishment of a new school district out of parts of said townships.

Mr. WARDEN, one from sundry citizens of school district No. 2, Mt. Pleasant township, Westmoreland county, for the passage of an act abolishing the office of county superintendent.

Mr. STEPHENS, one from citizens of Salem township, Wayne county, for an alteration of the road laws in said township, similar to that of Lenox township, Susquehanna county.

Mr. LAWRENCE, (Washington,) five petitions from citizens of East Finley township, Washington county, for the repeal of an act providing for the location of a State road through Washington and Greene counties.

Also, four of like import from Rockhill township, Greene county.

Mr. FOSTER, one from Rev. James Gray, asking the passage of an act declaring Eliza N. Kramer his adopted child.

Also, two remonstrances from ninety-seven citizens of Pittsburg, against the construction of a passenger railway in said city.

Mr. IRISH, two of like import.

Mr. ZOLLER, one of like import.

Mr. GALLEY, three from citizens of Fayette county, praying for a change in the manner of collecting taxes in said county.

Also, one signed by one hundred and sixty-five citizens of Fayette county, praying that boats may be exempted from toll on the upper Youghiogheny.

Mr. ROSE, a petition from one hundred and ten citizens of the borough of West Greenville, in Mercer county, praying for the passage of an act changing the mode of electing town councilmen for said borough.

Mr. WOOD, two from citizens of Philadelphia, in favor of the modification of the auction laws now in force in said city.

Also, a remonstrance from same, against the incorporation of the Penn steam engine, steamship and steamboat company.

Mr. MILLER, two from citizens of Crawford county, praying for the erection of a new county out of parts of Crawford, Warren and Venango counties.

Mr. SHIELDS, one from citizens of Allegheny and Westmoreland counties, praying for the passage of an act for the relief of Rachel George, widow of an old soldier.

Mr. SMITH, (Berks,) one from citizens of Berks county, for the more speedy and effective punishment of trespassing upon farms.

Also, one from citizens of Longswamp township, same county, for the passage of an act enlarging the powers of supervisors in the collection of road taxes in said township.

Mr. BERTOLET, nine from boatmen engaged on the Schuylkill canal, from Montgomery, Berks and Schuylkill counties, asking that a law be passed requiring all ascending boats to keep on the tow path side of the canal.

Also, one from citizens of Reading, Berks county, asking an additional appropriation for the erection of a monument in honor of the soldiers who lost their lives in the Mexican war.

Mr. PEIRCE, one from forty-three citizens of Chester and Montgomery counties, for an extension of mechanics' liens on buildings in said counties.

Also, a memorial of the quarterly meeting of progressive friends of Chester county, for the passage of an act to prevent the rendition of fugitive slaves.

Mr. RAMSDELL, a petition of citizens of Venango county, praying for an alteration in the mode of collecting State and county taxes.

Also, a petition of citizens of President township, Venango county, praying for a law to restrict the directors of said county in assessing taxes for school and building purposes.

Mr. GOEPP, seven remonstrances from citizens of Northampton county, against the removal of the seat of justice.

Also, a petition from same, for the passage of an act to regulate the fees of county commissioners, county auditors, directors of the poor, jurymen and witnesses, in said county.

Mr. WILSON, one from citizens of Beaver county, for the passage of an act requiring the Cleveland and Pittsburg railroad company to fence their road in said county.

Mr. PORTER, four remonstrances from citizens of Cambria county, against the proposed erection of the new county, to be called Pine.

Mr. PATTERSON, one from several hundred citizens of Union county, for the passage of an act authorizing the laying out of a certain State road in certain counties.

Also, one from citizens of Clinton, Centre and Union, of like import.

Mr. HARDING, one from citizens of Philadelphia, in favor of the repeal of the half pilotage law.

Mr. HAMERSLY, the petition of Emily S. Fry, late Emily S. Gregg, asking to be divorced from her husband, Horace P. Fry.

Mr. WILLISTON, one from citizens of Liberty township, Tioga county, for a modification of the present militia law.

Mr. JACKSON, a petition from citizens of Wyoming, Luzerne and Bradford counties, asking for the passage of an act authorizing the assessment of damages arising from the location and construction of the North Branch canal, and making provision for the payment of the same.

Mr. PRICE, a petition of the officers of the Mount Joy savings institution of Lancaster county, praying that the name of the said institution be changed to that of the Mount Joy Bank; and that said bank be allowed to issue bank notes of a denomination of not less than ten dollars, and an increase of its banking capital, with accompanying affidavits of notice of publication, of application, &c., in newspapers.

#### BILLS IN PLACE.

Mr. FISHER, leave being given at this time, read in his place and presented to the Chair, "A supplement to the act incorporating the Railroad car spring manufacturing company." (Referred to Committee on Corporations.)

Mr. HOTTENSTINE, "An Act changing the venue of a certain action from Union to Northumberland county." (Referred to Committee on Judiciary.)

Mr. M'DOWELL, "An Act relative to ordinances in the city of Allegheny."

Mr. MILLER, "An Act to provide for the erection of a new county, to be called Marion, out of parts of Crawford, Warren and Venango counties." (Referred to Committee on New Counties and County Seats.)

Mr. PINKERTON moved that the rules be suspended, and that the House proceed to the consideration of the bill just read by Mr. HOTTENSTINE.

Mr. PATTERSON hoped not. He wished to see the bill remain in the hands to which it had been referred. He desired the committee should ascertain the facts in the case.

The question being taken, it was determined in the negative.

Mr. WALBORN offered a resolution that the Committee on Printing be requested to inquire what documents, and the number of copies thereof, each member is entitled to receive, under existing laws, and to report at as early a day as practicable.

Mr. WALBORN said that he had spoken yesterday relative to the small number of copies of the Auditor General's Report, which he had received. The foreman of the State printing office had since waited on him, and had intimated that injustice had been done, by the assertion, to the State Printer. He therefore offered



the present resolution for the sole purpose of finding out what number of copies of documents the members were justly entitled to receive.—On an examination of the law he had discovered that three thousand of the Auditor General's Report, three thousand of the Finance Report, and three thousand of the School Superintendent's Report, were ordered to be printed for the two Houses. Had any gentleman received any of the latter? The allowance ought to be about one hundred and twenty-five copies to each member.

Mr. HAMERSLY had received his full complement of documents. It had been asserted that efforts had been made to get additional copies of documents printed, in order to put money in the pockets of the State Printer. This was certainly not so, in the case of the Auditor General's Report, for the "matter" had been distributed.

Mr. WILLIAMS, (Bucks,) hoped the resolution would prevail. If the printers or subordinates in the House cheated, it was only just to know *who* cheated. He did not receive a tithe of the documents to which he was legally entitled. He had received but seven Auditor's reports, while the gentleman from Philadelphia (Mr. HAMERSLY,) had received thirty. Now was this owing to the carelessness of the subordinates, or was the gentlemen from Philadelphia in collusion with the subordinates? It was unfair that some members should receive a full number, and that "us greenies" should be cut off.

Mr. SMEAD had only received seven, and would vote for the resolution.

Mr. BERTOLET concurred with Mr. WILLIAMS, (Bucks,) and wanted an investigation.

Mr. WAGONSELLER wanted to know where the copies went to, if the members did not receive them.

Mr. WILLISTON, said that he had received his share, but somebody had taken them from his desk.

Mr. EVANS had received sixteen copies.

Mr. HAMERSLY wished himself to be understood as having said that he had received seven School Reports, and thirty copies of the Finance.

Mr. WILCOX said that the superintendent of the state printing office had told him that the copies were in the office, and had not all been distributed. No doubt if the members would wait, they would receive their share.

Mr. WILLISTON would like to hear from the gentleman from Northampton, (Mr. GEOPP.)

The resolution was read.

Mr. THORN thought that it ought to be modified so as to ascertain what number of copies had been printed.

Mr. ROHRER said:—There is another matter, I think, of equally as great importance to the members of this House, as the question under discussion—that of furnishing to each member their full quota of these documents at one and the same time. I have received at intervals of two, three and four days, a few copies of each of the documents referred to, and the probability is that some of my constituents have received the same kind two or three times, whilst others have received none. This arises from the fact that, I believe, it is impossible for any gentleman of this House to remember for the term of three days, to whom he may have sent his documents; and I know that gentlemen around me complain of the same difficulty. I would like, therefore, to see the duties of this committee enlarged, so as to enable them to inquire into the reason why the members are thus furnished, and at the same time remedy this difficulty; for my part, I would rather wait a whole week for my full quota, than receive

them in the manner in which they have been furnished us—say two, four or six at a time. I do know my constituents would prefer the method of distribution I propose, as one most beneficial to themselves.

Mr. WALBORN said that he would modify his resolution, so as to make it require a statement of the number of copies which had been printed.

The SPEAKER. It cannot be modified, but amended.

Mr. CHURCH called for the reading of the resolution, as amended. It was read.

Mr. THORN suggested that it should also call for a statement of the number of copies which had been distributed.

The amendments were agreed to.

The original resolution as amended, then passed.

Mr. KENEAGY offered a resolution, that Eli Pickel be appointed an assistant paper-folder of the House.

The resolution was read.

The SPEAKER. Will the House agree to the resolution?

Is it ready for the question?

Mr. WILLIAMS, (Bucks.) Not just yet. We have enough dead-heads already. I hope that the gentleman from Lancaster, (Mr. KENEAGY,) was not sincere in offering his resolution.

Mr. KENEAGY said that he certainly was sincere. Every gentleman knew the difficulty which had been encountered in the House in getting papers properly folded and assorted, and there existed an actual necessity for another folder. Lancaster county was moreover justly entitled to a representative.

The SPEAKER decided that the question was not now debatable. He had labored under a misapprehension in thinking that the resolution had passed to its second reading.

The resolution was read a second time.

Mr. WILLIAMS, (Bucks,) said that Lancaster county was well represented, and that neither the dignity of its rights or the duties of the House required the appointment of an additional paper-folder.

Mr. ROSE. Is the gentleman from Lancaster (Mr. KENEAGY) afraid of getting his eel pickled?

Mr. PRICE spoke in support of the resolution; alleged that the duties required an additional assistant; that the House had in 1858 had more employees than at present, and that Mr. WILLIAMS had once promised not to oppose the resolution. The gentleman from Bucks had alluded to the singularity of the name of Pickel, but the gentleman had had a man named Eel appointed. In conclusion, he hoped that the resolution would not be pickled.

Mr. MILLER had no objection to the resolution, except on the score of policy. He thought that many difficulties in the House, relative to documents, originated from the fact that there were too many employees. Too many had been appointed last session, and there had not been actual necessity for half of them. If this new man was to be chosen, he would like to have some one turned out.

Mr. GRATZ said that he was disposed to vote in favor of the resolution, not because the Democrats had more employees than the present House, but because there was necessity for another appointment.

Mr. PINKERTON moved to amend the resolution, by striking out the name of Eli Pickel, of Lancaster, and inserting that of Jacob Brubaker, of Schuylkill.

The gentleman from Lancaster, (Mr. PRICE,) claims the appointment or election of this man Pickel as a right, but if he would take the pains and examine the records of this House, he would find that Schuylkill county, with her 13,000 voters, and sending three Representatives each

year, for the last ten years, she has not been represented in one of the subordinate offices of this House, on the Republican side, and at least the last seven years, on the part of the Democracy. Now, sirs, I fear not to say, there is not another county in the State can say so much. Why, Lancaster is now represented here by a man in one of these offices. Therefore Schuylkill, for these reasons, considers herself entitled to the right instead of Lancaster.

Mr. PRICE said that there existed a necessity for another man, and that until the present session, Lancaster county had never been represented by the officers. Pickel was a good man, and should to be chosen.

The amendment of Mr. PINKERTON was lost.

Mr. LAWRENCE, (Washington,) moved as an amendment that the pay of the officers should begin on the first of February.

The amendment was agreed to.

The question then recurring upon the original resolution as amended,

The yeas and nays were required by Mr. PINKERTON and Mr. SHIELDS, and were as follow, viz:

YEAS—Messrs. Abbott, Church, Ellmaker, Fisher, Foster, Gratz, Green, Hamersly, Harding, Keneagy, McDowell, Patterson, Price, Quigley, Rose, Smith, (Philadelphia,) Styer, Walborn, Wilcox, Wiley, Williston, and Wood—22.

NAYS—Messrs. Acker, Balliet, Barnsley, Barlow, Bertolet, Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Custer, Dismant, Dodds, Durboraw, Eckman, Evans, Fearon, Fleming, Galley, Glatz, Goepf, Good, Graham, Gray, Hill, Hottenstine, Jackson, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, McClain, McCurdy, Miller, Oaks, Palm, Peirce, Pinkerton, Porter, Ramsdell, Rohrer, Shaeffer, Shields, Smead, Smith, (Berks,) Stephens, Stuart, Taylor, Thorn, Wagon-seller, Walker, Warden, Whitman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf, Woodring, Zoller and Lawrence, *Speaker*—64.

So the question was determined in the negative.

#### LEAVE OF ABSENCE.

Mr. LAWRENCE, (Washington,) asked, and obtained, leave of absence for Mr. WILLIAMS, (Bedford,) for a few days from to-day.

#### ORIGINAL RESOLUTION.

Mr. SMITH, (Berks,) offered a resolution that two hundred copies of all passenger railway bills now introduced, or hereafter to be introduced, be printed for the use of the members of the Railroad Committee and House.

Said resolution was read the second time.

And on the question,

Shall the same pass?

Mr. THORN moved to increase the number of copies to five hundred.

Mr. WALBORN could not see why the bills of other committees should not be printed as well. He could not see the object of the above resolution, unless it was to embarrass the action of the Railroad Committee.

Mr. SMEAD had no particular objections to urge against the passage of the resolution, but thought that two hundred copies were quite sufficient.

Mr. THORN withdrew his amendment to increase the number.

Mr. SMITH, (Berks,) in reply to Mr. WALBORN, said that he introduced the resolution under consideration, not to embarrass, but facilitate and relieve the business of the Railroad Committee.

Pending some further remarks of the above gentleman, the hour of one arrived, and the SPEAKER adjourned the House until to-morrow morning at 11 o'clock.



## LAWS OF PENNSYLVANIA.

SESSION OF 1859.

AN ACT to abolish the offices of Canal Commissioner and State Engineer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the office of Canal Commissioner of this Commonwealth be and the same is hereby abolished; and the Canal Commissioners are hereby required and directed to deliver up to the custody of the Auditor General, all books, papers, records, and other property belonging to said department, whose duty it shall be to take charge of and preserve the same.

SEC. 2. That the Auditor General is hereby authorized and required, upon the application of any person or persons, to give copies of any entry or entries of the books heretofore kept by the Canal Commissioners under the seal of his office; and also to furnish, upon application as aforesaid, copies of any paper or papers on file in said office, to any person or persons requiring the same under the seal of his office; and for every such certificate shall charge the person or persons receiving the same, one dollar, for which he shall account to the Commonwealth; and the copies certified and attested shall be deemed and admitted as legal evidence in any court of this Commonwealth, with like effect as the original.

SEC. 3. That from and after the passage of this act, the office of State Engineer be and the same is hereby abolished.

SEC. 4. That the Auditor General shall cause to be entered, in a book procured for the purpose, a list of all claims that have been or may be preferred against the Commonwealth, to be alphabetically arranged; which book shall contain the name or names of claimants; on what branch of the public improvements the said claim originated, and what for; the date when the alleged liability accrued; amount of claim; amount allowed, or when rejected and when acted upon, and such remarks as may facilitate future investigations; which book shall be deposited in the Auditor General's office, and be completed at the earliest possible day.

W. C. A. LAWRENCE,

*Speaker of the House of Representatives.*

JNO. CRESSWELL, JR.,

*Speaker of the Senate.*

APPROVED—The twenty-fifth day of January, one thousand eight hundred and fifty-nine.

WM. F. PACKER.

No. 66.—FILE OF THE SENATE.

SCOFIELD, Judiciary—Jan. 20.

AN ACT for the registration of births, marriages and deaths, in the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the day of

next, the board of health of the city of Philadelphia, shall supply the health officer with separate books, in which he shall register, in the manner hereinafter directed, the returns made to him of the marriages which may be contracted, and of the births and deaths which may occur within the said city; he shall also cause an abstract of the same to be made in the month of February next ensuing, and annually thereafter in said month, to the city councils through the board of health, which abstract shall contain a statement of the marriages solemnized, and of the number of births and of deaths, with the reported causes thereof, which have occur-

red in the said city during the year next preceding the first day of January, with such other information and suggestions in relation thereto, as he may deem of practical utility for the promotion of public health and of general interest to the city.

SEC. 2. That it shall be the duty of clergymen of all denominations, of clerks or keepers of the records of all churches and religious societies, as also of every magistrate and of other persons, by or before whom any marriage may hereafter be solemnized or contracted, and of every practicing physician, and of every practitioner of midwifery, and of every undertaker and superintendent or sexton of any cemetery or burying-ground, in the said city of Philadelphia, on or before the day of

next ensuing, (the day in which the law goes into effect,) to report his or their names, and places of residence to the health officer, at the office of the board of health, and it shall be the duty of the health officer to have the same properly registered in index form, in suitable books to be furnished by the board of health; in the event of any of the persons above specified removing to any other place of residence, it shall be their duty to notify the health officer of the fact within thirty days after such removal, except where the persons removing shall cease to act in such official capacity as makes them subject to the provisions of this act.

SEC. 3. That whenever any person shall die in the city of Philadelphia, it shall be the duty of the physician who attended during his or her last sickness, or of the coroner, when the case comes under his notice, to furnish within forty-eight hours after the death to the undertaker or other person superintending the burial, a certificate setting forth, as far as the same can be ascertained, the full name, sex, color, age and condition, (whether married or single,) of the person deceased, and the cause and date of death.

SEC. 4. That no person having the charge as sexton or otherwise, of any vault, burying-ground or cemetery within the said city, shall inter, or allow to be interred, or place, or allow to be placed, in any vault, burying-ground or cemetery, the dead body of any person; nor shall any undertaker or other person, remove the dead body of any person who has died in the said city and has not been buried, to any place beyond the limits of the said city, without first procuring the certificate of the attending physician or of the coroner, to said certificate; the undertaker or other person having charge of the body, shall, as far as can be ascertained, add the occupation of the deceased, the place of birth, the ward, street and number of the house in which the death occurred, the place and date of interment, and where the deceased is a minor, the full names of the parents; in case any person shall die without the attendance of a physician, or if the physician who did attend at the time of the death, refuses or neglects to furnish a certificate as aforesaid, it shall be the duty of the undertaker, or any other person acquainted with the facts, to report the same to the health officer, who shall be authorized to give a certificate of death as aforesaid, provided it be not a case requiring the attendance of the coroner; every sexton or other person, having charge of any vault, burying-ground or cemetery, within the said city, and every undertaker or other person, who shall remove any body from, or out of the said city, shall return the said certificate to the health officer before twelve o'clock, M., on the Saturday of every week, accompanied with a schedule of the same, which returns shall be published weekly by the health officer, in such manner as may be designated by the board of health.

SECTION 5. That in case any physician or the coroner, shall refuse or neglect to furnish such certificate as aforesaid, he shall forfeit and pay

the sum of five dollars for each offence; and every undertaker, sexton or other person, removing the dead body of any person, or having charge of any vault, burying-ground or cemetery, who refuses or neglects to perform any of the duties required by this act, shall forfeit and pay for every such offence, the sum of twenty-five dollars, which sum shall, in every case, be recoverable in the manner and for the uses prescribed in an act, entitled "An Act for establishing a health office to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes."

SECTION 6. That every person practicing midwifery in the city aforesaid, under whose charge or superintendence a birth shall hereafter take place, shall keep a true and exact register of such birth, and shall enter the same on a blank schedule to be furnished by the health officer; this schedule shall contain a list of the births, which have occurred under his or her care, during the month, and shall set forth, as far as the same can be ascertained, the full name of each child, (if any name shall have been conferred,) its sex, color, the full name and occupation of its parent or parents, the day and place of its birth; and the said schedule shall be delivered, duly signed by the practitioner, in the form of a certificate, on the first day of each and every month, to the health officer, or to any other authorized person calling for the same; in case the birth of any child shall have occurred without the attendance of a physician or of a practitioner of midwifery, or should no other person be in attendance upon the mother immediately thereafter, it shall then become the duty of the parent or parents of such child, to report its birth to the health officer in the manner and form and within the period above required.

SECTION 7. That it shall be the duty of every clergyman and every magistrate, and of the clerk or keeper of the records of all religious and other societies, and of every other person, by or before whom any marriage may hereafter be solemnized or contracted, to make a faithful return of the same, at the expiration of every three months, to the health officer, in the form of a certificate, which shall set forth, as far as the same can be ascertained, the full name of the husband, his occupation, the place of his birth, his residence and age, the date of marriage, the full name of the wife previous to said marriage, and her age, the color of the parties, and the place where, and the name of the clergyman, or other person, by whom the marriage ceremony was performed.

SEC. 8. That every clergyman, and every magistrate, and every clerk or keeper of the records of all religious societies, and every practicing physician, and every person practicing midwifery in the city aforesaid, and every undertaker, and superintendent or sexton of any cemetery or burying-ground, in the city of Philadelphia, who shall neglect or refuse to leave his or her name and place of residence, at the health office, as herein provided, and who shall refuse or neglect to perform any other of the duties required as aforesaid, shall forfeit and pay for each offence the sum of ten dollars, to be recovered in the manner and for the uses prescribed in an act, entitled "An Act for establishing a health office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes."

SEC. 9. The books or registers kept by the health officer, or a certificate duly certified by him, and authenticated by the seal of the health office, as containing a copy of the record of any marriage, birth or death, shall hereafter be admitted in any court of the State, as *prima facie* evidence of said marriage, birth or death.

SEC. 10. The registry of marriages, births and deaths, shall be kept in separate books, and



there shall be general indices to the record of all marriages, births and deaths, which indices shall also be kept in separate books.

SEC. 11. The health officer shall receive fifty cents for granting a certificate, or certified copy of the record of any marriage, birth or death, and ten cents for making a search for either a marriage, birth or death; which sums shall be paid by the party applying for the certificate or search; but the said registers shall at all times be accessible to physicians, clergymen and lawyers, without charge.

SEC. 12. That, in order to secure uniformity and dispatch in the registration herein provided for, the books shall contain upon the margin of each page, printed titles, with corresponding blanks for suitable entries for marriages, births and deaths, in the order, to wit:

#### MARRIAGES.

Full name of the husband.  
Occupation.  
Residence.  
Birthplace.  
Age when married.  
Full name of wife previous to marriage.  
Residence.  
Birthplace.  
Age when married.  
Time of marriage.  
Color of the parties.  
Ceremony employed.  
Name of person pronouncing the marriage.  
Residence of the last named person.  
Date of certificate.  
Date of registration.

#### BIRTHS.

Full name of the child.  
Sex.  
Color.  
Full name of the father.  
His occupation.  
Full name of the mother.  
Day, month and year of the birth.  
Street and number of the house where born.  
Name of the physician, or other person signing certificate.  
His residence.  
Date of certificate.  
Date of registration.

#### DEATHS.

Full name of the deceased.  
Color.  
Sex.  
Age.  
Married or single.  
Occupation.  
Birth place.  
Date of death.  
Cause of death.  
When a minor, the name of the father and mother.  
Ward, street, and number of house.  
Date of burial.  
Date of certificate.  
Date of registration.

SEC. 13. That the health officer, at the expense of the board of health, shall keep on hand at all times a supply of blanks for gratuitous distribution to all persons whose duty it shall be to make returns under this act; the said blanks shall be prepared in the form of books, and the margins shall correspond with the printed titles in the books of the health officer, as required by the twelfth section of this act.

SEC. 14. That all acts or parts of acts inconsistent herewith, or supplied by this act, are hereby repealed.

#### No. 95.—FILE OF THE HOUSE.

M'DOWELL, Ways and Means—Jan. 21.

AN ACT relative to the election and appointment of clerks, assistant and transcribing clerks, sergeant-at-arms and their assistants, post-masters, door-keepers and their assis-

stants, messengers, assistant messengers, and other officers of the Senate and House of Representatives of Pennsylvania.

WHEREAS, Under the existing practice in the election and appointment of the officers of the Senate and of the House of Representatives of the Commonwealth of Pennsylvania, there is great injustice done a portion of the districts in the Commonwealth, by the election or appointment of several officers citizens of the same district, while other districts remain entirely unrepresented in said election and appointments; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* hereafter in the election and appointment of said officers, no more than one person, citizen of the same congressional district, shall be elected or appointed to any of said offices in the Senate; and no more than one person from each congressional district in the House of Representatives; but the said officers shall be distributed, and one elected or appointed from each congressional district in the Commonwealth, or from so many of said congressional districts, as shall be required to make up the whole number of said officers.

#### No. 103.—FILE OF THE HOUSE.

HAMERSLY, Corporations—Jan. 21.

AN ACT to incorporate the International Union of Art and Literature.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Charles G. Leland, Sylvester J. Megargee, A. L. Randall, A. G. Duhamel, S. Sanford, Joseph L. Reed, Henry Sawtell, T. B. Read, Frank M'Laughlin, their associates and successors, are hereby erected into a body politic and corporate, in deed and in law, by the name and style of the International Union of art and literature, for the promotion of the arts of design, and the dissemination of a taste for pure literature in the United States; and by the same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all the courts of law and elsewhere, with all the powers, rights, privileges, and subject to the restrictions contained in the second, third and fourth sections of an act to confer on certain associations of the citizens of this Commonwealth the powers and immunities of corporations or bodies politic in law, passed the sixth day of April, one thousand seven hundred and ninety-one.

SEC. 2. That the object of this association shall be the encouragement of the arts of design, and the dissemination of a correct taste for pure literature throughout the community, by the purchase of pictures and other works of art, the distribution of engravings, the publication of books, pamphlets, or by such other means as may be most conducive to the proper fostering of art and literature; a subscription of three dollars per annum shall constitute each subscriber a member of the association; the affairs of this association shall be conducted by a board of six managers, to be chosen annually by ballot, on the first Monday in March; the managers shall appoint a president, a vice president, a treasurer, a recording secretary and a corresponding secretary, either from themselves or from the managers generally; the managers shall have power to supply any vacancies in their own body; the board of managers shall adopt measures for procuring paintings, engravings and other works of art, and cause the same to be distributed among the subscribers; the board of managers or officers appointed by them, shall

receive subscriptions, pay all demands against the association, and make such disposition of any surplus funds as shall to them seem best, or shall be specially directed by the by-laws.

SEC. 3. The mode of distribution shall be the same as that provided for in the act, entitled "An Act to incorporate the Cosmopolitan art association," approved the third day of May, one thousand eight hundred and fifty five.

SEC. 4. That the capital stock of the said association shall be twenty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, divided into shares of twenty-five dollars each; and there shall be paid into the treasury of the said association, by each person subscribing to the capital stock, at the time of subscribing, an instalment of five dollars on each share of stock by him or them so subscribed; and the remaining sum due on each share shall be paid in such instalments, and at such times, as the financial condition of the association shall require to enable it to successfully carry into effect and accomplish the object for which it is intended; namely, the encouragement of the arts of design and the dissemination of a correct taste for pure literature.

#### No. 11.—FILE OF THE SENATE.

SCHELL, Banks—Jan. 13.

AN ACT to prohibit the issuing and circulation of bank notes of a less denomination than twenty dollars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall not be lawful for any bank to create, issue or put in circulation, any note, bill, check, ticket or paper, purporting to be a bank note, of any less denomination than ten dollars, after the first day of August next, and of any less denomination than twenty dollars after the first day of January, Anno Domini one thousand eight hundred and sixty; and any violation of this act, by any officer of such bank, shall be taken and deemed to be a misdemeanor, punishable, upon conviction, by a fine of not less than five hundred dollars, and imprisonment in the jail of the proper county not less than six months.

SEC. 2. That it shall not be lawful for any person or persons, corporation or body corporate, directly or indirectly, to issue, pay out, pass, exchange, put in circulation, transfer or cause to be issued, paid out, passed, exchanged, circulated or transferred, any note, bill, check, ticket or paper, purporting to be a bank note, issued, or purporting to be issued, by any bank, or incorporated company or associations of persons not located in Pennsylvania, of any less denomination than ten dollars, after the first day of August next, and of any less denomination than twenty dollars, after the first day of January, Anno Domini one thousand eight hundred and sixty; every violation of the provisions of this section by any corporation or body corporate, shall subject such corporation to the payment of a fine of five hundred dollars; and any violation of the provisions of this section, by any public officer holding any office or appointment of honor or profit under the constitution and laws of this State, shall subject such officer to the payment of one hundred dollars; and any violation of this section, by any other person not being a public officer, shall subject such person to the payment of twenty-five dollars, one-half of which, in each case above mentioned, shall go to the informer, and the other half to the county in which the suit is brought; and may be sued for and recovered as debts of like amount are now by law recoverable in any action of debt in the name of the Commonwealth of Pennsylvania, as well for the use of the proper county as for the person suing.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 19.

## SENATE.

FRIDAY, Jan. 28, 1859.

The Senate met at the usual hour.  
Prayer was offered by Rev. T. H. Robinson.  
The Journal was read and approved.

### LEAVE OF ABSENCE.

Mr. PENNEY asked and obtained leave of absence for Mr. SCHELL for a few days from to-day.

The SPEAKER presented several petitions from citizens of Blair county, praying for an additional appropriation for the erection of a monument to the memory of those Pennsylvanians who were slain or lost in the war with Mexico.

### PETITIONS AND MEMORIALS.

Mr. THOMPSON presented a memorial of boatmen and others on the Schuylkill canal, for a law to regulate the towing of boats on said canal.

Mr. MYER, a petition of citizens of Bradford county, in favor of the passage of a law to assess damages on the North Branch canal.

Mr. YARDLEY, a petition of seventy six citizens of Tinicum township, Bucks county, for a law authorizing the election of collectors of taxes in said county.

Also, a petition of the president and directors of the Yardleyville Delaware bridge company, for a repeal of so much of their act of incorporation as allows free travel on said bridge.

Also, a petition of citizens of Bucks county, for the abolition of the office of sealer of weights and measures in said county.

Mr. SCHINDEL, four remonstrances from citizens of Northampton county, against the removal of the seat of justice in that county, from Easton to Nazareth.

Also, one petition in favor of the same.

Mr. PENNEY, a remonstrance from citizens of Pittsburg, against the passage of an act incorporating the Citizens' passenger railway company.

Mr. GAZZAM, two of like import.

Mr. PALMER, five petitions of citizens, boatmen and others, engaged upon the Schuylkill navigation, for a law requiring all ascending boats (except boats propelled by steam,) to keep the tow-path side, and descending boats, the berm side.

Mr. BALDWIN, a petition of citizens of Lancaster county, praying for the passage of a law directing all sales of real estate by the sheriff of said county to be held on or near the premises.

Mr. FRANCIS, a petition of one hundred and thirty-eight citizens of Venango county, praying for a repeal of the law creating the office of county superintendent of common schools.

Also, a petition of merchants and others in Lawrence county, asking for the enactment of a law to suppress certain grievances connected with auction sales, &c., in that county.

Mr. PARKER, a petition of citizens of Philadelphia, in favor of a law providing for the registration of births, marriages and deaths.

Mr. WRIGHT, one of similar import.

Mr. RUTHERFORD, a petition of sundry citizens of Middletown, praying for the repeal of the law establishing the office of sealer of weights and measures in Dauphin county.

Mr. PALMER, a petition of citizens of Porter township, Schuylkill county, praying for the repeal of a certain act changing the place of holding elections in said township.

Mr. PENNEY, a petition signed by seventy-

two citizens of Pittsburg, in favor of the Citizens' passenger railway.

Mr. BELL, a petition from citizens of Thornbury township, Delaware county, asking for the extension of an act relative to taxes in said county.

Also, a petition of citizens of the same township, praying for a law to prohibit cattle from running at large on public roads in Delaware county.

Also, a petition of citizens of the same township, asking for an alteration in road laws.

The same Senator presented a remonstrance from farmers, against the removal of market houses in High street, Philadelphia; remarking at the same time that he did not wish to be considered as endorsing the sentiments therein contained, inasmuch as he did not regard the subject as a proper one for legislative interference.

Mr. SCHINDEL, a petition relative to the office of sealer of weights and measures.

Also, a petition from citizens of Northampton county, asking for a law regulating the fees of county commissioners, county auditors, jurymen and witnesses in that county.

Mr. GREGG, a petition of citizens of Indiana, Cambria, Clearfield and Jefferson counties, in favor of the erection of a new county, to be called Pine.

Also, a petition of A. W. Bayard, of Bellefonte, Centre county, asking for a remuneration for services in the war with Great Britain.

Mr. SHAEFFER, a petition of citizens of the city and county of Lancaster, relative to the auction laws in said city and county.

Also, a petition of the commissioners of Lancaster county, relative to the same laws.

### REPORTS OF COMMITTEES.

Mr. WRIGHT, (Corporations,) reported, with amendment, a bill, entitled "An Act to incorporate the Presbyterian church at Harrisburg."

The same Senator, from the Committee to Compare Bills, made the following report:

That they had compared, and presented to the Governor, for his approbation, bills, entitled as follows:

"An Act to authorize the court of common pleas, of Union county, to appoint a trustee to receive and apply certain money bequeathed to John Brown, deceased."

"An Act to incorporate the Allegheny insurance company."

"An Act to confirm the title to a certain lot, late the estate of Arthur Howell, deceased."

"An Act changing the time of holding the spring election in the borough of Titusville, Crawford county."

"An Act supplemental to the several acts relating to the collection of taxes in Lawrence county."

"A supplement to the act incorporating the Spinnerstown and Goshenhoppen turnpike road company."

"An Act repealing an act charging the venue of a certain action from Union to Northumberland county, approved April 13, 1858."

### BILLS IN PLACE.

Mr. TURNEY read in his place and presented to the Chair a bill, entitled "A supplement to an act relative to roads and highways."

Mr. WELSH, a bill, entitled "An Act to incorporate the Mount Olivet cemetery association of Hanover, York county."

Mr. PARKER, a bill, entitled "A supplement

to an act incorporating the Germantown passenger railway company."

Also, "An Act relative to incorporated cemetery companies."

Mr. COFFEY, a bill, entitled "An Act to prevent the destruction of trout in Blair county."

Mr. GAZZAM, a bill, entitled "An Act relative to certain charitable corporations."

Mr. YARDLEY, a bill, entitled "An Act to provide for the election of tax collectors in Bucks county."

Also, "An Act to abolish the office of sealer of weights and measures in Bucks county."

Mr. PALMER, a bill, entitled "An Act regulating the weight of anthracite, bituminous and semi-bituminous coal."

### ORIGINAL RESOLUTIONS.

Mr. TURNEY offered the following resolution:

*Resolved*, That the Clerk of the Senate be authorized to procure two thousand diagrams of the Senate and one thousand of the House, for the use of the Senate: *Provided*, That the same do not exceed in cost the amount paid for the diagrams of last session.

Mr. FRANCIS moved to amend, by striking out two thousand and inserting one thousand [of Senate.]

Mr. FRANCIS objected to so large a number of diagrams as was proposed by the resolution. He thought one-half the number amply sufficient for all purposes of the Senate; and, indeed, he doubted the propriety of making any provision for them at all.

Mr. WRIGHT advocated the original number, although he did not consider the diagrams of last session any improvement upon former ones. If any improvement can be made in them, he should like to see it; but at all events, if the Senate were to order them, he should go for the two thousand.

Messrs. MARSELIS, WELSH, COFFEY and GAZZAM agreed with Mr. FRANCIS in his views, and should vote for reducing the amount to one thousand. On the part of Mr. WELSH, it was stated that as far as he was concerned, he did not receive his proportion until after the adjournment of the Senate, when they were of no possible use. Mr. MARSELIS had, also, received his late in the session, and the greater part of them were still lying at home, of no benefit to any one; whilst Messrs. COFFEY and GAZZAM were not only opposed to the large number contemplated by the resolution, but to the manner in which the diagrams had been gotten up at the last session.

The amendment was agreed to.

Mr. WELSH proposed further to amend, by adding the following:

"Provided the same be furnished within ten days after the passage of this resolution;" which was adopted.

On motion of Mr. WRIGHT, the number of House diagrams was reduced to 500.

Mr. PARKER offered the following resolution:

*Resolved*, That when the Senate adjourns, it adjourn to meet at 3 o'clock P. M., on Monday next."

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. SHAEFFER and Mr. HARRIS, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Gazzam, Kel-



ler, Marselis, Palmer, Parker, Penney, Randall, Shaeffer, Schindel and Steele—12.

**YAYS**—Messrs. Blood, Coffey, Fetter, Francis, Gregg, Harris, Myer, Nunnemacher, Rutherford, Thompson, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—15.

So the question was determined in the negative.

#### THE BILL INCORPORATING THE WESTERN MARKET COMPANY.

The **SPEAKER** remarked that, before resuming the consideration of this subject—interrupted yesterday by the adjournment—he would rule out of order, the motion to postpone indefinitely the motion to re-consider; that the motion to re-consider was debatable; and that Senators would be limited to five minutes in their speeches.

Mr. **BELL** then resumed his remarks.

Mr. **BELL** remarked that when the Senate adjourned, yesterday, he had the floor upon the motion to concur in the request of the House, that the bill incorporating the Western market company be returned. Thanking the Senate for their kind indulgence, he proceeded to state what he considered the question at issue between himself and those Senators who opposed the motion. He then gave a brief and concise statement of the case, as it came before the Senate yesterday, with a reiteration of his views upon it. He repeated that his motion to comply with the request of the House, was not made for the purpose of defeating the bill, but for the simple purpose of allowing that body to bring it again before it, for such consideration or amendment as they may deem necessary. It was, he said, within the recollection of every Senator, that the bill was taken up and passed immediately after it had been reported, by suspending the rule which prohibits the reading of a bill twice on the same day.

Mr. **RANDALL** rose to state that the Senator was mistaken in stating that the bill had been taken up and passed immediately after it was reported. It had been reported in the usual way, and had not been called up until the regular order of business had been disposed of.

Mr. **BELL** remarked that that made no difference in the statement which he had made.—The bill had been taken up in half an hour after its passage, and by suspending a wholesome rule, had been passed hastily through, and sent to the House for its concurrence. But it had been said the bill was of a local character, and having received the sanction of the delegates from Philadelphia, in both branches, there should be no interference with it by those representing other sections. The bill he did not consider one of an exclusively local character, not alone for the large victualers of Philadelphia, but the vendors of marketing from the neighboring counties. As for himself, as a Senator, he was interested for no particular locality or class, but for the public benefit; and regarding the bill as affecting general interests, as much as it did those of a local character, he considered it his right and duty to take such steps with regard to it as the interests of the public, and particularly those of his own constituents, required.

He then gave a brief history of the case in the House, as published in the daily proceedings, from which it appeared that an error on the part of the **SPEAKER**, and a subsequent acknowledgment of that error, had led to its passage there, as well as to the request which was then, he said, lying upon the Clerk's desk, that the bill should be returned for legitimate action. He referred to a case which had come up in the Senate, in the early part of the session, which was perfectly analogous. The Senator from Centre, by consent, called up a bill, entitled "An Act repealing an act to change the venue from Union to Northumberland county," which, by some means, had got into the hands of the

Governor, and had received his signature, although it was defeated in the Senate by three votes. Upon a representation of these facts, by the Senator from Centre, the Senate very properly re-considered and repealed the bill—the only way in which to remedy the wrong which had been done by a mere oversight. In the case now under consideration, the same principle is involved. The House, having passed a bill through an error of the **SPEAKER**, ask that it may be returned for re-consideration; a request which they had a right to make, and to refuse which was without precedent in the legislative history of Pennsylvania.

He cannot, he continued, tell what the object of the House is in this request, but it is natural to suppose that a request made by two thirds of its members was founded in some good reason. He was not familiar with the provisions of the bill, having had but little opportunity of examining them; but there was at least one objection to it. The price of market stalls is set down at \$500. That might do for large victualers; but the poorer vendors of marketing, farmers from the neighboring counties, could not afford to pay such extravagant sums for the privilege of disposing of their articles.

Mr. **PALMER** said that, as he should vote to comply with the request of the House, although he was friendly to the general objects of the bill, he deemed it but just that he give the reasons which influenced him. He remembered that among the earliest acts of legislation in the Senate, was the consent given to the Senator from Centre, to call up an act repealing an act changing the venue from Union to Northumberland county, which had received the signature of the Governor, without having regularly passed the Senate. It was agreed that the bill had improperly become a law; and one Senator from Philadelphia had said he was not disposed to stand in the way of its repeal, if it had unjustly become a law, while another Senator from the city had stated that he merely voted to correct an informality—the merits of the case he knew nothing of. Now here is a case precisely similar. A bill, which has irregularly passed the House, through an error, and which that body requests the Senate to return, in order that any defects may be remedied, or objections obviated; and the simple question is, shall that respectful request be refused, and a co-ordinate branch be treated with contempt, or shall the Senate comply with a demand which is rightfully and justly made? He repeated, he was friendly to the general objects of the bill, but he should be compelled to vote for the motion to comply with the request of the House.

Mr. **RANDALL** did not desire to take any undue advantage in securing the passage of this or any other measure; and yesterday, when it had been stated that the bill had gone to the Governor, he went to the Clerk's desk to ascertain whether such had been the case, and to request that it should not be sent there until the question was fairly disposed of. So much for himself. As to the amount of stock, all of it has been subscribed, and the company only await the act of incorporation to go fairly into operation. As regards the action of the House upon the bill, so far as we know, it has passed constitutionally and regularly. He was sorry to see now, however, that the toxin of city and rural prejudice had been sounded, in the other branch, and had been re-echoed here. It was unjust thus to array against each other interests which were in keeping, and he deprecated the existence of any unfriendly feeling excited by such means.

Mr. **BELL** rose to explain. He had no unfriendly feeling towards the city of Philadelphia, or the bill. On the contrary, he had always had the most kind regard for the citizens, and had promised that he would vote for the act incorporating the Western market company.

Mr. **RANDALL** was sorry that the Senator from Chester had made any promise to vote for the bill, until he knew its provisions. He had stated here, in this discussion, that he knew nothing of them, farther than they had been elicited by the debate. As to the array of prejudice which was sought to be made by interested parties, against the city of Philadelphia, he was fully advised; and he sincerely deprecated the existence of any such feeling. No such notions influenced the constituents whom he had the honor to represent—they were arrayed against no section. The prosperity of Pennsylvania was a source of pride to Philadelphia; and her representatives had never been heard making the inquiry, whether a bill affected the people of Chester, the high hills of the Speaker's constituency, or the shores of Lake Erie.

But to come directly to the question—if there is anything wrong in the bill, he called upon the Senator from Chester to indicate it, that the Senate may see what are the objections to it demanding its return to the House. The cause was a bad one which seeks to be furthered by such a course as that resorted to here. There stands the bill. If there is anything wrong in it, let the Senator from Chester or its opponents indicate that wrong. If they do not, he stands up in all the consciousness of right and asks that the Senate shall refuse the motion.

On the question to re-consider the vote on the final passage of this bill,

The yeas and nays were required by Mr. **BELL** and Mr. **RANDALL**, and were as follow, viz:

**YEAS**—Messrs. Baldwin, Bell, Francis, Myer, Palmer, Penney, Shaeffer, Steele, Thompson, Yardley and Cresswell, *Speaker*—11.

**NAYS**—Messrs. Blood, Coffey, Fetter, Finney, Gazzam, Harris, Keller, Marselis, Nunnemacher, Parker, Randall, Schindel, Turney, Welsh and Wright—15.

So the question was determined in the negative.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor; which was read as follows:

#### EXECUTIVE CHAMBER.

Harrisburg, Jan. 28, 1859.

GENTLEMEN:—I have signed and approved the following acts of the General Assembly:

On the 27th inst., "An Act to incorporate the Allegheny insurance company."

"An Act to authorize the court of common pleas of Union county to appoint a trustee to receive and apply certain money bequeathed to John Brown, deceased."

"An Act changing the time of holding the spring election in the borough of Titusville, Crawford county."

"A supplement to the act incorporating the Spinnerstown and Goshenhoppen turnpike road company."

"An Act supplemental to the several acts relating to the collection of taxes in Lawrence county."

"An Act repealing an act changing the venue of a certain action from Union to Northumberland county, approved April 13, 1858."

WM. F. PACKER.

#### BILL ON THIRD READING.

Senate bill, No. 37, "An Act relative to ex-cutors and administrators," passed finally.

#### BILL IN PLACE.

On leave given, Mr. **FRANCIS** read in his place and presented to the Chair, a bill, entitled "An Act relative to auctions and auctioneers in Lawrence county."

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. **Palmer**, House bill, No. 21, entitled "An Act to repeal an act changing the place of holding elections in Porter township, Schuylkill county," was taken up.

Mr. **MARSELIS** moved to recommit this bill to the Committee on Election Districts.



Mr. MARSELIS hoped the bill would not pass now, but be postponed for a short time. He had been written to by citizens of that township, requesting him to arrest the passage of the bill, and he should like time to examine its provisions.

Mr. PALMER explained the object of the bill to be to change the place of holding elections in Porter township, Schuylkill county. The petition praying for it was signed by forty of the fifty-six voters in the district. They had first gone to the courts; but finding the place of holding elections fixed by legislative enactment of 1858, subsequent to the passage of the law giving to the courts the right of changing election districts, they were compelled to come here and ask, at the hands of the Legislature, the change which they desired. There was no objection, as he was aware of, to the bill, and he hoped it would pass.

Mr. MARSELIS thought the bill ought to be referred to the proper committee. It was wrong to pass it hurriedly here, when there were objections to it by those at home interested in it. The Senate should know all about it, *pro* and *con*, and he could not see anything to be gained by hurrying it through. He would, therefore, move to re-commit.

Mr. PALMER replied that his reason for urging its passage now was, because the township elections will be held in February; and if there is any change to be made in the place of holding the elections, it should be done soon, in order that the voters may be properly advised of it. As to any objections to the bill, he could not see how a small minority could ask to control a majority. As he stated before, there were but fifty-six voters in the district; and of these, forty had signed the petition asking for the change.

Mr. RANDALL wished to ask the Senator from Schuylkill, whether the place proposed in the bill was in the centre of the district?

Mr. PALMER replied that the elections were at present held in a school house. The bill proposes to hold them at the public house of a very good man.

Mr. RANDALL said the statement of the Senator confirmed what he had heard with reference to the matter—that it was proposed to be removed to a remote corner of the district.

Mr. SHAEFFER expressed a hope that the motion to re-commit would not prevail. The bill under consideration was but a small one, concerning a little locality in Schuylkill county, of which the Senate could know nothing, save that which was furnished by the Senator and the petition of the voters of the township. He had heard objections made by Senators from Philadelphia to the interference of others in local bills; and yet, strange to say, here is a little local matter, to which two Senators from the city raise objection, without knowing anything of its merits, save through information which is obtained from the letter of some disaffected person. He considered it a matter which was the peculiar province of the Senator from Schuylkill, who had too high a character at stake, to press it upon the Senate, unless it is founded in justice, and in accordance with the wish of the people of the district. The bill has been framed in accordance with the petition of forty out of fifty-six voters—probably all who had been asked—and he asked whether it was right or just in the Senators from Philadelphia to interfere in the local business affecting a remote locality in another county? He did not desire to say anything disparagingly of Philadelphia. He had always felt a pride in her growth, prosperity and greatness, and had ever been ready to do all in his power towards building up and protecting her vast interests; but if objections are to be made to local legislation, on the part of her representatives, she should take care that her own interests be not hazarded, in the

large and continued legislation which she demands. He hoped the bill would not be re-committed; but that, if there are objections to be made, they might be made now, and the case fairly met. It can be done as well now as at any other time, and he could see no reason for the delay asked for.

Mr. PALMER read the petition of the forty voters of the district, in which they urge the change in the place of holding elections, asked for in the bill, upon the ground that the school house, in which they are held at present, is located in an uninhabited part of the township, contains but one small room, for the accommodation of the officers, and that the voters are subject to exposure and the inclemency of the weather. It was upon this ground that a large majority of them had petitioned for the change contemplated in the bill.

Mr. BELL had but one word to say. The reasons given in the petition and by the Senator from Schuylkill, were sufficient to warrant the passage of the bill, and he should vote for its passage and against its re-committal.

Mr. GAZZAM remarked that he should vote against the motion to re-commit, upon the ground that the reasons given by the Senator from Schuylkill were good and satisfactory.

The motion was not agreed to, and the bill passed.

Mr. STEELE called up Senate bill No. 38, "An Act to appoint commissioners to re-survey and establish a line for a main road through Wilkesbarre township, Luzerne county;" which, after being slightly amended, passed finally.

The hour of one having arrived, the SPEAKER adjourned the Senate until to-morrow morning at 11 o'clock.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, Jan. 28, 1859.

The House was called to order by the SPEAKER.

Prayer was offered by the Rev. Mr. Casselman, of the Episcopal church, Harrisburg, Pa. The Clerk read the Journal of yesterday.

#### SENATE AMENDMENTS

To House bill, changing the place of holding elections in West Branch township, Potter county, were read; and, on motion of Mr. MANN, concurred in.

The SPEAKER solicited the attention of the House. During the proceedings yesterday, some doubts had been expressed as to the correctness of a decision which the Chair had made. This decision had allowed the re-consideration of a vote upon the passage of an act incorporating the Western market company of Philadelphia, when the bill itself had gone out of the possession of the House. The SPEAKER, upon examination, had found his views sustained by Cushing's Manual, Sec. 1274.

The section in question was read by the Clerk, as follows:

"The fourth effect of this principle is, that though a motion for re-consideration may be made and discussed in the absence of the paper to which it relates, yet if decided in the affirmative, it will be wholly ineffectual and inoperative until the paper in question is in possession of the House. The first step, therefore, after a vote to re-consider, is to send to the other branch, or to the Executive, for the paper in reference to which the vote to re-consider passes, or otherwise to bring it before the House. Possession of the paper may also be obtained before the motion to re-consider is made. In either case, the motion for the paper is incidental to the motion to re-consider."

Mr. HAMERSLY, who had yesterday taken a position antagonistic to the SPEAKER, and who had questioned the propriety of the decision, re-asserted the views which he had before expressed, by reference to page 214 of Suther-

land's Manual, which contains the following passage:

"If, after the vote, the paper on which it is passed has been parted with, there can be no re-consideration, as if a vote had been for the passage of a bill, and the bill had been sent to the other House."

He stated that the views taken by Cushing and Sutherland were certainly conflicting, but there was this to be considered, that the House had adopted Sutherland for its guide, and was not governed by Cushing.

The SPEAKER called Mr. WILCOX to the chair.

Mr. LAWRENCE (Dauphin,) asked leave to make a statement. Leave being given, he said that if an appeal had been yesterday taken from the decision of the Chair, no objection would have been made. At present, however, there was no recourse but to discuss the matter in this informal manner. As Chairman of the House he had always endeavored to act in accordance with law and parliamentary usage, and would continue so to do.

He desired to revert to the facts of the case in which the difficulty had first originated. On Wednesday a bill had passed which authorized the incorporation of the Western market company, of Philadelphia. After this a gentleman had made a motion to re-consider the vote by which the bill had passed, when the document itself was out of the possession of the House. The SPEAKER had decided the motion to be in order. Mr. HAMERSLY had objected, and had read in support of his objection, a passage from page 214 of Sutherland's Manual.

Now any gentleman who was acquainted with Sutherland's Manual, knew its component parts. It opened with the Constitution of the State, proceeded to rules for the government of the Senate, then to rules for the House, and lastly to rules for the government of the United States' Senate at Washington. It was from the last named department that the gentleman from Philadelphia had culled his selection, and what, pray, had the government of the United States' Senate to do with the government of the House of Representatives of the State of Pennsylvania?

If he had known yesterday from what portion of the work the rule of Mr. HAMERSLY had been read, he would have said so at once, but he was ignorant of the fact. It was not applicable to the House; and whether the gentleman who read it, knew this or not, he was not prepared to say. It had no more to do with the House of Representatives of Pennsylvania, than it had with Hindoostan or the Hottentots.

There was a standing rule of the House, that any motion to re-consider a bill could be taken within six days after the original vote upon its passage. But the custom was to send the bills after they were passed to the co-ordinate branch of the Legislature, and they were sometimes sent within half an hour—sometimes not for one or two days. What could have been contemplated by the extension of the privilege until six days, except that it was intended that bills should be recalled when necessary? This, however, was not to the point. He desired to call attention to the twelve hundred and seventy-fourth section of Cushing's Manual, which had been already read by the Clerk. He then read the passage as given above. But the gentleman from Philadelphia, (Mr. HAMERSLY,) had said that Cushing's Manual had never been adopted by the House. This must be granted; but suppose that Sutherland's Manual, which had been prepared especially for the Legislature, failed to give an exposition of certain points, and was not full. What course must be then taken? Why there was but one, and that was to fall back upon standard and good authorities. Did the gentleman from Philadelphia, (Mr. HAMERSLY,) mean to deny or



doubt the accuracy of Cushing. He thought not; for in these halls he had been cited for the last twenty years, and even when a boy, the speaker had seen copies of the work adorning the Legislator's desks. That being the case, was it not strictly proper for him to cite Cushing, and was it proper for the gentleman from Philadelphia to deny the application?

Again, reverting to the circumstances of the decision of yesterday, it was to be remembered, he said, that the gentleman from Delaware, (Mr. PENNELL,) had moved to re-consider the vote by which the bill had passed. The motion had been entertained after it was agreed to. The gentleman from Washington, (Mr. LAWRENCE,) had offered a resolution soliciting the recall of the bill from the Senate. He proposed to show that the offering of this resolution, as well as the other proceedings, were strictly in accordance with parliamentary usage, for Cushing said distinctly that any motion to recall the bill, was incidental to the motion to re-consider the vote, no matter whether it came before or after. Had the resolution been offered before the action of the gentleman from Delaware, (Mr. PENNELL,) it would have been entertained; but having been offered afterwards, it was equally legal.

It was to clear himself from the charge of incompetency, that he had made to-day this effort at self defence. For the patient hearing which the House had given him he thanked them, and regretted having been thus obliged to consume their time.

Mr. HAMERSLY said as there had been no point of order raised, he was somewhat at a loss to discuss this question, and yet it is evident that the SPEAKER has caused the extract from the work of Mr. Cushing to be read as an answer to some remarks made by him yesterday. He read from Sutherland's Manual then, as a reason why the House ought not to entertain a motion to re-consider a bill which had passed out of its possession, and which he was informed had been sent to the Governor, the extract which the SPEAKER had endeavored to overthrow by the authority of Mr. Cushing.—Now, the very authority quoted by the SPEAKER shows the absurdity of the position assumed; for if, as Mr. Cushing says, the motion to re-consider a bill not in possession of the House is inoperative, and can accomplish no purpose, then, he contended, it is out of order, and should have been so ruled by the SPEAKER. There must be some point at which the right to re-consider shall cease. Will the Honorable SPEAKER contend that, if the bill alluded to had been in the hands of the Governor, as we were told was the case yesterday, that it would then have been in order to re-consider it here? And yet, according to his favorite authority, (Mr. Cushing,) there would have been as much propriety in re-considering it then, as there would have been in re-considering a bill which was in possession of the Senate. The rule of this House says that a motion to re-consider is in order, if made at any time within six days, but that rule is based upon common sense and the supposition that the matter is yet within the control of the House. If it is to bear the literal construction placed upon it by the SPEAKER, then it would be in the power of any two members to re-consider a bill which had been sent to the Governor, had received his sanction, and thereby become invested with all the binding force of a law. It would be difficult to conceive of any position more ridiculous and absurd.

The SPEAKER has alluded to my long experience in this and the other chamber, and intimates his surprise that I was not better acquainted with the views of Mr. Cushing, whose book, he says, has been in use in these Halls for many years past. He begged leave to remind the Honorable SPEAKER that this book of Mr.

Mr. Cushing was never heard of in this House until the session of 1856, when my colleague, who sits immediately in front of me, offered a resolution authorizing the Clerk to purchase a copy of it. Previous to that time, it had never been heard of in these Halls, and he very much questioned whether there are half a dozen members present who had ever seen the book at the time the resolution was introduced.

This practice of recalling bills after they have passed is a modern innovation, and a very unsafe and dangerous practice. Until within the last two or three years it has never prevailed here and the sooner it is abolished the better it will be for us all.

There is no rule of the House upon the subject, and in the absence of it, we are compelled to rely upon precedents and practices elsewhere. The SPEAKER chooses to take for his guide the work of Mr. Cushing, who, he believed, had had considerable experience as an officer or member of the Legislature of Massachusetts. He (Mr. H.) took as his guide the practice which has prevailed in the Senate of the United States and of this State, as laid down in the Manual of Mr. Sutherland, which he would beg leave to remind the House has been adopted as our rule of conduct by a resolution of the House. The one is recognized as authority here—the other is not. The rule of the Senate of the United States, (he read from page 214 of Sutherland's Manual,) says: "If, after the vote, the paper on which it is passed *has been parted with*, there can be no re-consideration; as if a vote has been for the passage of a bill, *and the bill has been sent to the other House.*" So the rule of the Senate of this State says—"No motion for the re-consideration of any vote shall be in order, after a bill, resolution, report, amendment or motion upon which the vote was taken, *shall have gone out of the possession of the Senate.*"

Here are two authorities in direct conflict with Mr. Cushing, and he preferred looking to what has been the practice in the Senate of the United States and of this State, to the mere speculations of Mr. Cushing.

As there is no question before the House, he did not desire to waste any more time in the discussion of the question.

Mr. THORN said that it was a well established principle of jurisprudence, that nothing that could not be done directly, could be done indirectly. All who were present must have the events of yesterday fresh in their minds, and thus, glancing at the circumstances, he would state what he believed to be the effect of the rules of the House, and of Parliamentary rules, upon the question at issue. There was no dispute as to the fact that motions to re-consider could be made at any time within the six days succeeding the vote, even although the Governor had signed the bill—the enrolment tax being paid and vested rights having accrued. But nobody would pretend to assert that the bill could be operated upon after these important essentials had been undergone. The question of re-consideration ought to have been disposed of when the bill was before the House. If it had then been requisite, he could then have moved to go into committee of the whole to make suitable amendments, and the bill could have been read, as the rules required, at the call of any member. But how, pray, could such action have taken place yesterday? How could amendments have been offered, or the bill been read, when it was not in the House? He had seen this difficulty yesterday when the project of re-consideration was broached, and now saw it equally as clear. When he had risen yesterday during the debate, it was only to direct the matter into the proper channel, but in this he had failed. The motion to re-consider had evidently been in order, but it ought to have been postponed until the bill was procured, and then, on

the question, "shall the bill pass?" amendments, &c., would have been in order.

He concluded by reiterating the futility of any motion to re-consider a bill which had been signed by the Governor and duly enrolled.

#### ORIGINAL RESOLUTIONS.

Mr. WILCOX offered a resolution that the Clerk in addition to the diagrams already ordered for the use of the members, be authorized to procure one thousand diagrams of the Senate for the use of the same; which was twice read and adopted.

Mr. PALM offered a resolution, that hereafter no member shall be allowed to read in his place any document, if such document shall be out of order at the time.

The House refused to proceed to the second reading of the same.

Mr. FOSTER offered a resolution, that when this House adjourn, it adjourn to meet again next Monday afternoon at three o'clock.

And on the question,

Will the House proceed to the second reading and consideration of the same?

The yeas and nays were required by Mr. PATTERSON and Mr. ECKMAN, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Bayard, Bertholet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Evans, Foster, Goepp, Gratz, Harding, Kinney, McClain, McDowell, Miller, Patterson, Peirce, Porter, Quigley, Ramsdell, Smead, Smith, (Philadelphia,) Styer, Thorn, Wagonseller, Walborn, Whitmau, Wiley, Wood and Zoller—30.

NAYS—Messrs. Balliet, Barnsley, Barlow, Brodhead, Bryson, Burley, Campbell, Church, Custer, Dismant, Dodds, Durhrow, Eekman, Ellmaker, Fearon, Fisher, Fleming, Glatz, Good, Graham, Gray, Green, Gritman, Hamersly, Hill, Hottenstine, Irish, Jackson, Keneagy, Ketchum, Laird, Lawrence, (Washington,) Mann, Mehaffey, McCurdy, Neall, Oaks, Palm, Pinkerton, Price, Pugh, Rose, Rouse, Sheppard, Shields, Smith, (Berks,) Stephens, Stuart, Taylor, Thompson, Walker, Warden, Wigton, Wilcox, Williams, (Bucks,) Williston, Wilson, Withrow, Wolf Woodring and Lawrence, *Speaker*—61.

So the question was determined in the negative.

Mr. RAMSDELL, on leave given, from the select committee appointed upon the subject, made the following report:

*Whereas*, A select committee was appointed on the 22d day of the present session of the Legislature by this House, to act in conjunction with a similar committee from the Senate, for the purpose of contracting for the publication of a Daily Legislative Record:

*And whereas*, The Senate has refused to appoint such a committee, your committee respectfully submit the following report:

That they have received a proposition from Geo. Bergner & Co. to print a Record of the proceedings of this House; and also, that of the Senate, to be equal if not superior in every respect to that now printed by R. J. Haldeman, for the sum of 5 60-100 per page, being 1 40 cents less than the price now paid, which will therefore save the State the sum of \$11 20-100 cents per day; we therefore offer the following resolution:

*Resolved*, That the committee already appointed on the part of this House be empowered to enter into a contract with Geo. Bergner & Co., for the publication of a Daily Legislative Record, under such restrictions as they may consider the most advantageous to the State, and that they also receive such sureties in the sum of three thousand dollars from the contractors for the faithful performance of the work as they may deem reliable—the whole to be submitted to this House for ratification.

The resolution was read the second time.

And on the question,

Shall the same pass.



Mr. GRITMAN said that if he had found an opportunity he would have risen to a point of order. The report of the committee was clearly out of order at the present time, for it did not emanate from a committee of the House. A committee had certainly been appointed in the early part of the session, to confer with a like body from the Senate upon the publication of a *Daily Legislative Record*, but pending their report, the House had taken up the subject matter and passed upon it, thereby effectually discharging the committee, and relieving them from the necessity of any further action. A report from that committee ought not now to be received, inasmuch as they had repeatedly before been called upon for a statement, and had failed to make one.

But laying aside this point of order, it was unprecedented for the House to wish to enter into a contract by which it would receive a double set of *Records*. He was not like the gentleman from Tioga (Mr. WILLISTON,) who did not believe in printers receiving any pay, but was willing to pay reasonably. He was, however, entirely opposed to paying double, and incurring the expense which would necessarily follow the publication of two *Records*. He would like any gentleman to find a precedent for such action as was proposed. If any parallel case could be found, he would vote with those who favored the movement; if not, then the matter was really not entitled to a moment's consideration. The Legislature was naturally inclined to be extravagant enough, without searching for outside means.

Mr. WILLISTON wished to reply to the imputation of the gentleman from Luzerne, (Mr. GRITMAN.) He had no objection to paying printers reasonably, and had never said so. As regarded the point contained in the resolution, he did not see how it could be reached by its passage. The resolution which he had opposed some days since would have settled the matter.

It stated very plainly that the House would not receive the *Records* from the Democratic publisher, and would not pay for them at the end of the session, or after a certain date. The publisher would thus have been notified of the abrogation of the contract by the House. He desired to call attention to the fact that this resolution, which would have answered every purpose, was lost by a large vote, and that the House had thus acquiesced in the insult put upon them by the last Legislature, by the act providing for the continuance of the contract.

Mr. MILLER wished to correct his friend from Luzerne, (Mr. GRITMAN.) The gentleman in question had stated that the House had taken the subject out of the hands of the committee, before they had offered any report. A repealing act, it was true, had been passed, but this had not in any degree affected the powers of the committee. They were appointed in the early part of the session, to consider the matter of the publication of a *Daily Record*, and in fulfillment of their duty had offered a report. The action of the House should not prejudice the committee. He, for one, in voting upon the contract when it was before the Legislature, had no intention of interfering with the committee.

Mr. RAMSDALL said that the only question seemed to be that of the right of the committee to report. It was appointed for a specific purpose—had waited a suitable time, and had come to the conclusion that the Senate was indisposed to hold any conference with it—consequently now came forward and offered a report. Was this not proper? They had not been instructed to fulfil their duties within a limited time, or been notified that if they did not come forward by a certain date, their report would not be received.

But it was not the report, or the time of its rendition, he said, that was the real subject

of opposition. It was the resolution that was appended, and which empowered the committee to make a contract. This it was that excited the opposition.

In fact, the real question was this—whether the Senate, with a Democratic majority of one, was to rule the House, with a Republican majority of thirty-four—whether one man in the Senate was equivalent to thirty-four in the House. He trusted that, under these circumstances, the Representatives would not stultify themselves by allowing the resolution to be defeated—a resolution which by its passage would save \$11.20 per diem, and would take that much out of the hands of a Democratic editor, (against whom he had nothing to say,) and place it in the hands of a Republican. \$1000 had already been given this session, by the continuance of the contract, to feed a Democratic press. He wanted the matter settled, and the responsibility placed where it belonged. If the Senate desired to continue their contract, let them do so, and see where the pay would come from at the end of the session.

Mr. KINNEY expressed his endorsement.

Mr. GOOD moved that the further consideration of the matter be postponed for the present. The motion was lost.

Mr. ABBOTT regretted the present aspect of affairs. It had been alleged in previous discussions upon this subject, by the Democracy, that the continuing clause in the act of last session was placed there solely to secure the publication of a *Record* in the early part of this session, and thereby avoid trouble. If this was the only object contemplated, how was it that there were so many objections now to the formation of a new contract? If the object of the provision was answered, what objection could there be to its repeal? If there had originally been no other object than the one designated, it was evident that there was another now, and he would vote for anything and everything that would not induce an enormous expense, in order to have the matter satisfactorily adjusted. If the opposition party by their course indicate that they are willing to saddle the Commonwealth by allowing the continuance of the present *Record*, he was willing to take the responsibility incumbent upon making a new and satisfactory contract.

Mr. GOEPP was not prepared to say that the majority was really ready to pass the resolution, but it seemed so. If they did, it would be well for them to understand exactly the position of affairs.

A contract was in existence which had been made by the Assembly of the Commonwealth, by virtue of law, and which had been signed by the Governor, and was binding upon the State. Was it possible that the members of the House intended to bring Pennsylvania into such a position as would force her to embrace the doctrine of repudiation? It would make no difference whether the *Records* were received or not; they would have to be paid for, and the only way to evade this payment was by repudiation. If members were willing to take the first step towards this, let them do so with their eyes open. The contract was as binding as the State Debt; for it was made by the consent of the representatives in assembly, who were the delegates of the entire people of the Commonwealth. Nothing but the broad principle of repudiation could deprive the present contractor of the privileges which, under the agreement, he enjoys.

But the resolution—what did it authorize?—It empowered the committee to make a contract which was only binding on those whom it represented, and the contractor who agrees to the one part does it on the chance that the Senate will sanction the movement. It was true that the House did make contracts of certain kinds, but was it to be expected that the Senate, when they already had an agreement with a publish-

er, which was binding, would agree to make the State pay for another, which they had not sanctioned.

He had more faith than to believe that it was intended to repudiate the obligations of the State. It was disreputable for a people to do so, but if gentlemen would vote for such a measure, he desired that they should do so knowingly, and with the facts all before their eyes. If this new contract was to be paid, and the old one not to be paid, what was it but repudiation? It stultified the House; for it made them a party to a contract which was not binding upon the State.

Mr. HAMERSLY said that for a great many years it had been customary for each branch of the Legislature to make its own contracts. The House had a right to do so now, and would take care that its contractor received his pay or the Senate would certainly not get their's.

Mr. LAWRENCE, (Dauphin,) said that, as the parties on both sides in the matter of the *Record* were his immediate constituents, he was entitled to the floor, to be heard in their defence. He should join direct issue with the gentleman from Northampton (Mr. GOEPP,) in reference to the point of law which the last named gentleman had laid down. While he entertained the greatest respect for his legal opinions, he desired to refresh his memory upon one of the first principles of law, viz: the essentials of a contract. He should do this, too, without being frightened by the lugbear of repudiation—that great monster which had been brought out of its grave for this occasion. Nor would he be deterred by the idea of assuming a responsibility; for it was for this that he was sent here by his constituents.

But the gentleman had stated that the House was about to repudiate a contract. Now where was the contract with Richard J. Haldeman, for publishing the *Daily Record* this session? There was none. A contract was defined in law to be an engagement between two parties, who it was essential, should be able to contract—willing to contract, and who should contract. Two of these essentials had been fulfilled, viz: The ability and willingness, but the third had not been complied with.

The bill of 1858, which it must be admitted, was a law of the Commonwealth, was then read by the SPEAKER.

No evidence of assent to the so-called contract had been given by any officer of the Commonwealth. Last year this assent was rendered, but not during the present term. There was no renewal of the agreement—no endorsement of it, and no evidence of its continuance, with the assent of both parties.

He would tell why the clause providing for the continuance of the publication of the *Record* had been inserted in the act of 1858. At that time there was an excitement about Kansas, and a certain gentleman who held a position in the Senate, was weak in the knees—shaky, and required bolstering. The Democratic central organ in Pennsylvania, the *Patriot and Union*, volunteered to be his organ. He came out in favor of the Lecompton Constitution, and was supported by his backer. As a reward for his movement he is now enjoying his laurels in a Southern clime; but in order to aid and pay the organ, he fought through that passage in the act of 1858, knowing that the House this year would be Republican; for he had acumen enough to foresee the great change in popular sentiment. Those who were in the House last year know how energetically the clause was pressed, and how it was finally passed by a trick—how the House was unable to get an appropriation bill, and how the Senate refused to adjourn without their demand was complied with. The Republicans were in the minority then, and were conquered; but, thank God! were now in their strength, and it was but just and fair that



they should wield their power, as had been done by the Democrats before them.

He had not proposed to make this a party question, but would have to do so. At the time of the passage of that continuing clause, it was admitted that it was inserted only because it was evident that the House would be Republican. He had proposed to amend it so that it would allow either branch the right to annul the contract, but the amendment and its supporters were beaten down.

Gentlemen had said that the Republicans, if they gave the new contract now, as was proposed, would not be able to pay the printer. Why not? The House had control of its own printing, and the Senate could not refuse to pass an appropriation bill. It might be very easy to say, "do you suppose the Senate will pass an opposition appropriation bill;" but they would pass it, nevertheless, for they could not, and would not, stop the government of the State. There would have to be concessions on both sides. The resolution should pass at once, and the House, if they refused to pass it, would only show themselves weak in the knees.

Cries of question! question!

Mr. THOMPSON supposed that every gentleman present had determined in his own mind what course to pursue. The gentleman from Luzerne (Mr. GRITMAN) had deprecated the existence of two *Records*, and although this result might follow the passage of the resolution, and although he disliked extremes, he should vote in favor of the course proposed, from the fact that he thought the House had a right to make its own laws. In the outset, the Democracy had defended their *Record* on the score of economy, but this argument had been swept away, and they had suffered it to dwindle down to a mere paltry question of politics.

In law no contract existed for the publication of the *Record* because in the original contract the time had been limited. He denied positively that the agreement extended into this winter. Suppose that an action was to be brought by the so-called contractor to recover pay for work performed. What ground would be taken? He would certainly be defeated, on the ground that no contract existed.

He considered that it was but right to vote for the resolution, and to enter into a new contract at as low a rate as possible, and if the opposition in the House and Senate were determined to abide by the old agreement, let them take the responsibility of paying double.

Mr. PRICE called the previous question.

Before the vote was taken to sustain the previous question,

Mr. GRITMAN arose to speak.

Cries of "hear him," "hear him."

Mr. GRITMAN said that he would not speak, if matters had not been alluded to which demanded a reply. Efforts had been made to make of this a party question. The SPEAKER of the House had descended from his chair to whip through a party question. He did not suppose that the name and dignity of the Chair should be used for any such purpose. He was not accustomed to see the SPEAKER of the House of Representatives of Pennsylvania come down and drive his party to a vote upon a question which was not of general partizan interest.

There seemed to be a disposition on the part of those who might be facetiously termed the People's party, to carry things with a high hand. He was afraid that a little power had made them mad. They seemed to think that the great Democratic party had been annihilated. Did they suppose that the old Democracy was not yet alive, because the Republicans happened, by accident, to have a small majority in the House of Representatives? Did they imagine that they could pass any measure, whether

just or not, and throw themselves upon their constituents for support?

He was willing that the power of the majority should be used for the benefit of the party, but that majority was now combatting, not the Democracy, but a law of the land. The law, it was true, might be wrong, and complaints might be founded against it, but it was nevertheless a law, and as such to be found upon the statute books.

The vote that was proposed would only serve to run the State into additional expense to gratify a printer. Had the proposal come in any other manner, he would have objected. But the Commonwealth of Pennsylvania, through her Representatives, had determined that the old contract should exist, and that it should be paid for. Moreover, the constituents of the members present, as reasonable men, must agree with this view, and would say so much to their Representatives.

The law could not be abrogated. It was there, and would there remain, and the expense which would accrue under its provisions could not be avoided. However, if the gentlemen were prepared to make a new contract, they had better do it.

Mr. SMITH, (Berks,) said that he had come from a county which he regretted to say, had lately shown signs of heresy in favor of the opposition. He was not now, however, about to make a stump speech, or one inspired simply by a desire to oppose. Neither did he arise with the words of Shakspeare in his heart, if not on his lips:

"I am Sir Oracle:

When I ope my lips, let no dog bark,"

but his object now was to express his astonishment that any legal gentleman could assert that there was no contract in existence for the publication of the *Record*—to oppose the sophistry of the gentleman from Dauphin, (Mr. LAWRENCE,) and to fortify and strengthen the views which had been expressed by the gentleman from Northampton, (Mr. GOEPP.)

The gentleman from Dauphin had submitted his understandings of a contract, and had stated that for its completion there were three essentials, viz: ability, willingness and an actual consummation. And the same gentleman had denied that any contract was in force between the House and the present publisher of the *Record*. Did Mr. LAWRENCE know that the last essential was sometimes implied as well as expressed, and that assent was also implied? What greater evidence could there be of the assent of the publisher in the present instance to the terms of the act, than that of his furnishing the *Records* daily.

If he was with the majority, he would no doubt agree with them in the principle that "to the victors belong the spoils," but under the present circumstances, however much inclined he might be to favor his own party, he would not consent to vote for such a resolution as was proposed. What would be the effect of its passage? Mr. Haldeman would proceed with his publication, and would continue until the end of the session. The new-contractor would furnish his *Record*, and the members would find their desks strewn over with two *Records* by two different publishers.

He concluded by alluding to the absurdity of one party attempting to abrogate a contract in which two were interested, and which could only be dissolved by the joint action of both.

Mr. LAWRENCE, (Dauphin,) said that this was really refreshing, and seemed like a revival of the old times of last session, when a small Republican minority combatted the Democracy. It was positively "fun," and when he used this word, he thought that he did so in its proper significance.

But he desired to reply to the gentleman on the other side of the House, (Mr. GRITMAN,)

who seemed to think that, because he had been elected SPEAKER of the House, his mouth was to be closed during the session. He was not willing, however, to have his usefulness thus swallowed up in dignity. To pursue such a course would not be to do justice to the constituents who had sent him, and who did not know when they elected him that he was to be chosen SPEAKER. Was there any precedent why he should not descend to the floor of the House, and take part in debate? He did not come down as Sir Oracle, as a member had seemed to imply, but to satisfy the demands of his constituents, and he was determined to maintain his position as long as he thought proper. To say that because he was SPEAKER he must not take part in proceedings, was simply begging the question. It was using clap-trap, the meanest kind of oratory.

He believed that the resolution would pass, and did not believe that one member present had been affected by the speeches made, except perhaps some of the gentlemen of the opposition who had been injured in temper. The gentleman from Berks, (Mr. SMITH,) had admitted that two requisites of a contract had been fulfilled, and had boldly asserted the consummation of the third. He stated that a charter of incorporation was a contract between the State and other parties, in which assent, on the one hand, was implied.

Mr. SMITH, (Berks,) denied having said anything of the kind.

Mr. LAWRENCE (Dauphin,) continuing, said that in the case which he had just cited, it was true that consent was implied, but not until the act of incorporation had been handed in at the Secretary's office, the enrolment tax paid and the charter taken out. Now, how had the present publisher of the *Record* given any assent similar to this? True, he had sent papers to the House, but other gentlemen had done the same.

And it was said that Mr. Haldeman would continue to send the *Record*, and would demand pay at the end of the session. Would somebody be kind enough to say how he could enforce this payment, supposing the contract to exist, as the gentlemen from Berks and Northampton, had said? The House had the matter in its own hands. If they would not pass the appropriation bill, where would be the remedy? The Governor could not give pay—neither could the Senate, and who under Heaven could? The State could not be sued under existing laws, and it remained with the House, the members of which were fresh from their constituents, to control this matter.

He did not propose to reply to the gentlemen who, in a spirit not over kind or courteous, had doubted his right to come down from the Chair and take part in the debate.

Mr. SMITH, (Berks,) rose to explain. He had not reflected on the course of the gentleman from Dauphin, (Mr. LAWRENCE,) and in that respect did not coincide with the views of the gentleman from Luzerne, (Mr. GRITMAN.) He had not reflected on the SPEAKER.

Mr. LAWRENCE, (Dauphin.) Then, perhaps, the gentleman will tell me what he meant by his Shaksperian quotation.

Mr. SMITH, (Berks.) It was applicable to the manner of the gentleman from Dauphin, (Mr. LAWRENCE,) and perhaps other members of the opposition.

Mr. LAWRENCE, (Dauphin,) said that he was sorry, but could not help his manner. If the gentleman would suggest any particular impropriety which had been evident in his manner, he would beg pardon.

Mr. PATTERSON called the previous question.

Cries of "no, no, no!"

The call was seconded by Messrs. PATTERSON, PALM, PRICE, WAGONSELLER, WAL-



BORN, WHITMAN, WILEY, WITHROW, KENEAGY, IRISH, GREEN and BOYER of Schuylkill.

Several gentlemen solicited the SPEAKER not to put the question.

The SPEAKER. The Speaker has no opinion. The previous question has been called, and he has now but one course to pursue.

Mr. GOEPP claiming the floor.

On the question,

Shall the main resolution now be put?

The yeas and nays were required by Mr. WARDEN and Mr. WILCOX, and were as follows, viz:

YEAS—Messrs. Acker, Balliet, Barnsley, Bayard, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Church, Durboraw, Eckman, Fearon, Fisher, Green, Hamersly, Harding, Irish, Keneagy, Lawrence, (Washington,) McHaffey, McCurdy, McDowell, Miller, Neall, Palm, Patterson, Price, Ramsdell, Shaffer, Smead, Styer, Wagonseller, Walborn, Walker, Whitman, Wigton, Wiley, Williams, (Bucks,) Withrow and Zoller—40.

NAYS—Messrs. Abbott, Barlow, Bertolet, Boyer, (Clearfield,) Brodhead, Custer, Dismaut, Dodds, Ellmaker, Evans, Fleming, Foster, Glatz, Goepf, Good, Graham, Gratz, Gray, Gritman, Hill, Hottenstine, Ketchum, Kinney, Laird, Mann, McClain, Oaks, Peirce, Pinkerton, Porter, Pugh, Rohrer, Rose, Rouse, Sheppard, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stuart, Taylor, Thompson, Thorn, Warden, Wilcox, Williston, Wilson, Wolf, Wood, Woodring and Lawrence, *Speaker*—51.

So the question was determined in the negative.

Mr. GOEPP said that it was always with reluctance that he intruded himself upon the attention of the House, but he had been referred to by the gentleman from Dauphin, (Mr. LAWRENCE,) and felt that in justice he was entitled to a hearing, not that he expected, however, to change any vote.

He thanked the gentleman from Dauphin for inquiring by what means the present contractor would get his money. In this query the cloven foot of the Republicans had been perceptible. How did any bondholder of the State enforce his claims? He could not bring an action, for the Commonwealth could not be sued. At one time this might have been done, but it was not possible now. But the bondholders depended on the honor of a great Commonwealth, and in the present case the contractor might have no remedy, and depend solely upon the sense of honor which should ever enforce the payment of the just obligations of the State.

He regretted that a strong party spirit had misled the gentleman from Dauphin in the statement that there was no evidence that the contractor had accepted the provisions of the act of 1858. That act directed Mr. Haldeman to do the printing of the *Record*, and to receive pay for it. He sent his papers to the House, and the contract was just as complete as in the case of a private individual who ordered a paper and received it. There could be no stronger indications of assent. The refusal to compensate the publisher would be a plain act of repudiation, and the members must see that if the resolution pass such repudiation would inevitably follow, or the Commonwealth would be saddled with two *Records*.

Mr. SHEPPARD had voted against the enforcement of the previous question, but hoped that the vote would now be taken.

Mr. LAWRENCE, (Washington,) asked leave to make a statement. The hour of one had nearly arrived, and if the debate was prolonged, there would be no time for the committees to hand in their reports, which would consequently be debarred from being put upon the private calendar. He would therefore move that the matter under discussion be postponed

for the present, in order to allow the committees time to report.

Mr. LAWRENCE, (Dauphin.) Let the gentleman modify his motion so as to postpone the hour of adjournment until the committees have time to report.

The SPEAKER. The motion is before the House to postpone the consideration of the resolution, in order to allow—

Mr. LAWRENCE, (Dauphin,) was willing that the hour of adjournment should be extended, but was unwilling that the present matter should be postponed.

The SPEAKER declared that the object of both gentlemen would be answered by the motion of the gentleman from Washington, (Mr. LAWRENCE.)

Mr. ROSE rose to a point of order. He wished to inquire whether, as the yeas and nays had been previously called for on the vote upon the resolution, it was proper to entertain any motion of this kind.

The SPEAKER said that the call for the yeas and nays had been withdrawn some time since.

The yeas and nays were called upon the motion of Mr. LAWRENCE to postpone.

Mr. LAWRENCE, (Dauphin.) Is it in order to call the previous question?

The SPEAKER. It is not. The Clerk will proceed with the call for the yeas and nays.

Mr. WILCOX. I call for the orders of the day.

The SPEAKER. The hour of one having arrived, this House stands adjourned until tomorrow morning, at eleven o'clock.

#### CANAL COMMISSIONERS' JOURNAL.

HARRISBURG, TUESDAY, December 28, 1858.

The Board met.

Present—Mr. Strickland, Mr. Scott and Mr. Plumer, President.

The President laid before the Board the annual report for the fiscal year ending the 30th of November, 1858.

Which was read and approved.

HARRISBURG, THURSDAY, January 6, 1859.

The Board met.

Present—Mr. Strickland and Mr. Plumer, President.

The President laid before the Board a report on the "claims of the citizens of the borough of Bridgewater, Beaver county, relative to damages caused in consequence of the erection of the dam at or near the mouth of Beaver, on the Beaver division of the Pennsylvania canal," referred to the Canal Commissioners for their examination, by an act passed on the 15th of April, 1858.

Which was read, approved, and directed to be transmitted to both Houses of the Legislature.

Application was made by David King, of Franklin county, for a deed for a lock house, and lock house lot, purchased by him from the Commonwealth, under "An Act to authorize the Canal Commissioners to sell and convey certain real estate upon the Franklin line of the Pennsylvania canal," &c., approved April 9th, A. D. 1849; and it being understood that no deed had ever been executed to him, although the purchase money had been paid, and possession of the property given; it was

*Resolved*, That the Board execute to the said David King, a deed conveying to him, his heirs and assigns, all the right and interest of the Commonwealth, in and to the lock house and lock house lot on the Franklin line of the Pennsylvania canal, opposite the town of Franklin, at the time of the sale, under the act above cited.

The President then laid before the Board a deed for the purpose mentioned in the above resolution; which was approved and executed.

HARRISBURG, MONDAY, January 10th, 1859.

The Board met.

Present—Mr. Strickland and Mr. Plumer, President.

The President laid before the Board a reply to the following resolution, passed by the Senate on the 10th inst., viz:

*Resolved*, That the Board of Canal Commissioners inform the Senate on or before Monday next, of the progress made in the investigation and settlement of claims submitted to them by the last Legislature; also, the earliest day by which such of these claims as are still under examination, can be finally determined; and also their views as to the proper disposition to be made of the records and papers of their department on the abolition of the Canal Board.

Which was read, approved, and directed to be transmitted the Senate.

HARRISBURG, TUESDAY, Jan. 11, 1859.

Present—Mr. Strickland.

The term of service of Arnold Plumer, President of the Board, having expired, and in consequence of the provisions of the act of Assembly, entitled "An Act to reduce the expenses and provide for the election of a Board of Canal Commissioners," passed April 18th, 1848,

Wm. E. Frazer appeared on a notice from the Secretary of the Commonwealth of his having been elected Canal Commissioner.

Whereupon,

W. E. Frazer, after having been duly qualified according to law, took his seat as a member of the Board.

On motion,

The Board proceeded to the election of a President; when

Mr. Frazer voted for.....George Scott.  
Mr. Strickland voted for.....George Scott.

Therefore,

George Scott was duly elected President of the Board.

The Board proceeded to the election of Secretary; when

Mr. Frazer voted for.....Thomas L. Wilson.  
Mr. Strickland voted for.....Thomas L. Wilson.

Therefore,

Thomas L. Wilson was declared to be duly elected Secretary.

HARRISBURG, FRIDAY, Jan. 14, 1859.

The Board met.

Present—Mr. Frazer, Mr. Strickland and Mr. Scott, President.

Mr. Strickland offered the following resolution, viz:

*Resolved*, That this Board, in pursuance of past practice of the Board of Canal Commissioners, will not re-open and re-consider any claim rejected by a previous Board, unless directed to do so by the Legislature.

And on the question,

Will the Board agree to the resolution?

The yeas and nays were required, and were as follows:

YEA—Mr. Strickland.

NAYS—Mr. Frazer and Mr. Scott.

So the resolution was determined in the negative.

HARRISBURG, TUESDAY, Jan. 18, 1859.

The board met.

Present—Mr. Frazer, Mr. Strickland and Mr. Scott, President.

Mr. Scott moved that A. M. White be permitted to introduce additional testimony in the case of the claim of A. M. and R. White & Co., and that he be heard in support of the same.

And on the question,

Will the Board agree to the motion?

The yeas and nays were required, and were as follows:

YEAS—Mr. Frazer and Mr. Scott.



NAY—Mr. Strickland.

So the motion was agreed to.

Mr. Strickland presented his reasons for his vote as follows, which were ordered to be entered on the Journal:

"Mr. Strickland states as his reasons for voting in the negative, that this case had been fully heard, and fairly rejected by the late Board."

Mr. Scott presented the reasons for his vote, which were ordered to be entered on the Journal, as follows:

"I vote for hearing additional testimony for the reason, that there was a distinct understanding at the meeting of the Board at Huntingdon, and after payment of the claim had been refused at a meeting of the Board at Pittsburgh, that additional testimony would be heard at Harrisburg."

HARRISBURG, WEDNESDAY, Jan. 19, 1859.

The Board met.

Present—Mr. Frazer, Mr. Strickland, and Mr. Scott, President.

The President laid before the Board a communication from Wm. B. Foster, Jr., Vice President of the Pennsylvania railroad company, stating that a suit has been brought against that company, in the court of Common Pleas of Westmoreland county, by Catharine Cope, for damages sustained on the Philadelphia and Columbia railroad, on the night of the 25th of January, 1857, and suggesting, as it is alleged, that the accident was caused by the negligence of the agents of the Commonwealth, the appointment of an attorney to represent her in the suit or in an effort to effect a compromise.

Which was read, and referred to the Attorney General.

Mr. Frazer offered the following resolution, viz:

*Resolved*, That the Board proceed to the examination of the claim of A. M. & R. White & Co.

And on the question, will the Board agree to the resolution?

The yeas and nays were required, and were as follows:

YEAS—Mr. Frazer and Mr. Scott.

NAY—Mr. Strickland.

So the resolution was agreed to.

Mr. Strickland presented the reasons for his vote, which were directed to be entered on the Journal, as follows:

"Mr. Strickland states as his reasons for voting in the negative,

"That this case of A. M. & R. White & Co., was fully heard and examined by the late Board of Canal Commissioners; that it was 'disallowed' by that Board at Pittsburgh, in September last, that the entry 'disallowed,' then made, was never erased or ordered by that Board to be erased, although they subsequently agreed to hear and did hear the claimants further in relation thereto; and that after a hearing by that Board, on Monday the 10th inst., the case was continued 'disallowed' and finally disposed of, and the attorney having charge of it left the Board with that understanding, and that the only recourse open for the party, was an application to the Legislature. That, admitting the right of this Board to open and re consider the case, which is not admitted, the testimony now produced in no respect changes its features as it stood before the late Board. It is a book alleged to be the claimants' book of original entries, and could have been produced by them at any time, if they had cared to do so; but the memorandum book from which the entry was taken, has been for months in possession of the Board.

"That to open this or any other case similarly situated, is to assume the right to open any and every similar case 'disallowed' or rejected by the late or any previous Board of Canal Com-

missioners, without limit as to time—and to unsettle the past practice of the Board without cause; for, in this, as in all other cases 'disallowed' or rejected by a previous Board, the party claimant cannot suffer permanent wrong, because redress is always within the power of the Legislature, and will doubtless be afforded, if it be shown that justice has not been done.

"That, aside from the foregoing reasons, it is due to the Legislature, who have before them a bill limiting the existence of the Board of Canal Commissioners, and restraining their power in all cases similar to that now before the Board, and also to the character of this Board, that final action shall not be taken in this or any similar case, during the pendency of said bill."

Mr. Scott presented the reasons for his vote, which were directed to be entered on the Journal, as follows:

"My reasons for voting to again examine this claim is, that when it was before the Board at previous meetings, I was fully convinced, after hearing the testimony, that a portion of the claim was just, and should be paid, and so voted at the time. This claim is examined by the Board, by the authority given in the 17th section of the act approved the 21st day of April, 1858, to provide for the payment of certain claims, and I know of no law, or any rule or regulation of the Canal Board, that is a bar to any action this Board may see proper to take."

Mr. Frazer presented the reasons for his vote, which were directed to be entered upon the Journal, as follows:

"William E. Frazer states as his reason for voting in the affirmative, that at a meeting of the Canal Board, held in Huntingdon, in the month of December, 1858, from the testimony given, did agree to grant a re-hearing of the case, which investigation was delayed by unavoidable casualties on the part of the claimant, until after the organization of the present Board; that the said claimant appeared before the present Board, and on his solemn oath says, 'the book he exhibited to the Board, contained the original entry of his amount, and is just and true.' These, together with the array of testimony on file in this office in this case, has been a sufficient cause for my affirmative vote, in my estimation."

The President laid before the Board a report to the Legislature on the claim of Peter S. McCulloch, for damage to his section boat, caused by a collision on the Allegheny Portage railroad, on the 4th of October, 1853.

Which was read, approved, and directed to be transmitted to both houses of the Legislature.

HARRISBURG, THURSDAY, Jan. 20, 1859.

The Board met.

Present—Mr. Frazer, Mr. Strickland and Mr. Scott, President.

Mr. Frazer moved that the claim of A. M. & R. White & Co. be allowed.

Mr. Scott moved to amend the motion so as to allow A. M. & R. White & Co. so much of their claim for wood only as was measured by Mr. Bryden, viz—3597½ cords.

And on the question,

Will the Board agree to the amendment?

The yeas and nays were required, and were as follows:

YEAS—Messrs. Frazer and Scott.

NAY—None.

[Mr. Strickland declined voting.]

The question recurring, will the Board agree to the motion as amended?

The yeas and nays were required, and were as follows:

YEAS—Messrs. Frazer and Scott.

NAY—None.

[Mr. Strickland declined voting.]

So the motion, as amended, was agreed to.

Mr. Strickland presented the reasons for not

voting on this question, which were ordered to be entered on the Journal, as follows:

"He states that, believing the reasons given by him, and entered upon the Journal, against hearing the party claimant in this case, preliminary to the question on opening and re-considering it, and subsequently against opening for re-consideration, are proper and well founded; he considers that they forbid him voting, even in the negative, on the question of allowing the claim, or any portion of it, and to do so might be construed into a recognition of the action of the majority of this Board on the preceding questions as having been right and proper. If, however, he had been free to vote on the question of allowing the claim, or any portion of it, he would have considered it his duty to vote in the negative, for the claim is now unchanged in a single important feature from what it was before the late Board, and he then voted against allowing any portion of it, because, from all the information he could obtain, and after a free consideration of all the facts and circumstances bearing on it, (which information, facts and circumstances extend to bills for wood, heretofore allowed and paid to the same party,) he was satisfied that there was not anything due from the Commonwealth to these claimants. Such was the judgment of the late Board, and such is still his opinion."

HARRISBURG, FRIDAY, Jan. 21, 1859.

The Board met,

Present—Mr. Frazer and Mr. Strickland, President, *pro tem*.

The President, *pro tem*, laid before the Board a report on the claim of Samuel Copper, late contractor for Lock No. 11, on the Erie extension of the Pennsylvania canal, referred to the Canal Commissioners by an act approved the 8th of May, 1840.

Which was read, approved, and directed to be transmitted to both Houses of the Legislature.

Mr. Strickland called the attention of the Board to the remarks of Mr. Turney in the Senate yesterday, on the bill abolishing the office of Canal Commissioner; and stated that the information for which his name is there given as authority was simply a reply to the written inquiry of the Senator as to the action of the Board on the "White claim."

HARRISBURG, TUESDAY, Jan. 25, 1859.

The Board met,

Present—Mr. Frazer and Mr. Strickland, President, *pro tem*.

Ordered that the Secretary transmit to the Legislature, in pursuance of law, a copy of the Journal of the Board, from the commencement of the present fiscal year.

In pursuance of the act approved this day, abolishing the Board of Canal Commissioners, the Board transferred to the custody of the Auditor General, he being present in the office, "all books, papers, records, and other property belonging to said department."

#### NO. 38.—FILE OF THE HOUSE.

CHASE, Judiciary—Jan. 18.

RESOLUTION relative to the increase of the Navy Yard at Philadelphia.

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That our Senators in Congress be instructed, and our Representatives requested, to use all honorable means in procuring an act of Congress increasing the size of the Navy Yard at Philadelphia, so that the same may be a first class yard.

*Resolved*, That the Governor transmit a copy of these resolutions to our Senators and each of our Representatives in Congress.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 20.

## SENATE.

SATURDAY, January 29, 1859.

The Senate met and was called to order by the SPEAKER at 11 o'clock, A. M.  
A quorum of Senators was present.  
Prayer by Rev. B. R. Waugh, President of the female college, Harrisburg.  
The Journal was read and approved.

### REPORTS OF COMMITTEES.

Mr. RANDALL, (Railroads,) reported as committed, a bill, entitled "An Act to incorporate the Union railroad company."

Mr. STEELE, (same,) as committed, "A supplement to an act incorporating the Germantown passenger railway company."

Mr. FINNEY, (same) as committed, "A supplement to an act relative to running locomotive engines and cars on connecting roads."

Mr. NUNNEMACHER, (Roads and Bridges,) as committed, "A further supplement to an act incorporating the West Chester and Wilmington plank road company."

Also, (same,) as committed, "An Act incorporating the Hollenback and Hanover turnpike road company."

Mr. FETTER, (same,) as committed, "An Act to repeal to the tenth section of an act approved April 26, 1852, relative to laying out of a State road in Montgomery and Bucks counties, &c."

Mr. THOMPSON, (same,) as committed, House bill No. 22, "An Act to repeal an act relative to roads and bridges in Mercer county."

Mr. RUTHERFORD, (same,) as committed, "A supplement to an act relative to roads, highways and bridges, approved June 13, 1836."

Also, (same,) as committed, House bill, entitled "An Act relative to the navigation of the Tionesta creek and its branches."

### BILLS IN PLACE.

Mr. WRIGHT read in his place and presented to the Chair, a bill, entitled "An Act authorizing the Frankford and Oxford turnpike road company to borrow money."

Mr. FINNEY, "A supplement to an act incorporating the Johnstown woolen manufacturing company."

Mr. GREGG, "An Act relative to proceedings in the supreme court."

Also, "An Act relative to partnership."

Mr. BLOOD, "A supplement to an act regulating boroughs, approved April 3, 1857."

Mr. WELSH, "An Act relative to auctioneers in the borough of York."

Mr. FINNEY, "A supplement to an act relative to the sale and conveyance of real estate."

### ORIGINAL RESOLUTIONS.

On motion of Mr. KELLER, House bill No. 42, "An Act for the relief of Isaac Gulick," was re-committed to the Committee on Finance.

Mr. FINNEY moved that resolution No. 96, "relative to the pay of the commissioners appointed to investigate the affairs of certain banks," be referred back to the Committee on Finance. Agreed to.

### BILLS CONSIDERED AND PASSED.

On motion of Mr. BELL, Senate bill No. 26, "A further supplement to an act authorizing the Governor to incorporate the West Chester and Wilmington plank road company."

On motion of Mr. FINNEY, Senate bill, No. 129, "An Act to incorporate the Presbyterian church at Harrisburg," was called up.

The Senate resolved itself into committee of the whole. (Mr. BELL in the Chair.)

On motion of Mr. FINNEY, the word "at" in several places was changed to "of."

Mr. GREGG moved to amend by adding "Old School," in the first line of the first article.

Mr. GREGG offered the amendment in good faith. It was well known to this community that there were two branches of the Presbyterian church, which had worshipped in the same church for twenty years. It is also well known that the church asking for this act of incorporation is the Old School Presbyterian church—a name which they themselves claim, and which they cannot object to in the charter. If the Legislature incorporates them by "the Presbyterian church of Harrisburg," it makes but one Presbyterian church here, debarring others of the same denomination, from the use of a name to which they are equally entitled. If the amendment was made, he should vote for the bill; if not, he should be constrained to vote against it. He had, at all events, an objection to the bill; it was a case in which the courts have power, and they could have gone there and obtained their charter, without coming here to take up the time of legislation.

Mr. HARRIS could not see any good object in amending the name to that of "Old School." It was known to every Senator that the church making application for the charter is the Presbyterian church, and that they do not claim to be Old School. The portion which had seceded is known as the New School, and that they have gone by that name because they did secede.

Mr. BELL regretted that this matter had been brought here. He was informed that the Presbyterian church of Harrisburg had separated, and that both are erecting houses of worship.—The only difficulty with regard to the act of incorporation is the title. Those who had worshipped in the house destroyed by fire are generally known as the Presbyterian church; and he had been informed by the pastor that letters were frequently received by him directed to the "Presbyterian church of Harrisburg." If that title is given to the body now asking for an act of incorporation, it may lead to confusion and error. He remarked that some member of the Committee on Corporations, who had had the bill under consideration, might be able to make some statement which would set the matter in a proper light.

Mr. WRIGHT, as a member of the Committee on Corporations, did not know that he was called upon to say what had been done in their meetings; yet he could see no impropriety in it. He remarked that, in the event of the passage of this bill, the other branch of the church will seek an act of incorporation by some other name, and there could be no difficulty or confusion, as was feared by the Senator from Chester. The trouble between the different branches does not take its rise in the title, but in the division. Division in any body, religious or political, was calculated to breed unkind feelings, and opposition to everything, on the part of one branch, which was done by the other. He considered the name in the bill a very proper one. The church had been known for years as the Presbyterian church of Harrisburg; and while there is no other here, letters go there. But the moment a second church comes and asks for a charter, something must be done to designate it from the other. It had been suggested in Committee, that the first Presbyterian church of Harrisburg would be a proper name; but it

was not for the Senate or the Committee to designate a name for any body, which came here asking for an act of incorporation. No title can be suggested which will be perfectly satisfactory to both parties; and he saw no impropriety in passing the bill as it is.

Mr. GREGG, in offering the amendment, did it from the purest motives. He did not know of any ill-feeling existing between the two branches of the church, until it had been alluded to here. He did know that the churches had been worshipping together for twenty years, and he supposed they were moving along harmoniously. The simple object of his amendment was to designate the church. He did not care in what way it was done, but to avoid difficulty it should be done in some manner different from the title contemplated by the bill.

Mr. BELL remarked that this charter had been asked for at the hands of the court, but the judge refused it on the ground of the title, as it is now in the bill. That was the sole ground upon which the refusal was made, and that it would lead to confusion and inconvenience.

Mr. RANDALL inquired whether any legacies had been left to the church, under the old charter, and whether they shall remain with the church already organized, or to the new corporation; and in what way they would be legally affected by this act.

Mr. FINNEY said he thought he could give an explanation entirely satisfactory to the Senator from Philadelphia. Here was a corporation, known in law, as the English Congregational church. If legacies had been left to the church under that name, they would remain—and a second party, in asking for an act of incorporation, take no rights vested in the first. The church asking for this charter do not claim such legacies, nor do they object to the other branch changing its title. So far as the confusion to which the Senator from Chester had alluded, there could be none whatever. The church had existed for a quarter of a century, under the corporate name of the English Congregational church, and yet they had always been addressed by the name of Presbyterian church. In all correspondence affecting the general interests of the church, it made but little difference into which hands it fell, while in matters of a private character, parties would send to the pastors.

He considered the amendment of the Senator from Centre as invidious. It was not a title taken by themselves, and either old or new would be an invidious designation. The parties have a right to have their own views and separate organizations; and he believed in his heart that no harm to religion resulted from sectarian divisions. He could not see anything wrong in the name; and if the other branch should come here and ask for an act of incorporation, under whatever name they choose to be designated by, he should vote for it.

Mr. WRIGHT, in reply to the question of his colleague, would say that there had been no objection urged by either party, that there were any legacies which could be interfered with by this bill.

Mr. FRANCIS regretted that this matter had come here in the shape it did. He had tried all in his power, by outside influences, to bring the parties to terms. The objections which were being made to the title of the bill reminded him of the lines in Shakspeare,



He who steals my purse steals trash, but he who robs me of my good name," &c.

It was the good old name of the Presbyterian church which was the bone of contention here. The English Congregational church has been in existence for some twenty years, he said. He then entered into a history of the church difficulty in 1838, growing out of the division of the Old and New School branches, and the adjudication of the matter before the supreme court. He had, he said, no personal feelings in the matter, but he considered the act of incorporation justly applied for, and he should vote for the bill, and for the title as it is.

Mr. GAZZAM did not wish to add a word to what had been said; but as he should vote for the bill, he desired briefly to give his reasons for it. He deeply regretted that any difference had arisen between the two branches of the Presbyterian church, and he would not have voted for the title, had the New School organization acted towards the others as justice and fair dealing demanded, in making a division of the property of the church. The title was not a material matter, and he saw no propriety in the amendment.

The question being upon the amendment offered by Mr. GREGG, it was not agreed to, and the bill finally passed.

On motion of Mr. FINNEY, the Senate adjourned until 3 o'clock, P. M. on Monday next.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, Jan. 29, 1859.

The House met at the usual hour, and was called to order by the SPEAKER.

Prayer was offered by the Rev. Mr. Miles, of the Baptist church of Harrisburg.

Journal of yesterday was read.

Mr. GOEPP moved that the House proceed to the consideration of House bill No. 98, "Supplement to an act incorporating the Philadelphia and Reading railroad," which was not agreed to.

Mr. IRISH, on leave, from Committee on Judiciary, reported as committed, "An Act relating to the recording of certain ordinances in the city of Allegheny," and moved that the House proceed to the consideration of the same; which was agreed to.

Whereupon said bill was taken up and passed finally.

Mr. RANDALL moved that the rules be suspended and that the House proceed to the consideration of the resolution relative to entering into contract with Geore Bergner & Co., for the publication of a Daily *Legislative Record*.

And on the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. WOODRING and Mr. WILLISTON, and were as follow, viz:

YEAS—Messrs. Abbott, Balliet, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Church, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Graham, Gratz, Hamersly, Harding, Irish, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mehaffey, M'Clure, McCurdy, McDowell, Patterson, Price, Pugh, Ramsdell, Rouse, Shaffer, Sheppard, Smead, Smith, (Berks,) Styer, Taylor, Thompson, Thorn, Wagonseller, Walborn, Walker, Whitman, Wigton, Wiley, Williams, (Bucks,) Williston, Wilson, Withrow, Wood, Zoller and Lawrence, *Speaker*—55.

NAYS—Messrs. Acker, Bertolet, Brodhead, Custer, Dismant, Fleming, Glatz, Goepf, Good, Gray, Gritman, Hill, Hottenstine, Laird, Mann, Oaks, Palm, Pennell, Peirce, Pinkerton, Porter, Rohrer, Shields, Stephens, Stuart, Warden, Wilcox, Wolf and Woodring—29.

So the question was determined in the negative, two-thirds not voting in the affirmative.

#### ORIGINAL RESOLUTIONS.

Mr. WILCOX offered a resolution relative to

the pay and usual mileage of A. L. Linton, for services as clerk on the contested election case of Oliver Evans; and on his motion, the rules in this case being dispensed with, said resolution passed finally.

Mr. PALM offered a resolution that when this House adjourns, it adjourn to meet again at 3 o'clock, P. M., on Monday.

Mr. SMITH, (Berks,) moved to amend the same by adding, that the House adjourn to-day at 12 o'clock.

On the question,

Will the House agree to the amendment?

The yeas and nays were required by Mr. HAMERSLY and Mr. ECKMAN, and were as follow, viz:

YEAS—Messrs. Bertolet, Brodhead, Bryson, Church, Glatz, Goepf, Good, Harding, Hottenstine, Laird, Mann, M'Clure, Porter, Price, Rohrer, Smead, Smith, (Berks,) Stephens, Walborn, Wiley and Woodring—21.

NAYS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Graham, Gratz, Gray, Gritman, Hamersly, Hill, Irish, Keneagy, Ketchum, Lawrence, (Washington,) Mehaffey, M'Curdy, M'Dowell, Miller, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Pugh, Ramsdell, Rose, Sheppard, Shields, Stuart, Styer, Taylor, Thompson, Thorn, Wagonseller, Walker, Warden Whitman, Wigton, Wilcox, Williams, (Bucks,) Williston, Wilson, Withrow, Wolf, Wood, Zoller and Lawrence, *Speaker*—63.

So the question was determined in the negative.

The original resolution was then adopted.

On motion of Mr. M'DOWELL, the bill authorizing the commissioners of Juniata county to construct a certain road was re-committed.

Mr. SMITH, (Berks,) moved that the House proceed to the consideration of the resolution submitted by him a few days since relative to the printing of railroad bills, and that the rules be suspended for that purpose.

Mr. THORN called for a division of the question. He was entirely opposed to having the rules suspended so frequently during the day, and wished the members to understand what would be the effect. If they were not suspended, the *Record* matter would come up in its order for adjustment.

Mr. SMITH said that when he offered his resolution it was with the full knowledge that the regular business would be interrupted. He desired to have his resolution disposed of, and in some measure to anticipate the report of the Committee on Railroads.

On the question, will the House agree to suspend the rules?

The yeas and nays were required by Mr. SMITH, (Berks,) and Mr. ROSE, and were as follow, viz:

YEAS—Messrs. Bayard, Bertolet, Boyer, (Clearfield,) Brodhead, Custer, Dismant, Evans, Fleming, Goepf, Good, Gray, Gritman, Harding, Hill, Hottenstine, Laird, Miller, Oaks, Pennell, Porter, Rohrer, Rose, Shields, Smead, Smith, (Berks,) Stephens, Stuart, Warden, Wilcox, Williams, (Bucks,) Wilson, Wolf and Woodring—33.

NAYS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Church, Dodds, Durboraw, Eckman, Ellmaker, Fearon, Fisher, Glatz, Graham, Gratz, Hamersly, Irish, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, M'Curdy, M'Dowell, Palm, Patterson, Peirce, Pinkerton, Price, Pugh, Ramsdell, Rouse, Sheppard, Styer, Taylor, Thompson, Thorn, Wagonseller, Walborn, Walker, Whitman, Wigton, Wiley, Williston, Withrow, Wood, Zoller and Lawrence, *Speaker*—52.

So the question was determined in the negative.

Mr. HARDING offered a resolution that the House adjourn at 12 o'clock, noon, to day; not agreed to.

Mr. WILEY offered a resolution that there be an afternoon session on Tuesday and Thursday, from 3 till 5 o'clock; which was read the second time.

Mr. GOEPP said that the action of the House had been greatly embarrassed during the session by the different committees on contested elections. Some of them had been discharged, but others were still in existence, and their members were obliged to attend regularly, thereby necessarily interfering with the meeting of the standing committees of the House; under these circumstances, and in consideration of the present difficulty of getting committees together, he hoped that the House would postpone afternoon sessions for a week or longer.

Mr. ROSE moved a postponement; agreed to.

#### DOCUMENTS WITHDRAWN.

Mr. PRICE asked and obtained leave to withdraw certain papers relative to Augustus J. Kuhns, for relief.

Mr. HARDING withdrew petitions relative to the petition of Alexander M'Knight, for divorce.

#### LEAVE OF ABSENCE.

Messrs. IRISH, PRICE, KINNEY and WARDEN severally asked and obtained leave of absence for Messrs. FOSTER, GALLEY, the Doorkeeper and Assistant Clerk.

#### REPORTS OF COMMITTEES.

Mr. IRISH, (Judiciary,) as committed, "A supplement to an act to incorporate the Union school and childrens' home asylum; to provide for the taxation of non-resident venders of merchandise, &c."

Also, (same,) as committed, "An Act relating to strays in Venango county."

Also, (same,) with a negative recommendation, "An Act for the conveying of convicts from one county, to be tried for offences committed in another, while undergoing their sentence."

Mr. KETCHUM, (same,) with a negative recommendation, "An Act regulating the fees of aldermen, justices of the peace and constables of Lancaster county, relative to the poor and indigent persons applying or being sent to the hospital or house of employment of Lancaster county."

Also, (same,) as committed, "An Act declaring dogs in this Commonwealth to be personal property."

Also, (same,) with a negative recommendation, "A Act relative to strays in Thornbury township, Delaware county."

Mr. THOMPSON (same,) with a negative recommendation, "A supplement to an act securing to mechanics and others, payment for their labor, and materials furnished in erecting any house or other building, within the city or county of Philadelphia."

Also, (same,) as committed, "An Act to prevent the intermarriage of the white and black races."

Also, (same,) with a negative recommendation, "A supplement to an act, approved April 2d, 1822, for the protection of places of religious worship."

Mr. GRATZ (same,) as committed, "An Act to authorize the House of Refuge to extinguish a certain ground rent."

Also, (same,) as committed, "An Act relating to the borough of Lebanon."

Also, (same,) as committed, "An Act to provide for the better regulation of buildings in the city of Philadelphia."

Mr. GRITMAN (same,) as committed, "An Act releasing G. S. Jamison, collector at Blairsville, from payment of money due the Commonwealth."

Also, (same,) with a negative recommendation, "An Act for the protection of laborers in Blair county."



Also, (same,) "An Act to defray expenses of a special election in Luzerne county, held June 8, 1858."

Mr. DODDS, (Pensions and Gratuities,) as committed, "An Act for the relief of Henry Bumgardner, soldier of the Indian war of 1794."

Mr. WALBORN (Railroads,) as committed, "An Act to incorporate the North-west Portage railroad company."

Also, (same,) with amendment, "A supplement to the act incorporating the Green and Coates Street passenger railway company."

Mr. THORN (same,) as committed, "An Act defining certain powers."

Mr. WILCOX (same,) as committed, "A further supplement to the act incorporating the Buffalo and Bradford railroad company, approved March 14, 1856."

Mr. M'DOWELL, (same,) with amendment, "A supplement to the act incorporating the Fayette County railroad company."

On motion of Mr. WARDEN, placed on Private Calendar.

Also, (same,) with amendment, "An Act incorporating the Port Kennedy railroad company of Montgomery county."

Mr. CHURCH, (Corporations,) as committed, "An Act to incorporate the Security fire insurance company of Philadelphia."

Also, (same,) as committed, "An Act to incorporate the association for the construction of a statue of George Washington."

Mr. FISHER, (same,) as committed, "A supplement to the act incorporating the Railroad car-spring company, approved April 14, 1858."

Also, (same,) with amendment, "An Act to incorporate the Luzerne powder company."

Mr. ACKER, (same,) as committed, "An Act to incorporate the Preachers' aid society of the first Methodist protestant church of Pittsburg."

Mr. QUIGLEY, (same,) with amendment, "An Act to incorporate the Farmers' fire insurance company of middle Pennsylvania."

Mr. GLATZ, (same,) as committed, "An Act to amend the charter of the borough of North Lebanon."

Mr. ELLMAKER, (same,) as committed, "A further supplement to an act to incorporate the borough of Marietta, Lancaster county, approved March 9, 1843."

Also, (same,) as committed, "An Act to incorporate the town of Jefferson, county of Cambria, into a borough, to be called Wilmore."

Mr. GLATZ, (same,) as committed, "A further supplement to the act incorporating the Scranton gas and water company, &c."

Mr. HAMERSLY, (same,) as committed, "An Act to amend and extend the charter of the Mutual fire insurance company of Germantown and its vicinity."

Also, (same,) as committed, "An Act to incorporate the City building association."

Also, asked to be discharged from the further consideration of the act to incorporate the California seminary of Washington.

Mr. PRICE, (same,) with amendment, "An Act to incorporate the Mercantile Library hall company of Pittsburg."

Also, with amendments, "An Act to incorporate the Farmers' fire insurance company of Middletown, Pennsylvania."

Mr. ZOLLER, (Education,) as committed, "An Act to attach part of Washington county to Edenboro' for school purposes."

Mr. KINNEY, (same,) with a negative recommendation, Senate bill No. 53, "An Act in relation to the Hollidaysburg school district, Blair county."

Mr. M'DOWELL, (Printing,) from the special committee appointed on that subject, made the following report:

The Committee on Printing, to whom was referred the following resolution, viz:

"Resolved, That the Committee on Printing be, and they are hereby requested to inquire what

documents, and the number of copies thereof each member of this House is entitled to receive by existing laws, and what number have already been delivered, and report the same at an early day."

Respectfully beg leave to report, that they have examined the act, approved on the 9th day of April, 1856, on this subject, and find that this House is entitled to receive the following documents, viz:

Two hundred copies of each bill ordered by this House. One hundred and seven copies of the "Executive Documents," containing the reports of the Canal Commissioners, State Treasurer, Auditor General, Surveyor General, Adjutant General and Superintendent of Common Schools.

The law says that documents containing these important reports, shall be delivered to the Clerk of the House, immediately after the opening of the Legislature, or as soon after as possible; and we find that no copies have been delivered thus far.

Five thousand copies of the Auditor General's report on Finance, are ordered to be printed.—This House is entitled to two-thirds of the number thus ordered; consequently three thousand three hundred and thirty-two copies is our share of this report.

This House is also entitled to three thousand three hundred and thirty-two copies of the Canal Commissioners' report.

Twenty thousand of the School Report are ordered to be printed; ten thousand of which are for the use of the Superintendent of Common Schools, and the balance are to be divided between the two Houses; one-third of them to the Senate and two-thirds to the House, which would give this House six thousand six hundred and sixty-seven copies of said report.

Your committee have also made inquiry regarding the documents already published; but they are informed by the officers that it is an utter impossibility to inform us of the number of copies furnished; that they are brought into the Hall and thrown in one corner without informing any body of the number of copies they delivered.

Your committee would therefore offer the following resolution:

"Resolved, That they be discharged from the further consideration of the subject."

Said resolution was read the second time, and adopted; and, on motion of Mr. SHEPPARD, ordered to be printed in the *Legislative Record*.

Mr. WILLISTON, on leave, read in his place and presented to the Chair a joint resolution relative to the pay of witnesses, &c., in the contested election case of Thomas H. Porter.

#### BILLS IN PLACE.

Mr. WILCOX read in his place and presented to the Chair, "An Act to provide for the recording of a plot in the town of Ridgway, Elk county." (Referred to Committee on Corporations.)

Also, "An Act relative to State taxes." (Referred to Committee on Ways and Means.)

Mr. BOYER, (Schuylkill,) "An Act repealing the supplement to the act relating to a burial-ground in the borough of Pottsville, approved April 22, 1856." (Referred to Committee on Estates and Escheats.)

Mr. MEHAFFEY, "A supplement to an act to protect fruit and punish trespass in this Commonwealth, approved March 14, 1856."

Mr. PALM, "An Act relative to the sale of medicines in this Commonwealth." (Referred to Committee on Judiciary.)

Mr. ECKMAN, "An Act to amend the charter of the borough of North Lebanon."

Mr. QUIGLEY, two, as follows:

"An Act to incorporate the Suffolk Park association."

And, "An Act to incorporate the chemical

company of Pennsylvania." (Both referred to Committee on Corporations.)

Mr. GREEN, "An Act to exempt the property of the old Columbia public ground company from taxation."

Also, "An Act to incorporate the Prime and Federal Streets passenger railway company." (Referred to Committee on Railroads.)

Mr. ROSE, "An Act relative to the election of town councilmen in the borough of West Greenville, county of Mercer." (Referred to Committee on Corporations.)

Mr. HAMERSLY, "A supplement to the act to repeal certain acts of assembly upon non-payment of the enrolment tax."

Mr. SMITH, (Bucks,) "A supplement to the act incorporating the Philadelphia and Reading railroad company." (Referred to Committee on Railroads.)

Also, "An Act to protect the wages of labor." (Referred to Committee on Judiciary.)

Mr. GOEPP, "An Act to regulate the fees of county commissioners, county auditor, jurymen, directors of the poor and witnesses in the county of Northampton." (Referred to Committee on Judiciary.)

Mr. PRICE, "A supplement to an act to incorporate the Mount Joy savings institute, approved May 13, 1856." (Referred to Committee on Banks.)

Also, "An Act to enforce the payment of unpaid purchase money due from person or persons originally purchasing or now holding or in possession of lands within this Commonwealth, where the same is due and yet unpaid." (Referred to Committee on Estates and Escheats.)

Mr. LAWRENCE (Washington,) "An Act to confer on James Morrison, of Washington county, all the rights and privileges of a child born in lawful wedlock." (Referred to Committee on Judiciary.)

Mr. GRATZ, "An Act to increase the compensation of the judges of the supreme court." (Referred to Committee on Judiciary.)

Also, "An Act supplementary to the act relative to the recording of deeds in this Commonwealth." (Referred to Committee on Judiciary.)

Also, "An Act to abolish the board of health of the city and port of Philadelphia, and to provide for the appointment of commissioners of health for said city and port." (Referred to Committee on Judiciary.)

Mr. WILSON, "An Act to provide for the fencing of part of the Cleveland and Pittsburg railroad, and for the better protection of property in Beaver county." (Referred to Committee on Railroads.)

Mr. PINKERTON, "An Act to increase the pay of supervisors of Tremont township, Schuylkill county." (Referred to Committee on Roads and Bridges.)

Also, "An Act for the president and managers of the Mount Carbon railroad company to extend their railroad from some suitable point west of the borough of Pottsville, in the county of Schuylkill, so as to intersect with the Mine Hill and Schuylkill Haven railroad, at or near the Mine Hill Gap in said county." (Referred to Committee on Railroads.)

Also, "An Act repealing an act regulating the manner of voting at the general election in the counties of Wayne and Schuylkill, so far as said act relates to the county of Schuylkill." (Referred to Committee on Judiciary.)

Mr. SHEPPARD, "An Act relating to cemetery companies." (Referred to Committee on Corporations.)

Mr. GRAHAM, one to repeal the act of May 16, 1857, authorizing the location of a State road through parts of Washington and Greene counties. (Referred to Committee on Roads and Bridges.)

Mr. DODDS, "A supplement to the act approved May 8, 1854, entitled 'An Act for the



regulation and continuance of a system of education by common schools." "

Mr. BURLEY, one to incorporate the Newry railroad company, in Blair county. (Referred to Committee on Railroads.)

Mr. BALLIET, one to change the time for clearing officers of the Susquehanna and Lehigh turnpike road company. (Referred to Committee on Roads and Bridges.)

Also, "An Act relating to townships." (Referred to Committee on Election Districts.)

Mr. KENEAGY, one to authorize the State Treasurer to pay Messrs. A. K. & A. L. Witmer for loss sustained in consequence of a collision on the Columbia and Philadelphia railroad.

Mr. GLATZ, "An Act to incorporate the Hanover association for the detection of horse-thieves and recovery of stolen horses." (Referred to the Committee on Corporations.)

Mr. IRISH, one providing for the appointment and election of an additional law judge in the county of Allegheny. (Referred to Committee on Judiciary.)

Mr. BRODHEAD, one declaring McMichael's creek, in Monroe county, a public highway, and to prevent the destruction of fish.

Mr. HOTTENSTINE, "An Act for the better securing of payment of the wages for labor in Northumberland county." (Referred to Committee on Judiciary.)

Mr. BERTOLET, "A supplement to the act incorporating the Mutual fire insurance company of Sinking Spring, Berks county." (Referred to Committee on Corporations.)

Mr. ROHRER, "An Act for the relief of Elizabeth Murphy, widow of an old soldier." (Referred to Committee on Pensions and Grativities.)

Mr. WILLIAMS, (Bucks,) "An Act to authorize the sale of property belonging to the Keptown Division Sons of Temperance in Newton Hamilton." (Referred to Committee on Estates and Escheats.)

Also, (same,) "An Act authorizing the election of collectors of State and county taxes." (Referred to Committee on Judiciary.)

Mr. BARNSELY, "An Act to change the mode of collecting taxes in Bucks county." (Referred to Committee on Ways and Means.)

Mr. THOMPSON, "An Act relative to State taxes." (Referred to Committee on Ways and Means.)

Mr. BARLOW, "An Act to change the name of the Allegheny and Bald Eagle railroad company in Centre county." (Referred to Committee on Railroads.)

Mr. PEIRCE, "A supplement to the act relative to the lien of mechanics and others on buildings." (Referred to the Committee on Judiciary.)

Mr. BOYER, (Clearfield,) "An Act to incorporate the Clearfield gas company." (Referred to Committee on Corporations.)

Also, "An Act to exonerate Jas. S. Leonard, prothonotary of Clearfield county, from the payment of costs, taxes, and on his commission." (Referred to Committee on Judiciary.)

Mr. FEARON, "An Act to incorporate the Bald Eagle boom company, in Clinton county." (Referred to Committee on Corporations.)

Mr. TAYLOR, "An Act to increase the pay of county commissioners and auditors in Indiana county." (Referred to Committee on Judiciary.)

Mr. WAGONSELLER, "An Act to pay the claim of Charles Fisher." (Referred to Committee on Claims.)

Mr. ECKMAN, "An Act to authorize the Surveyor General to issue a patent." (Referred to Committee on Judiciary.)

Mr. GRITMAN, "A further supplement to an act incorporating the borough of Scranton." (Referred to Committee on Corporations.)

Mr. MEHAFFEY, "An Act to incorporate

the Montour navigation company." (Referred to Committee on Corporations.)

Also, "An Act supplementary to an act to protect fruit," &c. (Referred to Committee on Judiciary.)

Mr. THORN, "An Act to aid in the establishment of a school for minors." (Referred to Committee on Ways and Means.)

Also, "Supplement to an act incorporating the Philadelphia and Reading railroad." (Referred to Committee on Judiciary.)

Also, "An Act defining the punishment of certain offences." (Referred to Committee on Judiciary.)

Mr. WOOD, "An Act to revive the charter of the Lobanon, Phoenixville and Pinegrove railroad." (Referred to Committee on Railroads.)

Also, "Supplement to an act to incorporate St. Paul's church, Philadelphia." (Referred to Committee on Corporations.)

Mr. HARDING, "An Act to incorporate the Eighteenth and Twentieth Streets passenger railway." (Referred to Committee on Railroads.)

Mr. HAMERSLY, "An Act to incorporate the Fourth and Eighth Street passenger railway company." (Referred to Committee on Railroads.)

Mr. CHURCH, "An Act relative to certain charitable corporations." (Referred to Committee on Corporations.)

Mr. LAWRENCE, (Washington,) "An Act to change the lines of the borough of California." (Referred to Committee on Judiciary.)

Also, "An Act to confer upon James Morrison the rights and privileges of a person born in lawful wedlock." (Referred to Committee on Judiciary.)

Mr. SHIELDS, "An Act relative to the election of supervisors in Salem township, Westmoreland county." (Referred to Committee on Roads and Bridges.)

Mr. WILSON, "An Act repealing so much of an act approved 16th of April, 1850, as declares the passage of foreign bank notes of a less denomination than five dollars a misdemeanor.

Mr. WAGONSELLER, "An Act to refund to Michael Keckner, and others, certain moneys wrongfully paid by them as bail for Henry Rodermeil, late supervisor of Susquehanna division Pennsylvania canal." (Referred to Committee on Claims.)

Mr. SMITH, (Berks,) "An Act to protect the wages of labor." (Referred to Committee on Judiciary.)

#### BILLS ON THIRD READING.

"An Act relative to sheriff's costs in Luzerne county," came up in order, and passed finally.

"An Act relative to the width of Chatham street," came up in order.

Mr. FISHER moved to postpone said bill for the present.

Mr. NEALL briefly opposed the motion.

And on the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. NEALL and Mr. HARDING, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barnsley, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Dodds, Durboraw, Eckman, Evans, Fearon, Fisher, Fleming, Glatz, Graham, Gratz, Gray, Gritman, Hamersly, Irish, Ketchum, Kinney, Laird, McClure, McCurdy, Miller, Oaks, Palm, Patterson, Peirce, Ramsdell, Smead, Taylor, Thorn, Wagonseller, Walborn, Warden, Wigton, Williston, Wilson and Lawrence, *Speaker*—46.

NAYS—Messrs. Bertolet, Church, Custer, Dismant, Goepp, Good, Harding, Hill, Hottenstine, Lawrence, (Washington,) Mann, Mehafeey, McDowell, Neall, Pinkerton, Price, Pugh, Rohrer, Rose, Rouse, Sheppard, Shields, Smith, (Berks,) Stephens, Styer, Thompson, Walker,

Wileox, Williams, (Bucks,) Wolf, Wood, Woodring and Zoller—33.

So the question was determined in the affirmative.

The resolution authorizing the House committee to contract with Geo. Bergner & Co., for the publication of the *Daily Record*, then came up.

On the final passage, the resolution having been read,

Mr. HAMERSLY called the previous question.

The call was sustained by Messrs. PALM, ROUSE, ABBOTT, GRATZ, PRICE, M'CURDY, PATTERSON, BRYSON, RAMSDELL, KINNEY, BURLEY and SMEAD.

Mr. WILCOX offered an amendment to the resolution, that the name of Geo. Bergner & Co. be stricken out, and that the committee be instructed "to invite proposals and give the contract to the lowest bidder."

In the confusion which prevailed, it was almost impossible to tell whether the amendment of Mr. WILCOX had been offered before the call of the previous question or not.

Mr. M'CLURE asked leave to make a statement. He had been absent when the bill was offered, but could not now vote for it, being, as it was, in direct opposition to an existing contract.

Mr. IRISH rose to a point of order, and read from Sutherland's Manual, that the call for the previous question cut off all amendments.

Mr. GOEPP rose to a point of order. The gentleman, (Mr. IRISH,) had not read from the rules of the House, but of the Senate.

Mr. PRICE said that the previous question was called before the amendment was offered.

Cries of "no, no, no!"

The SPEAKER said that upon this he could not decide, and would leave it to the House to say.

Mr. GRITMAN thought that the Chair had already decided the point, and it was impossible, therefore, for it to be submitted to the House.

Mr. LAWRENCE, (Dauphin,) made a motion that it be the judgment of the House, that the previous question was called before the amendment was offered.

Mr. LAWRENCE, (Washington,) rose in order.

Mr. GRITMAN. Mr. SPEAKER, the gentlemen is certainly out of order.

Mr. SMITH, (Berks,) offered a written point of order; which was not read.

Mr. M'CLURE wished to disembarass the matter. He said that when the SPEAKER had recognized the call for the previous question, it cut off all amendments. The previous question was therefore the main one before the House.

The SPEAKER agreed that the question was, "shall the main question now be put?" but he was not able to decide whether the amendment of the gentleman from Elk, (Mr. WILCOX,) had been offered before or after the call for the previous question. He submitted the matter to the House for decision.

Mr. ROSE submitted that the call for the previous question had been made after the amendment was offered.

The SPEAKER recapitulated the circumstances, but again declined to decide upon which had the priority—the call or the amendment.

Mr. M'CLURE said that he would take an appeal from the decision of the Chair, that the previous question had been first called.

The SPEAKER said he had made no such decision.

Mr. ZOLLER asserted that the previous question was called before the amendment was offered.

Mr. ROHRER said that the matter was becoming a question of veracity, and that perhaps the members had better be sworn.



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The Chair then called upon the House to decide as to the disputed point.

The House decided that the previous question had been first called, and that the amendment was therefore out of order.

Upon the question,

Shall the main question now be put?

The yeas and nays were required by Mr. GOEPP and Mr. SMITH, (Berks,) and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Church, Durboraw, Eckman, Fearon, Fisher, Graham, Gratz, Hamersly, Harding, Irish, Ketchum, Kinney, Lawrence, (Washington,) Mehaffey, M'Clure, M'Curdy, M'Dowell, Miller, Neall, Palm, Patterson, Peirce, Pinkerton, Price, Pugh, Ramsdell, Rouse, Sheppard, Smead, Styer, Taylor, Thompson, Thorn, Wagonseller, Walborn, Walker, Wigton, Williams, (Bucks,) Williston, Wilson, Wood, Zoller and Lawrence, *Speaker*—53.

NAYS—Messrs. Bertolet, Boyer, (Clearfield,) Brodhead, Custer, Dismant, Evans, Fleming, Glatz, Goepf, Good, Gray, Gritman, Hill, Hottentstine, Laird, Mann, Oaks, Rohrer, Shields, Smith, (Berks,) Stephens, Warden, Wilcox, Wolf and Woodring—25.

So the question was determined in the affirmative.

From the time the previous question was called until the vote was taken the greatest scene of confusion prevailed, and various points of order were raised but not sustained.

The question recurring,

Shall said resolution pass?

The yeas and nays were required by Mr. MILLER and Mr. RAMSDELL, and were as follow, viz:

YEAS—Messrs. Abbott, Balliet, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Church, Durboraw, Eckman, Fearon, Fisher, Graham, Gratz, Hamersly, Harding, Irish, Kinney, Lawrence, (Washington,) Mehaffey, M'Curdy, M'Dowell, Miller, Neall, Patterson, Peirce, Pinkerton, Price, Ramsdell, Rouse, Sheppard, Smead, Styer, Taylor, Thorn, Wagonseller, Walborn, Walker, Wigton, Williams, (Bucks,) Williston, Wilson, Wood, Zoller and Lawrence, *Speaker*—47.

NAYS—Messrs. Bertolet, Boyer, (Clearfield,) Brodhead, Custer, Dismant, Dodds, Evans, Fleming, Glatz, Goepf, Good, Gray, Gritman, Hill, Hottentstine, Ketchum, Laird, Mann, McClure, Oaks, Pugh, Rohrer, Rose, Shields, Smith, (Berks,) Stephens, Warden, Wilcox and Woodring—29.

So the question was determined in the affirmative.

The SPEAKER adjourned the House until next Monday afternoon at 3 o'clock, P. M.

## SENATE.

MONDAY, JAN. 31, 1859.

Agreeably to order, the Senate met at three o'clock, P. M. The SPEAKER in the Chair.

The Journal of Saturday was read and approved.

Messrs. BREWER, MILLER and SCOFIELD, appeared in their seats.

## LEAVE OF ABSENCE.

Mr. THOMPSON asked and obtained leave of absence for Mr. BELL, for a few days from to-day.

Mr. BALDWIN, the same for Mr. PARKER.

## BILLS IN PLACE.

Mr. STEELE read in his place, and presented to the Chair, a bill, entitled "A supplement to an act authorizing the appointment of an auctioneer in the borough and township of Wilkesbarre, Luzerne county."

Mr. PALMER, a bill, entitled "An Act to extend the limits of the borough of Pottsville, Schuylkill county."

Also, "A supplement to an act incorporating the Greenwood cemetery company at Tamaqua."

Mr. YARDLEY, a bill, entitled "An Act in incorporating the Newtown gas-light company."

Mr. TURNEY, a bill, entitled "An Act to authorize the register of wills of Westmoreland county to appoint an appraiser to re-assess the estate of Jonathan J. Mossholder, deceased, for collateral inheritance purposes."

Also, on leave given, a petition for the same, from heirs of Jonathan J. Mossholder.

Also, a bill, entitled "An Act reducing the expenses of collecting taxes in Fayette county."

On motion of Mr. TURNEY, the committee was discharged from the consideration of this bill, and the Senate resolved itself into committee of the whole. (Mr. BLOOD in the chair.)

After some time the chairman reported the same as committed, and the bill having been read a second and third time, passed finally.

Mr. WRIGHT, a bill, entitled "An Act to incorporate the Fourth and Eighth Street passenger railway company."

Mr. GREGG, a bill, entitled "A further supplement to an act incorporating the Lewisburg, Centre and Spruce Creek railroad company."

Mr. SCOFIELD, a bill, entitled "An Act supplementary to an act to enable the county of Warren to effect certain compromises."

On motion of the same Senator, the Judiciary Committee was discharged from the consideration of this bill, and the Senate resolved itself into committee of the whole. (Mr. BREWER in the Chair.)

This bill having gone through its various readings, was passed finally.

Mr. WRIGHT offered a joint resolution relative to the appointment of a postmaster for the Senate.

Mr. FINNEY thought the resolution entirely unnecessary. The Senate had a right to elect its own officers, without the consent of the House, as much so as to determine the right of its own members to a seat.

The SPEAKER remarked that the Judiciary Committee had decided that question, rendering the resolution entirely unnecessary.

Mr. WRIGHT subsequently withdrew his resolution.

## BILLS CONSIDERED AND PASSED.

On motion of Mr. PENNEY, the Judiciary Committee was discharged from the consideration of House bill, No. 137, "An Act relative to the recording of a certain ordinance in the city of Allegheny," and the Senate resolved itself into committee of the whole. (Mr. FETTER in the Chair.)

This bill was read a second and third time, and passed finally.

Mr. HARRIS moved to discharge the Committee on Finance from the consideration of a joint resolution from the House, relative to the pay of A. L. Linton, for services rendered as clerk to the committee on the contested seat of Oliver Evans; which was agreed to.

The Senate then went into a committee of the whole on this resolution. (Mr. FINNEY in the Chair.)

Mr. TURNEY moved to amend by striking out the part relative to mileage.

Mr. HARRIS did not know that the mileage should be stricken out. If the allowance of mileage was usual, the claimant should receive it, as all others had. Other clerks, he thought, had received the allowance, and he saw no reason why, if this party had traveled in the discharge of his official duty, he should not receive the amount which the law allows to him.

Mr. TURNEY replied that the very reason why he moved the amendment, was that the Senate may ascertain whether he was entitled to mileage. He understood the claimant was here all the time, and that he did not travel in the discharge of his duty as clerk to the committee. His mileage might amount to much more than his per diem; and if the matter had been referred to the Committee on Finance, the facts of the case could have been ascertained. He was not aware what particular contested case these services were rendered in—they might have been in a case in which the Senate had no authority to employ the clerk. If it was the case of Edwards against Evans, there was no justice, morality or anything else honorable in the allowance. If the claimant was justly entitled to mileage, he would be the last to withhold it; but until he was convinced, by the proper investigation, that it was founded in justice, he should oppose its allowance; and it was with a view to a proper investigation of the matter, that he moved the amendment.

Mr. GAZZAM suggested that the Senate allow the bill to pass the committee of the whole, when he would move that it be re-committed to the Committee on Finance.

The amendment was agreed to, and after some time the committee rose; when,

On motion of Mr. WELSH, the resolution was re-committed to the Committee on Finance.

Mr. SHAEFFER called up Senate bill, No. 88, "An Act incorporating the First Presbyterian church of Strasburg, Lancaster county."

This bill passed finally; its title being so amended as to read, "First Presbyterian church and cemetery, &c."

On motion of Mr. STEELE, the Senate proceeded to consider Senate bill No. 76, "A further supplement to an act incorporating the Lackawanna and Bloomsburg railroad company."

The Senate resolved itself into committee of the whole. (Mr. GAZZAM in the chair.)

Mr. STEELE moved to amend in fourth line of the last section, by inserting after the word "county," the words "except Luzerne."

Mr. MYER asked the Senator why he excepted the county of Luzerne?

Mr. STEELE replied that the road had already been completed in Luzerne county; and, as there were some suits pending, he did not know but there might be some interference with them, unless this provision was made by the bill. There was no wrong contemplated to any parties, and none could be done that he was aware of. There was no objection to the bill.

The amendment was agreed to, and the bill was ordered to be transcribed for third reading.

On motion of Mr. FINNEY, Senate bill No. 77, entitled "A further supplement to an act



incorporating the Meadville railroad company, approved May 20, 1857," was taken up in committee of the whole. (Mr. GREGG in the chair.)

Mr. FINNEY proposed to amend by adding the following at the end of the first section:

"And that the said company shall have the right to connect with any road or roads running to or from the counties of Warren and Mercer;" which was adopted.

The same Senator moved to strike out the second section. Agreed to.

The bill as amended passed finally.

Mr. TURNEY moved to discharge the Committee on Finance from the consideration of a joint resolution from the House, relative to the fitting up of the Hall of the House of Representatives, and that the same be referred to the Committee on Accounts.

Mr. WRIGHT hoped the motion to discharge the Committee on Finance and refer the matter to the Committee on Accounts, would not pass. It was a matter which properly belongs to that committee, and one upon which they should act.

Mr. RANDALL remarked that the Committee on Finance have had the matter under examination, and had unanimously agreed that the proper place for it was the Committee on Accounts.

Mr. GAZZAM trusted the Senator from Westmoreland would not ask for the reference. It was hardly fair, after one committee have had a claim under consideration, as the Committee on Finance have had this, and perhaps, finding something delicate or disagreeable in it, to seek its transfer to another. The Committee on Accounts have sufficient to engage their attention, and he saw no reason why it should be now bothered with this.

Mr. TURNEY replied that he had no desire to shirk any responsibility which attached to him. He was not only upon the Committee on Finance, but upon that of Accounts, to which it was proposed to refer the claim, and equal responsibility and labor attached to its consideration on each. Last year all bills of a similar character had been referred to the Committee on Accounts. He was surprised to hear the chairman of that committee, and one of the other members, asking that the reference asked for shall not be made. If the claim is referred to that committee, he was satisfied that it would receive the proper examination, and that they would, without difficulty, arrive at a conclusion entirely satisfactory to the Senate. So far as he was himself concerned, he would scorn to shirk any responsibility, or to be discharged from any duty, merely because something connected with that duty might be of a delicate or disagreeable character, or for any other reason. He hoped the Senator from Allegheny would take back the imputation that the motion to make the change of reference was actuated by any such motives. The matter comes to a committee of which he is also a member, and upon which the same objections would hold good. He only asked that the claim might be referred to the same committee as has been usual time out of mind.

Mr. GAZZAM remarked that he had merely put the matter interrogatively, without any wish to make any imputation, and he thought the Senator was unduly sensitive.

Mr. WRIGHT said the Senator from Westmoreland was correct in his statement with respect to the reference of these claims to the Committee on Accounts. At the close of the session, however, they had been shorn of their power, and it was certainly with gratification to the members of it that the power had been taken away. The Senator from Westmoreland was laboring under a misapprehension, and a little examination of the case will enable him to see his error. The Finance Committee, he thought, was the proper one to investigate the

matter, and he hoped the change contemplated by the motion would not be made.

Mr. TURNEY rejoined that he was laboring under no misapprehension. He had never been of that class of legislators who shirked the responsibility of any class of claims; nor was the motion to transfer it, made with a view of avoiding the labor incident to its examination. He was upon both committees, and upon either would be taxed with its consideration. No further power is required of them than to inquire whether the repairs have been made, whether the items specified in it have been obtained, and whether the bill is just, and should be paid. There was a contingent fund which was designed for repairs, and for other purposes, and the officers of the Senate and House are directed to make such repairs, from time to time, as are demanded for the convenience and comfort of members.

There was no charge against the Clerks, that they had either exceeded their power, or had contracted a debt which was extravagant or unjust. The expenditures made by them for the repairs to the halls, this year, were immeasurably less than they had been in former years; and he did not wish to be understood as imputing to those officers any extravagant disbursement of the contingent fund. Before Gen. Miller, the Clerk of the Senate, had taken any steps to have the work performed, he had used every precaution to ensure its completion in a just and economical manner. He had even gone to Philadelphia, and bartered like a Jew upon change, in order to guard the interests of the State committed to his hands. This much he felt authorized to say in behalf of the Clerks. He did not care where the matter went, he was ready, so far as he was concerned, to take it up and act upon it at once. There was an evident justness in it, and let it go to what committee it will, it must receive their sanction.

Mr. SCOFIELD proposed to compromise, and send it to the Committee on Vice and Immorality. They are supposed to have many delicate matters in hand, and if, as the Senator seemed to intimate, there was anything of a delicate nature in this, it would be appropriately referred to that committee for its action.

Mr. GAZZAM said the Senator from Westmoreland had said that he understands the matter perfectly, and has told the Senate that the claim is a liberal and just one. If such is the case, why refer it to any committee? Why not take it up, and act upon it at once?

Mr. GREGG remarked that the Committee on Finance had had the claim before it, and they had agreed that all matters of a similar character should go to the Committee on Accounts. So far as the responsibility of acting upon it was concerned, he, like the Senator from Westmoreland, had no disposition to shirk it. As regarded the justness of the claim, he would bear his own testimony to that of the chairman of the committee. There had been guarded economy, on the part of the officers, and the expenditures compared favorably with those of former years.

Mr. TURNEY withdrew his motion, whereupon,

Mr. RANDALL moved that the Committee on Finance be discharged from the consideration of the resolution, and that the Senate proceed to consider the same; agreed to.

In committee of the whole, (Mr. HARRIS in the Chair,

Mr. TURNEY moved to amend by adding the following: "and the Treasurer is hereby authorized to pay to Wm. H. Miller, Clerk of the Senate, \$3,121 25, the amount paid to W. H. Carryl & Co., for fitting up the Hall of the Senate."

Also, to change the title so as to read "Halls of Senate and House of Representatives."

The resolution as amended passed finally.

Mr. RANDALL called up House bill No. 28, "An Act to incorporate the Delaware and Schuylkill dredging company;" which passed committee of the whole and second reading, when it was allowed to lie over.

On motion of Mr. MARSELIS, Senate bill No. 83, "An Act to incorporate the Southwark soup society," was considered and passed finally.

On motion of Mr. BALDWIN, Senate bill No. 122, "A further supplement to an act to appoint commissioners to view, lay out and construct a State road in Lancaster and Chester counties, approved April 15, 1857," was considered and passed finally.

On motion of Mr. THOMPSON, Senate bill No. 78, "An Act to incorporate the Union mutual fire insurance company of Montgomery county," was taken up, considered and passed finally.

On motion of Mr. PALMER, Senate bill No. 92, "An Act to extend the charter of the Forest improvement company," was taken up, considered and passed finally.

Upon the motion to take up the joint resolution of the House, with reference to the contract for the printing of the *Daily Record*, there was an informal and running discussion between Messrs. MYER, SCOFIELD, TURNEY, FINNEY, GAZZAM, HARRIS and GREGG; during which the hour of 5 o'clock having arrived, the SPEAKER adjourned the Senate until tomorrow morning at 11 o'clock.

## HOUSE OF REPRESENTATIVES.

MONDAY, Jan. 31, 1859.

The House was called to order at 3 o'clock P. M., by the SPEAKER.

The Clerk read the Journal of Saturday.

Mr. HAMERSLY asked leave to read a bill at this time. Leave being given, he read a joint resolution empowering the House committee to contract for the publication of a daily *Legislative Record*, and moved to suspend the rules and proceed to its consideration.

Mr. JACKSON asked leave to record a vote.

The SPEAKER. Not at this time.

The resolution was read.

Mr. HAMERSLY said, that as the subject had already occupied too much of the time of the House, he would feel constrained to call the previous question.

Mr. ROSE asked as a favor to be permitted to say a few words in exposition of his views.

Mr. HAMERSLY, for that purpose alone, then consented to withdraw the call.

Mr. ROSE said that he was in favor of the resolution. The only reason which he had for objecting to a resolution of the same nature which had been offered on Friday or Saturday last, was that it would involve the necessity of having two *Records* printed. The first step towards getting a *Record* printed for the House was made by his colleague, who offered a resolution empowering a special committee to receive proposals. Before this committee had reported, a joint resolution was passed by the House, which was intended to dissolve the existing contract. He had voted for the postponement of the matter, because he thought that it was only just and proper that the committee should have an opportunity to report, and say whether it was possible to obtain a cheaper *Record*; and he had said then, that if their report was plausible, he would be in favor of rescinding the existing compact. The joint resolution was defeated in the Senate, and there the matter was suffered to rest for a few days. Another resolution was then submitted in the House, which authorized a negotiation with Geo. Bergner & Co., and he had voted against it, because he thought it was not proper for the House to make a new contract while the old one was still in existence, and had not been repealed. He



regarded it as involving the necessity of the publication of two *Records*.

He was in favor of the proposed resolution, because the committee had reported that a cheaper *Record* could be obtained, and therefore would vote to rescind the contract. He would be astonished to find Democrats oppose the resolution. He had voted with them on all questions of economy, and desired them now to reciprocate—

Mr. HAMERSLY interrupted the speaker, by stating that he had only yielded the floor to the gentleman in order to allow him to make an explanation, and not that he might discuss the merits of the question. He would therefore renew his call for the previous question.

The call was sustained by Messrs. RAMSDALL, WIGTON, GREEN, BURLEY, McDOWELL, BOYER, (Schuylkill,) HAMERSLY, MEHAFFEY, ECKMAN, WAGONSELLER, and WILSON.

The SPEAKER. Shall the main question be put?

The yeas and nays were required by Mr. GLATZ and Mr. GOEPP, and were as follow, viz:

YEAS.—Messrs. Ahcott, Acker, Balliet, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Church, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Graham, Gratz, Green, Hamersly, Harding, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehafeey, McClure, M'Curdy, M'Dowell, Miller, Neall, Palm, Patterson, Pennell, Peirce, Pinkerton, Price, Pugh, Ramsdell, Rose, Shafer, Sheppard, Smead, Styer, Taylor, Thompson, Thorn, Wagonseller, Walhorn, Walker, Whitman, Wigton, Wiley, Williams, (Bucks,) Withston, Wilson, Withrow, Wood, Zoller and Lawrence, *Speaker*—64.

NAYS.—Messrs. Boyer, (Clearfield,) Brodhead, Custer, Dismant, Fleming, Foster, Glatz, Goepp, Good, Gray, Hill, Hottentstine, Jackson, Laird, Nill, Oaks, Porter, Quigley, Rohrer, Shields, Stephens, Stoneback, Stuart, Warden, Wilcox, Wolf and Woodring—27.

So the question was determined in the affirmative.

On the final passage of the bill,

The yeas and nays were required by Mr. ROSE and Mr. BRYSON, and were as follow, viz:

YEAS.—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Church, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Graham, Gratz, Green, Hamersly, Harding, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehafeey, M'Clure, M'Curdy, M'Dowell, Miller, Neall, Palm, Patterson, Pennell, Peirce, Pinkerton, Price, Pugh, Ramsdell, Rose, Shafer, Sheppard, Smead, Styer, Taylor, Thompson, Thorn, Wagonseller, Walhorn, Walker, Whitman, Wigton, Wiley, Williams, (Bucks,) Williston, Wilson, Withrow, Wood and Zoller—63.

NAYS.—Messrs. Brodhead, Custer, Dismant, Fleming, Foster, Glatz, Goepp, Good, Gray, Hottentstine, Jackson, Laird, Nill, Quigley, Rohrer, Shields, Stephens, Stoneback, Warden, Wilcox, Wolf and Woodring—22.

So the question was determined in the affirmative.

Mr. JACKSON asked leave to record his vote in reference to the *Record* proceedings of Saturday; objected to.

Mr. JACKSON explained that he had been absent on Saturday when the vote in question was taken.

Mr. NILL moved to take up hill No. 81, on the House file, being a bill in relation to the railroad between Chambersburg and Hagerstown.

The SPEAKER. Shall the gentleman from

Sullivan, (Mr. JACKSON,) have leave to record his vote?

Leave was given.

Mr. WOLF asked the same privilege; which was granted.

Mr. NILL said that the parties interested in the railroad between Chambersburg and Hagerstown were exceedingly anxious to have the Legislature take some decided action. He hoped that the rules would be suspended, and that the House could at once proceed to the consideration.

The rules were suspended.

The House dispensed with going into committee of the whole.

The bill was read the second time, considered and agreed to—was read the third time by its title, and passed finally.

The SPEAKER. Senate bill No. 129, "An Act to incorporate the Presbyterian church of Harrisburg." (Referred to Committee on Corporations.)

Mr. HAMERSLY said that the Committee on Corporations had already considered a similar bill, which was No. 120 on House file. He moved that the House suspend the rules, and proceed to its consideration; which was agreed to.

The House dispensed with going into committee of the whole.

The first section was read.

On the second reading and consideration,

Mr. THORN said that he did not propose to offer any objections, but he would like to know if there was more than one congregation of Presbyterians now worshiping in Harrisburg.

Mr. NILL said there were two.

Mr. THORN said that the last part of the section gave communicant members a right to vote. He thought that the rules of the church conferred this privilege. He would like some gentleman interested in the matter to give an explanation of the bill.

Mr. GOEPP said that he had no particular interest. He should like to know, however, why this particular congregation applied to the Legislature, when the court was authorized to grant them a charter. He did not see any reason for the deviation from the usual course in such cases.

Mr. MCCLURE understood that the courts had refused in this case.

Mr. WILLISTON said that the courts had ample power. No gentleman could deny this, and he saw no reason why the Legislature should take up the matter.

On the passage of the first section,

The yeas and nays were required by Mr. WILLISTON and Mr. WILCOX, and were as follow, viz:

YEAS.—Messrs. Ahcott, Acker, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Campbell, Church, Custer, Dodds, Durboraw, Eckman, Fearon, Fisher, Fleming, Foster, Glatz, Good, Gratz, Green, Gritman, Hamersly, Harding, Hill, Jackson, Keneagy, Ketchum, Laird, Lawrence, (Washington,) Mann, Mehafeey, M'Clure, M'Curdy, M'Dowell, Miller, Neall, Nill, Oaks, Palm, Patterson, Peirce, Porter, Price, Quigley, Rohrer, Shafer, Sheppard, Shields, Smead, Stephens, Stoneback, Stuart, Styer, Taylor, Thompson, Wagonseller, Walhorn, Walker, Warden, Whitman, Wilcox, Wiley, Williams, (Bucks,) Wilson, Withrow, Wolf, Wood, Woodring, Zoller and Lawrence, *Speaker*—71.

NAYS.—Messrs. Balliet, Barnsley, Barlow, Brodhead, Chase, Dismant, Ellmaker, Evans, Graham, Kinney, Pinkerton, Pugh, Ramsdell, Wigton and Williston—14.

So the question was determined in the affirmative.

The second section was agreed to.

The title was agreed to. The bill was read a third time by its title, and passed.

Mr. GRATZ asked leave to make a statement. Leave being given, he moved to suspend the rules and take up House bill No. 85, as follows:

AN ACT to extend the act of the thirteenth of October, one thousand eight hundred and fifty-seven, entitled "An Act for the better security of laborers, mechanics and others in certain companies."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the act approved on the thirteenth day of October, Anno Domini one thousand eight hundred and fifty-seven, entitled "An Act for the better security of laborers, mechanics and others in certain companies," be and the same is hereby extended to continue in force until the first day of February, one thousand eight hundred and sixty-one.

The House refused to suspend the rules; whereupon

Mr. GRATZ said that the act, which had been found extremely beneficial, would expire by its own limitation to morrow. He earnestly hoped that the House would revoke its decision, and give the bill a consideration.

This was agreed to, and the bill passed finally.

Mr. MCCLURE asked leave to offer a resolution. Leave being given, he offered the following:

*Resolved*, That hereafter the hour for the regular meeting of this House, shall be 10 o'clock, A. M.

On the second reading and consideration,

Mr. GOEPP opposed the resolution, and stated that the two committees on contested elections occupied the time of the members to too great an extent, to warrant an earlier hour of meeting than 11 o'clock, A. M.

Mr. KINNEY coincided in this view.

Mr. MCCLURE would amend so as to make it 10½ A. M.

Mr. WILCOX moved an amendment to this effect.

The amendment was not agreed to.

The question recurring on the original resolution,

The yeas and nays were required by Mr. BARNESLEY and Mr. PINKERTON, and were as follow, viz:

YEAS.—Messrs. Balliet, Barnsley, Barlow, Boyer, (Schuylkill,) Bryson, Chase, Custer, Dismant, Dodds, Durboraw, Eckman, Fearon, Fleming, Graham, Hill, Keneagy, Lawrence, (Washington,) Mann, M'Clure, Neall, Nill, Palm, Peirce, Pinkerton, Sheppard, Thompson, Wagonseller, Whitman, Wilcox, Williams, (Bucks,) Withrow, Wolf and Lawrence, *Speaker*—35.

NAYS.—Messrs. Abbott, Acker, Bayard, Boyer, (Clearfield,) Brodhead, Burley, Campbell, Church, Ellmaker, Evans, Fisher, Foster, Glatz, Goepp, Good, Gray, Green, Gritman, Hamersly, Harding, Hottentstine, Jackson, Kinney, Laird, McDowell, Miller, Oaks, Patterson, Pennell, Porter, Price, Pugh, Quigley, Ramsdell, Rohrer, Rose, Shafer, Shields, Smead, Stephens, Stuart, Styer, Taylor, Thorn, Walhorn, Walker, Warden, Wigton, Wiley, Williston, Wilson, Wood, Woodring and Zoller—55.

So the question was determined in the negative.

Mr. PRICE moved that a certain bill be committed to the Committee on Judiciary. Agreed to.

Mr. WILLISTON moved to suspend the rules, and call up a joint resolution providing for the pay of witnesses in the contested election for members of the Assembly in Cambria county.

Mr. LAWRENCE, (Washington,) hoped that the House would see the propriety of passing this resolution at once, as many of the witnesses



were waiting to go home, and had no money to settle their bills.

Mr. MILLER said that he had one objection, and that was that in the statement the expenses of some man employed to serve subpoenas had been included. He had no objection to allowing the expenses of the witnesses.

Mr. GRITMAN said that if the matter was brought up in the proper form, he would not oppose the pay of witnesses. But he disliked to encourage the practice of bringing bills in piece-meal—parts at a time. The parties interested should have paid the bills, and then, with a correct certificate, signed by the chairman of the committee, have presented the account to the House.

Mr. WILLISTON had supposed that it was all right.

Mr. HAMERSLY inquired whether any preparation had been made for having the accounts certified?

Mr. WILLISTON stated that he was only interested in the matter through the request of others.

Mr. LAWRENCE, (Washington,) since he had become acquainted with the facts, hoped that the bill would be referred to the Committee on Accounts.

The motion to suspend the rules was agreed to.

The resolution was read.

Mr. HAMERSLY offered an amendment that the witnesses be paid, provided their accounts were examined by the chairman of the committee, and found to be correct.

Mr. LAIRD said that the bills had been sworn to before an alderman.

The amendment was agreed to.

Mr. MILLER reiterated his statement, that an outside person had been employed to serve the subpoenas, and not an officer of the House.

Mr. WILLIAMS, (Bucks,) had the same objection. The House had a Sergeant-at-Arms and four assistants, and they should have attended to the matter.

Mr. WILLISTON said that the expense was the same, no matter who served the subpoenas.

Mr. LAWRENCE, (Washington,) said that a man had been chosen to serve the subpoenas who was familiar with Cambria county.

Mr. TAYLOR confirmed this statement.

On the question,  
Shall the resolution pass?

The yeas and nays were required by Mr. WILLIAMS, (Bucks,) and Mr. MILLER, and were as follow, viz:

YEAS—Messrs. Abbott, Barlow, Brodhead, Bryson, Burley, Chase, Church, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fleming, Foster, Good, Graham, Gratz, Hamersly, Harding, Hill, Jackson, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, McClure, (McCurdy, McDowell, Neall, Nill, Palm, Patterson, Peirce, Pinkerton, Porter, Price, Pugh, Quigley, Ramsdell, Rohrer, Rose, Shafer, Sheppard, Shields, Smead, Stephens, Stonehack, Stuart, Styer, Taylor, Thompson, Walborn, Walker, Warden, Whitman, Wigton, Wilcox, Wiley, Williston, Wilson, Withrow, Wood, Woodring, Zoller and Lawrence, *Speaker*—69.

NAYS—Messrs. Acker, Balliet, Barnsley, Bayard, Boyer, (Schuylkill,) Campbell, Custer, Glatz, Gray, Hottenstine, Keneagy, Miller, Wagonseller, Williams, (Bucks,) and Wolf—15.

So the question was determined in the affirmative.

Mr. FOSTER asked leave to record his vote upon the *Record* question of Saturday. Leave was given.

Mr. THORN offered the following:

*Resolved*, That J. R. Smith be, and is hereby continued as assistant post master during the present session.

On the question,

The yeas and nays were required by Mr. NEALL and Mr. PATTERSON, and were as follow, viz:

YEAS—Messrs. Abbott, Boyer, (Clearfield,) Brodhead, Custer, Dismant, Ellmaker, Evans, Foster, Glatz, Goepf, Good, Gratz, Gray, Gritman, Harding, Hill, Jackson, Laird, Lawrence, (Washington,) Mann, McDowell, Miller, Oaks, Peirce, Porter, Price, Pugh, Quigley, Rohrer, Stephens, Stoneback, Stuart, Thorn, Warden, Wilcox, Woodring, Zoller and Lawrence, *Speaker*—38.

NAYS—Messrs. Acker, Balliet, Barnsley, Barlow, Boyer, (Schuylkill,) Bryson, Burley, Chase, Church, Dodds, Durhoraw, Eckman, Fearon, Graham, Hamersly, Keneagy, Ketchum, Kinney, Mehaffey, McClure, McCurdy, Neall, Patterson, Pennell, Pinkerton, Shafer, Smead, Taylor, Thompson, Wagonseller, Walhorn, Walker, Whitman, Wigton, Wiley, Williams, (Bucks,) Williston, Wilson, Withrow and Wolf—40.

So the question was determined in the negative.

#### PETITIONS.

Mr. SHAEFFER, one from citizens of Chester county, praying for the re-enactment of the fee bill of 1814, at least so far as relates to said county.

Mr. KENEAGY, one from A. R. & A. L. Witmor, for damages sustained on the Columbia and Philadelphia railroad.

Mr. NILL, one from citizens of Perry county, praying that the salaries of the members of the Legislature be reduced from seven hundred dollars to five hundred.

Mr. WOLF, one from citizens of York and Adams counties, praying for the re-charter of the Hanover saving fund society, in Hanover, York county.

Mr. GLATZ, one of like import.

Mr. HILL, five from citizens of Pottstown, Montgomery county, for a supplement to the charter of said borough relative to the election of town council, and funding of the debt.

Mr. BALLIET, one from citizens of Carbon county, for an additional appropriation to aid in erecting a monument in honor of Pennsylvanians who lost their lives in the Mexican war.

Mr. LAWRENCE, (Washington,) two from citizens of East Pike Run township and California borough, Washington county, in favor of a change in the laws of said borough.

Also, eight from citizens of Fayette, Washington and Allegheny counties, for a new county, to be called Monongahela.

Mr. GRAHAM, one of like import.

Mr. GRAY, eight from citizens of Greene county, praying for the revival of "An Act to provide for the erection of a house for the support and employment of the poor in the county of Greene, approved March 10, 1840."

Also, one for the relief of Lewis Six, a soldier in the Indian wars of 1792.

Mr. BARNSELY, one from the directors and stockholders of the Yardleyville and Delaware bridge company, praying for the repeal of so much of the eleventh section of their charter, which gives the privilege of persons going and returning from church to pass the said bridge free of toll.

Mr. JACKSON, one from James Taylor, late treasurer of Sullivan county, asking for the passage of an act appointing proper persons to audit and settle his account as treasurer of said county.

Also, one from one hundred and ten citizens of Sullivan county, for the passage of an act to prohibit the running of deer by dogs in said county.

Also, two from citizens of Wyoming county, for the passage of an act authorizing the assessment of damages arising from the location and construction of the North Branch canal, and making provision for the payment of the same.

Also, one from one hundred and fifty citizens

of Wyoming county, asking to have the provisions of the fifteenth section of the act of April 2, 1853, entitled "An Act to incorporate the Rosemont cemetery company; relative to judicial proceedings, &c., in Columbia and Montour; to a certain State road; to the county; upon fox seals in Luzerne county; to hunting in certain counties, &c.," extended to Wyoming county.

Mr. GOOD, two from citizens of South and North Whitehall townships, Lehigh county, praying for the charter of the Ironton railroad.

Also, a remonstrance against the charter of the same.

Mr. BURLEY, one from citizens of Beaver county, for a charter to construct a turnpike road from Duncansville to Altoona.

Mr. WILSON, two from citizens of Beaver county, for the passage of a law requiring the Cleveland and Pittsburgh railroad to fence in a certain portion of their road.

Mr. SHIELDS, one for the erection of a new county, to be called "Ligoneer," out of parts of Westmoreland, Indiana, Cambria and Somerset.

Mr. HOTTENSTINE, one from citizens of Northumberland county, for the repeal of existing laws giving stay of execution to employees for work and labor done.

Mr. FLEMING, three petitions of one hundred and sixteen citizens of Forest county, for a law to re-audit the account of Wm. R. Coon, Esq., late treasurer of the said county.

Mr. KETCHUM, one from land owners along the line of the North Branch canal, for the passage of a law to compensate them for damages sustained by the building of said canal.

Mr. PINKERTON, one from citizens of Pottsville and Norwegian townships, Schuylkill county, for an extension of the lines of the borough of Pottsville to embrace the Norwegian addition to said borough.

Mr. GRAY, one to endow Sarah Ann, Melissa, Warren B., Nancy, Ellen and Nicholas D. Evans, with all the rights and privileges of children born in lawful wedlock.

Mr. WALBORN, one from fifteen citizens of Philadelphia, asking that a law may be enacted for the systematic registration of all births, deaths and marriages that may occur in said city.

Mr. WOOD, one of like import.

Mr. PRICE, one from forty-eight citizens of Lancaster county, praying for the repeal of the act increasing the fees of district attorney, as far as relates to said county.

Mr. WILSON, one from citizens of Beaver county, praying for the repeal of the office of county superintendent of common schools.

Mr. WOLF, one of similar import from citizens of York county.

Mr. GLATZ, one praying for the passage of an act incorporating the Hanover association for detecting horse thieves and recovering stolen horses.

Mr. WITHROW, one from citizens of Wayne township, Mifflin county, asking for the passage of an act to compel the Pennsylvania railroad company to build or repair certain roads in said township.

Mr. WAGONSELLER, a remonstrance of fifty eight citizens of Union county, against the proposed State road from Shnyder's Gap, in Clinton county, past McCah's mills, to Rangler's mills, in Union county.

Mr. ZOLLER, one from forty citizens of Pittsburgh, praying for the incorporation of the Citizens' passenger railway company in the city of Pittsburgh.

Mr. BARLOW, one from citizens of North township, Centre county, praying that they may be exonerated from paying road tax in said township.

Mr. MILLER, one from citizens of Crawford county, for the erection of a new county out



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 22.

of part of the counties of Crawford, Venango and Warren.

Mr. CUSTER, one from citizens of Berks county, for the abolishment of the office of sealer of weights and measures of said county.

Mr. WILLIAMS, (Bucks,) one praying for a divorce from Reuben Frankinfield.

Mr. THOMPSON, one against the incorporation of the Steam engine, steamboat, and steamship company.

Mr. WILCOX, one from citizens of Indiana, Clearfield, Cambria and Jefferson counties, praying for a new county, to be called Pine.

Mr. GRAY, one of citizens of Green county, to revive the act of March 10th, 1848, entitled "An Act for the erection of a house for the support and employment of the poor of said county."

Mr. BAYARD, one from citizens of Pittsburgh, in favor of the Citizens' passenger railway.

Mr. FISHER, two remonstrances of citizens of Philadelphia, against the incorporation of the Penn steam engine, steamboat, and steamship company.

Mr. PENNELL, one from citizens of Chester borough, for the passage of an act amending the charter of said borough.

Mr. GOEPP, one from citizens of Northampton county for the passage of an act to remove the county seat.

Mr. Boyer, (Clearfield,) one from citizens of Indiana county, praying for the erection of a new county to be called Pine.

## REPORTS OF COMMITTEES.

Mr. THOMPSON, (Judiciary,) as committed, "An Act relative to the Delaware division canal company of Pennsylvania."

Mr. KETCHUM, (same,) as committed, Senate bill, entitled "An Act to require the register of wills of Luzerne county, to record in a book the appraisements, inventories and venue lists of personal property."

Also, (same,) with amendment, "An Act to amend the fee bill of the orphans' court of the county of Allegheny."

Mr. GRITMAN, (Judiciary,) as committed, "An Act to exonerate James S. Leonard, prothonotary of Clearfield county, from the payment of costs, taxes, &c., in his commission."

Also, (same,) as committed, "An Act to extend the power of prothonotaries and clerks to administer oaths."

Also, (same,) as committed, "An Act to erect the counties of Clearfield, Jefferson, Elk and Forest, into a new judicial district, to be called the Twenty-sixth district."

Mr. GOEPP, (same,) as committed, "An Act to prevent the defacing of bank notes."

Also, (same,) with amendment, "An Act to confer on certain associations of the citizens of this Commonwealth the powers and immunities of corporations and bodies politic in law, and to confirm charters heretofore granted."

Also, (same,) as committed, "An Act to regulate the fees of county commissioners, auditors, jurymen, and directors of the poor and witnesses in Northampton county."

Mr. THOMPSON, (same,) as committed, "An Act to increase the pay of the county commissioners and auditors of Indiana county."

Mr. GRATZ, (same,) as committed, "An Act to confer on Jas. Morrison, of Washington county, all the rights and privileges of a child born in lawful wedlock."

## BILLS IN PLACE.

Mr. JACKSON, one extending the provisions of the fifteenth section of the act of April 2, 1853, entitled "An Act to incorporate the Rosemont cemetery company; relative to judicial proceedings, &c., in Columbia and Montour; to a certain State road; to the county; upon fox scalps in Luzerne county; to hunting in certain counties, &c., to the county of Wyoming." (Referred to Committee on Judiciary.)

Mr. ROHRER, "A supplement to the act incorporating the borough of Kittanning, Armstrong county." (Referred to Committee on Corporations.)

Mr. ECKMAN, one incorporating the Union cemetery association of the borough of Lebanon and its vicinity. (Referred to Committee on Corporations.)

Mr. PEIRCE, one to incorporate the Olivet Methodist Episcopal church of Coatesville, Chester county. (Referred to Committee on Corporations.)

Mr. FOSTER, "An Act declaring Eliza N. Kramer an adopted child of Rev. Jas. Gray."

Also, "An Act to regulate disbursements from the treasury of Allegheny county." (Referred to Committee on Judiciary.)

Also, "An Act to incorporate the Citizens' passenger railway company of the city of Pittsburgh." (Referred to Committee on Railroads.)

Mr. FLEMING, "An Act authorizing the auditors of Forest county to re-audit the State account of Wm. R. Coon, former treasurer of the said county."

Mr. WILCOX, "An Act to fix the place of holding elections in Hamilton township, McKean county."

The rules being suspended, the bill passed.

Mr. FOSTER, "An Act repealing an act (of last session,) relative to licenses in Pittsburgh, Allegheny and adjoining boroughs, and revising all acts repealed thereby." (Referred to Committee on Judiciary.)

Mr. WALBORN, a further supplement to "An Act to incorporate the Philadelphia and Reading railroad company." (Referred to Committee on Judiciary.)

Mr. GLATZ, "An Act authorizing the State Treasurer to pay Nathaniel White for damages sustained by him from the Commonwealth." (Referred to Committee on Claims.)

Mr. BOYER, (Clearfield,) "An Act authorizing the Governor to incorporate a company to erect a bridge over Clearfield creek, in Clearfield county, at Alexander's fording." (Referred to Committee on Roads and Bridges.)

Mr. RAMSDELL, "An Act to reduce and limit the annual tax for school and building purposes." (Referred to Committee on Education.)

Mr. M'DOWELL, "A supplement to an act taxing certain offices." (Referred to Committee on Ways and Means.)

Mr. LAWRENCE, (Washington,) "An Act erecting parts of Washington, Fayette, Allegheny and Westmoreland counties into a new county, to be called Monongahela." (Referred to Committee on New Counties and County Seats.)

The SPEAKER adjourned the House until to-morrow morning, at 11 o'clock, A. M.

## SENATE.

TUESDAY, Feb. 1, 1859.

The Senate met and was called to order by the SPEAKER at 11 o'clock, A. M.

A quorum of Senators present.

Prayer by Rev. Dr. DeWitt.

The Journal was read and approved.

Messrs. CRAIG, COFFEY and PARKER appeared in their seats.

The SPEAKER presented two petitions of citizens of Cambria, Blair and Bedford counties, praying for the passage of a law to prohibit the pasturage of cattle by the owners on the lands of others on the mountains.

Also, the circular of the Farmers' High School of Pennsylvania, and asked that the same be printed in the *Record*. It is as follows:

FARMERS' HIGH SCHOOL OF PENNSYLVANIA, }  
January 26, 1859. }

The officers of many county agricultural societies have omitted to nominate candidates for admission to this school; whilst many others desire to name a greater number than their ratio of representation entitles them to. Our charter enjoins upon us the observance of this principle, and we desire to comply with it if the recommendations be made to us. If the officers of county societies do not make nominations on or before the 16th of October, when the school will be open for instruction, we will admit the surplus of other counties or those who are recommended to us by individuals, if such possess the necessary qualifications. In the meantime individual applications will be received.— Applicants must be sixteen years of age, and qualified by a knowledge of reading, writing and arithmetic, grammar and geography, to a degree, sufficient to qualify a boy to commence a collegiate education of the highest grade. It has been deemed advisable to defer, for the present, the arrangement of the studies of the higher classes. Among the studies for the first and second years will be the following: Physical Geography, Map-drawing, Orthography, Elocution, Composition, Declamation, English Grammar, History, Rhetoric, Arithmetic, mental and written, and its application to business, Algebra, Geometry and their application to Mensuration and construction. The natural sciences, including Botany, animal and human Physiology, Chemistry, Geology, Entomology, Natural Philosophy, including Mechanics. The principles of Soil and Plant Culture, Farm Management and the application of science to all branches of rural economy.

All students will be required to perform every description of labor necessary at the institution, whether on the farm, in the shops, or at or about the college buildings, and three hours of active labor may be required each day, but no more, unless upon some special exigency.— All kinds of labor will be equally honored.

One hundred dollars, paid in advance, shall be the charge for tuition, boarding, washing, fuel, light and text books, for each session of ten months.

Students should bring, besides their ordinary apparel, comfortable clothing, suitable for farm work, to be worn only when at work.

A principal has not yet been selected, but for the present the institution will be under the charge of WM. G. WARING, as General Superintendent and Professor of Agriculture and Horticulture.

J. S. WHITMAN, Professor of Natural Sciences.



SAMUEL BAIRD, Professor of Mathematics.  
R. C. ALLISON, Professor of English Literature.

All communications will be addressed to  
WM. G. WARING,  
General Superintendent,  
Farm School P. O.,  
Centre Co., Pa.

Also, a communication from the Auditor General; which was read, as follows:

AUDITOR GENERAL'S OFFICE,  
Harrisburg, Feb. 1, 1859.

Hon. JOHN CRESSWELL, Jr.,  
Speaker of the Senate:

SIR:—In compliance with the eighth section of the act of the 27th of March, 1854, I have this day transmitted to the House of Representatives a condensed statement of the reports of such companies, "incorporated for manufacturing or mining purposes, and for the improvement of mining lands," as have made report to this office, agreeably to the act above referred to.

Very respectfully yours,  
JACOB FRY, Jr.,  
Auditor General.

#### PETITIONS AND MEMORIALS.

Mr. PENNEY presented a petition from the burgess and town council of the borough of Birmingham, praying for the passage of a law in reference to licensing vehicles in said borough.

Mr. SCOFIELD, a petition of citizens of Venango county, praying that the office of county superintendent of common schools may be abolished.

Also, a petition of citizens of the same county, praying for a law limiting taxation to ten mills on the dollar.

Also, a petition of citizens of Warren county, asking for an act authorizing Walter J. Smith, to erect and maintain a ferry across the Allegheny river at the borough of Warren.

Mr. GREGG, two petitions from citizens of Brady township, Lycoming county, praying to be re-annexed to Union county.

Mr. COFFEY, a petition from citizens of Armstrong county, praying for the enactment of a prohibitory liquor law.

Mr. PALMER, a petition of citizens, boatmen and others engaged upon the Schuylkill navigation, for a law requiring all ascending boats, (except boats propelled by steam,) to keep the tow-path side, and descending boats the berm side.

Also, two petitions of citizens of Pottsville and Norwegian township, Schuylkill county, for an extension of the lines of the borough of Pottsville to embrace the Norwegian addition to said borough.

Mr. THOMPSON, six petitions of citizens of Pottstown, praying for an alteration in their borough charter.

Also, (by request,) a petition of citizens of Chester county, for an increase of fees of justices of the peace and constables in said county.

Also, a petition of the school directors of Norristown, in relation to a certain legacy given by will of James Winnard to the Norristown academy.

Mr. PARKER, eight petitions of distillers, commission merchants and dealers in domestic distilled spirits, praying for a repeal of so much of the inspection laws as renders it obligatory to have liquors for home consumption or manufacture inspected.

Mr. SCHINDEL, three petitions of citizens of North and South Whitehall, Lehigh county, asking for the incorporation of the Ironton railroad and mining company.

Also, a remonstrance against the same.

Also, six remonstrances against the removal of the seat of justice in Northampton county.

Mr. WRIGHT, a petition of the Germantown mutual insurance company, praying for a renewal and extension of their corporate privileges.

Also, the annual statement of the same.

Mr. BREWER, a petition of citizens of Adams and York counties, praying for the recharter of the Hanover savings fund society.

Mr. WELSH, two of similar import.

Also, a petition of citizens of York county, praying for the abolition of county superintendent of common schools.

Mr. RANDALL, the petition of George Jordau, praying for an award of compensation for damages sustained as fireman, upon the Columbia railroad, with depositions, notice, &c.

Mr. CRAIG, a memorial of citizens of Carbon county, asking for an additional appropriation to the memory of Pennsylvanians who were slain in the war with Mexico.

Mr. PALMER, four petitions from citizens of Schuylkill county, of like import.

Mr. KELLER, a petition of the sheriff and other citizens of Northumberland county, praying for an increase of fees, in certain cases, for the support of convicts.

Mr. SHAEFFER, a petition of citizens of Lancaster county, praying for the repeal of the law fixing the fees of district attorney in said county.

Mr. GAZZAM, a remonstrance of citizens of Pittsburg, against the passage of a law incorporating the Citizens' passenger railway company in that city.

Mr. BLOOD, a petition of citizens of Elk, Centre and Clearfield counties, relative to the Milesburg and Smithport turnpike road company.

#### REPORTS OF COMMITTEES.

Mr. TURNEY, (Finance,) reported, with a negative recommendation, a joint resolution, relative to the pay of expenses of the Cambria county contested election case.

On leave given, Mr. TURNEY made the following statement:

Mr. TURNEY desired to make a statement in reference to this matter, and to give the reasons of the committee for their action. It had been customary to pass a joint resolution to pay parties for attending as witnesses in contested election cases, but the amounts had seldom been refunded. He wished the Clerk to read the following from Purdon's Digest, with regard to the matter:

"Every witness sent for, and attending the trial of any contested election as aforesaid, shall be allowed six cents for every mile of the distance, necessarily travelled by him in coming to and in returning from the place of trial, and shall also be allowed the sum of one dollar and thirty-three cents for every day he may be detained at the place of such trial; which mileage and expense, as well as the expense of summoning witnesses, shall be taxed by the select committee, and certified by their chairman to the Speaker of one or both Houses, as the case may require. And the amount thereof, the same being first approved by the House or Houses to which such certificate may be made, shall be paid by the treasurer of the county or counties in which the facts complained of took place, if such facts be substantiated; or by the treasurer of the county or counties in which the petitioner shall reside, if the statements in the petition shall not be substantiated, or orders drawn by the Speaker of either or both Houses, as the case may require."

His objection to the bill was based upon that section. He considered that there should be no action which was in conflict with that section, and that its requirements should, in no case, be set aside for the mere purpose of meeting an individual case.

Mr. MILLER inquired if the object of the resolution was to pay the amount out of the public treasury?

Mr. TURNEY replied that it was.

Mr. WELSH, (same,) with amendment, a joint resolution, relative to the pay of A. L.

Linton, clerk to the committee on the contested seat of Oliver Evans.

Mr. KELLER, from the Committee to Compare Bills, reported that they had compared and presented to the Governor for his approbation the following:

"A further supplement to an act to incorporate the Tyrone and Lock Haven railroad company."

"An Act to change the place of holding the general, special and township elections for the township of West Brunswick, Potter county."

"An Act to repeal an act to change the place of holding elections in Porter township, Schuylkill county. approved February 9, 1858."

#### BILLS IN PLACE.

Mr. SCHOFIELD read in his place and presented to the chair a bill, entitled "An Act to declare Willow creek a public highway."

Mr. GREGG, a bill, entitled "An Act to re-annex Brady township, Lycoming county, to Union county."

Mr. TURNEY, a bill, entitled "An Act relative to the township of Croyle, in Cambria county."

Mr. PARKER, a bill, entitled "A further supplement to an act relative to the inspection laws, passed May 15, 1835."

Mr. BREWER, a bill, entitled "A further supplement to an act incorporating the Schuylkill and Pottsville railroad company."

Mr. FINNEY, a bill, entitled "An Act to preserve the liens of mortgages in certain cases."

Mr. SHAEFFER, a bill, entitled "An Act relative to the partition of real estate in the courts of common pleas of this commonwealth."

Mr. TURNEY, a bill, entitled "An Act to incorporate the Uniontown gas and water company."

Mr. THOMPSON, a bill, entitled "A supplement to an act incorporating the borough of Pottstown."

Also, "An Act relative to the Norristown academy."

#### ORIGINAL RESOLUTIONS.

Mr. BREWER offered the following resolution:

*Resolved*, That 2000 copies of the catalogue of the Pennsylvania State library be printed under the direction of the librarian, to be placed in the library for distribution."

Mr. SCOFIELD inquired if these catalogues had not already been ordered? It was his recollection that Mr. Dewitt, the Librarian, had been authorized to prepare a catalogue, and had consented to do so, upon condition that a large number of copies should be printed.

Mr. BREWER explained that the State Librarian had already been authorized to have one thousand copies printed, but when the types were already set, the additional copies contemplated by the resolution, would cost but little more. It was important, he thought, that Senators should have them, as there were many of their constituents who were desirous of knowing what books composed the library—particularly those residing at remote parts of the State.

The resolution was twice read, considered and adopted.

On motion of Mr. FINNEY, the vote on this resolution was re-considered, for the purpose of amendment.

Whereupon, the following was proposed as an amendment, "and one thousand copies for the use of the Senate."

Mr. SCOFIELD could not see the necessity of one thousand copies for the Senate. They could not take them home with them, unless they procured extra baggage. They might, he supposed, be sent by mail, but they would be considerably cumbersome, as the volume would be a pretty large one.

The amendment was adopted, and the resolution, as amended, passed.



## BILLS ON THIRD READING.

"An Act to incorporate the Lackawanna and Bloomsburg railroad company," was passed finally.

"An Act to incorporate the Delaware and Schuylkill dredging company," came up on third reading, when

Mr. MARSELIS asked and obtained leave to amend,

On the final passage of the bill,

The yeas and nays were required by Mr. WRIGHT and Mr. MARSELIS, and were as follow, viz:

YEAS—Messrs. Blood, Coffey, Finney, Francis, Gazzam, Gregg, Harris, Palmer, Parker, Randall, Rutherford, Shaeffer, Schindel, Steele, Thompson and Creswell, *Speaker*—16.

NAYS—Messrs. Brewer, Fetter, Marselis, Nunnemacher, Turney, Welsh and Wright—7.

So the question was determined in the affirmative.

A division of the question having been called on the motion to discharge the Committee on Finance from the consideration of a joint resolution brought from the House yesterday relative to the publication of the *Legislative Record*, and for the Senate to proceed to its consideration,

The SPEAKER declared the first part of the division to be now before the Senate.

The SPEAKER remarked, that when the Senate adjourned yesterday, it had under consideration the resolution of the House with reference to the printing of the *Legislative Record*.

Mr. MYER understood the question to be raised, whether the resolution could be entertained; and that upon that point, the SPEAKER was not then prepared to decide.

Mr. COFFEY would like to know what the proposition is, as he was not in his seat yesterday, when it came up.

Mr. TURNEY asked for the reading of the preamble and resolution.

The SPEAKER replied that he was just about ordering the reading, for the information of the Senate.

Mr. TURNEY considered it due to the Senate, as well as to the House, to know whether the party making the proposition referred to, is a competent and reliable party, and whether they can print a *Record* in as good style as the one with which they are now furnished. Before entering into a contract with the party, it is necessary to know who he is; what are his facilities for executing the work, and who are his securities. It was not proper that a resolution should come in here from the House, asking the Senate to take its mere *ipse dixit* with regard to the propositions submitted. The resolution goes on, professing to guard the public interests, in the very teeth of its action, of only a few days previous, authorizing the publication of a *Record*, notwithstanding the existing contract. That body had, on Saturday last, authorized the Committee on Printing to contract for a second *Record*, thus entailing a double expense upon the State, and overriding a standing law. Professions of economy came, he said, with a very bad grace from a body, whose practices were so inconsistent with their professions. Notwithstanding there was a contract already in existence, unrepealed and binding, they had passed a resolution authorizing the committee to enter into another contract, and had avowed their determination to force upon the Senate its allowance. There was no breach of confidence in saying this. It had been openly uttered in the other branch, and the declaration was to be taken as a fair indication of the feeling of the majority in regard to it. He repeated, professions of economy came with a very bad grace from parties who had displayed so much inconsistency. The movement was perfectly understood. If they fished for gud-

geons, they should use bait which would catch gudgeons.

So far from this movement being made with a view to public economy, it was solely for the purpose of rewarding a partizan editor, who was always prompt in his action in securing every advantage, guarding every loop hole against the defeat of his project, and holding the lash over his political friends to drive them into the consummation of his plans. And yet there are gentlemen already on the stool of repentance, as has been indicated by their subsequent action.

But if the House desire a change, for the mere purpose of economy, and not with a view to rewarding a political partizan, why ask for the passage of this particular resolution? Why come here, asking our concurrence with them in an award to a particular party, before we are advised who that party is—whether responsible or reliable? If a change is to be made, why not let the contract be open to competition? The Senate, he said, had as much right to receive proposals as the House, and it was not just that they should be driven into a contract with an irresponsible party.

He was not prepared, he continued, to advocate the present price of printing the *Record*, if it can be done any better or cheaper; but if the Legislature is to enter into negotiations, let competition be open to all; let the award be fairly made, and he should be satisfied. But he was opposed to a contract being made without inquiry or investigation. He wished to know, and it was but right that the Senate should know, who the party making this proposition is—whether he is responsible, and what are his securities. If the work can be done in a better manner, or at cheaper rates, he should go for it, disregard the obligations of party, and be influenced solely by a sense of his duty to the public; but he did not wish to see a proposition thrown in here, where the partizan object of it was so transparent upon its face. It was undignified and uncourteous to the Senate; and he would never, by his vote, contribute to the ill partizan feeling which such a course was calculated to excite.

We have, he said, a law in force now, under which the contract for printing has been faithfully fulfilled; and we had also half a law in the other House, authorizing a contract for the *Record* printing. Until the Senate were convinced that a better or cheaper could be procured, he saw no propriety in making any other provision. He was prepared to vote for no *Record* at all, rather than vote for it in the manner contemplated by the resolution. Let the matter be referred to a responsible committee, upon whose report the Senate will be prepared to act, and not rushed through with the race-horse speed which is contemplated. He hoped the motion to discharge the committee would not prevail. There had already been more time consumed in the consideration of this matter than would pay for a *Record* for the whole session.

Mr. MYER was in hopes that the Senate would proceed at once to a vote upon the question. He thought every member understood it, and was as well prepared to vote upon it to-day as at any other; but from the nervous and excited manner of the Senator from Westmoreland he did not think they understood it. The Senate should be the last to talk of the action proposed by the resolution. The *Record* has been in existence for ten years, and each Legislature has contracted with parties for its publication. Last year an attempt was made to impose a contract upon the present Legislature, which was unjust. A proposition is now made to execute the work better and cheaper; and the only way to ascertain whether it has been made in good faith, is to let the matter come up; and if the proposition to print it twenty-five per cent. below present rates be made, the Sen-

ate owed it to itself and the public interests that the proposition should be accepted.

Mr. WRIGHT remarked that he did not know the party who had made the proposition; and he asked the Senator from Bradford for information.

Mr. MYER referred to a previous proposition, in which the parties were named. They were Geo. Bergner & Co. A proposition to do the work at lower rates had been made, and it was the duty of the Senate to take it into consideration, and see whether there was any sincerity in it. This was all he asked; and the Senate was bound, in justice to itself and the public, to do so.

Mr. MILLER merely wished to reply to a remark of the Senator from Bradford. So far as he understood him, the question is, Shall the present contract be abrogated? Abrogated upon what? The mere allegations of a party, unknown to this body, that they are prepared to furnish it at a lower price. He understood the object to be to take the contract out of the hands of the present printers and to give it to others, upon a simple and irresponsible allegation. It was not a proper way to proceed, and he hoped the proposition would be voted down.

Mr. COFFEY had but a single word to say, on the merits of the question. He thought the committee ought to be discharged, for there was evidently no intention to act upon the matter. The session had already been one third exhausted, and, although the matter had been before it almost ever since the opening, they had not proceeded to its consideration. All other matters, referred to that committee, had been promptly and speedily acted upon; and if they were not disposed to consider it, he was in favor of taking it out of their hands, and bringing it directly before the Senate, where it could receive attention.

Mr. TURNEY remarked that the matter had never been referred to the committee. At least, it was not now in their possession.

Mr. COFFEY replied, that the proposition of George Bergner & Co. had been in the possession of the committee almost from the opening of the session, and it had never yet been acted upon.

Mr. TURNEY said no member of the committee had ever called the subject up. Had the Senator from Indiana called attention to it?

Mr. COFFEY rejoined that he was not chairman of the committee, and it was not his province to call it up.

Mr. TURNEY said it had been the custom to call over the titles of all bills, in committee, when any action could be taken upon them. When the subject had been called up in the Senate by the gentleman from Butler, he had resisted the discharge of the committee from its consideration; but the Senator's party had voted in solid phalanx in its favor. When, a few days later, he asked leave to return the bill, there was not a dissenting voice.

Mr. RANDALL said that when the matter of the *Record* was in the hands of the committee, at the last session, he had voted against continuing the contract over to the present year. But that contract now stands, and is a law, binding upon the Legislature. He saw no utility in destroying that contract at this time. He did not ask any party to do the work at anything but a fair price; but if he were convinced that there was any sincerity in this proposition; that it was made in good faith, and not for the purpose of overturning a political opponent, he should go for it. He was convinced, however, that it was made for the purpose of overturning the present publishers, and that there was no other motive involved in it. He had heard no complaint against the manner in which the work had been done—on the contrary, all parties appeared satisfied. He hoped the matter would be disposed of, and that the time of the



Senate would not longer be occupied with a question which was calculated to produce party wrangling and excite partizan discussion. He deprecated the feeling which such discussions were calculated to excite; and he infinitely preferred to join hands with Senators in their best efforts to second the best interests of the Commonwealth.

Mr. HARRIS did not wish to enter into a discussion of the question. It had already taken too wide a range. He simply wished to reply to the Senator from Westmoreland in his statement as to the disposition of this matter by the Senate. The resolution from the consideration of which he moved the discharge of the committee, was that to annul the contract now existing for the publication of the *Record*.—There was still a resolution in the hands of the committee authorizing the Senate to appoint a committee of three to act in conjunction with a similar committee from the House, to enter into a new contract. They referred to distinct and different subjects. With all deference to the chairman of the Committee on Finance, he alleged that he was mistaken in his statement of the matter. He concluded by saying that he was anxious and willing that this question should be speedily disposed of. He cared not to whom the contract for printing was awarded, so that the best interests of the State were subserved.

Mr. WRIGHT said, that upon a closer reading of the proposition, he finds that it contains a snake of the worst kind. It asks the Senate to leave to the House the discretionary power of making the contract, without any knowledge on our part, who the party is—whether responsible, or in any manner reliable.

Mr. FINNEY said the first proposition from the House, was to take into consideration the expediency of annulling the existing contract, and of entering into a new one. The request made was a proper and reasonable one. It was no party question at all, and should be met divested of all partizan feeling.

And on the question,

Shall the committee be discharged?

The yeas and nays were required by Mr. RANDALL and Mr. FINNEY, and were as follows, viz:

YEAS—Messrs. Baldwin, Coffey, Finney, Francis, Gregg, Harris, Myer, Parker, Penney, Rutherford, Scofield, Shaeffer, Thompson and Yardley—14.

NAYS—Messrs. Blood, Brewer, Craig, Fetter, Marselis, Miller, Nunnemacher, Randall, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—14.

So the question was determined in the negative.

Mr. PALMER paired off with Mr. KELLER.

Mr. GAZZAM paired off with Mr. SCHELL.

On motion of Mr. FINNEY, the Senate proceeded to consider the following resolution, passed in the House January 5, 1859:

*Resolved*, That a committee of three be appointed, to act in conjunction with a similar committee of the Senate, for the purpose of contracting for the publication of a *Legislative Record*, containing full and accurate reports of both Houses of the Legislature. The contract to be submitted for the approval or rejection of the Legislature; and ordered that Messrs. RAMSDELL, PATTERSON and WILCOX be said committee.

Mr. FINNEY moved that the Senate concur, and that the SPEAKER appoint a similar committee.

Mr. TURNEY wished to state the course he was willing to pursue. He would vote for the reference to a committee, and would throw no obstacle in the way of securing the publication of a *Record* at the cheapest and best rates. He was in favor, if any change was to be made, to invite proposals, and to award its publication to

the lowest and best bidders. He was desirous to terminate this interminable broil, and should vote for the resolution.

Mr. HARRIS was glad to hear the Senator from Westmoreland express himself so magnanimously. The Senate should not refuse to appoint the committee, through mere courtesy to the House, if nothing else.

Mr. WRIGHT had hoped the action of the Senate, upon this question, some days since, would be final; and he had once thought of raising the point of order, whether, the matter having been once disposed of, it could again come up for consideration. A contract was already in existence, which had been faithfully carried out; and there had been no word of complaint, either as to the mechanical or mental execution of the work. Nor did any gentleman find fault with the price, until the effort of the House was made to annul the contract, and give the work to a partisan. He did not find fault with that body for its disposition to reward its friends; but he did find fault with their continued and persistent efforts to force a contract upon the Senate. In both Houses there were partisan majorities, and he hoped this question will be settled, and terminate political feeling. The present contract cannot be broken down—he had no fear of that. It was not possible that by any trick or maneuvering, they can get it out of the hands of the present printer. So far as the interests of the Commonwealth were concerned, they demanded a continuance of the contract; for there would, doubtless, be a great saving by keeping it where it is. He had no fear of contradiction, when he said that the former publisher of the *Record* got more cut of the State for the work, than has been charged by the present parties. He would call the attention of the Senate to the folly of pressing this matter, for nothing could be gained by it. The printer who makes the proposition, has an eye to his own interests, and cares but little for those of the Commonwealth, in this offer to underbid the present contractor for the work. He was not disposed to see the time of the Senate thus wasted, and he hoped the proposition would be voted down. He believed that, if the question of order were raised, it would be decided to be irregular.

Mr. FRANCIS, personally, did not care to whom the contract of printing the *Record* was awarded; and he was sorry that the gentleman from Philadelphia had placed the matter in so strong a partisan light. In the discussion of the matter he had an eye to fifty things, but no eye to the public economy. He was for throwing the doors open to honorable and fair competition; and if the contract be awarded to the present party, or any other, he should be satisfied, so that there should be secured a faithful discharge of duty. The idea of the Senator from Philadelphia seemed to be that "to the victors belong the spoils;" and that because there is a majority in the Senate, others than partisans are to be ruled out. His own notion was this—and he should vote for nothing else—that the contract should be awarded to the lowest and best bidder. He cared not a farthing to whom it was given, so that the best man is secured, and the interests of the Commonwealth advanced and protected.

The question being on the motion of Mr. FINNEY,

The yeas and nays were required by Mr. TURNEY and Mr. WELSH, and were as follows, viz:

YEAS—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Fetter, Finney, Francis, Gazzam, Gregg, Harris, Marselis, Miller, Myer, Nunnemacher, Parker, Penney, Randall, Rutherford, Scofield, Shaeffer, Schindel, Steele, Thompson, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—29.

NAYS—0.

So the question was determined in the affirmative.

On motion of Mr. BREWER, the Committee on Railroads was discharged from the consideration of a bill, entitled "An Act relative to a railroad between Chambersburg and Hagerstown," and the Senate proceeded to consider the same in committee of the whole. (Mr. PALMER in the chair.)

After the chairman reported the bill as committed, it passed second reading and was ordered to be transcribed.

Mr. HARRIS called up a joint resolution from the House, relative to the pay of A. L. Linton, clerk to the committee on the contested seat of Oliver Evans, and moved to amend by re-inserting the part relative to mileage, previously stricken out.

On which some discussion ensued; when, without coming to a vote: the hour of one having arrived,

The SPEAKER adjourned the Senate until 11 o'clock to-morrow morning.

## HOUSE OF REPRESENTATIVES.

TUESDAY, Feb. 1, 1859.

The House was called to order at 11 o'clock, A. M., by the SPEAKER.

The Clerk proceeded to read the Journal.

Mr. LAWRENCE (Washington) moved that the reading of that part of the Journal relating to petitions be dispensed with; which was agreed to.

The reading being concluded,

Mr. CAMPBELL asked leave to make a statement. Leave being given, he moved that House bill No. 155, be placed on the Private Calendar for to-day; agreed to.

### ORIGINAL RESOLUTIONS.

Mr. RAMSDELL offered the following:

*Resolved*, That a committee of three be appointed by the SPEAKER, to inquire into the fact whether the Philadelphia and Reading railroad company have charged more on passengers traveling over said road than they are allowed to charge by the act incorporating said company.

The resolution passed to the second reading and consideration.

Mr. PINKERTON could not see the idea contemplated by the passage of the resolution, except that it was to cause the Commonwealth additional expense. If a committee was appointed, it was more than probable two or three thousand dollars would be expended, and that a favorable report would finally be returned.

Mr. PALM had reason to believe that the company had made heavier charges for passenger fare than was legal. He alluded particularly to an extra charge of ten cents made on persons who did not purchase their tickets in the offices, but paid in the cars. He hoped that the resolution would pass.

Mr. RAMSDELL said that his object in offering the resolution, had not been to put the State to any expense. He thought that it would be to the credit of the company to have the matter definitely settled.

Mr. PINKERTON moved that the further consideration of the subject be postponed.

Mr. GOEPP had personally no knowledge on the subject, but should vote for the postponement, because he saw that the gentleman from Berks, (Mr. SMITH,) who was known to take an interest in the Reading railroad company was absent. He hoped that out of courtesy to him, the House would postpone a consideration until his return.

The question being taken, the resolution was postponed.

The SPEAKER laid before the House a communication from the Auditor General.

Laid on the table.

Also, Senate amendments to House bill No. 17, relative to the fitting up of the Halls of the Capitol.



Mr. LAWRENCE, (Washington,) moved that the House concur in the amendments; which was agreed to.

Mr. LAWRENCE, (Washington,) offered the following:

*Resolved*, That the Auditor General be requested to furnish the House with a statement of the relative amount of capital of the banks and brokers of the Commonwealth, and the relative amount of tax paid by each in the aggregate.

The resolution was twice read, considered and agreed to.

Mr. ROSE moved that the Committee on Corporations be discharged from the further consideration of an act relative to the election of town council in the borough of West Greenville, Mercer county, and that it be placed upon the Private Calendar of to-day; agreed to.

Mr. PRICE asked leave to read a bill in place. Leave being given, he presented "An Act for the relief of Christian Hollingsworth, collector of military taxes of Lancaster county, and moved that it be placed on the Private Calendar for to-day;" agreed to.

Mr. GOOD, leave being given, read "An Act changing the name of a certain gas company of Allentown." (Referred to Committee on Corporations.)

Mr. TAYLOR, leave being given, presented "An Act relative to bringing suits against Butler and Lawrence counties." (Referred to Committee on Judiciary.)

Mr. BRYSON, leave being given, presented "An Act to establish a Normal School in connection with Westminster college, New Wilmington, Lawrence county." (Referred to Committee on Education.)

Mr. WILLIAMS (Bucks,) leave being given, presented "A bill annulling the marriage contract between Catharine Frankensfield and her husband." (Referred to Committee on Divorces.)

Mr. HAMERSLY rose to a privileged question to correct the wording of a passage in the *Legislative Record* of January 31st, and moved that the passage in question be re-published, together with a certain vote; which was agreed to.

Mr. CHASE laid before the House a report from the committee of ways and means. The committee reported as committed, Senate resolution No. 100, relative to the payment of claims reported by the Canal Commissioners.

Mr. CHASE moved that the House proceed to the consideration of the resolution; agreed to. The resolution passed finally.

Mr. ROHRER, leave being given, offered the following:

*Resolved*, That from and after this day, the Sergeant-At-Arms be instructed and required, to furnish to the members of this House the full complement of each kind of documents, as they are now and may be entitled to, at one and the same time, and not in such disjointed parcels as heretofore.

The resolution was twice read, considered and adopted.

Mr. McDOWELL asked leave to record a vote. Leave was given.

Mr. SHAFER, leave being given, read "An Act annulling the marriage contract between Griffith and her husband."

#### PRIVATE CALENDAR.

The Private Calendar was taken up, and the following bills were prepared for a second reading:

No. 71. "An Act to change the name of the Pittsburg life, fire and marine insurance company."

No. 98. "A supplement to the act incorporating the Pennsylvania railroad company."

No. 99. "An Act to abolish the office of sealer of weights and measures in Schuylkill county."

ty." Amended by inserting Lebanon, Bucks and Lehigh counties.

No. 100. "An Act authorizing the Auditor General and State Treasurer, to sell the stock belonging to the State in the Washington and Williamsport turnpike road company."

No. 101. "An Act authorizing the commissioners of the county of Somerset, to sell property owned and occupied for the use of the poor of said county."

No. 102. "An Act relating to road views and road damages in Northumberland county."

No. 103. "An Act to incorporate the International Union of art and literature."

No. 107. "An Act relative to reserved tracts or out-lots of the borough of Franklin." Objected to.

No. 112. "An Act relating to the opening and grading of new roads in Thornbury township, in the county of Delaware."

No. 113. "An Act declaring the streets and alleys in Roberts addition to the town of Catawissa, Columbia county, to be public highways."

No. 114. "An Act relating to the navigation of Pine creek, in Warren county."

No. 116. "An Act to allow the taxables of the borough of Butler, in Butler county, to pay their street tax in labor."

No. 117. "An Act to incorporate the Butler gas company." Amended.

No. 118. "An Act to incorporate the Grove cemetery, at New Brighton, Beaver county."

Mr. WILSON favored the act in some remarks, and offered an amendment that the cemetery land be not taxed.

The amendment was declared out of order.

No. 119. "An Act to incorporate the Citizens' mutual safety insurance company."

No. 121. "An Act to incorporate the Central market company of the city of Philadelphia." Objected to by Mr. PENNELL.

No. 123. "A supplement to an act approved April 3, 1851, entitled 'An Act regulating boroughs,' so far as relates to the borough of Phoenixville."

No. 124. "An Act to incorporate the Union mutual fire insurance company of Montgomery county."

No. 125. "An Act to incorporate the Mutual fire insurance company of Philadelphia"

No. 126. "An Act to incorporate the Centre market company of Philadelphia." Objected off the calendar.

Sen. 44. "A supplement to an act, entitled 'An Act to incorporate the Williamsport water company, and for other purposes,' passed the 18th day of April, 1853."

No. 129. "An Act securing to the people of Philadelphia the right of free travel over certain highways." Objected to.

No. 131. "An Act to incorporate the Huntington Valley mutual fire insurance company."

No. 157. "Supplement to the act, entitled 'An Act to incorporate the Fayette County railroad company.'"

No. 191. "An act relative to the election of town council in the borough of West Greenville Mercer county."

No. 192. "An Act relative to Christian Hollingsworth, collector of military taxes of Lancaster county."

#### OBJECTED BILLS, FROM CALENDAR OF JANUARY 25, 1859.

No. 41. "An Act supplementary to section eleventh of act of Assembly March 27, 1819."

No. 77. "An Act to incorporate the Reading and Allentown telegraph company."

Mr. BERTOLET offered an amendment, striking out the names of some of the corporators as they appeared, and inserting in lieu thereof the names of other parties.

Mr. EVANS offered an amendment to the amendment, inserting two special names.

The amendment to the amendment was agreed to.

The amendment was agreed to.

The twelfth section was stricken out, and being otherwise amended, the bill was laid aside.

No. 90. "An Act authorizing the appointment of commissioners to run the boundary lines between the counties of Centre and Union, and Clinton and Centre."

No. 155. "An Act to attach part of Washington township to the borough of Edenboro', for school purposes."

Mr. FOSTER, leave being given, presented a petition from H. B. Fry, in relation to the application of his wife for a divorce, praying that he be furnished with the charges and allegations of the complainant, that he might make a suitable defence.

Mr. LAWRENCE, (Washington,) took the floor, and moved that the House proceed to the second reading and consideration of bills on the calendar, and that the time of adjournment be extended until the calendar was gone through with; agreed to.

And the House then proceeded to the passage of the bills upon the Private Calendar, as follows:

No. 71. "An Act to change the name of the Pittsburg life, fire and marine insurance company." The bill passed.

No. 98. "A supplement to the act incorporating the Pennsylvania railroad company." The bill passed.

No. 99. "An Act to abolish the office of sealer of weights and measures in Schuylkill county."

No. 100. "An Act authorizing the Auditor General and State Treasurer to sell the stock belonging to the State in the Washington and Williamsport turnpike road company" The bill passed.

No. 101. "An Act authorizing the commissioners of the county of Somerset to sell property owned and occupied for the use of the poor of said county." The bill passed.

No. 102. "An Act relating to road views and road damages in Northumberland county." The bill passed.

No. 103. "An Act to incorporate the International Union of art and literature." The bill passed.

No. 107. "An Act relative to reserved tracts or out-lots of the borough of Franklin," had been previously objected off the Calendar."

No. 112. "An Act relating to the opening and grading of new roads in Thornbury township, in the county of Delaware." The bill passed.

No. 113. "An Act declaring the streets and alleys in Roberts addition to the town of Catawissa, Columbia county, to be public highways." Consideration postponed.

No. 114. "An Act relating to the navigation of Pine creek, in Warren county." The bill passed.

No. 116. "An Act to allow the taxables of the borough of Butler, in Butler county, to pay their street tax in labor." The bill passed."

No. 117. "An Act to incorporate the Butler gas company." The bill passed.

No. 118. "An Act to incorporate the Grove cemetery of New Brighton, Beaver county."

The bill passed with an amendment exempting the property from taxation.

No. 119. "An Act to incorporate the Citizens' mutual safety insurance company." The bill passed.

No. 121. "An Act to incorporate the Central market company of the city of Philadelphia," had been previously objected to.

No. 123. "A supplement to an act approved April 3, 1851, entitled 'An Act regulating boroughs,' so far as relates to the borough of Phoenixville." The bill passed.

No. 124. "An Act to incorporate the Union mutual fire insurance company of Montgomery county." The bill passed.



No. 125. "An Act to incorporate the Mutual fire insurance company of Philadelphia." The bill passed.

No. 126. "An Act to incorporate the Centre market company of Philadelphia," had been previously objected to.

Sen. 44. "A supplement to an act, entitled 'An Act to incorporate the Williamsport water company, and for other purposes,' passed the 18th day of April, 1853." The bill passed.

No. 129. "An Act securing to the people of Philadelphia the rights of free travel over certain highways." Previously objected to.

No. 131. "An Act to incorporate the Huntingdon Valley mutual fire insurance company." The bill passed.

No. 157. "A supplement to an act to incorporate the Fayette County railroad company." The bill passed.

No. 191. "An Act relative to the election of town council in the borough of West Greenville, Mercer county." The bill passed.

No. 192. "An Act relative to Christian Hollingsworth, collector of militia taxes in Lancaster county." The bill passed.

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No. 90. "An Act authorizing the appointment of commissioners to run the boundary lines between the counties of Clinton and Centre." The bill passed.

No. 155. "An Act to attach part of Washington township to the borough of Edenboro', for school purposes." The bill passed, having been amended.

Mr. SHEPPARD read in place a bill, to authorize the sheriff of Philadelphia county to advertise lists of property in three daily papers.

The hour of one having arrived, the SPEAKER adjourned the House until 11 o'clock tomorrow morning.

The undersigned respectfully submit the following reasons for voting against the resolution "authorizing the House committee to contract with George Bergner & Co., for the publication of the daily *Record*."

At the last session of the Legislature, a joint committee, appointed for that purpose, entered into a contract with Richard J. Haldeman, for the publication of a daily *Legislative Record*, which was approved and ratified by both Houses. At the time this contract was made, it was only to continue for the session of 1858; but subsequently, an act of Assembly was passed, which provided that "the said Richard J. Haldeman, is hereby authorized to continue the publication of such *Record* at the next session, under all the terms and conditions of the existing contract, until the two Houses otherwise order, or a new contract is made for such publication." In pursuance of this provision, the said Haldeman has continued to furnish the *Record* during the present session; and, so far as we know, has complied, in all respects, with the terms and conditions of the original contract.

The authority under which he acts, being an act of Assembly, it cannot be repealed or abrogated except by the concurrent action of both Houses and the approval of the Governor. A resolution for that purpose passed the House and was defeated in the Senate; and here, in our opinion, the power of the House over the question was exhausted, and the whole matter should have rested. Our duty, as law abiding citizens, and as representatives, required that we should respect and obey that law until it was repealed or abrogated by the power that made it.

But as an additional reason for voting in the negative, we believe that the effect of the resolution will be to introduce two sets of *Records* into the House, and thereby entail an additional expense upon the Legislature.

Mr. Haldeman, having renewed his bonds of last session, has bound himself in the penal sum of four thousand dollars, with two sureties, conditioned for the faithful performance of his contract, and, as a matter of course, he cannot fail to deliver the *Record*, as stipulated in the bond, without endangering himself and sureties. Besides, this contract, solemnly entered into by the representatives of the people, is as morally and legally binding upon the State, until the law is repealed, as any other debt she has ever contracted.

The resolution in question empowers the committee already appointed on the part of the House, to enter into a contract with George Bergner & Co. for the publication of a *Daily Legislative Record*, and it requires them "to receive such sureties in the sum of three thousand dollars from the contractors, for the faithful performance of the work, as they may deem reliable."

If the committee, in pursuance of this resolution, negotiate a contract with Messrs. Bergner & Co. for the publication of a *Record*, they, in like manner, will be bound under similar penalties to deliver the *Record* as stipulated in the contract; and if they fail to do so, will also render themselves and sureties liable; and the inevitable result will be the publication of duplicate copies of the proceedings of the House, by two different companies, both of which will expect to be paid; and, in our opinion, will eventually be paid, either at the present or some future session of the Legislature.

In view of these facts, we feel constrained from a sense of duty to vote against the resolution; although, as partisans, we would much prefer to give the publication of the *Record* to a Republican, yet we believe that the success of the Republican party depends more upon a rigid adherence to the doctrines of retrenchment and public economy, than upon putting three or four thousand dollars into the pocket of any individual member of the party, at the expense of the public treasury.

WM. G. ROSE,  
W. W. KETCHUM,  
LEWIS PUGH,  
W. W. DODDS,  
LEWIS MANN,  
A. K. M'CLURE,  
J. HERON FOSTER.

Mr. HOTTENSTINE, on leave given, entered the following upon the Journal:

My reasons for voting against the resolution giving the printing of the *Daily Record* to no one but Mr. Bergner, are, first: If economy and not favoritism is the sole object, as the gentleman from Mercer (Mr. ROSE,) has ventured to assert, and if the said gentleman be sincere, the committee would not need to have been restricted to give the same to a certain individual, but should have been left at liberty to give it to the lowest bidder; the probability is by so doing, that another eleven dollars a day might have been saved to the State.

The following are corrected extracts from the proceedings of the House of Monday, January 31st.

Mr. HAMERSLY asked leave to read a bill at this time. Leave being given, he read the following:

Resolved by the Senate and House of Representatives, That the contract with R. J. Haldeman for the publication of a *Daily Legislative Record*, be and the same is hereby terminated, and that the Committee on Public Printing be and they are hereby instructed to enter into a contract for the publication of a *Daily Record*,

agreeably to the terms and conditions contained in the proposition submitted to the select committee of the House of Representatives.

Mr. HAMERSLY moved a suspension of the rules, for the purpose of considering the resolution. On a call of the yeas and nays the vote stood as follows:

YEAS.—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Church, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Graham, Gratz, Green, Hamersly, Harding, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, McClure, M'Curdy, M'Dowell, Miller, Neall, Palm, Patterson, Pennell, Peirce, Pinkerton, Price, Pugh, Ramsdell, Rose, Shafer, Sheppard, Smead, Styer, Taylor, Thompson, Thorn, Wagonseller, Walborn, Walker, Whitman, Wigton, Wiley, Williams, (Bucks,) Williston, Wilson, Withrow, Wood, Zoller and Lawrence. *Speaker*—64.

NAYS.—Messrs. Boyer, (Clearfield,) Brodhead, Custer, Dismant, Fleming, Foster, Glatz, Goepf, Good, Gray, Hill, Hottenstine, Jackson, Laird, Nill, Oaks, Porter, Quigley, Rohrer, Shields, Stephens, Stoneback, Starni, Warden, Wilcox, Wolf and Woodring—27.

On the final passage of the joint resolution, The yeas and nays were required by Mr. ROSE and Mr. BRYSON, and were as follow, viz:

YEAS.—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Church, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Graham, Gratz, Green, Hamersly, Harding, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, M'Clure, M'Curdy, M'Dowell, Miller, Neall, Palm, Patterson, Pennell, Peirce, Pinkerton, Price, Pugh, Ramsdell, Rose, Shafer, Sheppard, Smead, Styer, Taylor, Thompson, Thorn, Wagonseller, Walborn, Walker, Whitman, Wigton, Wiley, Williams, (Bucks,) Williston, Wilson, Withrow, Wood and Zoller—63.

NAYS.—Messrs. Brodhead, Custer, Dismant, Fleming, Foster, Glatz, Goepf, Good, Gray, Hottenstine, Jackson, Laird, Nill, Quigley, Rohrer, Shields, Stephens, Stoneback, Warden, Wilcox, Wolf and Woodring—22.

So the question was determined in the affirmative.

In the vote upon bill No. 120, to incorporate the Presbyterian Church, of Harrisburg, Mr. PUGH voted aye.

#### No. 89—FILE OF THE SENATE.

SHAEFFER, Corporations—Jan. 26.

AN ACT to incorporate the American improvement and loan company.

SECTION I. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That David R. Porter, Henry M. Fuller, Duff Green, Horn R. Kneas, and Charles M. Hall, and the owners of the shares herein authorized to be issued, be and they are hereby made a body corporate, under the name and style of the American improvement and loan company, and in that name may have perpetual succession; and may purchase, have, hold and acquire, by any lawful means, estate real and personal, and the same may use, sell, lease, let, mortgage, transfer and convey, and otherwise dispose of; and may sue and be sued, plead and be impleaded, contract and be contracted with, and have and use a common seal, and the same may change at pleasure; and may make by-laws and regulations for the government of their affairs, and may have and use all the powers, rights and privileges which are,



or may be, necessary for them to have as a company incorporated for the purposes herein stated.

SEC. 2. That the purpose of this act is to organize an incorporated company with authority to obtain by subscription the requisite capital, and to authorize them as a company to contract for the construction and equipment of railways and public works, and internal improvements; and also to make loans of money and of credit to railroad companies, contractors, manufacturers and others; and to authorize them as a company to construct railroads, public works and internal improvements, and to manufacture iron and machinery, and rolling stock; and to make all requisite contracts, and especially to receive and hold on deposit and in trust, estate real and personal, including the notes, bonds, obligations and accounts of states, and of individuals, and of companies, and of corporations; and the same to purchase, discount, collect, adjust and settle; and also to sell and dispose thereof in any market in the United States or elsewhere, without proceeding in law or in equity, and for such price and on such terms as may be agreed on between them and the parties contracting with them; and also to endorse and guarantee the payment of the bonds and the performance of the obligations of individuals, and of states, and of corporations, and of companies.

SEC. 3. That the capital stock of the said company shall consist of shares of one hundred dollars each; and that David R. Porter, Henry M. Fuller, Duff Green, Horn R. Knacas and Charles M. Hall, or a majority of them, may, in person or by proxy, open books of subscription, at such times and places as they may deem expedient; and when five thousand shares shall have been subscribed, and ten per cent. thereto shall have been satisfactorily secured or paid in, the shareholders may elect five or more directors, whose term of service, mode of election and powers and duties shall be prescribed by the by-laws of the company; and the directors are hereby authorized and empowered, in the name of the company, to exercise the powers and enjoy all the rights and privileges which are intended to be herein given; and the directors, for the time being, may from time to time, as it may be deemed expedient, enlarge their resources, by borrowing money on a pledge of their property, or without such pledge, or by new subscriptions; and any State or government, and any citizen or subject, corporation or company of any State, country or government, may subscribe for and purchase and hold shares of said company, with all the rights, and subject only to such liabilities as other shareholders are subject to; which liabilities are for the payment to the company of the sums due or to become due on the shares subscribed for or held by them as assignees of others, and none other; and when additional shares are disposed of the directors may cause them to be issued at par, or to be sold for the benefit of the holders of the shares theretofore issued.

SEC. 4. That the creditors of the said company shall have a prior lien upon their property for all sums due on account of work and labor done and materials furnished for the said company, as contractors or as manufacturers aforesaid; and for all sums so due, which shall not be paid within thirty days after demand made, the directors, by whom such sums should have been paid, shall become liable, and payment may be enforced as if such debts had been contracted by them on their own account.

SEC. 5. That the principal office of the said company shall be in the city of Philadelphia, but the directors, under such rules and regulations as they may from time to time prescribe, may establish branches and agencies in Europe and elsewhere, and may deal in exchange, for-

eign and domestic; but the said company shall not issue their own notes or bills, to be used as bank notes or as currency.

SEC. 6. That three-fifths of the directors of the said company shall be citizens of the United States, and reside in the State of Pennsylvania.

#### NO. 85.—FILE OF THE SENATE.

STEEL, Corporations—Jan. 26.

AN ACT to incorporate the Indian and American commercial company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William Linn Brown, Henry C. Rogers, Lewis Bonnefoux, Henry Lye, H. Hyde Clark, Daniel Greene Matthews, James McCloskey, junior, Joseph M. Harper, Edwin H. Clarke, and Charles B. Hall, and such other persons, corporations and bodies politic, who by them, from time to time, shall be admitted to be and become shareholders in the joint stock and capital of the company, shall be one body corporate and politic, in deed and in name, with perpetual succession to them and their successors, under and by the name style, and title of the Indian and American commercial company, and shall have and use a common seal, and the said seal may alter and amend, from time to time, at their pleasure; and by the said name the said company shall and may sue and be sued, plead and be impleaded, answer and be answered unto, as any other suitor, in all courts and places whatsoever.

SEC. 2. That the joint stock and funds to be contributed by the said contributors to the capital of the said company shall not exceed the sum of five millions of dollars, to be divided and held in shares of sixty dollars, or twelve pounds and ten shillings sterling; each share to be called for and contributed in manner hereafter mentioned; which share shall be transferable, by delivery of certificates or by any other legal mode of assignment, at the pleasure of the owners; and every stockholder shall have and exercise one vote for every share duly paid upon, which shall be then held and registered by him, her and them, on the books of the said company as aforesaid.

SEC. 3. That the said company shall have and possess authority to receive in deposit and consignment, and acquire, have, hold, use and enjoy agricultural and manufacturing products; and to make, endorse and guarantee, buy, sell and exchange, such bullion, gold, silver and moneys, and bills of lading, lands, tenements, invoices, goods and merchandise, wares and chattels, which it may exchange for money and other securities; and advance and loan upon all or any of the objects aforesaid, such sums of money, at such prices and premiums of exchange, as may be agreed upon between the lender and borrower; and buy, sell and exchange and dispose of such property so lodged and deposited as may be contracted for and agreed by the person or persons transacting such business with the said company.

SEC. 4. That for conducting the business of the said company there shall be one proprietor, who, during the twelve calendar months next preceding his election, shall have held not less than twenty shares in the said capital stock, and who shall be called the president; he shall be chairman and president of all meetings of the said company and of the managers and directors of its affairs; one other proprietor, qualified as aforesaid, shall be called the factor of the said company; one other proprietor, so qualified, shall be called the accountant of the said company; one other proprietor, so qualified, shall be called the controller of the said company; one other pro-

prietor, so qualified, shall be called the correspondent of the said company; and one other proprietor, so qualified, shall be called the register of the said company; one other proprietor of the said company, so qualified, shall be the auditor of the said company; which seven officers, when duly assembled, shall be the board of directors of the said company; which board of directors, or a majority of them, of which the president shall be one, concurring in any act, shall have and exercise full power, authority and control in and over the funds, property, business transactions and all affairs of the said company; and every officer and person in the service of the said company shall be personally and individually responsible, criminally and civilly, for his acts of malfeasance; and the said board of directors shall have authority to appoint such officers, agents, brokers and other persons, and agencies in such cities, ports and places, as they shall deem proper for transacting the business and affairs of the said company.

SEC. 5. That it shall be the duty of the said directors, as often and in all cases, individual and general, when it shall appear to them to be needful, to make such order and orders of rebate and return as the case for the time being may require; and upon such order of rebate and return to call upon and require repayment from all and every person and persons who may have negotiated any loan, bill of exchange, note, draft or other security with the said company; and the makers and drawers and endorsers thereof, having an account with or in the books of the said company, who shall have drawn upon or obtained from the said company any advances, money or note security, draft, check, bill of exchange or other order or negotiation, for money, to proceed to recover the same by such process or processes as the laws of this Commonwealth direct and require: *Provided always*, That in every case of rebate duly paid the said company shall rebate, allow and deduct from the moneys or amounts so reclaimed an abatement, rebate or allowance of so much, in proportion to the whole interest and compensation which was charged by or paid and allowed to the said company at the time of and for transacting said business: *Provided always*, That any person or persons who has or have lodged or negotiated any property or deposit with the said company, may at any time, upon paying to the said company the sum of money advanced thereon or therefor and the charges of the said company for the transacting of such business, reclaim and receive the return of so much of the said property or deposit as at the time of such reclamation shall not have been negotiated or transferred to any other person; and all transactions of and with the said company shall be made and transacted subject to the provisions of this act.

SEC. 6. That this act shall continue in force for a period of twenty years.

SEC. 7. That the corporators, officers, directors and stockholders of this corporation shall be jointly and severally liable, in their individual capacities, for all debts due by or for materials furnished said corporation or contracts made by the officers thereof for its use and benefit; to be sued for and recovered as provided in the twelfth, thirteenth and fourteenth sections of an act incorporating the Lackawanna coal and iron company, approved April fifth, Anno Domini one thousand eight hundred and fifty-three.

#### NO. 86.—FILE OF THE SENATE.

STEELE, Corporations—Jan. 26.

AN ACT to incorporate the Carolina steam navigation company.

SECTION 1. *Be it enacted by the Senate and*



*House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Stilwell S. Bishop, Charles C. Wolf, Richard Wright, N. P. Murphy, Henry Simons, William V. McGrath, Edward T. Smith, and their associates, and all persons who may associate themselves with them, and become now or hereafter, may be holders of the stock hereinafter mentioned, shall be and they are hereby declared to be constituted a body politic or corporate, by the style of the Carolina steam navigation company; to have perpetual succession, to be capable in law of suing and being sued, in all courts whatsoever: to have a common seal, and to purchase, own, employ, charter, contract for building, equip, furnish, and fit out steamships, with their appurtenances proper, for the propulsion and navigation thereof, to be sailed and navigated upon the Atlantic or other oceans, and upon all public navigable tide waters, to or from any port in Pennsylvania, or from any port in the United States or elsewhere, to any port in the United States or elsewhere, for the purpose and object of carrying and transporting merchandize and conveying passengers and mails, by means of such steamships; and to hold and use all necessary rights and powers for loading and unloading, receiving and delivering, merchandize transported, or to be transported, in said steamships; and the said steamships, or any of them, or their appurtenances or any part thereof, when in the opinion of the directors of said company it may be proper so to do, to sell or dispose of; and further, to have all such other rights and powers as are or may be properly incident to a corporation, having for its object the transportation of goods, wares and merchandize, and the conveyance of passengers and mails, by means of steamships.*

SECTION 2. That the capital stock of said corporation shall not exceed two hundred thousand dollars, divided into four hundred shares of five hundred dollars each; and that it shall be held as personal property, and as such be transferred, under such regulations as the corporation shall judge convenient.

SECTION 3. That the office of the company shall be in the city of Philadelphia, in the State of Pennsylvania.

SECTION 4. That a general meeting of the corporators and stockholders shall be annually held on the first Tuesday of June, for the election of five directors, and the transaction of other business; but if such meeting or election shall not then take place, the corporation shall not for that cause be dissolved, but such meeting or election shall take place as soon thereafter as may be, two weeks' public notice thereof being first given in at least two daily newspapers in the city of Philadelphia for each and every corporate meeting or election.

SECTION 5. That the election of directors shall be by ballot from among the stockholders; and that in the enactment of by-laws for the government of the corporation and its officers, and in the decision of all questions, the corporators present, either in person or by proxy, shall severally have one vote for each share of stock held by them.

SECTION 6. That the directors shall continue in office until their successors be elected; shall elect a president from among themselves; shall supply vacancies in their number, whether occasioned by death, resignation, or refusal to act, and shall have the general and entire control of the affairs and interests of the company, except so far as may be otherwise provided by the corporators; and three members shall be a quorum.

SECTION 7. That until other officers shall be duly elected, the persons named in the first section of this act shall be held to be directors of the said corporation, and shall have power

and authority as such to receive subscriptions to the stock of said company, in such manner as they may direct and provide.

#### No. 113.—FILE OF THE SENATE.

BEIL, Judiciary—Jan. 27.

AN ACT relating to testamentary trustees.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That in all cases of trusts created by will, and annexed to the office of executor, he may decline to accept the trust, or be discharged therefrom without affecting his office of executor; and the orphan's court of the proper county shall have power to fill the vacancy by appointment; and if more than one trust, estate or fund, be left in the hands of the executor, and a vacancy shall occur, the said court may appoint one or more trustees of each estate or fund, and the said court shall, in each case, require security of the trustee, as provided by existing laws.*

#### No. 153.—FILE OF THE HOUSE.

THOMPSON, Judiciary—Jan. 29.

A SUPPLEMENT to the act of second of April, one thousand eight hundred and twenty-two, for the protection of places of religious worship.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That if any person or persons shall violate the second section of the act of April second, Anno Domini one thousand eight hundred and twenty-two, entitled "An Act to prevent the disturbance of meetings, held for the purpose of religious worship," by erecting, placing, or having any booth, stall, tent, carriage, boat or vessel, or any other place whatever, for the purpose, or use of selling, giving or otherwise disposing of any kind of articles of traffic, spirituous liquors, wine, porter, beer, ale, cider, or any other fermented mixture or strong drink, (excepting as in said act excepted,) within three miles of any place of religious worship in this Commonwealth, during the time of holding any meeting for religious worship, they shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than fifty nor more than one hundred dollars.*

#### No. 151.—FILE OF THE HOUSE.

THOMPSON, Judiciary—Jan. 29.

AN ACT to prevent the intermarriage of the white and black races.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall be unlawful for any black man to marry a white woman, or black woman to marry a white man.*

SEC. 2. That any person or persons who shall marry in this Commonwealth, contrary to the first section of this act, and any justice of the peace, alderman, clergyman, minister or other person, who shall join in marriage any person contrary to this act, and every person who shall be present at such marriage, shall be deemed guilty of misdemeanor, and shall, upon conviction thereof in any court of quarter sessions having jurisdiction thereof, be fined at the discretion of said court, any sum not exceeding five hundred dollars; which shall go one half to the prosecutor and the other half to such county

as may have jurisdiction of such case, and shall be imprisoned in the county jail of such county any time not exceeding one year.

#### No. 145.—FILE OF THE HOUSE.

KETCHUM, Judiciary—Jan. 29.

AN ACT declaring dogs in this Commonwealth to be personal property.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act every dog or bitch, owned by or belonging to any person in this Commonwealth, is, and the same is hereby declared to be personal property; and such dogs or bitches shall be as much the subject of larceny as any other kind of personal property; and any person so stealing or taking away any such dog or bitch, shall be liable to prosecution and indictment in the court of quarter sessions of the proper county, and on conviction thereof, shall be punished as in other cases of larceny.*

#### No. 126.—FILE OF THE SENATE.

FINNEY, Judiciary—Jan. 27.

AN ACT further to prevent the disturbance of public meetings.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, if any person or persons shall be guilty of disturbing any society or meeting assembled for the purpose of any moral, social, literary or scientific object, ceremony, examination, exhibition or lecture, or assembled for the purpose of transacting any business pertaining thereto; or if any person or persons shall be guilty of encouraging, aiding, or in any way countenancing any such disturbance, on conviction thereof, in the manner provided for the conviction of persons disturbing religious meetings, shall be punished in like manner, and in the same way as persons disturbing religious meetings are now punished, by the existing laws of this Commonwealth.*

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# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 23.

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## SENATE.

WEDNESDAY, Feb. 2, 1859.

The Senate was called to order by the SPEAKER at the usual hour.

Prayer was offered by Rev. Charles A. Hay, of the English Lutheran church, Harrisburg.

The Journal was read and approved.

Messrs. BELL and SCHELL appeared in their seats.

All the members of the Senate were present.

The SPEAKER ordered the following as the committee to meet a similar committee from the House, on the resolution adopted yesterday relative to the *Legislative Record*:

Messrs. TURNEY, WRIGHT and FINNEY.

## REPORTS OF COMMITTEES.

Mr. TURNEY, (Finance,) reported, with amendment, "A resolution relative to the pay of the expenses of commissioners appointed to investigate the affairs of certain banks."

Mr. WRIGHT, (Corporations,) as committed, "An Act incorporating the Union cemetery association of Womelsdorf, Berks county."

Also, (same,) as committed, "A supplement to an act incorporating the borough of Pottstown."

Also, (same,) as committed, "A further supplement to an act consolidating the city of Philadelphia."

Also, (same,) with amendment, "An Act incorporating the Newtown gaslight company."

Also, (same,) with amendment, "An Act incorporating the Mutual fire insurance company of Philadelphia."

Also, (same,) as committed, "An Act relative to Leverington cemetery company."

The same Senator, by request of the Committee on Corporations, returned a bill, entitled "An Act to incorporate the Lewisburg, Centre and Spruce creek railroad company," and asked that the same be committed to the Committee on railroads; which was agreed to.

Mr. STEELE, (same,) as committed, "An Act to incorporate the Pennsylvania mining and miners' beneficial association."

Also, (same,) with amendment, "An Act to incorporate the Towanda water company."

Also, (same,) with amendment, "An Act to incorporate the Commercial trust company."

Mr. SHAEFFER, (same,) as committed, House bill No. 27, "An Act to incorporate the Penn warehouse company."

Also, (same,) with amendment, "An Act incorporating cemetery companies."

Also, (same,) as committed, "An Act incorporating the Mount Olivet cemetery company of Hanover, York county."

Also, (same,) as committed, "A supplement to an act, entitled 'An Act to alter and amend an act to erect the town of Chester into a borough and for other purposes therein mentioned.'"

Mr. SCHELL, (same,) as committed, "A supplement to an act incorporating the Johnstown woolen manufacturing company."

Also, (same,) as committed, "A supplement to an act incorporating the Greenwood cemetery of the borough of Tamaqua."

Also, (same,) as committed, "An Act extending the limits of the borough of Pottsville."

Mr. GAZZAM, (same,) as committed, "An Act to incorporate the Uniontown gas and water company."

Also, (same,) as committed, "An Act relative to certain charitable corporations."

Also, (same,) as committed, "An Act incorporating the Fairview cemetery association in Berks county."

Mr. THOMPSON, (Roads and Bridges,) as committed, House bill No. 23, "An Act relative to the opening and making of roads and building bridges in West Marlborough township, Chester county, and relative to repairing roads in said township."

## BILLS IN PLACE.

Mr. SHAEFFER read in his place and presented to the Chair, a bill, entitled "An Act for the more effectual suppression of counterfeiting."

Mr. BELL, "A supplement to an act incorporating the Newtown Square and Paoli plank road company, approved January 9, 1853."

Mr. BELL moved to discharge the Committee on Roads and Bridges from the consideration of the above bill; agreed to.

Whereupon the Senate resolved itself into committee of the whole on this bill. (Mr. PARKER in the Chair.)

The bill, being reported as committed, went through its various readings and passed finally.

Mr. BREWER, "An Act relative to costs."

Mr. THOMPSON, "An Act incorporating the Cheltenham Hills gas and water company."

Mr. PARKER, "An Act to repeal the sixth section of an act, entitled 'A further supplement to an act consolidating the city of Philadelphia.'"

Mr. RUTHERFORD, "A supplement to an act relative to orphans' courts, and for other purposes."

Mr. YARDLEY, "An Act to incorporate the New Britain turnpike road company."

Mr. SCHELL, "An Act to attach Somerset county to the Middle district of the supreme court."

Also, "An Act incorporating the Bedford gas company."

Mr. WRIGHT, "An Act relative to certain real estate of Christian Kneass, dec'd."

## ORIGINAL RESOLUTIONS.

Mr. MARSELIS offered the following; which was twice read, considered and adopted:

*Resolved*, That the Committee on Railroads be authorized to prepare a schedule of the different passenger railway companies proposed to be incorporated, the name of streets on which to be located, and the several commissioners; to be printed for the use of the Senate.

Mr. MYER presented the following resolution; which was twice read, considered and adopted:

*Resolved*, That the Committee on Claims and Damages be requested to report a bill providing for the assessment and payment of damages on the North Branch canal, as provided in the seventh section of the bill of sale to the Sunbury and Erie railroad company, approved April 21, 1858.

Mr. YARDLEY, the following:

*Resolved*, That the Governor be requested to furnish evidence of the subscription of the stock in the Germantown passenger railway company, and all facts connected therewith, on which he issued letters patent.

Mr. SCHELL did not know that he had any objection to the resolution. It may be good; but if it is good, it should be made to apply to all railroads.

Mr. YARDLEY had no objection to making it general in its application. The reason he offered the resolution was that the company were now making application for a considerable enlargement of their corporate privileges; and as a new member, he asked for such information as would enable him to vote understandingly as to the propriety of extending to it the privileges desired.

Mr. MARSELIS did not wish to commit himself either to vote for or against the resolution until he knew something of its character. It was somewhat through his agency that the act incorporating this company had passed; and from his knowledge of the gentlemen connected with it, he would expect nothing from them but that which was highly honorable and honest.

Mr. RANDALL had no objection to the resolution, except so far as it was an indirect intention to injure the company. He was acquainted with the gentlemen constituting it, and could say that they stood high for character, honor, integrity, and wealth. Of wealth, however, he would say nothing; but as citizens they stand without reproach. The resolution was a kind of reflection on the company, as well as upon the Executive. If this peculiar course is to be adopted in reference to this company, he knew of no reason why it should not be made general.

Mr. FINNEY understood the resolution differently from the Senator from Philadelphia. There was no reflection upon the Governor. He had been exceedingly cautious in lending his sanction to acts of incorporation, and he could not suppose that he had departed from his usual course in this case. He believed the company to be an upright one, and he felt disposed to regard it favorably, because it was the only one asking legislation that had not had bidders to ask him something about it. It was, he said, getting to be a very dangerous thing to pass a bill, without the consent of the lobby; and it may be that this resolution is thrown out as a premonitory threat of the deluge which is to come hereafter, should the Legisla-



ture undertake any action, without first consulting the hangers-on in the lobbies, as to its propriety.

Mr. YARDLEY remarked that the resolution cannot be fairly construed into an attack upon either the Executive or company. He had no such intention. He had no reason to doubt the standing of the company, and the resolution had only been offered for the purpose of information. It was the only company who had a bill now pending for the enlargement of its privileges; and if they come in asking for such enlargement, it was not unfair that the question should be asked how they obtained the franchises which they are now enjoying. He regarded it as a legitimate matter of inquiry, and he could see no reason why there should be any objection to it.

Mr. RANDALL had no objections to the resolution, if the Senator from Bucks would make it general. He had been informed that the money had been actually paid in before letters patent had been issued.

Mr. SCOFIELD said he did not believe the object of the resolution was to obtain information. It can effect nothing, and was intended to delay action with reference to this matter, or some other. If this company come here asking for an extension of their privileges, let them come unprejudiced in advance, and without any effort to throw suspicion around them. He was in favor of including all companies in the inquiry; let them all be hunted out, and let us know who they are, what is their standing and character for honesty and integrity. Let us know who from the west and the north, or from other sections, go to Philadelphia to build railroads, men who ask for the privileges to construct railroads in that city, who have never seen the city, and never rode in a passenger railway car in their life. Let all be included, let us go out upon a voyage of discovery, and see who of these are the most honest, whose wealth and standing is highest, and who are most entitled to franchises at the hands of the Legislature.

Mr. RANDALL asked the Senator from Bucks whether he understood him as consenting to the proposition to make the inquiry general.

Mr. YARDLEY replied that he did.

Mr. SCOFIELD moved to postpone the resolution indefinitely.

On which motion the yeas and nays were required by Mr. RANDALL and Mr. YARDLEY, and were as follow, viz:

YEAS.—Messrs. Baldwin, Coffey, Craig, Fetter, Finney, Gazzam, Gregg, Miller, Nunnemacher, Parker, Randall, Rutherford, Schell, Scofield, Shaeffer, Schindel, Steele, Turney, Welsh and Cresswell, *Speaker*—20.

NAYS.—Messrs. Bell, Blood, Brewer, Francis, Harris, Keller, Marselis, Myer, Palmer, Penney, Thompson, Wright and Yardley—13.

So the question was determined in the affirmative.

Messrs. TURNEY and GAZZAM made statements explaining their votes on the above motion; which are as follows:

Mr. TURNEY desired to make a statement in explanation of his vote upon the resolution. It came, he said, with a two-fold force. He would not vote against any proposition to obtain information upon anything wrong; but he could vote for nothing containing, as this did, a direct fling at the Executive.

Mr. GAZZAM also desired to make a statement in explanation of his vote. He had no desire to defend the Executive; he was able to defend himself; but he gave his vote for the motion because he thought, with the Senator from Warren, that the object was to occasion delay, or to prejudice some action of the Legislature. He was also desirous of making the inquiry a general one.

#### BILLS ON THIRD READING.

"An Act relative to a railroad between Chambersburg and Hagerstown."

Mr. WELSH asked to have the bill lie over.

Mr. WRIGHT requested that the bill might lie over.

Mr. BREWER said that the parties interested in this road were ready to begin the work; but they could not begin until this bill is passed. Every thing connected with it was right, and he was desirous that it should pass without any delay.

Mr. RANDALL said he should be compelled to call the yeas and nays, because of the refusal of the Senator to allow the bill to lie over. He had not examined the bill, and was not prepared to vote upon it. If it is all correct, as the gentleman alleges, why refuse to have its consideration deferred? It had never been to committee; and it should certainly be referred, in order that an examination may be made into its provisions.

Mr. WELSH wished the Senator from Franklin to understand that his request for a postponement was not made from any opposition to the bill. He had received a letter from a gentleman of standing and character in Philadelphia, asking him to have the bill laid over; and it was in accordance with that wish, that he had made the request. He had ascertained that the bill had never been sent to the committee, and there had been no opportunity for examining it. Unless it were laid over, he should be compelled to vote against it.

Mr. BREWER remarked that when the bill came up on second reading, yesterday, he had asked that the rules might be suspended, and the bill passed; not with a view to take any advantage, or to interfere with the rights of any party; but, at the request of a Senator, he had permitted it to lie over, in order to afford to gentlemen an opportunity of examining it. Twenty-four hours had passed, affording ample time for an examination into the character and nature of the bill. It had been here some time; had been printed and placed upon the desks of Senators, and he could see no unreasonableness in his desire to have it disposed of to-day. The bill effects only the interests of the people of Franklin; and if requests are to come from every part of the State, asking that the consideration of bills may be postponed, legislation would move at a very slow and uncertain pace. It was important that the bill should pass immediately, and as injury and loss would result from delay, he hoped the Senate would consent to its consideration now.

On the final passage of the bill,

The yeas and nays were required by Mr. RANDALL and Mr. BREWER, and were as follow, viz:

YEAS.—Messrs. Blood, Brewer, Fetter, Francis, Gazzam, Gregg, Harris, Keller, Myer, Palmer, Parker, Penney, Rutherford, Schell, Scofield, Shaeffer, Schindel, Steele, Wright, Yardley and Cresswell, *Speaker*—21.

NAYS.—Messrs. Coffey, Craig, Marselis, Miller, Nunnemacher, Randall and Welsh—7.

So the question was determined in the affirmative.

Joint resolution from the House, relative to the pay of A. L. Linton, was next in order.

The question being upon the amendment offered by Mr. HARRIS, to reinsert the part relative to mileage, previously stricken out.

Mr. HARRIS said that when the Senate adjourned; yesterday, he was endeavoring to convince the Senate of the justness of restoring a small pittance of mileage, which had been stricken out. He advocated it upon the ground that it had been usual to allow mileage, and this was the first instance which had ever come to his knowledge, of a refusal to do so. He wished to cast no reflection upon the Committee on Finance—he rather commended them for

their course. He was willing to go with them in retrenchment and reform in all matters affecting the public interests; but he thought they should commence somewhere else than in such small matters as this. It was a small matter to the State, but a great one to the claimant; and he hoped the Senate would restore the pittance which had been stricken out.

Mr. WELSH regarded the wish to pay mileage to this party as a mere gratuity, and nothing else. The gentleman himself had acknowledged to the committee that he had come here on other business, and not for the purpose of acting as clerk to the committee on the contested election case. He cared not for the precedent. It was time to break up this system of extravagant and unjust allowances to clerks and witnesses, and the Senate should refuse its countenance to any usage which took money out of the treasury unjustly.

Mr. TURNEY said that so far as the equity of the case was concerned, it should have been sent to the Committee on Pensions and Gratuities, instead of Finance, for it was nothing but a gratuity, and in violation of a statute. It had been a usage, more honored in the breach than in the observance, to allow mileage to witnesses, and others, in cases of contested elections; but he read, yesterday, a law which defined the rights of parties, and which contemplates no such allowance as is here claimed. There is no law authorizing a committee to employ a clerk—there is no clerk known to law; and he thought as the claimant had frankly acknowledged before the committee that he did not come here as a clerk, but upon other business, the allowance of his per diem was sufficient, without adding mileage.

Mr. PENNEY thought the Senator from Westmoreland labored under a misapprehension of the legal right to pay parties employed by the House. If that body should employ any one, and pass a resolution to pay him for his services, it was not the place of the Senate to say to the House that it has over-estimated those services, and to refuse to make provision for their payment. The House is the best judge of the services of its own officers, and he saw no just reason why the allowance of mileage should not be made.

Mr. TURNEY wished to ask the Senator whether the House can pass appropriations for any purpose?

Mr. PENNEY replied, no; he knew nothing of the practice to pay mileage, but it was hard for this party to bear the brunt of the new rule of economy which had just sprung up.

Mr. TURNEY said this was a much larger matter than the Senator is disposed to regard it. It was not the first instance in which the Committee on Finance had taken this position. They had established a precedent in the Cambria county contested election case, where there was no doubt of the liability of the county to pay the expenses. In this case the committee were disposed to pay what is claimed, but they could find no warrant for it; and they had even exceeded their limit in making the allowance of per diem.

Mr. RANDALL considered this a very plain matter. Gentlemen assert that it is but fair to pay for services which had been rendered; but he contended that the services for which this mileage was claimed, had never been rendered. The claimant had admitted before the committee that he did not come here to act as clerk in this election case, but upon business of his own. He had not been put to the extra expense contemplated by the law; and he would vote against any subterfuge in the payment of services, even where it affected his own salary. He could not vote for it; for the claimant had never traveled a mile, and there was not even the shadow of justice in it.



Mr. GAZZAM had heard the arguments on both sides, but he was unconvinced that the allowance should not be made. The House had power to employ certain persons, and to make such contract with them as they deemed proper, and it was not for the Senate to say that they were either unnecessarily employed, or their services over-estimated. With the claimant the consideration of his acceptance of the position as clerk, was the usual mileage, and not the three dollars per diem. It did not strike his mind as a gratuity. The services had been performed; the House had recognized them, and made provision for their payment; and he was unwilling to interfere, unless it be by a general act, affecting all future cases.

The question being upon the amendment, The yeas and nays were required by Mr. WRIGHT and Mr. HARRIS, and were as follows, viz:

YEAS—Messrs. Baldwin, Bell, Blood, Coffey, Finney, Francis, Gazzam, Harris, Miller, Myer, Palmer, Parker, Penney, Rutherford, Shaeffer, Schindel and Thompson—17.

NAYS—Messrs. Brewer, Fetter, Keller, Marselis, Randall, Scofield, Steele, Welsh, Turney, Wright, Yardly and Cresswell, *Speaker*—13.

So the question was determined in the affirmative.

On the resolution as amended, The yeas and nays were required by Mr. WRIGHT and Mr. HARRIS, and were as follows, viz:

YEAS—Messrs. Baldwin, Bell, Blood, Coffey, Finney, Francis, Gazzam, Harris, Miller, Myer, Palmer, Parker, Penney, Rutherford, Scofield, Shaeffer, Schindel, Steele and Thompson—19.

NAYS—Messrs. Brewer, Fetter, Keller, Marselis, Nunnemaecher, Randall, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—11.

So the question was determined in the affirmative.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor; which was read, as follows:

EXECUTIVE CHAMBER,  
Harrisburg Feb. 2, 1859 }

GENTLEMEN:—I have signed and approved the following acts of the General Assembly:

On the 1st instant, "A further supplement to 'An Act to incorporate the Tyrone and Lock Haven Railroad Company.'"

"An Act to change the place of holding general, special and township elections for the township of West Branch, in the county of Potter."

On the 2d instant, "An Act to incorporate the Presbyterian church of Harrisburg."

"An Act to confirm the title to a certain lot, late the estate of Arthur Howell, deceased."

W. F. PACKER.

#### BILLS CONSIDERED.

On motion of Mr. RANDALL, Senate bill No. 132, "A supplement to 'An Act incorporating the Germantown passenger railroad company,' approved April 21, 1858," was taken up and passed committee of the whole. (Mr. SCHELL in the Chair.)

This bill lies over by request.

On leave given, the Committee to Compare Bills made a report.

Mr. SCOFIELD moved to discharge the Committee on Election Districts from the consideration of a bill relative to fixing the place of holding elections in Hamlin township, McKeen county.

The motion was agreed to; and having dispensed with going into committee of the whole, the bill passed finally.

The hour of one having arrived, the SPEAKER adjourned the Senate until eleven o'clock to-morrow morning.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, Feb. 2, 1859.

The House was called to order by the SPEAKER at the usual hour.

Prayer was offered by the Rev. G. J. Martz, of the German Lutheran church, Harrisburg, Pa.

The Clerk read the Journal of yesterday.

#### ORIGINAL RESOLUTIONS.

Mr. KENEAGY offered a resolution, that the Committee on the Judiciary System be instructed to inquire into the expediency of passing a registry law for the better prevention of fraud in elections, and report by bill to this House; which was read the second time; and on the question, shall the same pass?

Mr. GOEPP said that the gentleman who had presented the resolution had doubtless gone into the details of the subject, and should therefore have drawn up a bill. It was unfair to impose upon the Judiciary Committee the onerous task of preparing an act; it was not their legitimate business, and was not customary. If the originator of the resolution would draw up an act, and would then place it in the hands of the committee, it would no doubt be duly considered. To be sure, the resolution was not compulsory, but nevertheless carried with it the weight and force of an action of the House. He would suggest the propriety of voting down the resolution, and then leave the gentlemen who were interested to prepare a suitable bill.

The question recurring,

Shall the resolution pass?

On motion of Mr. THORN, the question was referred to the Committee on Election Districts.

Mr. FOSTER submitted a resolution, that Jno. R. Smith be continued in office until the 1st of March next.

The House refused to pass to the second reading of the same.

Mr. WILLIAMS, (Bucks,) offered a resolution that the Committee on Ways and Means be discharged from the further consideration of the act relative to the pay of members, and that the House proceed to the consideration of the same now.

And on the question,

Will the House proceed to the second reading and consideration of the same?

The yeas and nays were required by Mr. WILLIAMS and Mr. WITHROW, and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bertolet, Boyer, (Schuylkill,) Brodhead, Burley, Custer, Dismant, Durboraw, Eckman, Elmaker, Fleming, Galley, Glaz, Good, Gritman, Hill, Hottelustine, Jackson, Kencagy, Ketchum, Kiuncy, McHaffey, McClure, McCurdy, Nill, Oaks, Palm, Patterson, Peunell, Peirce, Pugh, Shafer, Shields, Smead, Stoneback, Stuart, Taylor, Wagonseller, Walker, Warden, Whitman, Wiley, Williams, (Bedford,) Williams, (Bucks,) Withrow, Wolf and Lawrence, *Speaker*—51.

NAYS—Messrs. Bayard, Boyer, (Clearfield,) Bryson, Campbell, Chase, Church, Dodds, Evans, Fearon, Fisher, Foster, Goepf, Graham, Gratz, Gray, Hamersly, Harding, Laird, Lawrence, (Washington,) Mann, McClain McDowell, Miller, Neall, Price, Quigley, Ramsdell, Rohrer, Rose, Sheppard, Smith, (Philadelphia,) Styer, Thompson, Thorn, Walborn, Wilcox, Williston, Wilson, Wood, Woodring and Zoller—41.

So the question was determined in the negative, two-thirds not voting in the affirmative.

Mr. PAL offered a resolution that hereafter no member will be allowed to smoke, snuff, chew or drink whiskey at the expense of the State.

Ruled out of order.

Mr. KENEAGY offered a resolution that 5,000 copies of the annual report of the trustees and superintendent of the Pennsylvania State Lunatic Asylum, be printed for the use

of the House; which was read the second time.

Mr. WILCOX moved to amend, by printing 3,000 in English and 2,000 in German.

Mr. HAMERSLY moved to amend the amendment by reducing the number of copies to 2000 in the English and 500 in the German language; which was agreed to.

And the resolution as amended was agreed to.

Mr. THORN submitted the following resolution:

*Resolved*, That 200 copies of all the bills now before the Railroad Committee, in reference to passenger railroads in the city of Philadelphia, together with those reported to the House upon the same subject, be printed for the use of members of the Railroad Committee, and that no action be taken by the said committee upon the same until they be printed.

Mr. THORN asked leave to make a statement. Leave being given, he said that a large number of his constituents were present from Philadelphia—many of them property holders, and in high positions. They desired to know the real aspect of the Philadelphia city passenger railroad question. Heretofore they had only seen the titles of the bills, as they had been sent to the city by telegraph. The bills had accumulated so fast that it was almost impossible to follow them. After conference, last evening, with a number of these gentlemen, he had drawn up the resolution, and now, as a question of courtesy, requested its passage.

Mr. WILSON favored the resolution. He, too, had had many applications, and some of them based upon the same ground.

Said resolution was then read the second time.

And on the question,

Shall the same pass?

Mr. KENEAGY moved that the further consideration of said resolution be postponed for the present.

A rambling discussion took place, during which Mr. PRICE said that it was unfair to accord such a privilege to Philadelphia (by allowing her railroad bills to be printed) and not extend the privilege to the country.

Mr. GOEPP said that it was more difficult to obtain information on railroads than on other subjects which had been before the House. The project of printing the bills was calculated to be of benefit, by enabling the country members, as well as those outside parties who were interested, to see what was going on. Heretofore it had been almost impossible to find out what was being done, and it was unfair that all the burden and responsibility should be thrown upon the railroad committee. But the printing would throw light upon the matters in question.

Philadelphia was the metropolis of Pennsylvania, and whatever concerned her, naturally was of interest to the State. Viewed in this light, the matter was not one of a local character, as has been intimated by the gentleman from Lancaster, (Mr. PRICE). It was asked as a courtesy by the member from Philadelphia, (Mr. THORN,) that the railroad bills affecting that city be printed, and he saw no reason for denying the request.

Mr. PRICE inquired whether other committees than that on railroads might not ask the same privilege, and what course would be taken in such a case.

Mr. GOEPP said that it would be time enough to decide this question when it came up. It might not be desirable on ordinary local bills to have them printed, but this matter, as he had before said, was not local, but affected the whole State.

Mr. MCCLURE said that, as a mere act of courtesy, the gentleman from Philadelphia (Mr. THORN) had asked the favor at the hands of the House. There was quite a variety of bills, many of them providing for the construction of railroads upon the same streets. Numbers of



constituents were present who sought information, and could only obtain it by having the printed bills. For the sake of the members, however, who would be required to vote, it was essential that they should be printed. If the gentleman from Lancaster had asked to have some particular act thus published, he would no doubt have thought it discourteous for any member to have opposed his motion.

Mr. WALBORN said that much had been stated that was apparently fair and plausible, but, as chairman of the Railroad Committee, he challenged any one to say that he had not extended the fullest courtesy to all, and had not endeavored to give information to all who sought it.

Mr. M'CLURE rose to explain. He hoped that he had not been understood in his remarks as having referred personally to the chairman of the committee.

Mr. WALBORN continued, by repeating that he had extended every possible courtesy. But this was not the point; there was a principle involved which demanded consideration. — It was the duty of the committee, as he understood it, to condense business before it came before the House. If the bills were printed, and laid upon the desks of the members, the effect would be to destroy the utility of the committee, and virtually to ignore their existence. Did the House wish to do this?

If it was fair to print these bills, it was equally so to print others. As for the constituents who were interested and anxious to read the documents, he thought that the people who sent him to Harrisburg, intended that he should act independently of all outside influences, and regardless of any committees or bodies of men who came with sinister motives.

Mr. SMEAD presumed that however great the willingness of the chairman of the committee might be to give information, if he was called upon by all the members of the House he would find his duties arduous. The printing of the bills would allow the country members an opportunity to inform themselves of their contents, and would be otherwise beneficial.

Mr. WILLISTON thought that it was a purely local question, and to be decided in accordance with the wishes of those whom it affected. But there was one point in the discussion which had taken place, to which he wished to allude. He had no faith in the infallibility of committees, and as a general thing did not believe that the members were chosen because they possess extra wisdom or virtue. Every one who was acquainted with the usual manner of their appointment knew this. As far as regarded responsibility of position, he knew no distinction between members of the committee and of the House, and that the House should determine not to take action on any particular matter merely because a certain committee might consider it as a reflection upon them, was discreditable. It was only just to give to the gentleman from Philadelphia, (Mr. THORN,) the courtesy desired. He did not agree with the gentleman from Philadelphia, (Mr. WALBORN,) that all who came here as outsiders were robbers and thieves, and not to have a bearing. The members were sent to Harrisburg to listen to and carry out the views of their constituents, whether expressed in writing or orally. He desired to re-assert his disbelief in the incorruptibility of any committee.

Mr. THORN acknowledged that as far as he was concerned, he had received every possible courtesy from the chairman of the Railroad Committee. He wished to say one word more, and would then be done with the subject. He did not believe that committees were instituted for the purpose of condensing business, but rather to perfect business; moreover, he did not believe that the people had sent him to Harrisburg to act in a purely independent manner, but

rather to be their representative, to ascertain their wishes, and govern himself accordingly, and to be responsible to them for his acts. He disclaimed any intention of having reflected on the chairman personally, and in evidence of this would state that he had shown the resolution to Mr. WALBORN before it had been submitted.

Mr. LAWRENCE, (Washington,) had not at first supposed that the resolution would assume such importance. He believed that some attempts had been made, however, to cast reflections on the committee and on the manner of its appointment. For one, as a member of the committee, he could say that he had never been consulted by the SPEAKER previous to his appointment, and he would not allow any man, whether the gentleman from Tioga or any other, to intimate that he had been put on for especial purpose.

In the course of his experience he had never before seen an attempt made to take a matter of this kind out of the hands of a committee consisting of thirteen respectable men. Even the members of that committee could not always readily agree upon conflicting claims, and if the bills were printed and put before the House such a diversity of objects and interests would be apparent, that the House would never be able to come to a satisfactory adjustment.

The committee, when in session, had endeavored to do what was best for the city of Philadelphia, without recourse to outsiders. One third of the whole time of the House was taken up in the consideration of matters relative to that city. He then spoke of her as the just pride of the Commonwealth, and said that the country members were always ready to meet her representatives upon fair and equal grounds.

If the bills of the Railroad Committee were to be printed, why should other bills not receive the same consideration? Particularly did he object to that part of the resolution which said that no bills should be reported until they were printed.

Mr. M'CLURE said that the members of the Railroad Committee seemed to be laboring under a misapprehension. It was simply asked that the bills be printed, and there was no desire to take the business out of the hands of the committee, or to interfere in the slightest degree with any of their prerogatives. It had been said that bills, when in the hands of the committee, had been refused consideration. So rumor had it.

Mr. THORN said that the rules of the House did not permit any allusion to what was done in committee, but he desired to state a proposition: Suppose that two men were sent in on a committee to consider six bills. One of them was read, and a motion was made that it be adopted and that the others be not read. I say that this was done in committee.

Mr. M'CLURE said that so gentlemen on both sides had stated. He thought that such a proceeding was not fair.

Mr. LAWRENCE, (Washington,) denied having said that the committee had considered all the bills.

Mr. WALBORN denied that it had been refused to allow the bills to be read. A motion had been made that all of them should be read, but there were so many that the motion was withdrawn.

Mr. HILL raised a point of order, viz: that no gentleman should be allowed to speak more than twice on one subject.

Mr. M'CLURE. No one has spoken more than twice.

Mr. M'CLURE said that he would coincide in a motion to discharge the committee, if they took the action of the House as a reflection upon them. They deserved it. There could be no fairer proposition than to have the bills printed, and as for talking about outsiders, they were deeply interested. He was amazed at

hearing the chairman of the committee pleading his own immaculate virtue. If the Railroad Committee had suffered in the discussion, it was their own fault. Why did they not willingly come forward and show what the bills were?

Mr. LAWRENCE, (Dauphin,) had no especial interest in the matter, but having been temporarily absent from the room, on his return had been told that a reflection had been cast upon the SPEAKER for the manner in which he had appointed the committee. He desired to ask of the gentleman who had made the allusion, an explanation.

A member. Who was it?

Mr. LAWRENCE, (Dauphin.) The gentleman from Tioga, I believe, (Mr. WILLISTON.)

Mr. WILLISTON said that he had made no reflection on the SPEAKER.

Mr. LAWRENCE, (Dauphin.) I am glad to hear it.

Mr. WILLISTON said that he had only entered on the debate because some remarks which had been made, that certain bodies and committees were intact, had grated harshly on his feelings. He had meant to say, and had said, that position was no indication of infallibility. From this assertion he would not fall, but he had meant and specified no particular person.

He desired to make one remark. The gentleman from Lancaster had suggested that if the bills were given to the printer, they would be tied up and be out of reach of the House. There was no fear of this.

Mr. LAWRENCE, (Dauphin,) expressed his satisfaction at the explanation, although he had been informed that the gentleman from Tioga had made a personal allusion.

Mr. KENEAGY moved to postpone the resolution. He thought there was ample time and opportunity for the members to see the bills after they had been reported upon by the committee.

Mr. CHURCH gave notice that if the motion to postpone did not carry, and the resolution passed, he should move that the bills of the Committee on Corporations be also printed.

Mr. HAMERSLY hoped that this would not deter any one from voting in favor of the resolution. In no other department was there as much confusion as in that of railroads. There were numerous applicants for the same routes. He was surprised that out of ten or twelve applications for the same route, the chairman of the committee should have selected one. He would like to see the other bills, if the committee did not fear the judgment of the House. It was the right of the committee to consider the bills, but it was also his right to see those which had been thus rejected. It had been customary for committees to report bills with a negative recommendation, when they would of course have been printed, but in this instance they had evidently refused to report at all.

As for the statement that Philadelphia projects consumed one-third of the time of the House, he would simply have it remember that Philadelphia paid nearly one-third of the taxes.

Mr. LAWRENCE, (Washington,) said that in alluding to the time he, had not done so in a complaining manner. He had no doubt but that if the House would wait they would find the rest of the bills reported with a negative recommendation.

Mr. ABBOTT said that if the allegation was made that favoritism had been shown by the committee, the parties who considered themselves injured had a right to print their own bills. He should vote against the postponement, and in favor of the resolution.

Mr. BARLOW was opposed to printing; first, on account of the expenditure of money which would result; second, because the committee was fully competent to act; and thirdly, because



there was no reason why these bills should be printed and the others ignored.

Mr. KETCHUM, as one of the Railroad Committee, was willing that the House should know every thing that had been done. He had nothing to conceal, and was not afraid of scrutiny. He was opposed to the printing for several reasons. First, because it would afford a bad precedent; and secondly, because it was a reflection on the House as well as a committee. He took it as a suspicion upon the Railroad Committee particularly, and as far as he personally was concerned, had this to say—that in the course which he had pursued, he stood fully justified before God and man. The ultimate conclusion to be drawn, was, that either the committee was corrupt or else the House did its business, through ignorance or rascality, in a miserable manner, and was afraid to trust its committee. As to the distinction which had been attempted to be drawn between the city and country, he loathed it.

The question recurring,

Will the House agree to the motion to postpone.

The yeas and nays were required by Mr. GOOD and Mr. EVANS, and were as follow, viz:

YEAS—Messrs. Barnsley, Barlow, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Burley, Church, Dismant, Durboraw, Ellmaker, Fearon, Fleming, Galley, Glatz, Good, Graham, Harding, Hottenstine, Keneagy, Laird, Lawrence, (Washington,) Mehaffey, Nill, Patterson, Pennell, Price, Quigley, Rohrer, Stoneback, Stuart, Styer, Wagon seller, Walborn, Walker, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Withrow, Wolf, Woodring and Lawrence, *Speaker*—41.

NAYS—Messrs. Abbott, Acker, Balliet, Bayard, Bertolet, Bryson, Campbell, Chase, Custer, Dodds, Eckman, Evans, Fisher, Foster, Goepp, Gratz, Gray, Hamersly, Hill, Irish, Jackson, Ketchum, Kinney, Mann, McClain, McClure, McCurdy, McDowell, Neall, Oaks, Palm, Peirce, Pinkerton, Pugh, Ramsdell, Rose, Shafer, Sheppard, Smead, Smith, (Philadelphia,) Taylor, Thompson, Thorn, Warden, Whitman, Wiley, Williston, Wilson, Wood and Zoller—50.

So the question was determined in the negative.

The question recurring on the final passage of the original resolution,

Mr. ROSE moved the following amendment: "And that the Committee on Railroads be and are hereby instructed to report all bills asking for the incorporation of passenger railroads upon the same route, and where the main line shall be located upon the same street or streets in the city of Philadelphia, at one and the same time, either with an affirmative or negative recommendation."

Mr. ROSE did not intend the amendment as a reflection, but to remedy an apparent difficulty. He had too much confidence in the committee to believe that they would venture a report without due consideration upon every bill before them. The amendment, by its peculiar provisions, would save printing.

Mr. THORN said that the amendment provided for just the things that they wished to avoid. He appealed to Mr. ROSE not to embarrass the resolution.

Mr. ROSE said that if it would be any satisfaction to the gentleman, he would withdraw the amendment.

Mr. CHURCH hoped the amendment would pass.

Mr. THORN rose to a call of the previous question, which was seconded by Messrs. THORN, HAMERSLY, EVANS, KETCHUM, HARDING, BAYARD, MCCLURE, GRATZ, NEALL, GRAY, ECKMAN, SMITH, (Philadelphia.)

And on the question,

Shall the main question now be put?

The yeas and nays were required by Mr. PATTERSON and Mr. PRICE, and were as follow, viz:

YEAS—Messrs. Abbott, Balliet, Bayard, Bertolet, Boyer, (Schuylkill,) Brodhead, Bryson, Church, Custer, Dismant, Dodds, Eckman, Ellmaker, Evans, Fisher, Goepp, Gratz, Gray, Hamersly, Harding, Hill, Irish, Jackson, Ketchum, Kinney, Mann, McClure, McCurdy, McDowell, Miller, Neall, Oaks, Peirce, Pinkerton, Pugh, Ramsdell, Rohrer, Rose, Shafer, Sheppard, Smead, Smith, (Philadelphia,) Taylor, Thompson, Thorn, Warden, Wiley, Williston, Wilson, Wood and Zoller—51.

NAYS—Messrs. Acker, Barnsley, Barlow, Burley, Campbell, Chase, Durboraw, Fearon, Fleming, Foster, Glatz, Good, Graham, Hottenstine, Keneagy, Lawrence, (Washington,) Mehaffey, McClain, Nill, Palm, Patterson, Pennell, Price, Quigley, Stoneback, Stuart, Styer, Wagon seller, Walborn, Walker, Whitman, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Withrow, Wolf and Lawrence, *Speaker*—37.

So the question was determined in the affirmative.

The question now being,

Will the House agree to the amendment submitted by Mr. ROSE?

The yeas and nays were required by Mr. NILL and Mr. PATTERSON, and were as follow, viz:

YEAS—Messrs. Barlow, Boyer, (Schuylkill,) Brodhead, Burley, Chase, Custer, Dismant, Fearon, Galley, Glatz, Good, Graham, Gray, Hill, Jackson, Keneagy, Laird, Lawrence, (Washington,) Mehaffey, McCurdy, Nill, Oaks, Patterson, Pennell, Price, Quigley, Rohrer, Rose, Sheppard, Smith, (Philadelphia,) Stoneback, Stuart, Styer, Wagon seller, Walborn, Walker, Warden, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf and Lawrence, *Speaker*—43.

NAYS—Messrs. Abbott, Acker, Balliet, Barnsley, Bayard, Bryson, Campbell, Church, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fisher, Fleming, Foster, Goepp, Gratz, Hamersly, Harding, Irish, Ketchum, Kinney, Mann, McClain, McClure, McDowell, Miller, Neall, Palm, Peirce, Pinkerton, Pugh, Ramsdell, Shafer, Smead, Taylor, Thompson, Thorn, Whitman, Wilcox, Wiley, Williston, Wood and Zoller—45.

So the question was determined in the negative.

The question again recurring, will the House agree to the original resolution of Mr. THORN?

Mr. ROHRER here rose, and sent a slip of paper to the Chair, which the SPEAKER directed to be read by the Clerk.

Mr. THORN objected.

The SPEAKER directed the Clerk to read the paper.

Mr. THORN rose to a point of order; it was that after the previous question has been called no member has a right to rise in his place and present any paper to be read by the Clerk.

The SPEAKER decided the document in order, on the ground that as he was ignorant of its contents he could not decide as to its competency or incompetency until he had heard it read.

Mr. THORN insisted that the Chair could not entertain anything of the kind while the previous question was pending.

The SPEAKER replied that the paper in question might contain Mr. ROHRER'S reasons for voting on the amendment offered by Mr. ROSE; and if so, it was certainly in order.

Mr. THORN appealed from the decision of the Chair.

The SPEAKER demanded the appeal to be reduced to writing.

Mr. MCCLURE rose and stated to the House that he had examined the paper submitted by

Mr. ROHRER, and discovered that it was an amendment. The difficulty could be obviated if the gentleman from Philadelphia, Mr. THORN, would suffer the same to be read.

Mr. THORN assented to this.

The amendment was then read as follows:

And that the same be printed and furnished, at the expense of the several applicants.

The SPEAKER then decided the amendment out of order.

The question again recurring, shall the original resolution pass?

The yeas and nays were required by Mr. PATTERSON and Mr. NEALL, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Bayard, Bryson, Campbell, Dodds, Ellmaker, Evans, Fisher, Foster, Goepp, Gratz, Gray, Hamersly, Harding, Hill, Irish, Jackson, Kinney, Maon, McClain, McClure, McCurdy, McDowell, Neall, Oaks, Palm, Peirce, Pinkerton, Ramsdell, Rose, Shafer, Sheppard, Smead, Smith, (Philadelphia,) Taylor, Thompson, Thorn, Warden, Whitman, Wiley, Williston, Wilson, Wood and Zoller—46.

NAYS—Messrs. Barnsley, Barlow, Boyer, (Schuylkill,) Brodhead, Burley, Chase, Church, Custer, Dismant, Durboraw, Eckman, Fearon, Galley, Glatz, Good, Graham, Hottenstine, Keneagy, Ketchum, Laird, Lawrence, (Washington,) Mehaffey, Nill, Patterson, Pennell, Price, Quigley, Rohrer, Stuart, Styer, Wagon seller, Walborn, Walker, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Withrow, Wolf and Lawrence, *Speaker*—39.

So the question was determined in the affirmative.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, informing the House that he had signed the following acts of General Assembly.

"A further supplement to an act to incorporate the Tyrone and Lock Haven railroad company."

"An Act to change the place of holding elections, general and township, in West Branch, Potter county."

"An Act to incorporate the Presbyterian church of Harrisburg."

"An Act to confirm the title to a certain lot, late the estate of Arthur Howell, deceased."

LEAVE OF ABSENCE.

Messrs. CUSTER, LAWRENCE, (Washington,) and MILLER, severally asked and obtained leave of absence for Messrs. STEPHENS, WIGTON and ROUSE for a few days from today.

Mr. NEALL, on leave, reported from the Committee on Lands, as committed, "An act to authorize the Surveyor General to issue a patent."

The hour of one having arrived, the SPEAKER adjourned the House until to-morrow morning at 11 o'clock.

#### No. 173.—FILE OF THE HOUSE.

HAMERSLY, Corporations—Jan. 29.

AN ACT to incorporate the City Building association.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Charles M. Jackson, Augustus C. Bournonville, John H. Wheeler, James Lynd, Edwin Smith, John H. Schomacker, Joseph Berens, M. D., Robert, P. King and William Griffiths, and all and every other person or persons, or corporations, who may hereafter become stockholders in the association incorporated by this act, be and they are hereby created and made a body politic and corporate, in fact and in law, by the name, style and title of the City Building association; and that they and their successors shall, and may have, for the period of twenty years,



succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatever; and they and their successors may have and use a common seal, make and change and alter the same at their pleasure; and also, they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation, which shall be necessary in the transaction of the business thereof, or shall be taken or held as security for the payment of debts due or to become due the corporations; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this State, and generally to do all and singular, the matters which to them shall lawfully appertain to do for the well being of the said corporation and the management and ordering the affairs thereof.

SECTION 2. That the capital stock of the said corporation shall not exceed ten thousand shares; the instalments thereon shall be paid to the president and directors for the use of the said corporation, at such place and time or times, as they, the said president and directors, shall, in their discretion, direct and appoint, not exceeding two dollars per month on each share, until the said instalments and the accumulated profits amount to two hundred dollars on each share, at which time the holders of the said stock shall be entitled to receive from the corporation in cash, or their obligations, the sum of two hundred dollars for each share; and if any subscriber shall refuse, or neglect to make payment of any periodical instalment as directed, such subscriber, his assignee or legal representatives, shall pay such fine or fines, on each dollar of said periodical instalments, whether instalments on shares or interest on loans, not paid by the time required, as the by-laws of said corporation shall prescribe; and all stockholders being four months in arrears, whether on instalments of capital stock, or on instalments of interest, shall be liable to forfeit their membership in the said corporation, but shall be entitled to receive from the said corporation the same amount as a member withdrawing as hereinafter provided: *Provided*, That fines may be charged to such members until the day of application for withdrawal, and that the corporation may issue new stock to replace that withdrawn or forfeited, as well as that which may be cancelled or paid off in the course of closing the first or any subsequent issue of stock; the stock shall be issued in one or in successive series, in such amount as the directors may determine: *Provided*, That if the holders of matured stock desire to let the money due them remain in the corporation, it shall be lawful to declare semi-annual dividends out of the profits of the business of the corporation on such matured stock; and any stockholder wishing to withdraw from the said corporation, shall have power to do so, by giving thirty days' notice of his intention to withdraw, when he shall be entitled to receive the amount paid in by him, less all fines and other legal charges, and such proportion of the profits as the by-laws may determine: *Provided*, That no stockholder shall be entitled to withdraw whose stock is held in pledge for security; upon the death of a stockholder, his legal representative shall be entitled to receive from the corporation the full amount paid in by him, and legal interest thereon, first deducting all charges that may be due on his stock; no fines shall be charged to a deceased member's account, from and after his decease, unless his legal re-

presentative assume the further payments on his stock.

SEC. 3. That for the well ordering of the affairs of the said corporation, there shall be one president, one vice-president, one secretary, one treasurer and five directors, (the president, vice-president, secretary and treasurer being ex-officio members of the board of directors,) holding at least one share each in their own right; they shall be elected by ballot annually, in the month of January, in Philadelphia, by the stockholders; when each stockholder, if not in arrears for either dues, interest or fines, shall be entitled to one vote, either in person or by proxy, on each share of stock held by him or her; the directors shall continue in office one year, and until an election takes place at a meeting duly convened; and shall have power to fill vacancies that may occur in their own board: *Provided*, That the corporators named in the first section of this act shall be the first board of directors, and shall hold their offices until the first annual meeting in January next, and until new directors shall be elected; and that the number of directors may be increased from time to time, by the addition of not exceeding sixteen directors.

SEC. 4. That the directors shall hold stated meetings, to correspond with the periodical payments; and at each stated meeting, the money in the treasury belonging to the corporation, if sufficient for a loan of two hundred dollars, shall be offered for loan in open meeting; and the stockholder who will bid the highest premium shall be entitled to receive a loan of two hundred dollars for each share of stock held by him or her; and should the amount in the treasury, at the time of the bid, be insufficient to pay off the entire loan bid for, the deficiency shall be made up from the earliest subsequent receipts; but in no case shall a larger sum be loaned to any stockholder than two hundred dollars for each share held by him, and good and ample security shall be given by the borrower to the directors; and one share of stock shall be assigned as collateral security for every loan of two hundred dollars, before he shall be entitled to receive the money he has bid for; and he shall pay interest monthly, one-half of one per centum per month on the amount of loan he bids for, from the time of said bid until the accumulated capital, interest, fines and profits shall be sufficient to divide to each share of the stock of the said corporation the sum of two hundred dollars, or until the re-payment of the loan as hereafter provided for; in case no premium shall be offered for the funds of the corporation by members for the space of two months, the directors may otherwise invest, from time to time, what may be in the treasury, on satisfactory security, until some member or members be willing to offer a premium for the funds; if the periodical instalments, whether for dues or interest, remain unpaid by stockholders who have received loans to the extent of four instalments, the directors may compel payment of principal and interest by proceeding on their securities according to law; the premium bid for a loan, all unpaid dues, fines, and other charges, shall be deducted from the amount of the loan bid for, and the balance be paid the borrower in cash; in case any stockholder should fail to give security, or his security should not be approved by the board of directors, on or before the succeeding stated meeting, he shall be charged with one month's interest, together with any costs, charges or expenses incurred, and the loan shall revert to the said corporation, unless further time shall be allowed such stockholder for the giving of said security.

SEC. 5. That a borrowing stockholder can repay his or her loan at any time, and at the earliest meeting of the board of directors thereafter, the said loan shall be put up separately, or with the other loans of the corporation, as

the repaying stockholder may choose, and the amount of premium received by the corporation for the same, to the extent only, however, of the premium originally allowed by him shall be refunded; and in case of recovery of loans by process of law, where the amount collected by or distributed to the corporation, shall, after deducting the amount of arrears of interest on such loans and the fines thereon, exceed the amount originally paid to the borrower on his loan, the same re-lending shall be made by the corporation, and the excess of the amount recovered beyond the amount required to pay off the re-loan, shall be paid to the creditor or creditors of said defaulting borrower legally entitled thereto; or if there be no such creditor, then to the defaulting borrower himself: *Provided*, That if the premium offered on the re-loan shall be greater than that originally given by the defaulting borrower, the amount of the latter only shall be paid over by the said corporation: *And provided*, That such defaulting borrower or his creditor or creditors, may at any time after the said re-lending, demand from the said corporation the amount required to be paid to a stockholder withdrawing his stock, saving and excepting however to the said corporation the right to retain so much, (or the whole) thereof, as may be requisite to save the said corporation from loss, in case the amount recovered by or distributed to the said corporation as aforesaid, shall not suffice to pay the amount of the re-loan.

SEC. 6. That no premiums, fines and charges that may accrue to the said corporation from its stockholders, according to the provisions of this act shall be deemed usurious, but the same may be collected as debts of like amount are now collected in this Commonwealth; and that the security held by the said corporation be as valid and as of full effect and virtue for the securing and the recovery of the said premiums, fines and charges, and the interest thereon, as for the securing and recovery of the amount actually paid over to the borrower and of the interest thereon.

SEC. 7. That if the privileges hereby granted, shall at any time hereafter prove injurious to the public welfare, the legislature shall have power to alter or repeal this act; in such manner, however, that no injustice shall be done the corporators.

#### No. 112.—FILE OF THE SENATE.

BELL, Judiciary—Jan. 27.

AN ACT to simplify legal proceedings and to facilitate the recovery of claims of in the courts of this Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That personal actions, except actions of replevin and detinue, unless other process shall be especially provided, may, at the option of the plaintiff or his attorney, be commenced by a writ of summons in the following form, namely:

The Commonwealth of Pennsylvania,  
county, ss:

To the sheriff of said county, greeting:

We command you that you summon C

D that within ten days after the service of this writ on him, inclusive of the day of such service, he cause an appearance to be entered for him in our court of common pleas, (or other court as the case may be,) of said county, in an action at the suit of A B and that he take notice, that in default of such appearance being entered, the said A B may proceed therein to judgment and execution. Witness president, (or as the case may be,) judge of our said court the day of

Porothonotary.



SEC. 2. That upon the writ in form aforesaid, and copy of any such writ served for the payment of any debt, the amount of the debt and the costs shall be stated; and it shall be further stated, that upon the payment thereof, with the costs within fourteen days to the plaintiff or his attorney, further proceedings will be stayed, which endorsement shall be written or printed in the following form, or to the like effect; The plaintiff claims for debt, together with costs on this writ incurred, and if the amount thereof be paid to the plaintiff or his attorney within fourteen days from the service hereof, further proceedings shall be stayed.

SEC. 3. That in case of non-appearance by the defendant, it shall, and may be lawful for the plaintiff, after the writ shall have been served by the sheriff, and so returned, and after the expiration of fifteen days from the day of service, including that day on filing a declaration, exhibiting his cause of action, to sign final judgment, for any sum not exceeding the sum endorsed on the writ, together with interest and costs, and the plaintiff or his attorney may, on such judgment, issue execution: *Provided however*, That in all cases wherein the claim is for a debt or liquidated demand in money, with or without interest, arising upon a contract express or implied; as, for instance, on a bill of exchange, promissory note, check, book account or other simple contract, debt, or on a bond or contract under seal, for the payment of a liquidated amount of money, or on a recognizance where the sum sought to be recovered is a fixed sum of money, or in the nature of a debt, or on a guarantee, whether under seal or not, the plaintiff shall be at liberty to cause to be made upon the writ of summons and copy thereof, a special endorsement of the particulars of his claim, showing the time when the contract or contracts were made, and when a writ of summons has been so specially endorsed; the plaintiff, in case of non-appearance by the defendant as aforesaid, may sign judgment without a declaration: *Provided also*, That it shall be lawful for the court, after the final judgment, to let in the defendant to defend, upon an application supported by satisfactory proofs, accounting for the non-appearance and disclosing a defence on the merits.

SEC. 4. That the plaintiff in action may plead in answer to the plea or the subsequent pleading of the defendant, as many several matters as he shall think necessary to sustain his action; and the defendant in any action may plead, in answer to the replication or any subsequent pleading of the plaintiff, as many several matters as he shall think necessary for his defence.

SEC. 5. That in all cases in which a special plea or special pleas have been pleaded, and it shall appear to the court that the whole defence of the defendant may be given in evidence, under the general issue, and that justice will be more promptly or conveniently attained by a trial, under a plea of the general issue, it shall be lawful for the court to order all special pleas to be stricken off, and the general issue plea to be pleaded.

SEC. 6. That the parties to any cause may, by consent, in writing, signed by them or their attorneys as the case may be, leave the decision of any issue of fact to the court: *Provided*, That the court shall think fit to allow such trial; *And provided also*, That such allowance shall appear by the record, and such issue of fact may thereupon be tried and determined, and damages assessed where necessary, in open court, by any president, or law judge of any court of common pleas, with or without one or more of his associates; by any judge or judges of any district court, or by any judge of the supreme court, at *nisi prius*; and the verdict of such judge or judges shall be of the same effect as the verdict of a jury; and the proceedings upon and after such trial, as to the power of the

court, or judge, or judges, the evidence, the opinion of the court on points of law submitted by counsel, the removal of the cause by writ of error, and in all other respects shall be the same as in the case of a trial by jury.

#### No. 162—FILE OF THE HOUSE.

THORN, Railroads—January 29.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That according to the true intent and meaning of an act to incorporate the Central Passenger railway company, approved April twenty-first, one thousand eight hundred and fifty eight, nothing therein contained shall be so construed as to prevent the organization of the said company in its corporate capacity, whenever it may be deemed advisable.

#### No. 139.—FILE OF THE HOUSE.

IRISH, Judiciary—Jan. 29.

AN ACT for the conveying of convicts from one county to be tried for offences committed in another while undergoing their sentence.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, any person or persons who shall or may commit crimes or offences against the laws of this Commonwealth, in two or more counties within the same, and who were or may be convicted and sentenced to any jail, prison or penitentiary of this Commonwealth, and be there undergoing the term of his, her or their sentence, it may be lawful for the president judge of the court of another county, wherein an offence has been committed by such person or persons, convicted upon indictment found in said county, to make a written request or demand upon the president judge before whom such person or persons were convicted, demanding that such convict or convicts be transferred to the county, demanding him, her or them for trial, said request or demand to have the name of said judge subscribed, and the seal of the court of quarter sessions of said county thereto demanding, appended; whereupon said judge, where such party or parties are detained, shall make out a written order, under his hand and seal, directed to the jailor of the county aforesaid for the delivery of said convict or convicts; and said jailor shall deliver such convict or convicts so demanded to the party or parties named in such request, demand or order, to be conveyed to the county demanding said party or parties for trial.

SEC. 2. That in all cases where a party or parties are demanded for trial, as in the preceding section set forth, and said demand has been complied with by the judge of the county wherein such convict or convicts were detained, no subsequent conviction or sentence shall take effect until after the expiration of the first sentence imposed in the county from whence taken, and said convict or convicts, after having been tried and convicted in the county or counties demanding him or them as aforesaid for trial, shall be immediately re-conveyed to the county jail, or prison penitentiary from whence they were taken or demanded.

SEC. 3. That where convicts are taken from the jail, prison or penitentiary of one county, to be tried for offences committed in another, agreeably to the provisions of the preceding sections of this act, the expense of transportation, feeding, keeping and re-conveying of such convict or convicts to the place from which they

were taken, shall be at the charge and expense of the county or counties demanding or applying for such convict or convicts.

#### No. 163.—FILE OF THE HOUSE.

PRICE—Corporations.—Jan. 29.

AN ACT to incorporate the Mercantile Library Hall company of the city of Pittsburgh.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That George W. Jackson, James McCauley, Thomas M. Howe, James Park, junior, William Holmes, William M. Lyon, Isaac M. Pennock, J. K. Moorhead, Alexander Nimick, James M. Cooper, William Bagaley, John F. Singer, George Darsie, George Black, George W. Cass, William F. Johnston, Allen Kramer, John H. Shoenberger, Nathaniel Holmes, and Felix R. Brunot, all of the county of Allegheny, and their associates and successors, are hereby erected into a body corporate in deed and in law, by the name, style and title of the Mercantile Library Hall company, for the purpose of erecting a hall for the use and benefit of the Young Men's Mercantile Library and Mechanics' Institute of the city of Pittsburgh.

SEC. 2. That the said corporation, by the same name and title shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of law, and elsewhere; and shall be capable and able in law and equity to take, purchase, hold and receive, to them and their successors, for the use of said company, lands, tenements, choses in action, goods and chattels, of whatever kind, nature or quality, real personal or mixed, which now are or hereafter may become, the property of said corporation, or be held for their use, by gift, grant, bargain, sale, conveyance, devise, bequest, or otherwise, from any person whomsoever, capable of making the same; and the same to grant, bargain, sell, mortgage, improve or dispose of for the use and benefit of the said company; may have a common seal, and at pleasure alter, change or renew the same; and in general do all things which may be necessary for the well-being and due management of said corporation.

SEC. 3. That the corporation hereby created shall have power to appoint such officers for its government, the management of its property and the superintendence of its affairs, as its members may deem proper and beneficial; and to make all by-laws which may seem proper to the same end; and to change or modify them at pleasure: *Provided*, That such by-laws and regulations shall not be contrary to the constitution of the State of Pennsylvania or the United States.

SEC. 4. That it shall be the duty of the corporation hereby created, as soon as a sufficient amount of stock shall have been subscribed, to purchase ground and proceed to erect thereon a suitable and commodious library building, for the use of the Young Men's Mercantile Library and Mechanics' Institute of the city of Pittsburgh, incorporated by act of Assembly approved the day of Anno Domini one thousand eight hundred and forty-nine; which said building shall be completed without unnecessary delay; and when ready for use shall, with the ground aforesaid, be perpetually leased to the Young Men's Mercantile Library and Mechanics' Institute on the following terms, viz:—The Young's Men's Mercantile Library and Mechanics' Institute shall pay to the corporation hereby created, on or before the first day of January in each year, all necessary repairs and taxes to which said ground and buildings may be subjected; and in addition thereto, a sum not over six per centum per annum on the whole cost of said



ground and building, or such part thereof as shall not have been repaid by the said Mercantile Library to the corporation hereby created; and in consideration of the payment of the before mentioned taxes, repairs and interest, the Mercantile Library and Mechanics' Institute shall forever have entire possession and control of said ground, and the buildings erected thereon; and shall have power to sub-let the whole, or any portion thereof, and collect the rent and revenues, and make appropriation of the same; *Provided nevertheless*, That whatever rents and revenues they may receive, over and above the amount of taxes, interest and repairs, shall be paid to the corporation hereby created, to reimburse the same for the cost of the ground and buildings: *And provided further*, That if the Mercantile Library and Mechanics' Institute shall at any time be in arrears for two whole years for taxes, repairs and interest, then they shall forfeit their lease aforesaid, and the corporation hereby created may, after six months' notice to the president and managers of said Mercantile Library, take possession of the aforesaid ground and buildings: in that event, the corporation hereby created shall annually pay to the Mercantile Library and Mechanics' Institute such proportion of the net revenue from the aforesaid ground and buildings as the amount paid by the Mercantile Library towards the reimbursement of the cost of the ground and buildings shall be to the whole cost thereof; and in case of sale of the whole or any part, the said Mercantile Library and Mechanics' Institute shall be entitled to a like proportion of the proceeds of sale.

SEC. 5. That on or before the completion of said buildings, the corporation hereby created shall enter into good and sufficient covenant with the Mercantile Library and Mechanics' Institute to convey to said corporation all the right, title and interest of the corporation hereby created in the ground and buildings aforesaid, so soon as the Mercantile Library and Mechanics' Institute shall have reimbursed the corporation hereby created its cash outlay for the ground and buildings; and whenever the Mercantile Library and Mechanics' Institute shall tender to the Mercantile Library hall company hereby created any sum not less than one thousand dollars, in part payment of said cost, the same shall be received, and duplicate receipts given therefor, under the seal of the corporation; the date, amount and purpose of said payment shall be recorded in a book to be kept by the Library hall company for that purpose, which shall at all proper times be open for the inspection of the officers of the Mercantile Library and Mechanics Institute, and which shall be carefully preserved by the Library hall company, in a place secure as may be from fire, theft or other dangers.

SEC. 6. That the corporation hereby created may borrow money to an amount not exceeding the sum actually paid in, and may issue its bonds therefor; and its funds shall be expended, as provided in this act, in buying suitable ground and erecting and furnishing proper and commodious buildings for the use of the Mercantile Library and Mechanics' Institute; the stock of said company shall be in shares of ten dollars, and shall be personal property, and transferable only on the books of the company, and each share shall be entitled to one vote in elections or the management of the affairs of the company.

SEC. 7. That on and after the first day of January in each year, the treasurer of the Library hall company shall pay over to the stockholders, *pro rata* the sum of money which shall have been received during the preceding year for interest from the Mercantile Library and Mechanics' Institute.

SEC. 8. That the Legislature hereby reserves

the right to repeal, alter or amend this act, in such manner as shall do no injustice to the corporators.

#### No. 114.—FILE OF THE SENATE.

BELL, Judiciary—Jan. 27.

##### AN ACT relating to evidence.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That no person shall be excluded from testifying as a witness in any judicial proceeding in this Commonwealth, by reason of his having been convicted of a felony, after he shall have undergone the judgment consequent thereon, or been relieved therefrom by executive pardon.

SEC. 2. That no person shall be excluded from testifying as a witness in any such judicial proceeding by reason of any interest he may have in the event thereof: *Provided however*, That this section shall not apply to a party to the record, nor to any person for whose immediate benefit the action may be prosecuted or defended.

SEC. 3. That when an assignor, legal or equitable of a thing in action or contract, is examined as a witness on behalf of any person deriving title through or from him, the adverse party may be examined as a witness in his own behalf; but such assignor shall not be admitted to testify in behalf of any person deriving title through or for him against another assignee, or executor or administrator, unless the other original party to such contract or chose in action whom the plaintiff or complainant, or defendant or respondent represents is living, and his testimony may with ordinary diligence be procured, nor unless reasonable notice of the intended examination of such assignor shall be given in writing to the adverse party.

SEC. 4. That a party to the record of any judicial proceeding, or a person whose immediate benefit such proceeding is prosecuted or defended, may be examined, as if under cross-examination, at the instance of the adverse party, or any of them; and for that purpose may be compelled, in the same manner, and subject to the same rules of examination as any other witness, to testify; but the party calling for such examination shall not be concluded thereby, but may rebut it by counter testimony.

SEC. 5. That such examination may be had before the trial of the cause, at the option of the party claiming it, before any judge of the proper court, or a commissioner generally or specially appointed for the purpose, under a rule entered, or a commission issued, as the case may require, with such notice to the party to be examined, and to other adverse parties as is now, or may hereafter be prescribed by the rules of the proper court, touching the taking of depositions; but the party to be examined shall not be compelled to attend in any other county than that of his residence, or where the said proceeding is pending.

SEC. 6. That a party in interest, examined as provided in the foregoing sections, may testify in his own behalf, as to any matter pertinent to the issue. But if he testify to any new matter, not responsive to the inquiries propounded to him by the adverse party, or necessary to explain or qualify his answers thereto, or matter in discharge of himself, when his answers would otherwise charge him, such adverse party, or his co plaintiff or defendant, may be examined as a witness in his and their own behalf, in respect to such new matter.

SEC. 7. That a party may testify, on behalf of his co party, plaintiff or defendants, as to any matter in which he is not jointly interested or liable, with such co-party, and as to which a

several verdict and judgment may legally be rendered.

SEC. 8. That a party, proposing to examine a party adverse in interest, may have the same process and means of compelling attendance and response, as the law provides, in the case of ordinary witnesses.

#### No. 138.—FILE OF THE SENATE.

RUTHERFORD, Roads and Bridges—Jan. 29.

A SUPPLEMENT to the act relating to roads, highways and bridges.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That provisions of the thirty-fifth section of an act entitled "An Act relating to roads, highways and bridges," passed the thirteenth day of June, Anno Domini one thousand eight hundred and thirty-six, is hereby extended to boroughs in the county of Fayette.

#### No. 133.—FILE OF THE SENATE.

FINNEY, Judiciary—January 29.

A SUPPLEMENT to an act in reference to running of locomotive engines and cars on connecting railroads, approved thirteenth March, one thousand eight hundred and forty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the act passed the thirteenth day of March, Anno Domini one thousand eight hundred and forty-seven, entitled "An Act in reference to running of locomotive engines and cars on connecting railroads," shall be so construed as to authorize companies owning any connecting railroads in the State of Pennsylvania, to enter into any leases and contracts with each other, in respect to the use, management, and working of their several railroads: *Provided*, That the company so contracting for or leasing any such railroad, may have the right to fix the tolls thereon; but not at a higher rate than is authorized by the charter of either of the said railroad companies.

#### No. 37.—FILE OF THE SENATE.

BELL, Judiciary—Jan. 17.

A SUPPLEMENT to an act, entitled "An Act relating to executors and administrators," approved the twenty-fourth day of February, Anno Domini one thousand eight hundred and thirty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That whenever the executors or administrators of a deceased plaintiff or defendant, in any action or proceeding pending in any court of this Commonwealth, resides without the jurisdiction of the said court, the writ of *scire facias*, provided by the twenty-seventh and thirty second sections of the act to which this act is supplementary, may be served on such executor or administrator by the sheriff of the county where he is resident, if in the opinion of the proper court such service may be reasonably practicable; but if otherwise, and also where the said executors or administrators reside in some other State in the United States, such service may be made by publication in one or more public newspapers, as in the opinion of the court will be most likely to give notice to the said executors or administrators; the said manner of service herein provided to have the same force and effect as the manner of service provided by the said act to which this is supplementary.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 24.

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## SENATE.

THURSDAY, Feb. 3, 1859.

The Senate met at the usual hour.  
The SPEAKER in the chair.  
Prayer was offered by Rev. B. R. Waugh, President of the female college, Harrisburg.  
The Journal was read and approved.

## REPORTS OF COMMITTEES.

Mr. BELL, (Judiciary,) reported as committed, a bill, entitled "An Act relative to aldermen and justices of the peace."

Also, (same,) as committed, "An Act to divide the county offices of Delaware county."

Mr. FINNEY, (same,) as committed, House bill, entitled "An Act authorizing the registration of inventories exhibited in the register's office of Lancaster county."

Also, (same,) as committed, "An Act relative to pawnbrokers in the city of Philadelphia."

Also, (same,) as committed, "An Act relative to the recording of vendue lists, inventories and appraisements by the register of wills in Luzerne county."

Mr. BREWER, (same,) as committed, "An Act making the sessions of the supreme court permanent at Harrisburg."

Also, (same,) as committed, House bill, entitled "An Act providing for the erection of a house for the employment and support of the poor in Susquehanna county."

Also, (same,) with amendment, "An Act relative to sheriff's and prothonotary's costs in Luzerne county."

Mr. MILLER, (same,) as committed, "An Act to abolish the office of sealer of weights and measures in Franklin county."

Also, (same,) as committed, "An Act to abolish the same office in Bucks county."

Also, (same,) with a negative recommendation, "An Act relative to arbitrations."

Mr. SCOFIELD, (same,) as committed, "An Act empowering the judges of the mayor's courts of the city of Carbondale, to appoint an auditor for said court."

Also, (same,) with a negative recommendation, "An Act to authorize certified copies of

insurance companies to be admitted as evidence."

Also, (same,) with a negative recommendation, "An Act to annul the marriage contract between Noah G. Ruhl and Maria his wife."

Mr. WRIGHT, (Accounts,) made the following report:

SENATE OF PENNSYLVANIA,	
To GEO. W. PORTER, P. M.. Dr	
For postage during recess.....	\$263 26
For postage on letters and documents sent and received from January 4th to January 31st, inclusive:	
Letters sent.....	198 48
" received.....	153 42
Documents sent.....	902 21
" received.....	90 49
	\$1607 86
Cr. by amt appropriated last session...	200 00

Balance due.....\$1407 86

On motion, the SPEAKER was authorized to draw his warrant on the State Treasurer in favor of Geo. W. Porter, for \$1407.86, in payment of the above account

Mr. WELSH, in behalf of the Committee on Estates and Escheats, asked that the committee be discharged from the consideration of a bill, entitled "An Act in relation to partitions of real estate in the several courts of common pleas in this Commonwealth," and that the same be referred to the Committee on Judiciary; which was agreed to.

Also, that the same committee be discharged from the consideration of a bill, entitled "An Act to authorize the trustees of the Associate Reformed, now the United Presbyterian congregation in the city of Erie, to sell certain property and to remove the bodies of persons interred therein," and that the same be referred to the Judiciary Committee; agreed to.

Mr. PENNEY, (same,) as committed, "A supplement to an act relative to the sale and conveyance of real estate, approved April 18, 1853."

Mr. FRANCIS, (Pensions and Gratuities,) as committed, "An Act for the relief of Joseph Brady, a soldier of the Indian war."

Mr. MARSELIS, (Banks,) with amendment, "An Act to establish a general banking law."

Mr. CRAIG, (Railroads,) with amendment, a further supplement to "An Act incorporating the Duncannon, Landisburg and Broad Top railroad company, and to change the name to the Pennsylvania Pacific railroad company."

Mr. RANDALL, (same,) with amendment, "An Act incorporating the Johnstown and Ashtola railroad company."

Mr. COFFEY, (same,) as committed, "A supplement to an act incorporating the Fayette County railroad company."

Mr. TURNEY moved that the Senate proceed to the consideration of this bill; which was agreed to. Whereupon the Senate resolved itself into committee of the whole. (Mr. PENNEY in the chair.)

After some time, the chairman reported the same as committed, and the Senate proceeded to second reading.

Mr. PENNEY was desirous that the bill should lie over. He did not know that eventually he should have any objection to it; and as far as he was at present aware, he had no objection, save to the last section. He then entered into an explanation of the features of that

section, as calculated materially to affect the interests of the Connellsville road, which was now negotiating a loan for the completion of the work.

Mr. TURNEY explained the object of the bill, and said he considered it selfishness on the part of the Senator to object to a little local matter, which it was important, to those whose interests were involved, should promptly pass. So far as the Connellsville road is concerned, a large proportion of it traversed his district, and affected his constituents more than the people of Pittsburg. The bill had passed, at the last session, without objection; and the only reason why it did not receive the sanction of the Governor, was owing to some defect in one of its clauses.

Mr. GAZZAM wished the bill to lie over, in order that an opportunity may be afforded for seeing whether any of its provisions are objectionable, and to what extent, if any, the interests of the Connellsville road were affected by it. He entered into a history of the advantages furnished by that road, as an outlet to the trade of the people of Pittsburg and Fayette county, in the course of which he said the merchants of Pittsburg had found it to their advantage to send passengers and freight one hundred and forty miles out of the way, to Wheeling and by the Baltimore and Ohio road. He read the following extract from the *Dispatch*, in explanation of the facts to which he had alluded:

"We learned on Saturday, that a movement was being made among the merchants here, in concert with an official agent of the Baltimore and Ohio railroad, to do their business by way of the Baltimore and Ohio railroad and the "Circumbendibus" from Wheeling. It appears that the unwise discrimination of the Pennsylvania Central against the merchants here has driven them to a resolve to give all possible favor to the Baltimore and Ohio route, and experiments so far are satisfactory. A lot of three hundred sacks coffee from Baltimore arrived on Saturday, in prime order, not in four days, as stated by the *Gazette*, but in two, and at as satisfactory rates as by the Central. Another lot of three hundred sacks is already ordered from Philadelphia, over the same route, and also one hundred barrels syrup. This is but the beginning of what must be almost a revolution in trade, unless the Central shall come to terms. We are told that a trade worth fully \$60,000 per annum is thus about being diverted; that the mercantile community of our city is about a unit on the subject; and that no half-way or "put-off" expedients will avail to change the direction of sentiment and trade; as, save the transshipment at Wheeling, the Baltimore and Ohio route is in every respect equally desirable and convenient, and far more accommodating."

The bill was ordered to be transcribed for third reading.

Mr. FETTER, (Agriculture and Domestic Manufactures,) as committed, "An Act to prevent the destruction of trout in Blair county."

Mr. SCHELL, (Private Claims and Damages,) in accordance with the resolution adopted yesterday, "A bill providing for the payment of certain claims."

Mr. BLOOD, (New Counties and County Seats,) as committed, "An Act to re-annex Brady township, Lycoming county, to Union county."



## BILLS IN PLACE.

Mr. COFFEY read in his place, and presented to the Chair, "An Act relative to the collection of State and county taxes in Cambria county."

Mr. WRIGHT, "A further supplement to an act incorporating the Railroad car spring company."

Mr. MARSELIS, "An Act relative to banks, and to prevent frauds by bank officers."

Mr. SCHINDEL, "A further supplement to an act incorporating the Norristown and Freemansburg railroad company, passed April 23, 1852, and supplement thereto, passed April 18, 1853."

Mr. RUTHERFORD, "An Act confirming the title of the German school house in Myerstown, Lebanon county."

Also, on leave given, the petition of Daniel Mosser and William Lehman, praying for confirmation of sale of school house and lot of ground in Myerstown, Lebanon county.

Mr. RANDALL, on leave given, the petition of Richard Norris and Henry L. Norris.

Also, "An Act for the relief of the above mentioned persons."

Also, "A supplement to an act to amend certain defects of the law for the more safe and just transmission and securing enjoyment of real and personal estate, approved April 27, 1855."

Mr. GREGG, "A supplement to an act relative to trustees of the Farmers' high school."

Mr. FINNEY, "A supplement to an act to give jurisdiction in equity to the supreme court and court of common pleas for the county of Philadelphia, in cases of disputed boundaries, approved April 15, 1858."

Mr. BELL, "A joint resolution for the establishment of certain joint rules."

Mr. BELL asked that the same be read, and be referred to a select committee of three; agreed to.

Mr. PALMER, "An Act incorporating the Newcastle water company."

Mr. BLOD, "An Act authorizing the payment of the claim of John C. Couch, of Huntingdon county."

## ORIGINAL RESOLUTIONS.

Mr. SCOFIELD offered the following resolution:

WHEREAS, The Senate of the United States, during the session of the first Congress, sat with closed doors: And whereas, A manuscript Journal, containing sketches of debate, and of the proceedings in the Senate, was kept by William Maclay, one of the Senators from Pennsylvania, a part of which is now in existence; be it therefore,

Resolved, That a committee of five be appointed to confer with the person in possession of such Journal, with a view to consider and report on the propriety of the Legislature subscribing for a portion of the book which he has in view to publish.

Mr. SCOFIELD explained the object of the resolution. He had read some portions of the Journal kept by Mr. Maclay, and found it a document of great interest. It was now in the hands of a distant relative of Mr. Maclay—Mr. George W. Harris—and he wished a committee appointed to examine the manuscript, and report upon the propriety of the State ordering a number of copies, if the work should be printed.

Mr. SCHELL did not like to vote for the resolution. He was opposed to the publication of any work by the Legislature. He would not object to subscribing for a reasonable number of copies.

Mr. SCOFIELD explained that the resolution did not contemplate the printing of the work, but merely an inquiry into the propriety of purchasing a number of copies, should the work be published.

Mr. SCHELL continued. Even should the committee report in favor of the purchase of a

certain number of copies, he should be opposed to it. If the present Legislature should subscribe for a certain number for its use, the next would consider that they had as good a right to be supplied, and thus this thing might go on for years. He had no doubt that the work was of great importance, and he had no doubt the patriotism of the people of Pennsylvania would respond by a liberal subscription towards its publication. It was, however, more a matter of national interest, and should be undertaken by Congress. He would subscribe for one or two copies himself, but he saw no necessity for aiding it in the manner contemplated by the resolution, when it was so liable to be abused.

The resolution was twice read, considered and adopted.

On motion of Mr. SCOFIELD, the hour of meeting for the Senate hereafter, shall be half-past ten o'clock, A. M., except on Monday's; on which day it shall remain as at present ordered.

Mr. BREWER, on leave given, withdrew certain papers and documents of Mary Richardson, widow of an old soldier.

Mr. TURNEY, on leave given, read a bill, entitled "An Act relative to furnishing the School Department with a copy of Roger's geological survey;" which,

On motion was taken up.

Mr. TURNEY stated that every other department had been provided with a copy of the work, save the School Department; and as it was a most important document, the resolution was merely intended to remedy a defect.

The bill passed finally.

The Committee to Compare Bills made a report.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, stating that he had approved and signed the following:

"An Act relative to recording a certain ordinance of the City of Allegheny."

"An Act in relation to the railroad between Chambersburg and Hagerstown."

"A further supplement to an act authorizing the Governor to incorporate the West Chester and Wilmington plank road company."

"Resolution relative to fitting up the Halls of the Senate and House of Representatives."

On leave given, Mr. WRIGHT read in place, a bill, entitled "An Act to incorporate the Northumberland improvement company."

On motion of Mr. SCHELL, the Senate proceeded to second reading of the following:

Resolved, That the Secretary of the Commonwealth be requested to communicate to the Senate a statement containing the names and locations of the several charitable and benevolent institutions which have received appropriations from the State, together with the several amounts appropriated each year to each of said institutions; and also a brief compilation of the several acts of Assembly providing for the admission of certain unfortunate people of the Commonwealth into said institutions.

The resolution was adopted.

Mr. FINNEY desired to make a statement.—He was reported in yesterday's (*Telegraph's*) proceedings as having said that it was getting to be a dangerous thing to pass any bill without the consent of the "other House," and that "it may be that this resolution is thrown out as a premonitory threat if the Senate dares to pass a bill without the consent of the other body, or that if we dare to combine ourselves against the influence of that distinguished body, the deluge will come upon us." He had used no such language, and did not like to be reported as saying what he did not. The language imputed to him was a reflection upon the House, which he certainly did not intend. He simply alluded to the fact that it was getting to be a very dangerous thing to pass a bill, without the consent

of the lobby; and it may be that this resolution is thrown out as a premonitory threat of the deluge which is to come hereafter, should the Legislature undertake any action, without first consulting the hangers on in the lobbies, as to its propriety.

He was also represented as saying that "the resolution embraced a reflection upon the Governor, and for that reason, if for no other, he would vote against it." He had said there was no reflection upon the Governor. It was a matter of no very great importance, yet it was calculated to place him in a wrong position, and to lead to misunderstanding.

Mr. GREGG moved to proceed to the consideration of a bill for the payment of the expenses of witnesses in the Cambria county contested election case; which was agreed to.

Whereupon the Senate resolved itself into committee of the whole. (Mr. RANDALL in the Chair.)

Mr. GREGG wished to make a statement. The Committee on Finance had reported the bill with a negative recommendation, although it was conceded the county was bound to pay the amount. It had been the practice for the Auditor General to pay the claims of witnesses in contested election cases, and collect the amount from the counties. This party had come here by the action of the other House, and one gentleman had advanced the money to take them home. They were justly entitled to the amount claimed, and he hoped it would be allowed.

Mr. TURNEY alluded to the law which he had read, when this case was reported by the committee, and remarked that these parties were bound to take notice of it. They had come here, under its provisions; and there should be no exception in a particular case.

This bill lies over on second reading.

## ORDERS OF THE DAY.

On second reading, "A supplement to an act incorporating the Germantown passenger railway company."

Mr. MARSELIS moved to postpone for the present.

Mr. MYER moved to amend by postponing indefinitely.

Mr. MARSELIS was desirous that the bill should lie over. He was not prepared to act upon it intelligibly, nor could any Senator do so without the proper examination of its provisions. It was a matter of great importance to the people of Philadelphia. The feeling with reference to these railway grants was different from what it was at first. There are a great number of them who think they have had enough of them, and that it was time to pause; if any more roads are to be put in the city limits, it should be done judiciously. The city was already inundated with railways, and it was wrong thus to perforate it, without knowing whether the plan proposed is a good or bad one, and without having all the information necessary to enable us to act understandingly.

Mr. RANDALL thought the matter a very plain one, and he did not see any necessity for delaying the consideration of the bill.

Mr. MARSELIS said the people of Philadelphia had an idea there should be some streets left open for the passage of large and massive bodies, which cannot be conveyed through thoroughfares traversed by these roads. It was not the body of the people who ask for this privilege, but a company which had been got up for the construction of another rural road. They were not the proper persons to judge what streets were proper to be traversed by passenger railways. The people of Philadelphia should have some voice in the matter; and in order to ascertain the necessary facts, he wished a postponement of the bill.

Mr. WRIGHT was in favor of the motion to postpone. There was no necessity for hasty action; and there were many items in the bill



which require careful examination. He found one provision, upon which he should object to the bill, if for no other. It authorized this company to construct their road upon certain portions of streets, until the city, in its magnanimity, shall grade others, and save them the trouble and expense. There should be time afforded for examination of the bill, and to make it more perfect. There were conflicting interests here. Railway companies were seeking control of the streets of the whole city, to have them under their entire jurisdiction. Six or eight parties, he said, were seeking the use of the streets, and there were six or eight bills now before the committee. He was loth to be considered as wishing a postponement, because he was in the interest of any party outside, or that he was fighting against those desirous of the passage of this bill. It was simply as a Senator from Philadelphia that he was interested in the matter, and as the interests of his constituents are affected.

With his colleague, he thought there were railroads enough, and that the people of Philadelphia were similarly impressed. All the great avenues of the city were already occupied by these passenger railways, and the Legislature should pause before giving a monopoly into the hands of these companies. The matter should receive a thorough sifting, and he hoped the bill would be postponed for the present.

Mr. RANDALL said that it was true that the company had been incorporated last year, to come in from Germantown to the end of the Germantown road. They now merely ask for a supplement, enabling them to continue their road through certain streets of the city. They have not invaded the halls of legislation with bidders, but have allowed the bill to stand on its real merits.

Mr. BREWER thought the bill should be postponed for the purpose of affording an opportunity to examine its provisions. A number of railroad bills were before the committee, and they should all be reported to the Senate before action is taken upon any of them. They could then vote intelligently. So far as regarded the merits of the case, he knew but little. It was a matter between the companies, and one upon which he had no personal feeling.

Mr. MYER said this was a matter which excited considerable interest. He corrected the Senator from Philadelphia as to the right of the road to connect, and read section seven of the original act of incorporation in explanation.—The passage of a supplement for the simple purpose of connecting, was, he said, unnecessary. No line of cars can start from Germantown and run to the city for five cents. It was only through the populous streets, where persons are frequently taken up and put down, and where the travel is great, that they can be expected to pay. As to the efforts of parties in the lobbies, he knew nothing, and cared nothing. The President of this road had been here, but for what purpose he was not aware. There seemed a strong objection to acting upon the bill. If it had been unworthy, why did not the committee report it with a negative recommendation? And why was there an exception made in this over all others? He had no interest, directly or indirectly, in the matter, and cared not which one of the parties seeking these railway privileges succeeded in the end. Another reason why he should vote for a postponement was, that yesterday, a resolution of inquiry with reference to the matter was voted down. Why smother a resolution of inquiry? He considered it the duty of the Senate to adopt a proposition to inquire into any bill made by its members.

Mr. BELL said it was fair and right, unless under peculiar circumstances, when gentlemen ask for information with reference to any matter, that it should be granted; and a refusal to

do so, creates suspicion that hurry is desired. This company comes here for an enlargement of corporate powers, in antagonism with other parties, having equal rights. He desired information himself; he wished to know why this bill was brought before the Senate, in preference to other competitors. He did not like to be hurried, but was desirous that the matter should go over for some little time. It was important to neighboring counties, and particularly to the people of Philadelphia, that there should be no hurried action upon it. He referred to that feature of the bill alluded to by Mr. WRIGHT, authorizing the company to occupy particular portions of streets, until such time as the city shall grade others, as particularly objectionable.

Mr. FINNEY would join the Senator from the city to put a limit to the indiscriminate passage of railway bills, and would unite in caucus to determine what shall be passed, and what refused. He recollected when the Fifth and Sixth Street passenger railway was chartered, there was considerable opposition to it, yet when it passed, they all clamored for roads, and the next winter there were many applications for the privilege of building them. So far as the fear that, in the appointment of the commissioners to receive stock, that certain parties would be favored, was concerned, there was no ground for it. No member has any right to presume that stock will be refused to any one.

Mr. WRIGHT wished to say but a few words further upon the subject. There was no excuse for the company in not constructing their road, according to their charter. They had become satisfied that it will not pay, and it has been in a great measure abandoned. Nor will they construct a foot of the road unless they get the advantage which they ask for by this extension of their corporate privileges. Heregretted that the Committee on Railroads had not given the same advantage to all bills before them for the same purpose.

The hour of one o'clock having arrived while Mr. WRIGHT was speaking, at the request of the SPEAKER he gave way, being assigned the floor for to-morrow; when the Senate was adjourned until to-morrow morning at half past 10 o'clock.

[A typographical error occurred in yesterday's report of proceedings in the Senate, by the omission of Mr. NUNEMACHER'S name on the motion to re-insert the allowance of mileage to A. L. Linton, clerk to the committee on the contested seat of Oliver Evans. Mr. N. voted "no." He has not been absent from his seat during the session, and has never failed to vote.]

#### HOUSE OF REPRESENTATIVES.

THURSDAY, Feb. 3, 1859.

The House was called to order by the SPEAKER at the usual hour.

Prayer was offered by the Rev. Mr. Colder, of the Bethel church, Harrisburg, Pa.

The Clerk read the Journal of yesterday.

Mr. KINNEY, from the committee appointed in the case of the contested election from the county of Cambria, wherein Richard J. Proudfoot is contestant and Thomas H. Porter respondent, made report:

That in accordance with the laws in such case made and provided, they proceeded to hear the said parties by themselves and their counsel, their proofs and allegations, and to examine the election returns and other papers connected with and appertaining to said contested election.

By the returns made of the election held in the said county of Cambria on the 12th day of October, 1858, it appeared that for the office of Representative for said county, Thomas H. Porter had 2,091 votes, and Richard J. Proudfoot had 1,779 votes.

It is alleged, however, by the contestant, that the election held in the township of Washington, in said county, for said office, was undue, illegal and void, because of the irregularities and disregard of the requirements of law in the formation of the election board in said township, and of the gross frauds perpetrated by said election board in conducting said election.

The evidence taken in the said contested election case, and accompanying documents and papers, are herewith presented as a part of this report, and from such evidence, your committee learn the following facts:

Albert F. Cantwell, who acted as judge at said election, was at that time postmaster in said township, and thereby was disqualified by law to act in that capacity.

Charles Geisman, who acted as one of the clerks, was at that time deputy postmaster under the said Albert F. Cantwell, and was thereby under the same disqualification.

Werner Bender, who acted as one of the inspectors, was appointed to that position by the said Albert F. Cantwell, and by virtue of that appointment alone exercised the functions of said office. In making such appointment, the twenty-third section of the general election law was entirely disregarded. By the returns of the township election in said township, held the 19th of February, 1858, Michael Moyer was chosen one of the inspectors. Upon his failure to attend at the general election, the act referred to makes the person receiving the second highest number of votes for judge the inspector, which the said return shows was Jacob Crist.—Upon his neglect to attend, then said act requires the legal voters present to elect an inspector. None of these requirements were complied with.

John Short, who acted as the other clerk, was appointed to that office by the said Werner Bender, and exercised its functions by virtue of that appointment alone.

This board, so constituted, was sworn, is sworn at all, which fact is regarded by the committee as very questionable indeed, (for it appears from the testimony of several reliable witnesses, that not even the form of an oath was administered,) by one F. M. George, who was not a justice of the peace, and had no authority to administer an oath. His commission for that office expired more than a year previous to that time; and the fact that he had imposed himself upon his neighbors, and held out to the public that he was such an officer, by assuming and exercising its important and sacred functions, and jeopardizing thereby the peace of the community and the rights of property, does not, in the opinion of the committee, to any extent whatever, legalize the swearing of said board. And the other fact, that he had a year and a half before been re-elected, but did not take his commission, cannot redeem his illegal acts.

It further appears from the evidence, that the said Werner Bender was so deficient in a knowledge of the English language, and of the election laws, that he was not qualified to discharge the duties of his office. His own testimony shows that when a portion of the election law was read to him by the judge, nine words out of ten he did not understand. He could not comprehend questions asked him by the committee, and could be examined only by means of an interpreter. He could study out short words, but could not read. Your committee, therefore, believe that an office which seems to require an understanding of the election laws, the examination of naturalization papers, and the reading and counting of votes, could not be properly filled by a person so deficient in these requirements; and an election board so formed is but little better than a board with but one inspector. The committee do not say that these facts would invalidate the election at



that poll, but it would tend to render the result of such election doubtful and uncertain.

It further appears, that of the four hundred and thirty-seven persons represented as voting at that poll that day, by the tally lists returned by said board, but one hundred and seventy-one are found on the assessment of said township for that year. Presuming that the one hundred and seventy-one were legal voters, it leaves two hundred and sixty-six names on said tally lists, without any persons in said township to represent them. It also appears, that from one hundred and fifty to two hundred persons only were at the election that day, and some evidence fixes the number at below one hundred and sixty. These facts lead your committee to the conclusion that excess of votes was most fraudulently stuffed into the ballot box by said election board, and names to represent them were in the same false and fraudulent manner entered upon the tally lists by the clerks.

It is claimed by the respondent, Mr. Porter, that one hundred and fifty-six legally qualified electors voted for him at that poll on that day, which, if allowed, would still entitle him to the seat. It is also claimed that those legal electors should not be disfranchised by throwing out the entire poll; but that the committee should go behind the frauds of the election board, and count the votes of such legal electors whenever it can be done. That one hundred and fifty-six legal voters of said township did so vote for Mr. Porter, was admitted by the contestant *pro forma*, and for the purpose of the argument in this case only. Your committee is unable to see how one hundred and fifty-six legal voters, depositing their ballots with a board so constituted, could to any extent whatever, purge it of its illegality and corruption. They might as well have deposited their ballots with any other collection of men. To vote, pre-supposes a legally constituted board to receive votes, to deposit them in the ballot box, to count and tally them, and then make a proper return of the same. It is the duty of such qualified voters, to see that a legal and properly constituted board is sitting to receive and count their ballots—the whole matter is in their hands, and in theirs alone. If they neglect their duties in their own behalf, and are thereby defrauded, they cannot reasonably complain if they are disfranchised. There are cases in which communities should be held responsible for their acts, as well as individuals, and the facts before us present such a case.

The right of the committee to throw out an entire poll, on account of irregularities and frauds on the part of the election board, is clearly recognized in the case of Cassidy and Man, tried in Philadelphia in 1856. Judge Thompson, in his opinion in that case, page 431 of the report, says, that had not the charge of frauds and irregularities on the part of the board been erased from the petition, upon application to the court for that purpose, which act he then regretted, he should have thrown out the return of every division tarnished with fraudulent conduct, on the part of the officers charged with the performance of such solemn and responsible duties. The opinion of Judge Taylor, recently given in an investigation of this identical election poll, but in a contest between different parties, establishes the same doctrine. He says, "the facts, in our judgment, disclose such fraud as renders the whole poll undue and void."

With all these facts before the committee, and with these recent precedents to guide them, they have adopted the following resolutions:

*Resolved*, That in consequence of the irregularities and disregard of the requirements of the law, in the formation of the election board in the township of Washington, Cambria county, on the 12th of October, 1858, and of the gross frauds perpetrated by the said board in the said

election, the said election in said township was null and void, and is hereby rejected.

*Resolved*, That at the general election held in the county of Cambria, on the 12th day of October, 1858, for representatives, Thomas H. Porter received 1690 legal votes, and Richard J. Proudfoot received 1758 legal votes; and Richard J. Proudfoot having received a majority of all the legal votes polled, was duly elected to said office, and is entitled to his seat in this House as member from the county of Cambria.

All of which is respectfully submitted,

O. H. P. KINNEY,  
WILLIAM GRAHAM,  
S. B. CHASE,  
JOHN M'CURDY,  
W. W. KETCHUM,  
JOHN W. CAMPBELL,  
LINDSEY MAHAFFEY.

On leave given,

Mr. LAIRD, from the minority of said committee, made the following report, viz:

The undersigned, members of the select committee to investigate the matter of the contested election from the county of Cambria, dissenting from the sentiments expressed in the report of the majority of said committee, would respectfully beg leave to submit the following reasons for their dissent:

The undersigned, after a careful consideration of all the facts adduced in evidence in this case, and mature deliberation upon the principles and legal questions involved in its determination, are induced to the conclusion that there was not sufficient reasons to impose upon the committee the duty of disregarding the solemnly expressed will of the people, and overthrowing the most sacred and cherished rights of the citizens. The allegations contained in the petition of the contestant, and the doctrine contended for by his counsel, that inasmuch as certain informalities and irregularities existed in the organization of the board of election in Washington township, that fraud must necessarily be presumed, and that, in consequence, the whole election was vitiated and invalidated, and must therefore be set aside, does not meet our sanction. These irregularities, consisting as they did in the internal organization of the board, and having reference only to the informality of its qualification, and not to the illegality of its constitution, and having no allegation sustained by proof of positive frauds in the incipency of the proceeding, do not make out such a case of positive fraud as should invalidate the whole election. A tribunal, such as a committee of the Legislature, in the investigation of the facts, should be governed by an honest desire to elicit the truth, and reach, if possible, a true and correct expression of the voice of the people, and in their effort to accomplish this object should be governed by wise and liberal rules, and not by narrow and technical rules of law, which too often obscure and cloud the truth, instead of elucidating the subject under investigation. The allegations are that the oath was administered by an individual whose commission as justice of the peace had expired, although he was still acting as a magistrate, and held himself out to the public as such; that the judge of election was a postmaster in the township, and one of the clerks acted occasionally as deputy postmaster, and that a large number of illegal votes were cast at the election in said township. These were all the material allegations contained in the petition and proven in the investigation, and upon them it is asked that the election should be reversed, notwithstanding it was admitted that a majority of the qualified electors of that county cast their votes for Thomas H. Porter, in the direct contravention of which admitted fact the sitting member is thus ousted from his seat, and the will of the majority of the legal voters of Cambria county is thus thwarted and defeated.

The duty imposed upon the committee by the act of Assembly is, "to try the matter of the petition and to give a true judgment according to the evidence, unless the committee shall be dissolved;" and in complying with the provisions of the act of Assembly, to try the matter, they are not to be confined to mere technical rules of a court of exclusive law jurisdiction, but should be governed by such wise and liberal principles as will most certainly conduce to the elimination of the truth and the securing of justice to the parties. The act prescribes that the said committee "shall decide not only the validity of the election, but also which of the candidates had the greatest number of legal votes." The law defines the legal qualifications of the voter, and most emphatically declares that all persons possessing these qualifications, shall enjoy the right of electors. This prescription of a sacred right is imperative. The qualified electors under this act, possess rights which cannot be taken away, either by legislative enactment or even the misconduct of a board of election officers. Nor can any irregularity in the manner of holding an election or of election officers, be used as a pretext to deprive the citizen of his sacred rights at the ballot-box. In this case is the evidence of fraud participated in only by the election officers sufficient to justify the entire negation of the elective franchise? If it is alleged fraud did exist, are those who had no complicity with and no knowledge of such fraud, to be involved in the disabling and disqualifying consequences of an act in which they had no part or lot? Are the irregularities alleged in contestant's petition of such a character as to impose upon the tribunal to which the matter is referred, the overwhelming necessity of setting aside the entire election in Washington township, and thus invalidating the clearly expressed will of the people of Cambria county? These are interrogatories which must all be answered in the affirmative, before we can justify the setting aside of this election. The extraordinary construction of the powers and duties of the committee, which would necessarily result from an affirmative answer to these questions, would place the legal and qualified voters of any election district in the power of a board of election officers, who may, by wilful and intentional irregularities and improprieties, defeat the will of the citizens of said district and nullify the sacred guarantees of the Constitution. On the contrary, such a liberal construction should in all cases be given to the law and to the acts of public officers, as will give, if possible, full and entire force and effect to the exercise of the elective franchise and the rights of the citizen.

If the proceedings at the election and on the part of the board of officers are apparent upon their face to be regular and legitimate, the voter has not only a right to presume, but is bound to presume, under the operation of that salutary maxim of law that "everything is presumed to be legal until the contrary appears," that all the requisitions prescribed by the act of Assembly have been fully complied with.

If any irregularity was patent upon the face of the proceedings, the contrary presumption would naturally arise, and the honest voter would be put upon his inquiry to ascertain the true and exact state of the facts, and whether the necessity of the case required and justified a radical departure from the specific course prescribed by law; as, for instance, if the election had been held at a place different from that required by the act of Assembly, or a different set of officers from those elected for that purpose conducted the election, the want of regularity is apparent, and the voter put upon his inquiry to know if such irregularity was in accordance with the spirit of the law, and justified by the necessity of the case. No such duty devolved upon the voter in the case determined by the



committee. No informality appeared upon the face of this election, save that one of the inspectors was not the one elected to that office; but the law authorizing the judge of election to appoint an inspector in case of the absence of the one duly elected—the fact that another one acted in that capacity, is no evidence of irregularity, as the presumption of course arises that he was appointed in accordance with the provisions of the law; the person legally entitled to act not appearing at the election to assume the duties of his office. The question again presents itself, shall the citizen be disfranchised, when no suspicion could possibly rest upon his mind that anything wrong existed?

In this case, the voters, in the innocent enjoyment of their rights, and in the proper and honest exercise of their constitutional privileges, went to the polls at Washington township, at the house prescribed by the law for holding the election, and there deposited their ballots in that place, which were received by the officers duly elected to conduct said election, and to all appearances in all the proceedings, every legal requisition complied with: and shall this entire number of qualified voters be disfranchised, without any fault of their own, and under circumstances that could not possibly raise any presumption of irregularity, informality, or fraud? If the board, or any members of it, were guilty of any misconduct or impropriety, they were amenable to the law, and should receive the punishment due to their acts; but is it right or just that the honest voters of Washington township should be involved in the penal consequences of illegal acts, to which they were not privy, and of which they had no knowledge, and could have no knowledge under the circumstances? The Committee are bound to respect and carry out the constitutional rights of the citizens, even though they should not strictly and in every respect comply with the narrow and technical construction of the statutory provisions. Under the Constitution, each house is to judge of the qualifications of its own members, and the action of this House should be in favor of and not against the free exercise of the elective franchise. It should at all times uphold the citizen in the full enjoyment of his constitutional rights, and not seize upon technical rules and technical construction of an act of Assembly to strike them down. Thomas H. Porter has, beyond all question, even by the admission of the contestant, a clear and undeniable majority of the constitutional voters of the district composed of the county of Cambria, and the action of the majority of the Committee, in depriving him of a seat in this House, involves the perpetration of a great wrong upon the people of that district, and one that will surely bring its retributive penalty upon those at whose instigation the injustice has been done.

WILSON LAIRD.

CHARLES H. HILL.

The SPEAKER. The report of the committee having been final and conclusive, Mr. PROUDFOOT will come forward and be sworn.

Mr. PROUDFOOT advanced.

Mr. ROHRER rose to object to the swearing of the gentleman, and wished to offer a resolution.

The SPEAKER. A resolution is not now in order; the gentleman must state his objections from his seat.

Mr. ROHRER then read the following:

WHEREAS, It is confidently asserted that RICHARD J. PROUDFOOT, of Cambria county, is a foreigner by birth and not a qualified elector of this Commonwealth, and therefore ineligible to a seat in this House; therefore

Be it resolved, That a committee of — be appointed to inquire into the facts relating to the qualifications of the said RICHARD J.

PROUDFOOT, and report the same to this House.

The SPEAKER. The resolution is out of order at present. The law has prescribed a certain mode for contesting seats. The resolution will be in order after the gentleman has been sworn.

Mr. M'CLAIN. Is the report final?

The SPEAKER. It is.

Mr. PROUDFOOT appeared before the SPEAKER'S desk, and was duly qualified.

Mr. ROHRER then, on leave, presented the above resolution; which was read the second time.

Mr. WILLISTON said that he was utterly opposed to the offering of resolutions which were based solely upon rumor. He concurred fully with the decision of the Chair, that the law had prescribed a certain mode for disposing of contested election cases.

The SPEAKER explained that the decision in question had not been made with any special reference to the terms of the resolution.

Mr. WILLISTON repeated that he was opposed to the House taking any action upon outside rumors. The resolution read, "it is said." By whom was it said? when, and where, and how? If any evidence was offered, he would vote for the resolution; but he did protest against this improper way of doing business. He disliked to oppose the resolution, but, as a matter of principle, would have to do so. The seat of the gentleman had been contested from the first of the session, and a final report of the committee had just awarded him the place. It was unfair to take further action against him on mere rumor.

Mr. M'CLURE called for the reading of the resolution.

The resolution was read.

Mr. TAYLOR hoped that the resolution would not be entertained. The application which it embodied should be made under oath. At the proper time, he was authorized to say, that Mr. PROUDFOOT would be fully prepared to prove his competence.

Mr. ROHRER said that the gentlemen from Indiana and Tioga were certainly sufficiently lawyers to know that it would be absolutely impossible for any man to make affidavit as to the facts in this particular case. If there was any record in existence, Mr. PROUDFOOT had it in his possession, and it was now due to him that the matter should be investigated.

Mr. M'CLURE had heard many rumors that gentlemen present were not entitled to their seats, and some time since, a resolution almost similar to the one just presented was offered, and very properly rejected. If any one would come forward and make affidavit as to any of the facts alleged against Mr. PROUDFOOT, he would vote for the resolution.

Mr. WILLISTON reiterated the same sentiments.

The question recurring,

Shall the said resolution pass?

The yeas and nays were required by Mr. GOOD and Mr. BOYER, and were as follow, viz:

YEAS—Messrs. Barnsley, Bertolet, Boyer, (Clearfield,) Brodhead, Custer, Dismant, Evans, Fleming, Galley, Glatz, Goepf, Good, Gray, Gritman, Hill, Hottenstine, Jackson, M'Clain, Neall, Oaks, Quigley, Rohrer, Smith, (Philadelphia,) Stoneback, Stuart, Warden, Wilcox, Wolf and Woodring—29.

NAYS—Messrs. Abbott, Acker, Balliet, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Church, Dodds, Durbow, Eckman, Ellmaker, Fearon, Fisher, Foster, Graham, Gratz, Green, Hamersly, Harding, Irish, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, M'Clure, M'Curdy, M'Dowell, Miller, Nill, Palm, Patterson, Peirce, Pinkerton, Price, Pugh, Ramsdell, Rose,

Shafer, Sheppard, Smead, Styer, Thompson, Thorn, Wagon seller, Walborn, Walker, Whitman, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wood Zoller and Lawrence, *Speaker*—62.

So the question was determined in the negative.

Mr. HAMERSLY voted against the resolution because there was no evidence of the facts alleged.

Mr. TAYLOR declined voting because he was engaged as counsel by Mr. PROUDFOOT.

Messrs. KINNEY and M'CLAIN desired to place upon the record their reasons for voting on said resolution.

Mr. RAMSDELL, leave being given, from the committee appointed on the part of the House to confer with a similar committee of the Senate, if such committee should be appointed by that body, respectfully submit the following report:

That the Senate on Tuesday last appointed said committee; that we have waited upon the chairman and proposed an early consultation. We proposed, in order to harmonize the apparent differences, to give out the *Record* to the lowest bidder, without any reference to the political principles of the contractor.

The Senate committee refuse to give us any encouragement of a conference.

We, therefore, recommend the ratification of the contract entered into by a select committee of this House.

The contract was then read.

Mr. FOSTER asked for information in regard to the contract.

The SPEAKER said there was no motion before the House.

Mr. HAMERSLY moved that the contract be ratified by the House.

Mr. FOSTER wished to inquire whether in the first proposals which had been made by Bergner and Company to the House, they had not expressed a willingness to print for \$5.20 per page; also, whether they had not agreed to furnish three thousand copies instead of two thousand, as was provided in the present contract put before the House for ratification.

Mr. GOEPP wished simply to obtain information. A joint resolution was passed the other day, appointing a special committee to confer with a committee of the Senate, and to report. Was this a report from that committee, or was it from the committee of the House, which had been appointed to act separately?

Mr. ROSE. The committee spoken of in the resolution is evidently the Committee on Printing of the House and Senate.

Mr. GOEPP said that, as he understood it, this was a report from the Committee of Printing of both House and Senate. But the special committee, which had been appointed by the House, in the early part of the session, had also made a report at one time. How was this? Did the House intend to allow contradictory reports to be offered?

Mr. RAMSDELL, as having been chairman of both committees, rose to explain. By the passage of a joint resolution, a committee was appointed to confer with a similar body of the Senate. But the joint resolution was voted down in the Senate, and the committee which was appointed early in the session, made the report which had been presented.

Mr. GOEPP said that in that case he supposed that the joint resolution, which had been presented was abandoned. It was certainly improper for the Legislature to entertain two or three different reports from two or three different committees.

Mr. HAMERSLY said that he had voted in favor of the resolution authorizing the House committee to contract with George Bergner & Co., because he had thought it right. But some of his friends had doubts upon the sub-



ject, and he therefore had offered the joint resolution, which had been refused by the Senate. He had intended this as a compromise, but the Senate had rejected it.

Mr. THORN said that he believed that if Mr. Haldeman furnished the *Record*, he would have to be paid for it. But the House had a right to control its own printing, and, on that ground, would vote for the resolution before the House.

Mr. FOSTER. My questions are not yet answered. Does the resolution call for two thousand or three thousand copies of the *Record*?

Mr. RAMSDALL said that it was three thousand.

Mr. FOSTER was astonished. It had certainly been read two thousand. Had an alteration been made while the document was at the Clerk's desk?

Mr. RAMSDALL said that he did not believe that it had been inserted since the reading.

Mr. FOSTER said that one of the parties to the contract had gone to the desk and made the change.

Mr. ROSE suggested that Mr. FOSTER should make another inquiry, which was, whether the sureties had agreed to the alteration?

Mr. FOSTER said that it was equally easy for the figures in the bond to have been changed.

Mr. M'CLURE wished to know distinctly whether the figures had been changed.

Mr. RAMSDALL said they had not to his knowledge. He had been told, since the report was read, that the figures were three thousand, but he had before thought they were two thousand.

Mr. M'CLURE again demanded to know, as due to himself and the House, whether an alteration had been illegally effected in the official report.

The SPEAKER examined the document, and said, "It has been done."

Mr. M'CLURE. Then, sir, I desire to know by whom it was done. The House has a right to know.

Mr. M'CLURE then alluded to the principal matter at issue, and declared that he would have nerve enough to vote against the passage of the resolution because it was wrong. In all ordinary matters he would yield to the party rule, but when it came to cracking a party whip over men and driving them to espouse a measure which was not right, he would resist. This was attempted to be done in the present case, when a Legislature, merely to put money into the pocket of one man, was about to vote for the printing of two *Records*; and the members had come to Harrisburg pledged to economy! There was no dodging the question; if the contract was made now, there would be two *Records* to pay for. It was not a matter to assume a partisan aspect. The project brought forward was one based upon personal aggrandizement, and yet an attempt was made to force members to vote for it by the allegation that it was a party measure. If it was one of the principles of the Republican party to put its hand in the treasury and take out money to favor any man, he was not of the party. Let the contract with Mr. Haldeman be rescinded, and he would be ready then to throw the lists open to Bergner or any other man. But so long as the contract with Haldeman existed, it was an outrage to make another.

Mr. ROSE said that the question had assumed a shape that he predicted it would some time since. Every body in the House admitted that Mr. Haldeman would have to be paid, for his contract was a law of the land. It had been said that the result of the new contract would be, that the State would have to pay for two *Records*. This could easily be avoided. If the gentlemen who pressed the new contract were sincere, and really did not wish the State to incur any unnecessary expense, let them make a change in the contract, (since slight

changes were so easily made,) and institute a proviso, that in case Mr. Haldeman was obliged to be paid, they would not demand any money.

He agreed with the gentleman from Franklin, (Mr. M'CLURE,) that an effort was being made to whip every man into a party vote by a party lash. But he, too, had nerve enough to resist such an attempt. Did the success of the Republican party depend upon paying any one applicant a thousand or two dollars from the public purse? No! it depended upon higher principles. The Legislature might pass away, the *Record* fall into oblivion, but the principles of Republicanism were eternal. He protested against such an outrage as was contemplated. He was not to be frightened or forced into it. He had no objection to Mr. Bergner printing the *Record*, if it could be done legally, or if the members could prove that it would not be necessary to draw money from the treasury to pay for two *Records*.

Mr. WILLISTON rose to make a suggestion. It seemed that some of the members of the Republican party scorned the lash of their own friends; yet, while doing this, it behooved them to take care lest they become shackled by and lashed by the opposition. But he protested that the party to which he belonged were not slave drivers.

As for talking about the new contract being illegal and wrong, was it to be supposed that the last Legislature had been infallible when they made an agreement, which was carried in the form of a snake? Would the present House submit to their decision and be bound by them. As for the expense, larger sums were voted away daily and nothing thought of them. He protested against the party lash, as it had evidently been applied in this instance, by the last Legislature. Was there any moral obligation resting upon the House to pay for Haldeman's *Record*, if they should pass a resolution to refuse it, and notify the publisher?

Mr. WILCOX rose to call for a postponement of the question for the present. Before doing so, however, he gave notice that, as a member of the committee, he should at an early day offer a minority report.

Mr. LAWRENCE, (Washington,) moved that the report, as it had evidently been altered, be re-committed to the committee. He could not vote in favor of it, in its present loose form.

Mr. MILLER would vote for the re-commitment.

Mr. HAMERSLY said that this was certainly a party question, being upon a contract which was entailed upon the House by a party vote in a preceding Legislature. And this session, how had the vote stood? Had not the Democrats been on one side and the Republicans, with the exception of a few who were perhaps weak in the faith, on the other? Had not a Democratic Senate refused to consider a proposition which would have saved the State over eleven dollars per diem?

Mr. NEALL agreed that it was a conflict between Republicans and Democrats.

Mr. MILLER rose to a point of order. The question was upon re-committing. Did the gentleman mean to speak upon that question?

Mr. NEALL said that he did. He wished to say that if the report had been altered, he hoped that it would be re-committed.

Mr. CHURCH rose to a call of the previous question; which was sustained.

And on the question, Shall the main question now be put?

The yeas and nays were required by Mr. PRICE and Mr. PATTERSON, and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Briley, Campbell, Chase, Church, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Graham,

Green, Hamersly, Harding, Irish, Koneagy, Kinney, Lawrence, (Washington,) Mann, McHaffey, M'Curdy, M'Dowell, Miller, Neall, Palm, Patterson, Pennell, Peirce, Pinkerton, Porter, Price, Pugh, Shafer, Smead, Taylor, Thompson, Thorn, Wagonseller, Walborn, Walker, Whitman, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow Zoller and Lawrence, *Speak-er*—56.

NAYS—Messrs. Beitolet, Boyer, (Clearfield,) Brodhead, Bryson, Custer, Dismant, Fleming, Foster, Galley, Goepf, Good, Gray, Gritman, Hill, Hottenstine, Jackson, Ketchum, Laird, M'Clure, Nill, Oaks, Quigley, Rohrer, Rose, Smith, (Berks,) Smith, (Philadelphia,) Stoneback, Stuart, Warden, Wilcox, Wolf and Woodring—32.

So the question was determined in the affirmative.

The question now being as stated by the chairman, (Mr. WALBORN,) on the motion to re-commit the bill,

Mr. M'CLURE rose to a question of order. That the previous question having been called, it cut off all subsidiary motions, except motions to amend the question under consideration.

A rambling and prolonged discussion upon points of order then took place. Messrs. M'CLURE, THORN, GOEPP, LAWRENCE, (Washington,) and ROSE, were interested, Mr. WALBORN being Speaker *pro tem*.

The Chair finally decided the point of Mr. M'CLURE well taken.

Whereupon Mr. THORN called the attention of the Chair to page 158 of Sutherland's Manual.

The Chair re-called his first decision and stated to the House that the question now was on the motion to re-commit, made by Mr. LAWRENCE, (Washington.)

From the above decision the following appeal was taken:

The question being on a motion to ratify a contract reported by a special committee; and, a motion having been made during the pendency of the first named motion to re-commit the contract to the committee, the previous question was called and sustained. The Speaker (Mr. WALBORN,) decided that the main question was the motion to re-commit.

From this decision the undersigned respectfully appeal. A. K. M'CLURE, MAX GOEPP.

And on the question, Shall the decision of the Chair stand as the judgment of the House?

Another debate took place between Messrs. M'CLURE and THORN. Finally,

On motion of Mr. LAWRENCE (Washington,) the appeal of Messrs. M'CLURE and GOEPP, was tabled.

The motion to re-commit was then carried.

The hour of one having arrived, the SPEAKER adjourned the House.

#### No. 182.—FILE OF THE HOUSE.

GOEPP, Judiciary—Jan. 31.

AN ACT to confer on certain associations of the citizens of this Commonwealth the powers and immunities of corporations and bodies politic in law, and to confirm charters heretofore granted.

WHEREAS, The Legislature of Pennsylvania, by an act passed the twenty-second day of April, one thousand eight hundred and fifty, authorized and fully empowered the court of common pleas for the city and county of Philadelphia to grant acts or charters of incorporation to citizens of this Commonwealth, desirous of forming mutual savings fund, land and building associations, and by several supplements thereto have enlarged said authority, thereby encouraging citizens to form and invest their savings in said associations:



And whereas, The said act and its said several supplements have, by various other acts of the said General Assembly, been extended to various other counties of this Commonwealth:

And whereas, The authority thus granted has been freely exercised, and by such encouragement and by allowing members of said associations to adopt such constitutions or articles of association as to them might seem most beneficial, and by allowing parents to sign the constitutions for and on behalf of their minor children, a large and constantly increasing interest has been created, such associations affording to the indigent an opportunity to save and profitably invest their savings, thus inducing the people to form habits of economy and self-denial, by setting apart periodically a portion of their earnings, enabling them to purchase or build their own homes, increasing the number of small real estate owners, and thereby enriching and strengthening the Commonwealth:

And whereas, Such associations are meritorious and deserving the care of the State; therefore

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That at any time, when ten or more persons may desire to form a mutual saving fund, loan or building association under the provisions of this act, they shall make application to the court of common pleas of the proper county, in the manner and at such times as are prescribed by the thirteenth section of an act passed the thirtieth day of October, in the year of our Lord one thousand eight hundred and forty, entitled "An Act relating to orphans' courts and for other purposes," and upon compliance with the provisions of the said section of said act, the said court shall be and hereby is fully empowered to grant acts or charters of incorporation to said associations; and the thirteenth, fourteenth and fifteenth sections of the aforesaid act of Assembly are hereby extended to and made a part of this act, with regard to said associations, corporations, or bodies politic in law: *Provided,* That no charter granted under or by virtue of the provisions of this act be for a longer period than twenty years.

**SEC. 2.** That the capital stock of any corporation created by virtue of this act shall at no time consist of more than two thousand five hundred shares of two hundred dollars each, the instalments on which stock are to be paid at such time and place as the by-laws shall appoint; no periodical payment to be made exceeding two dollars on each share; and if any stockholder shall neglect or refuse to make payment of instalments on stock or interest on loans, as directed by the by-laws, such stockholder, his assignee or legal representative, shall pay such fines for every neglect or refusal as the by laws shall provide; all stockholders being six months in arrears in payment of their instalments shall be liable to a forfeiture of membership in the said corporation, when they shall be entitled to receive therefrom the same amount as a member withdrawing, as hereinafter provided; new shares of stock may be issued, in lieu of the shares withdrawn or forfeited; the stock may be issued in one or in successive series, in such amount as the board of directors or the stockholders may determine: *Provided,* That if the holder of matured stock desires to let the money due him or her remain in the said corporation, it shall be lawful to declare semi-annual dividends out of the profits of the business thereof on such matured stock; and any stockholder wishing to withdraw from the said corporation shall have power to do so, by giving thirty days' notice of his or her intention to withdraw, when he or she shall be entitled to receive the amount paid in by him or her, and such proportion of the profits as the

by-laws may determine, less all fines and other charges: *Provided,* That at no time shall more than one-half of the funds in the treasury of the corporation be appropriable to the demands of withdrawing stockholders, without the consent of the board of directors; and that no stockholder shall be entitled to withdraw whose stock is held in pledge for security; upon the death of a stockholder, his or her legal representatives shall be entitled to receive the full amount paid in by him or her, and legal interest thereon, first deducting all charges that may be due on the stock; no fines shall be charged to a deceased member's account from and after his or her decease, unless his legal representatives of such decedent assume the future payments on the stock.

**SEC. 3.** That the number, titles, functions and compensation of the officers of any corporation created by virtue of this act, their terms of office, the times of their elections, as well as the qualifications of electors and the ratio and manner of voting, and the periodical meetings of the said corporation, shall be determined by the by-laws.

**SEC. 4.** That the said officers shall hold stated meetings, at which the money in the treasury, if over two hundred dollars, shall be offered for loan in open meeting, and the stockholder who shall bid the highest premium for the preference or priority of loan shall be entitled to receive a loan of two hundred dollars or more for each share of stock held by such stockholder: *Provided,* That a stockholder may borrow such fractional part of two hundred dollars as the by-laws may provide; and good and ample security shall be given by the borrower to secure the re-payment of the loan; in case the borrower shall neglect to offer security, or shall offer security that is not approved by the board of directors, by such time as the by-laws may prescribe, he or she shall be charged with one month's interest, together with any expenses incurred, and the money shall be re-sold at the next stated meeting; in case of non-payment of instalments or interest by borrowing stockholders, for the space of six months, payment of principal and interest may be enforced by proceeding on their securities according to law.

**SEC. 5.** That a borrower may re-pay a loan at any time; and in case of the re-payment thereof before the expiration of the eighth year after the organization of the corporation, there shall be refunded to such borrower one-eighth of the premium paid for every year of the said eight years then unexpired; and in case of recovery of loans by process of law, when the amount collected by or distributed to the said corporation shall exceed the amount of loan taken by the borrower with interest and charges, the money shall be re-loaned at the next stated meeting, and the excess recovered beyond the amount required to pay the loan with interest and charges, shall be returned to the borrower from whom the money was collected or his or her legal representative: *Provided,* That in case the said corporation shall have issued its stock in series, such re-loan shall be made only to the stockholders of the same series: *And provided,* That if the premium offered for the re-loan shall be greater than that originally given by the defaulting borrower, the amount of the original premium only shall be paid over by the said corporation: *And provided,* That such defaulting borrower may at any time after the said re-lending demand from the said corporation the amount required to be paid to a stockholder withdrawing his stock, saving and excepting, however, to the said corporation, the right to retain so much, or the whole thereof, as may be requisite to save it from loss, in case the amount recovered shall not suffice to pay the re-loan.

**SEC. 6.** That no premiums, fines or interest on such premiums that may accrue to the said corporation, according to the provisions of this

act, shall not be deemed usurious, and the same may be collected as debts of like amount are now by law collected in this Commonwealth.

**SEC. 7.** That no corporation or association created under this act shall cease or expire from neglect on the part of the corporators to elect officers at the time mentioned in their charter or by-laws; and all officers elected by such corporation shall hold their offices until their successors are duly elected.

**SEC. 8.** That the charters of incorporation heretofore granted by the courts of common pleas of the several counties of the Commonwealth to mutual saving fund, loan, land and building associations, under the authority of the act of twenty-second of April, one thousand eight hundred and fifty, entitled "A supplement to an act entitled 'An Act to prevent waste in certain cases within this Commonwealth, passed the twenty-ninth day of March one thousand eight hundred and twenty-two; to land and building associations, giving the court of Susquehanna county jurisdiction in a certain case; relative to the service of process in certain cases; to party walls in West Philadelphia; to the proof of a certain will; to the sale and purchase of certain burial grounds in Philadelphia; to the laying of gas pipes in the district of Moyamensing; to the release of certain sureties in Erie county; to the State lunatic hospital; relative to the service of process against sheriffs; to the rights of married women; to ground rents; and relating to foreign insurance companies,'" and its supplements, are hereby declared to be legal and valid; and it is hereby declared that the true intent and meaning of the said acts was to authorize the incorporation of companies or associations, with power to loan or advance to stockholders thereof the moneys accumulated from time to time, and to secure the re-payment of such moneys, and the performance of the other conditions upon which said loans were made, by bond and mortgage or other security, as well as with power to purchase or erect houses for the benefit of their stockholders; and that the premiums taken by the said associations for the preference or priority of such loans should not be deemed usurious: *Provided,* That nothing herein contained shall be construed to affect cases adjudicated under the said acts.

**SEC. 9.** That any saving fund, loan or building association, incorporated by or under this or any other act or acts of Assembly of this Commonwealth, is hereby authorized and empowered to purchase, at any sheriffs' or other judicial sale, or at any other sale, public or private, any real estate upon which such association may have or hold any mortgage, judgment, lien or other incumbrance or ground rent, or in which said association may have an interest; and the real estate so purchased, or any other that such association may hold or be entitled to at the passage of this act, to sell, convey, lease or mortgage at pleasure, to any person or persons whatsoever; and all sales of real estate heretofore made by such associations to any person or persons not members of the association so selling, are hereby confirmed and made valid.

No. 187.—FILE OF THE HOUSE.

THOMPSON, Judiciary—Jan. 31.

AN ACT relative to the Delaware Division canal company of Pennsylvania.

WHEREAS, Under the provisions of an act, entitled "An Act for the sale of the State canals," approved April twenty-first, Anno Domini one thousand eight hundred and fifty-eight, an association of persons, under the corporate name of "The Delaware Division canal company of Pennsylvania," purchased from the Sunbury and Erie railroad company, the Delaware Division of the Pennsylvania canal;

And Whereas, It is proper that the corporate



rights and privileges of the said Delaware Division canal company of Pennsylvania should be provided for and distinctly set forth; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* all the rights, privileges and franchises granted by the act of twenty-first April, Anno Domini one thousand eight hundred and fifty-eight, entitled "An Act for the sale of the State canals," to the Sunbury and Erie railroad company, for holding, possessing, using, managing, improving and enjoying the said Delaware Division canal, be and the same are hereby confirmed to the Delaware Division canal company of Pennsylvania.

SEC. 2. That so much of the fifth section of the said act as gives the same rights, privileges and franchises to the purchasers of the Delaware Division canal, for the improvement and enjoyment of the same, and to enter into and upon the river Delaware, as have been heretofore granted to the Lehigh coal and navigation company of this State, to enter into and upon the river Lehigh, for the construction and improvement of the canal and navigation owned by them, shall be so construed as to permit the said Delaware Division canal company to enlarge and improve their canal to equal the capacity of the canal of the said Lehigh coal and navigation company: *Provided*, The said Delaware Division canal company shall not construct any dam in such manner as shall impede or obstruct the descending navigation of rafts or other crafts on said Delaware river; and they shall construct such schutes, and make such channels as will maintain the descending navigation in said river in as good condition as before the erection of any such structure by them: *And provided further*, That before constructing any dam across said river, they shall first secure such legislation from the authorities of the State of New Jersey as shall authorize the same.

SEC. 3 That it shall be lawful for the said Delaware Division canal company to increase their capital stock, from time to time, sufficient in amount to pay the cost of any enlargement or improvement they may deem expedient to make under the authority given by this act, and to dispose of the same on such terms as the stockholders may direct; the board of managers may fix by their by-laws the number of directors that shall constitute their board, the time of their annual election, and the time and mode of payment of dividends on their capital stock: *Provided*, That the board of managers shall consist of not less than nine members, one of whom shall be chosen president by the said managers; and the dividends on the capital stock of said company shall not exceed the net earnings, after the payment of ordinary repairs and expenses; and the said Delaware Division canal company of Pennsylvania may, and is hereby, authorized to charge the same rate of toll per ton per mile on coal that the Lehigh coal and navigation company are now authorized by law to charge on the lower division of their canal.

SEC. 4. That the Governor of this Commonwealth shall, on or before the first day of June next, appoint a board of appraisers to consist of three persons, who shall reside at least ten miles distant from said Delaware Division canal, and whose duty it shall be to assess all damages occasioned to individuals or companies within six years prior to the twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight, by reason of the location, construction, repair, management or use of the Delaware Division canal by the Commonwealth of Pennsylvania, and which have not heretofore been presented to and passed upon by the Can-

nal Commissioners or other competent authority, and also to assess all damages to real estate which have been or may be occasioned by the said Delaware Division canal company of Pennsylvania in maintaining and improving the canal or its appurtenances.

SEC. 5. That the said appraisers, before entering upon the performance of their duties, shall be sworn or affirmed to discharge the same faithfully, to the best of their abilities; and their award, or that of a majority of them shall be final and conclusive; and where damages are assessed, if not paid within sixty days after notice to the said Delaware Division canal company of Pennsylvania, the award may be entered of record in the county where the damages were sustained, and shall have the like effect of a judgment duly obtained; the said appraisers shall meet, on application of not less than three persons claiming damages, and shall give notice to the claimants and the canal company in writing of the time and place, at least ten days before the meeting; and shall, in ascertaining the damages, take into consideration the advantages as well as the disadvantages occasioned to the claimants by the canal aforesaid; and shall, in their report, state when and how the damages (if any) were sustained; the said appraisers shall each receive four dollars per day for their services for the number of days employed, together with five cents per mile for each mile traveled in performing the same; to be paid by the said Delaware Division canal company of Pennsylvania; notice shall also be given by the claimants for damages of their application for the assessment of the same to the canal company, at the same time that the application is made.

SEC. 6. That in event of the absence of one of the appraisers at the meeting to assess damages as aforesaid, the other appraisers, if they cannot agree upon said assessments, or any of them, may choose a third appraiser, who shall not reside within ten miles of the canal aforesaid; and who, after being duly sworn or affirmed as said appraiser, may act for the time being, in all respects as though he had been originally appointed by the Governor, and where there shall be a vacancy in the board of appraisers, occasioned by death, resignation, removal, incapacity or other cause, the Governor shall fill said vacancy by appointment; extracts from the journal of the Canal Commissioners or former board of appraisers, and certified copies of all papers on file in any of the departments at Harrisburg, shall, if pertinent, be received in evidence by the board of appraisers, in adjudicating claims for damages as aforesaid.

SEC. 7. That when the said company cannot agree with the owner or owners of any land or materials, taken in enlarging, improving, repairing or maintaining the said canal, upon the compensation to be paid for the same, the proceedings to assess the damages therefor shall in all respects be the same as those provided for the Lehigh coal and navigation company: *Provided*, That nothing herein contained shall authorize the said company to enter upon any lands, or take any property, without making compensation to the owners of said property or giving adequate security therefor: *And provided*, That in all cases where the parties cannot agree on the amount of compensation for land or materials so taken, the company shall tender a bond, with sufficient security, to the party claiming the damages, the condition of which shall be, that the company will pay, or cause to be paid, such amount of damages as the parties shall be entitled to receive, after the same shall have been agreed upon by the parties or assessed under the provisions of this act; which bond, if refused by the party claiming damages, shall be presented to the court of common pleas of the proper county, or any judge thereof, in

vacation; and if approved, it shall be filed among the records of said court of common pleas, for the benefit of the person or persons to whom it is given.

SEC. 8. That whenever the present mortgage debt of the company is paid, in part or in full, the board of managers are authorized to increase the capital stock equal to the amount of the debt paid, and distribute the said increase amongst the stockholders in proportion to the amount of stock held by each; all proceedings heretofore had in the organization of the company, and in fixing upon the number of directors, and in the election of officers, are hereby declared to be legal and valid, in the same manner as though special provision had been made therefore by act of Assembly, previous to the organization of the said company.

#### No. 189.—FILE OF THE HOUSE.

KETCHUM, Judiciary—Jan. 31.

AN ACT to amend the fee bill of the Orphans' court of the county of Allegheny.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* in lieu of the fees now allowed by law, that from and after the passage of this act the fees to be charged and received by the clerk of the Orphans' court, in and for the county of Allegheny, for services done and performed by him, shall be as follows:

For arranging, indorsing, indexing, *et cetera*, the papers, in each case fifty cents.

For filing and recording each petition, prayer report, return, recognizance, order of sale, or approval or confirmation by the court, or any other paper not hereinafter specified, for the first one hundred words or figures, or less, forty cents; and on the excess over the first one hundred words or figures, for every ten words or figures, one cent.

For filing and recording each draft or plot, for each division or purpart, twenty-five cents.

For filing each paper not requisite to be recorded, ten cents.

For writing and attesting receipts, or either, each twenty-five cents.

For issuing each subpoena, notice or rule, with seal, for the first one hundred words and figures, or less, twenty-five cents; and for the excess over the first one hundred words or figures, for every ten words or figures, one cent.

For issuing each order of sale, or any duplicate order of court, with or without petition and prayer, or either, or any other order or writing whatever, not hereinbefore or hereinafter specified, for the first one hundred words and figures, or less, fifty cents; and on the excess over the first one hundred words and figures, for every ten words and figures, one cent.

For issuing each writ of partition, citation, attachment, sequestration, fieri facias and venditioni exponas, for the first one hundred words and figures, or less, seventy-five cents; and on the excess over the first one hundred words and figures, for every ten words and figures, one cent.

For issuing copy of draft or plot for each division or purpart, twenty-five cents.

For issuing copy of record or paper filed, or any part thereof, excepting drafts or plots, for the first one hundred words and figures thereof, or less, twenty-five cents; and on the excess over the first one hundred words and figures, for every ten words and figures, one cent.

For every ten words and figures in each certificate, one cent.

For each seal, twenty-five cents.

For arranging and making up papers in each case of appeal, exclusive of copy of record, certificate of judges, filing appeal, affidavit and recognizance, each paper, ten cents.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 25.

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## SENATE.

FRIDAY, Feb. 4, 1859.

Agreeably to order the Senate met at half-past 10 o'clock, A. M. A quorum of Senators was present.

The Journal was read and approved.

The SPEAKER ordered the following committees:

On Mr. BELL'S resolution, Messrs. BELL, WELSH and FINNEY.

On Mr. SCOFIELD'S resolution, Messrs. SCOFIELD, SCHINDEL, FRANCIS, BREWER and MILLER.

The SPEAKER presented the annual report of the Seamen's saving fund society.

Also, a petition of citizens of Middle Woodbury township, in Bedford county, praying to be annexed to Blair county.

Also, a petition for the protection of that species of game known as the wild turkey, in Huntingdon county.

## PETITIONS AND MEMORIALS.

Mr. FRANCIS presented the petition of eighty citizens of Venango county, praying for an alteration in the school law so that the tax shall not exceed ten mills per year for school and building purposes.

Also, a petition of eighty-three citizens of the same county, praying for the abolition of the office of county superintendent of common schools.

Also, a petition of seventy-seven citizens of the same county, praying for an alteration in the present mode of collecting taxes in said county.

Mr. PALMER, six petitions of citizens, boatmen and others engaged upon the Schuylkill navigation, praying for the passage of a law regulating the towing of boats upon said navigation.

Also, four petitions of citizens and tax payers of Norwegian township, Schuylkill county, praying for a law requiring the supervisor of said township to let the repairs of the road in said township annually to the lowest and best bidders.

Mr. BALDWIN, two petitions of citizens and tax payers of Lancaster county, praying for the repeal of the law increasing the fees of district attorneys said county.

Mr. FINNEY, a petition of citizens of the city of Erie and its vicinity, praying for a law authorizing the corporate authorities of that city to sell certain lots.

Also, a petition of citizens of Crawford county, for a new county, including parts of Crawford, Warren and Venango.

Mr. THOMPSON, four petitions from citizens Montgomery county, for the incorporation of a new company to erect a bridge across the Schuylkill river, at or near Buckwalter's ferry.

Mr. MILLER, a petition from the faculty of Washington College, praying for an appropriation to the School of Mines in the city of Philadelphia.

Mr. SCHELL, the memorial of the members of the bar of Somerset county, praying that said county may be annexed to the middle district of the supreme court.

Also, the remonstrance of eighty-two citizens of Jenner township, Somerset county, against changing the place of holding elections in said township.

Mr. WELSH, a petition of citizens of York county, asking that the county treasurer in said county, be hereafter authorized to collect the taxes.

Mr. SCHINDEL, four petitions of citizens of Northampton county, in favor of the removal of the seat of justice in that county.

Also, two remonstrances against the same.

Also, a petition of citizens of Weisenburg township, Lehigh county, praying for the repeal of the school law in that district.

Also, a petition of citizens of Carbon county, praying that the counties of Carbon and Lehigh may be erected into a judicial district.

Mr. BREWER, a petition of citizens of Franklin county, praying for the passage of a law for the protection of deer.

Also, two from citizens of Adams county, of like import.

Mr. PENNEY, the petition of sundry citizens of East Deer township, Allegheny county, praying for the passage of a law authorizing school directors to select sites for school houses.

Mr. PARKER, the petition of Margaret Coldwater, widow of Philip Coldwater, a private in the Tenth regiment, invalid, Revolutionary war, for pension and gratuity.

Mr. RUTHERFORD, a remonstrance signed by numerous citizens of the borough of North Lebanon, Lebanon county, against the division of said borough.

Mr. COFFEY, a memorial from citizens of Blair county, in favor of the erection of a monument to the Pennsylvania volunteers who died in Mexico.

Also, a petition for the charter of the Commercial Bank of Pittsburg.

Also, two petitions of citizens of Cambria and Indiana counties, for a new county, to be called Pine.

Mr. GAZZIM, a petition of citizens of Pittsburg, in favor of the incorporation of the Commercial Bank in that city.

Mr. WRIGHT, the memorial of the board of directors of the Pennsylvania institution for the deaf and dumb, and asked that the same be read.

On motion of Mr. WRIGHT, the memorial

was ordered to be printed in the *Record*. It is as follows:

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

The memorial of the board of directors of the Pennsylvania Institution for the Deaf and Dumb, respectfully represents, that with the rapidly increasing population of the Commonwealth, the number of her deaf mutes has become proportionably enlarged, and the provision made by the State inadequate for the education of those who are entirely dependent on her parental care for this inestimable blessing.

Encouraged by the wise and benevolent course which has always been pursued by Pennsylvania in behalf of the young and indigent deaf mutes within her borders, your memorialists again ask their Senators and Representatives to make such further provision for this helpless but interesting portion of our fellow citizens as may be necessary to educate and prepare them for the discharge of their duties, and the rational enjoyment of this life, and to look forward with a Christian's hope for a blessed immortality. By order of the board of directors.

Mr. BELL, two petitions of citizens of Chester and Montgomery counties, in favor of the incorporation of a company to erect a bridge over the Schuylkill river.

Also, a petition of citizens of Chester county, praying for an alteration in the road laws.

Also, a number of petitions from citizens of the borough of Chester, praying for an alteration in the charter of said borough.

Also, a petition of citizens of Chester county, praying for an increase of the fees of aldermen and justices of the peace.

Mr. YARDLEY, two petitions of citizens of Bucks county, for the incorporation of the New Britain turnpike road company.

Also, a petition of citizens of the same county, for the abolition of the office of sealer of weights and measures.

Mr. MYER, a petition of citizens of Wyoming county, for the passage of such a law as will enable the people to obtain a just and fair assessment of damages without subjecting them to the long process of a law-suit in court.

Mr. GREGG, a petition of citizens of Lycoming county, for a more prompt payment on the part of insurance companies.

Mr. SHAEFFER, a petition of citizens of Mount Joy and surrounding districts, praying for an increase of capital, the right to issue bank notes, and the change of name to the Mount Joy savings bank.

Mr. BLOOD, a petition of citizens of Venango county, for the passage of a law restricting taxation for school purposes to ten mills.

Also, a petition of citizens of the same county, for the abolition of the office of county superintendent of common schools.

Also, a petition of citizens of Blair county, for an additional appropriation for the monument proposed to be erected on the capitol grounds.

## REPORTS OF COMMITTEES.

Mr. FINNEY, (Railroads,) reported with a negative recommendation, "An Act to incorporate the Fairmount Park passenger railway company."

Mr. STEELE, (same,) with a negative recommendation, Senate bill No. 192, "An Act incorporating the Fourth and Eighth Street passenger railway company."



Mr. CRAIG, (same,) with a negative recommendation, "An Act to incorporate the People's city passenger railway company."

Also, (same,) with a negative recommendation, "An Act to incorporate the Green and Coates Street Philadelphia passenger railway company."

Mr. RANDALL, (same,) with a negative recommendation, Senate bill No. 195, "An Act incorporating the Fourth and Eighth Street passenger railway company."

Mr. COFFEY, (same,) as committed, "A further supplement to an act incorporating the Pittsburgh and Erie railroad company."

Also, (same,) with a negative recommendation, "An Act to incorporate the Philadelphia and Penn Township passenger railway company."

Mr. FETTER, (Agriculture and Domestic Manufactures,) as committed, "An Act relative to the trustees of the Farmers' high school of Pennsylvania."

Mr. BALDWIN, (Roads and Bridges,) as committed, "An Act to incorporate the New Britain turnpike road company."

Mr. RUTHERFORD, (same,) as committed, "An Act declaring Willow creek a public highway."

Mr. THOMPSON, (same,) as committed, "An Act authorizing the Frankford and Oxford turnpike road company to borrow money."

On motion of Mr. WRIGHT, this bill was taken up, and the committee of the whole being dispensed with, it passed finally.

Mr. KELLER, (Compare Bills,) reported that the committee had compared, and presented to the Governor for his approval, the following:

"A supplement to an act to incorporate the Williamsport water company, and for other purposes."

"Joint resolution relative to the payment of claims allowed by the late Board of Canal Commissioners."

"An Act to fix the place of holding elections in Hamlin township, McKean county."

"Joint resolution relative to the pay of A. L. Linton, for services as clerk to contested election committee."

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, stating that he had signed the last three of the above mentioned bills, together with "An Act incorporating the Western market company."

Mr. SCHELL, (Private Claims and Damages,) with amendment, "A supplement to an act relative to the claim of Thomas Morley."

Mr. CRAIG, (same,) as committed, "An Act to provide for the claim of Peter S. McCullough."

Mr. STEELE, (same,) with amendment, "A supplement to an act relative to the claim of Daniel A. Bardwell."

Mr. RUTHERFORD, (same,) as committed, "An Act to pay the claim of John C. Couch, Huntingdon county."

#### BILLS IN PLACE.

Mr. PENNEY read in his place and presented to the chair, a bill, entitled, "An Act to incorporate the Birmingham insurance company."

Mr. MARSELLIS, "An Act to aid in establishing the School of Mines."

Mr. RUTHERFORD, "A supplement to an act, entitled 'An Act to incorporate the South Mountain railroad company,' approved May 5, 1854."

Mr. BELL, "An Act to incorporate the Black Rock bridge company of Chester county."

Also, "An Act regulating the fees of auditors appointed by any of the courts of the city and county of Philadelphia."

Mr. BREWER, "An Act incorporating the Pennsylvania and Maryland Line turnpike road company."

Also, "A joint resolution of thanks to Mr. L. Hachette."

Mr. CRAIG, "An Act to incorporate the Perryville bridge company."

Mr. WRIGHT, "A supplement to an act incorporating the Blockley and Merriam turnpike and plank road company."

Mr. GAZZAM, "An Act incorporating the city and county insurance company of Allegheny city."

Also, "An Act incorporating the Chartier's and Robinson township turnpike road company."

#### ORIGINAL RESOLUTIONS.

Mr. BELL offered the following resolution:

*Resolved*, That the Committee on Railroads be requested to report to the Senate, at as early a day as practicable, all the bills referred to it, relative to proposed passenger railways in the city of Philadelphia, and that all action on any of the said bills be suspended until all of them be so reported and printed for the use of the members.

Mr. BELL made a brief statement in support of the resolution.

Mr. RANDALL had no objection, except as it proposed to suspend action on all bills. As to the objection of the Senator that he had not been able to examine them, he would state that they had been published in the papers for three weeks. He had, himself, loaned bills, so that every possible publicity should be given to them.

Mr. BELL was surprised that any Senator should object. The resolution was simply offered with a view of furnishing information. He had not examined the papers to see what bills will be offered here, and he desired an opportunity of examining them in the usual way.

Mr. RANDALL moved to amend, by striking out all after the words "city of Philadelphia."

The amendment was agreed to, and the resolution, as amended, passed.

The Deputy Secretary of the Commonwealth being introduced, presented a report of the president, superintendent and finance committee of the Western Pennsylvania hospital.

#### ORDERS OF THE DAY.

The bill, entitled "A supplement to an act incorporating the Fayette County railroad company," came up in order on third reading.

Mr. PENNEY said if the bill was allowed to lie over until Monday, he should make no objection. There was no hurry for the passage of it, and it should take the usual course.

Mr. TURNEY remarked that the delay would subject the parties who are interested to great inconvenience. Some of them are here, waiting action in the matter, and it was important that steps should be taken to put things under way. There was no secret involved in it—no mystery—no snake—but a plain proposition. He was in favor of granting the privilege of making a road whenever they had the money to build it; and he hoped there would be no obstacle interposed to the passage of the bill.

Mr. GAZZAM said he would not have spoken, if the reasonable request of his colleague had been complied with. He had no disposition to oppose the bill; but if the Senator from Westmoreland was pertinacious, he could not be surprised if others should be equally persistent in their demands. Why, he asked, should there be any objection to the bill lying over for a few days? He was disposed to go for the bill, but unless the reasonable request for its delay be complied with, he should be compelled to vote against it.

Mr. MILLER remarked that the road asked for was a short one, and he could not see what object the gentleman could have for the postponement of the bill. The Senators from Allegheny were opposed to a road, twelve miles long, in Fayette county, for no other reason than that her people refused to pay tribute to Pittsburgh, by going around that distance, for the purpose of reaching market. The plan pro-

posed was the nearest and cheapest one to market, and he could not see what interest Pittsburgh could have to oppose it, unless it was to compel the people of that county to pay tribute to her. It was, he said, an illiberal policy to pursue. He alluded to the opposition of that city to the Hempfield road, because of the fear that a portion of its trade might be diverted, and which cost that road one million of dollars. If it had not been for that opposition, he said, that road would have been in successful operation. Another effect of the illiberal policy of the city of Pittsburgh, was their opposition to the bridge at Wheeling, which the Baltimore and Ohio railroad wished to construct, which aroused a spirit of retaliation on the part of Virginia.—When Pittsburgh desired to build a road to Steubenville, to do which it was necessary to cross what is known as the Pan Handle, they refused the right of way. This opposition also cost a great amount of money, and prevented the road from being built. Of Pittsburgh he was proud, as a western man—she was the great work-shop of Pennsylvania—he gloried in her, and her interests should be protected. It required no force work to make of her a great city, and she should not seek to be fostered at the expense of her neighbors.

Mr. GAZZAM expressed his thanks to the Senator from Washington for the disposition which he had to guard the interests of Pittsburgh. His position with reference to the bill, was not one of objection, or a desire to defeat it, but simply that its consideration may be delayed for a few days, in order that he may be able to determine whether there was anything in it affecting the interests of Pittsburgh. The Senator from Washington had alluded to the opposition to the Hempfield railroad, as having cost that road one million of dollars. They might have saved that sum, if they had taken the suggestions of the natural advantages which were made as to route. He was in favor of taking roads wherever there was money to build them; but in this case, he simply asked that the consideration of the bill may be postponed until Monday, in order that time may be afforded for examining its provisions.

Mr. SCHELL had made it a general rule to vote in favor of the unrestricted construction of railroads. At first blush he had thought it possible there might be something in the bill which would tend to obstruct the completion of the Connelville road; but upon an examination he could see no serious injury that can accrue. His district was interested in the Pittsburgh and Connelville road; and if he were satisfied any injury would result to it from the passage of this bill, he would have no doubt as to his course. It is true, it may affect the bonds which that company are negotiating, and it is possible that, upon that ground, the Senators from Pittsburgh may be justified in desiring a postponement.

Mr. PENNEY did not wish to discuss the merits of the bill, at the present time. The discussion had already taken some range, and he was not now disposed to allude to it. With regard to the granting of charters for the construction of roads, the country had made a mistake. Charters should not be granted to all companies asking the privilege of building roads; but the best commercial routes should be selected, and localities where trade demands that they should be built. The people, he said, had been mistaken in the west, and had allowed the railroad mania to run riot. Every man who thought he wanted a railroad through his farm, was permitted to have it. Had not so many of these wild projects been carried through, there would not now be seen so many roads languishing for the want of capital and trade to sustain them.

Every man on the proposed route, was, he



said, already within ten miles of either the Pennsylvania or Connellsville road; and he asked whether it was policy to run roads in such close proximity to each other? It was a mistaken policy, and should be corrected. He was not speaking of the interests of Pittsburg, particularly, but of the interests of general roads, which should be first cared for before diverging lines were constructed, particularly when those roads need centralizing aid.

He only asked that the matter be postponed until Monday. It had been hurried through the House, without reference, perhaps, and without discussion. He would move that the bill lie over until Monday.

Mr. TURNEY hoped the motion would not prevail. He would be pleased to gratify the Senator from Allegheny, and would consent to his request, if any satisfactory reason had been urged. The proposed road is a feeder of the Connellsville road, and is the best project which Pittsburg could originate.

Mr. HARRIS wished the Senator to allow the motion to prevail. It was a reasonable request, and should be complied with.

Mr. GAZZAM remarked that the only reason why he was desirous that the bill should lie over, was that time might be afforded for an examination of its provisions. The refusal of the friends of the bill to delay its passage, was calculated to excite suspicion that all was not right.

On the motion to postpone,

The yeas and nays were required by Mr. PENNEY and Mr. TURNEY, and were as follows, viz:

YEAS—Messrs. Brewer, Coffey, Finney, Gazzam, Harris, Marselis, Myer, Palmer, Penney, Rutherford, Schell, Scofield and Shaeffer—13.

NAYS—Messrs. Blood, Craig, Fetter, Francis, Keller, Miller, Nunnemacher, Parker, Randall, Schindel, Steele, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—16.

So the question was determined in the negative.

The question recurring upon the final passage of the bill, it was determined in the affirmative.

Mr. MYER desired to make a statement. He was reported in the *Record* proceedings of yesterday, as having asked "if this bill was unworthy, why did not the committee report it with a negative recommendation?" He was speaking of the wrong policy of the bill under consideration being acted upon, before the others in the hands of the railroad committee had also been reported, either favorably, or with a negative recommendation, thus affording an opportunity to the Senate of judging of their respective merits. The report placed him in the light of favoring the bill, whereas he was opposed to its taking precedence of others of a similar character.

A joint resolution relative to the pay of witnesses in the Cambria county contested election case, came up on second reading.

On the adoption of the resolution,

The yeas and nays were required by Mr. TURNEY and Mr. GREGG, and were as follows, viz:

YEAS—Messrs. Baldwin, Finney, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penney, Rutherford, Shaeffer, Thompson, Yardley and Cresswell, *Speaker*—14.

NAYS—Messrs. Bell, Blood, Brewer, Coffey, Fetter, Keller, Marselis, Miller, Nunnemacher, Randall, Schell, Scofield, Schindel, Steele, Turney, Welsh and Wright—17.

So the question was determined in the negative.

The motion to postpone indefinitely the consideration of "A supplement to the act incorporating the Germantown passenger railway company," came up in order.

Mr. MARSELIS desired a postponement of

the bill, for the same reasons he had urged yesterday. The printer was, he understood, at work preparing the bills, and they would all be on file in a few days, when Senators would have ample opportunity of being advised of their merits.

Mr. HARRIS said it was hard for Senators from the rural districts to come to any conclusion, when the delegation from the city itself was divided. He wished to vote intelligently, and before he could do so, he desired information with reference to the matter.

Mr. RANDALL remarked that the Senator from Butler did not understand the effect of the motion. It required a vote of two-thirds again to bring it up.

Mr. BREWER suggested that the Senator would effect his object by allowing the motion to prevail. Within six days it could be reconsidered, during which interval there would be ample opportunity for obtaining all the information desired.

Mr. MILLER had never taken part in the local affairs of Philadelphia, and was disposed, as a general thing, to let them manage their own affairs. He would favor the postponement asked for, if he thought those seeking it desired information as to the provisions of the bill; but he did not think such was the object. He was not insensible to what he heard outside—and that, too, without the desire or intention of hearing—that the object of delay was that another bill might be substituted. That was the main object, and not an opportunity of ascertaining the merits of the projects. A day or two ago, the Senator from Philadelphia, who now desires a postponement, eulogized the company seeking the extension of their corporate privileges, in the highest terms.

Mr. MARSELIS rose to explain. The company which he had eulogized and the one now asking for the passage of this bill, were distinct parties. He was speaking of the former body, not of the present.

Mr. MYER hardly knew what to infer from the remarks of the Senator from Washington, in which those who advocate the postponement of this bill are charged with dishonest motives.—So far as he was concerned, he repelled, with indignation, the imputation of dishonesty. The motion for the postponement was made in good faith, and with a view of giving all parties interested, a fair and impartial hearing before the Senate. He stated, at the time he made the motion to postpone indefinitely, that it was not made for the purpose of defeating the bill, but for the sole purpose of allowing the Senator from Philadelphia to express his views with regard to it.

Mr. BELL, very unexpectedly to himself, felt called upon to say something with reference to this question. He also disclaimed the motives which were imputed, by the Senator from Washington, to those who had favored a postponement of the bill. It was with deep surprise that he had heard the expressions of the gentleman. How the idea should have been conceived, much less expressed, he was at a loss to conjecture, that a body like this should be influenced, by outside pressure, in the discharge of its duties. He knew nothing of the company asking for the passage of this bill, or the persons composing it, nor what are its merits. He simply desired that each of the parties interested in the matter should have an opportunity of being heard; and that was the reason why he had submitted the proposition which he did to delay action on all bills relating to this subject. It was, he said, a foregone conclusion, as indicated by a previous vote, that the bill will be passed, regardless of the rights of all others.

Mr. MARSELIS said it was due to himself that he should add a few words to what he had previously said. His motives had been impugned in seeking a postponement of this bill.

If there was any reason for this, he should like the Senator to speak out a little plainer, and say upon what ground he had placed a construction upon his motives.

He objected to the bill because, if the road is to be built, the construction of it should be given to citizens of Philadelphia, residing along the route, and who are interested in seeing the work properly performed, rather than to corporations already in existence.

Mr. MILLER said he owed it to himself, as well as the Senate, that he should make a statement with reference to what had fallen from him when last upon the floor. He might have let fall a remark which would warrant the feeling which Senators had evinced; but he was not aware that anything to which he had given expression, could be construed into a reflection upon any member of this body, or any gentleman connected with the bill. It was certainly not his intention to do so; and whatever he did say, perhaps unguardedly, there was nothing which could be justly construed into a reflection upon the motives, which those who sought a postponement of the bill had placed upon his remarks.

Mr. WELSH said the remarks of the Senator from Philadelphia clearly indicated that the object of delay was for information; and yet he tells us he is opposed to both projects, and in favor of a third. There had been considerable said about there being afforded no opportunity for deriving information. No attempt had been made to stifle consideration of the bill; but ample opportunity had been afforded for a proper understanding of the case. The whole thing, he said, was a struggle between men seeking control of these roads; and while he would impugn no man's motives, they should not come here and charge the friends of the bill with seeking to prevent them from deriving every necessary information with regard to it.

Mr. COFFEY should vote against the postponement of the bill. There was not a Senator on the floor who has not had an opportunity of being advised of its merits. He had examined it himself, and every opportunity had been afforded to others of an examination. He was in favor of the bill, because he thought it was right. There had been no remonstrance against it; it was conceded that some party should construct a railway along Fourth and Eighth Streets, and it was for the Senate to decide (perhaps it may arbitrarily,) who the party shall be, to do that which, when done, all admit will be right.

Mr. BREWER had never, in his brief legislative career, seen a bill with such extraordinary provisions as the one which was now before the Senate. In many respects it was defective, and he wished a postponement of it, in order that it may be amended. Power was given in the bill to this company, to run over any street on either side of Eighth and Market, and he asked whether the Senate was willing to give to any company such powers? It was no more than fair to the Senators from Philadelphia, a majority of whom desire it, that the bill should be postponed. As for himself, he had no feeling upon the subject. The parties were strangers to him, but he desired to vote upon the question, so that he could feel that he had discharged his duty to himself and the public.

Messrs. RANDALL and WRIGHT briefly discussed the question; and pending the remarks of Mr. WRIGHT, the hour of one o'clock having arrived, the SPEAKER adjourned the Senate until to-morrow morning at 10½ o'clock, that Senator having the floor.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, Feb. 4, 1859.

The House was called to order at the usual hour by the SPEAKER.



The Clerk read the Journal of yesterday.

The SPEAKER laid before the House the report of the auditors appointed to audit the account of the Seamen's fund society of Philadelphia.

Mr. M'CLURE, on leave, offered a resolution that the special committee appointed to try the contested election case, in which Mr. Matthews is contestant, have leave to proceed to Philadelphia, for the purpose of taking further testimony.

Mr. MILLER said he did not see any necessity for taking another journey to Philadelphia.

Mr. M'CLURE remarked that at first there was some doubt in his mind whether the resolution under which the committee was authorized to go to Philadelphia a few days ago, would authorize them in again going there.

Mr. GRITMAN said, when it was first proposed in committee that it would be a great saving of expense to the city of Philadelphia for the committee to sit in Philadelphia, I voted against it, in committee and in this House, on the grounds that the duties of my office, and the interest of my county and constituents require my constant presence in this House; but the majority of that committee compelled my attendance, under the laws relating to contested election cases. I am utterly opposed to the resolution, although it be a saving of expense to the city of Philadelphia—for it is well known by all who have any knowledge upon the subject, that the State does not defray any portion of the expense.

Mr. M'CLURE remarked that unless the committee went to Philadelphia, it would be impossible to get a quorum of the members here.

Mr. ROSE observed that during the short time the committee were in Philadelphia, they took the testimony of thirty witnesses. It was, consequently, a saving to the Commonwealth of a large amount of money. He confessed he did not feel like going to Philadelphia again, but as the majority of the committee were desirous to go, he should offer no objection.

Mr. GRITMAN repeated, that he thought the resolution under which the committee had been appointed, did not authorize them to go to Philadelphia more than once. For his own part, he did not want to go there again.

The question being taken on the resolution, it was adopted.

Mr. THORN moved that the regular order for to-day be suspended, in order to receive reports of committees; which was agreed to.

Mr. GOEPP further moved to include bills read in place; which was also agreed to.

#### LEAVE OF ABSENCE.

Mr. NILL asked and obtained leave of absence for J. W. FLETCHER, an assistant Sergeant-at-Arms.

Mr. WARDEN for Mr. SHIELDS.

Mr. ROSE for Mr. RAMSDALL.

Mr. WILLIAMS (Bucks,) for Mr. LAWRENCE (Washington.)

Mr. M'DOWELL for Mr. BAYARD.

Mr. WALKER for an assistant Doorkeeper.

Mr. ZOLLER for Mr. FEARON.

Mr. KETCHUM for Mr. PUGH and Mr. GRITMAN.

Mr. M'CURDY for Mr. PINKERTON.

Mr. KINNEY for Mr. TAYLOR.

Mr. TAYLOR for an assistant Doorkeeper.

Mr. WILCOX for the few members and officers remaining.

Mr. WOLF for Mr. GLATZ.

#### REPORTS OF COMMITTEES.

Mr. HOTTENSTINE, from the Committee on Roads and Bridges, reported, as committed, "An Act relative to the election of supervisors in Salem township, Westmoreland county;" also, as committed, Senate bill No. 48.

Mr. STEWART, (same,) as committed, the following: "An Act to incorporate the Green-

castlo and Maryland State Line turnpike road company."

Mr. QUIGLEY, (same,) as committed, "An Act to change the time for the election of officers of the Susquehanna and Lehigh turnpike road company."

Mr. DURBORAW, (same,) as committed, "An Act to incorporate the Richlandtown turnpike road company."

Mr. CAMPBELL, (same,) as committed, "An Act declaring McMichaels creek, in Monroe county, a public highway, and to prevent the destruction of fish, &c."

Mr. WALKER, (same,) as committed, "An Act repealing an act passed May 16, 1857, authorizing the location of a State road through parts of Washington and Green counties."

Mr. PENNELL, (same,) with amendment, "An Act authorizing the Governor to incorporate a company to erect a bridge over Clearfield creek, in Clearfield county, at Alexandria Fording."

Also, (same,) as committed, "An Act to incorporate the Uniontown and Virginia State line turnpike road company."

Also, (same,) as committed, "An Act to appoint commissioners to re-survey and establish the lines of the main road running through a part of Wilkesbarre township, Susquehanna county."

Mr. WILLIAMS, of Bucks, (Banks,) as committed, "An Act to incorporate the Lewistown Bank."

Mr. LAWRENCE, of Washington, (same,) with amendment, "An Act repealing the several sections of the act of 16th April, 1850, which imposes penalties on individuals and corporations for receiving and passing small notes of foreign banks."

Mr. ROHRER, (Estates and Escheats,) with a negative recommendation, "A supplement to the act relating to corporations, and to estates held for corporate, religious and charitable uses."

Mr. SMEAD, (same,) with a negative recommendation, "An Act authorizing the sale of property belonging to the Keystone Division Sons of Temperance, in Newton Hamilton."

Also, (same,) with amendment, "A further supplement to the act relating to a burial ground and school lot in the borough of Pottsville."

Mr. TAYLOR, (same,) as committed, "An Act relative to limitations of actions against real estate."

Mr. MILLER, (Corporations,) with amendment, "An Act to incorporate the Clearfield gas company."

Also, (same,) with amendment, "An Act to incorporate the American improvement and loan company."

Mr. QUIGLEY, (same,) as committed, "An Act to incorporate the Southwark soup society of Philadelphia."

Also, (same,) as committed, "An Act to incorporate the Union mutual fire insurance company of Montgomery county."

Mr. CHURCH, (same,) as committed, "An Act to incorporate the village of Corsica, Jefferson county, into a borough."

Also, (same,) as committed, "A supplement to the act incorporating St. Paul's church of Philadelphia."

Also, with amendment, "An Act to incorporate the People's insurance company of Philadelphia."

Mr. HAMERSLY, (same,) as committed, "A supplement to an act to incorporate the Big Mountain improvement company."

Also, as committed, "An Act to incorporate the trustees of the Young Men's Christian building association of Philadelphia."

Mr. FISHER, (same,) as committed, "An Act to incorporate the Philadelphia theatre."

Also, (same,) as committed, "An Act relative to certain charitable corporations."

Mr. GLATZ, (same,) with amendments, "A further supplement to the act incorporating the borough of Scranton."

Also, (same,) as committed, "A supplement to the act incorporating the Mutual fire insurance company of Sinking Springs, Berks county."

Mr. ACKER, (same,) with a negative recommendation, "An Act to incorporate the Hanover association for detecting horse thieves, and recovering stolen horses."

Also, (same,) as committed, "An Act to incorporate the members of the Olivet Methodist Episcopal church of the village of Coatsville, Chester county."

Mr. ELLMAKER, (same,) as committed, "An Act incorporating the First Presbyterian church and cemetery in the borough of Strasburg."

Mr. GOEPP, (Judiciary,) with a negative recommendation, "An Act to change the mode of collecting taxes in Bucks county."

Mr. CHASE, (same,) as committed, "An Act relating to the taking of depositions."

Also, (same,) as committed, "An Act relating to postmasters in the township of Great Bend, county of Susquehanna."

Also, (same,) as committed, "A further supplement to the act of 29th March, 1713, relative to limitation of actions."

Also, (same,) as committed, "A supplement to the act to enable the county of Warren to effect certain compromises."

Also, (same,) as committed, "An Act to prevent the destruction of fish in McMichael's creek, Monroe county."

Mr. IRISH, (same,) as committed, "An Act declaring Eliza N. Kramer, and adopted child of Rev. James Gray."

Also, (same,) as committed, "An Act providing for the election of an additional law judge in the county of Allegheny."

Also, (same,) as committed, "An Act to regulate disbursements from the treasury of Allegheny county."

Mr. NILL, (same,) as committed, "An Act to abolish the board of revenue commissioners."

Also, (same,) with amendment, "An Act relating to the collection of taxes in the several counties of the State."

On his motion, ordered that three hundred copies of the above bill be printed for the use of the House, and that the same be printed in the *Legislative Record*.

Mr. GRATZ, (same,) as committed, "An Act relating to the fees of aldermen and constables in criminal and penal cases in the city of Philadelphia, and to issuing processes thereon."

Also, (same,) as committed, "An Act to abolish the board of health of the city and port of Philadelphia, and to provide for the appointment of commissioners of health for said city and port."

Mr. KETCHUM, (same,) with a negative recommendation, "An Act authorizing the election of collectors of State and county taxes in the county of Bucks."

Also, (same,) as committed, "An Act authorizing the sheriff of the county of Schuylkill, to advertise the sale of real estate in three daily newspapers."

Mr. GRITMAN, (same,) as committed, "An Act to repeal an act regulating the manner of voting at general elections in the counties of Wayne and Schuylkill, so far as relates to the county of Schuylkill."

Also, (same,) as committed, "A supplement to the act to provide for the erection of a House for the support and employment of the poor, in the county of Schuylkill," passed April 4, 1831.

Mr. M'CLURE, (same,) as committed, "An Act defining the punishment for certain officers."

Also, (same,) as committed, "An Act relative to pawnbrokers in the city of Philadelphia."

Mr. THOMPSON, (same,) as committed, "An Act authorizing the school directors of the



borough of Bedford to borrow money, and for other purposes."

Also, (same,) with a negative recommendation, "An Act relative to bringing suits against Butler and Lawrence counties."

Also, (same,) as committed, "An Act for the protection of dogs in York county."

Mr. IRISH, (same,) with a negative recommendation, "An Act for the conveying of convicts from one county to be tried for offences committed in another, while undergoing their sentence."

Mr. M'CLURE, (same,) with a negative recommendation, "An Act changing the venue of a certain action from Union to Northumberland county."

Mr. KETCHUM, (same,) with a negative recommendation, "An Act to authorize certified copies of records of insurance companies to be admitted as evidence."

Mr. GOEPP, (same,) "An Act to authorize certified copies of records of insurance companies, to be admitted as evidence, with a negative recommendation."

Mr. NILL, (same,) with a negative recommendation, "An Act for the better securing the payment of the wages of labor in Northumberland county."

Mr. CHASE, (same,) as committed, "An Act relating to townships."

Mr. GRATZ, (same,) as committed, "An Act for the registration of births, marriages and deaths, in the city of Philadelphia."

Mr. LAIRD (Education,) as committed, "An Act to incorporate the Union school directors of Wattsburg, Erie county."

Mr. PUGH (same,) with amendment, "A further supplement to an act for the regulation and continuance of a system of education by common schools."

Mr. FOSTER (same,) as committed, "An Act to incorporate the California seminary of Washington county."

Mr. WOODRING, from the committee on accounts, made a report in relation to the postage of the House, accompanied with the following, which was twice read, considered and adopted:

*Resolved*, That the SPEAKER draw his warrant in favor of G. W. Porter, P. M., Harrisburg, for \$2,814.24 in full, for postage, during the month of January.

Messrs. SHEPPARD and STONEBACK, from the Committee to Compare Bills, reported that they had presented to the Governor for his approval the following acts:

"Joint resolution relative to fitting up the Hall of the House of Representatives."

"A further supplement to the act authorizing the Governor to incorporate the West Chester and Wilmington plank road company."

"Resolution to pay the claims allowed by the late board of Canal Commissioners."

"A supplement to an act to incorporate the Williamsport water company."

"Joint resolution relative to the pay of A. L. Linton for services as clerk to contested election committee."

"An Act to fix the place for holding elections in Hamlin township, M'Kean county."

"An Act to change the place of holding the general, special and township elections in West Branch township, Potter county."

"A further supplement to an act to incorporate the Tyrone and Lock Haven railroad company."

"An Act to repeal an act to change the place for holding elections in Porter township, Schuylkill county, approved Feb. 9, 1858."

Mr. M'CLURE moved that the bill erecting a new judicial district, to be called the Twentieth, be re-committed to the Committee on Judiciary.

Mr. BOYER, (Clearfield,) opposed the motion briefly.

Mr. CHURCH moved that the further consideration of the question be postponed for the present.

And on the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. M'CLURE and Mr. ROSE, and were as follow, viz:

YEAS—Messrs. Balliet, Barnsley, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Chase, Church, Custer, Dismant, Evans, Fleming, Foster, Goepf, Good, Graham, Gray, Green, Gritman, Harding, Hill, Hottenstine, Irish, Jackson, Keneagy, M'Clain, Miller, Neall, Nill, Oaks, Palm, Price, Quigley, Sheppard, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Wagonseller, Walborn, Warden, Whitman, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf, Woodring and Lawrence, *Speaker*—52.

NAYS—Messrs. Abbott, Acker, Bryson, Burley, Campbell, Durboraw, Eckman, Ellmaker, Fisher, Galley, Gratz, Hamersly, Ketchum, Kinney, Mann, M'Clure, M'Curdy, M'Dowell, Pennell, Peirce, Proudfoot, Pugh, Rose, Shafer, Smead, Taylor, Thompson, Walker, Wigton, Williston and Zoller—31.

So the question was determined in the affirmative.

Mr. WILLIAMS, (Bucks,) (Claims,) as committed, "An Act to authorize the State Treasurer to pay Messrs. A. K. and A. L. Witmer, for damages sustained in consequence of a collision on the Columbia and Philadelphia railroad."

Mr. WAGONSELLER, (same,) with amendment, "An Act to refund to Michael Kleckner and others certain moneys, &c."

Mr. WOLF, (same,) as committed, "An Act to authorize the State Treasurer to pay Nathaniel White for damages sustained by him from the Commonwealth."

Mr. LAIRD, (same,) with amendment, "An Act to refund to William Coulter certain moneys and expenses paid by him to the commissioners of the Nicholson court."

Mr. ABBOT, (same,) with amendment, "An Act to pay the claim of Charles Fisher."

Also, (same,) as committed, "An Act for the relief of Wm. O. Hickok, of Harrisburg."

Mr. THORN, (Ways and Means,) as committed, "A joint resolution relative to the pay of Theophilus Snyder, Sergeant-at-Arms of the Senate, for serving writs of election in the Twelfth Senatorial district."

Mr. WILCOX, (same,) with amendment, "An Act to reduce the expenses of collecting taxes in the county of Fayette."

Mr. WALBORN, (same,) as committed, "An Act relative to the assessment of taxes in the township of Thornbury, Delaware county."

Mr. M'DOWELL, (same,) with a negative recommendation, "An Act relative to State taxes."

Mr. CHASE, (same,) with amendment, "Joint resolution extending time, and continuing the salary of the editor of the Colonial Records."

Also, (same,) as committed, "A supplement to an act relative to the collecting of taxes in Crawford county, &c."

On motion of Mr. MILLER, said bill was passed finally.

Mr. SMITH, (Berks,) (same,) with a negative recommendation, "An Act relative to the increase of State tax."

Mr. GREEN, (same,) as committed, "An Act to increase the salaries of the judges of the court of common pleas of Philadelphia city."

Mr. THORN, (same,) as committed, "Resolution relative to the payment of certain moneys into the State Treasury, by the Manufacturers' and Mechanics' Bank of Philadelphia."

Mr. KETCHUM, (Railroads,) as committed, "A further supplement to an act to incorporate

the Lackawanna and Bloomsburg railroad company, approved April 5, 1852."

On his motion, said bill was taken up and passed finally.

Mr. BURLEY, (same,) as committed, "An Act to incorporate the Newry railroad company, of Blair county."

Mr. M'DOWELL, (same,) as committed, "An Act authorizing a change in the name of the Allegheny and Bald Eagle railroad, coal and iron company, in Centre county."

Mr. EVANS, (same,) as committed, "An Act to revive the charter of the Lancaster, Lebanon and Pine Grove railroad company."

Mr. SMITH, (Berks,) (same,) as committed, "An Act to authorize the Schuylkill Valley railroad company, of Schuylkill county, to extend their railroad from Tuscarora to connect with the Little Schuylkill railroad at Tamaqua."

Mr. WALBORN, (same,) as committed, "An Act to incorporate the Council Ridge and White Haven railroad company."

Mr. THORN, (same,) as committed, "An Act relative to passenger railway companies in Philadelphia."

Mr. BOYER, of Clearfield, (New Counties and County Seats,) as committed, "An Act for the erection of a new county, to be called Pine."

Mr. WILLISTON, on leave, presented a petition from the officers of the Tioga County Bank, and resolution asking for an investigation of the affairs of said Bank. The resolution is as follows:

*Resolved*, That a committee of three be appointed by the SPEAKER of the House to inquire into and examine as to the solvency of said Tioga County Bank, and report to this House; which was read the second time,

And on the question,

Will the House agree to the resolution?

Mr. GRITMAN said he was opposed to the resolution, and he would give his reasons why in as few words as he was able. He was aware that the resolution was of a similar nature to that which had been passed by the House of Representatives, at the last session of the Legislature, appointing a committee to investigate the affairs of the Shamokin Bank, and a resolution of a like character had been introduced and defeated. The reason why he was opposed to this resolution was this: When the resolution was introduced in the Senate, in relation to the Shamokin Bank, it was there said by Senators that if the Bank wished to establish its credit, they could easily do so by paying their bills and keeping their notes at par, or at a reasonable discount. But here was an application to the House of Representatives to assure the community of the safety and sound condition of the Tioga County Bank. Now, he was not unfriendly to the Tioga Bank, the Shamokin Bank, or the Crawford County Bank; on the contrary, he was friendly to the officers of the Tioga Bank, and they were friendly to him. It would be shown, when the evidence came to be printed in the Executive Documents, which was taken by the committee of investigation, that even-handed justice had been done that bank—that nothing was there set forth except upon the showing of their own officers. And now the petition just presented, showed that the bank had changed hands since the investigation into its affairs, and that it was now under better management, and in sound condition. If, then, that was the fact, the community would not be long in finding it out. He repeated that he was opposed to the course of proceeding now proposed, in respect to that bank, as it was not a matter of necessity, and where it was not for the benefit of the bank, it not having been alleged, that he was aware, that the bank was in an insolvent condition, or that the people were in danger of suffering by it. If they were, then he would have no objection that the public treasury should be called



upon to pay the expense of investigating the affairs of the Tioga Bank. Now, when that institution was before the last Legislature, it was upon specifications fully set forth, in a specific form. It was then alleged that the bank was not in a sound condition, and that it was necessary to investigate its affairs, in order to the protection of the community. But when a resolution came in here, asking this House, in so many words, to white-wash this bank, he contended that it was not our province, nor any part of our duty. He would himself be in favor of investigating any bank where sufficient reasons were adduced; but to have it done for the purpose of bolstering up this, or any other bank, it was, he thought, asking too much of this House, and more than the Senate had evinced a disposition to comply with. The Bank must vindicate its character and reputation itself. It was their duty to establish their own credit with the community, and all that had heretofore been done by the authority of the Legislature, and by sanction of the Executive, was to be found in the testimony derived from the books of the bank itself. The committee could not go anywhere else. They could not collect information from outside sources. He would again reiterate, the committee obtained the evidence from the books of the bank itself, and therefore, if it was a solvent institution, their books would show it.

Mr. WALBORN. I rise, sir, to move the postponement of the resolution.

Mr. THORN. I ask the gentlemen to withdraw his motion for a moment, in order that I may move an amendment.

Mr. WALBORN then withdrew his motion; and

Mr. THORN then moved the following amendment:

Add to the proviso—Provided that the said Tioga Bank shall defray all the expenses of the committee, and before the committee shall enter upon an investigation the Bank shall give their consent thereto.

Mr. THORN. Now, sir, I rise to renew the motion of my colleague, (Mr. WALBORN.)

Mr. WILLISTON said he had to offer an apology to the House at this time. He did not suppose that the presentation of the resolution would have provoked debate. He did not stand there as the champion of any bank. If he recollected aright, the gentleman, (Mr. GRITMAN,) proposed, at the last session, an investigation of the bank to which he had referred, in accordance with the recommendation contained in the Governor's message. And a committee was accordingly appointed. All that he (Mr. WILLISTON) knew relative to this bank, was from what he had heard here.

Mr. GRITMAN remarked that he was willing the bank should have all the credit that was due it, for he entertained the highest regard for all its officers.

The question being taken on the motion to postpone; it was agreed to.

Mr. CHASE, on leave, from the Committee on Ways and Means, reported, as committed, "Joint resolution to pay Thomas H. Porter, late member of this House, and I. H. Wells, clerk of the contested election committee;" and on his motion, the rules in this case being dispensed with, the resolution was read the second time.

Mr. GOEPP moved to amend the same, by increasing the pay of Mr. Porter two dollars; which would then make his compensation proportionate to the pay received by a sitting member; but the amendment was lost.

And the resolution passed finally.

Mr. WIGTON, (Ways and Means,) as committed, "Supplement to the act relative to the non-payment of the enrolment tax."

Mr. GALLEY, on leave, moved that the bill for the incorporation of a Normal school at

California be re-committed to the Committee on Education.

Mr. ROSE moved that the further consideration of the question be postponed for the present; which was not agreed to, and the question being again taken, said bill was re-committed.

#### BILLS IN PLACE.

Mr. WILCOX read in his place and presented to the Chair, "An Act to appoint road commissioners to take charge of a portion of the Milesburg and Smithport turnpike road in the counties of Clearfield and Elk."

Mr. FLEMING, one authorizing the auditors of Forest county to re-audit the State accounts of Wm. R. Coon, formerly treasurer of said county.

Mr. WAGONSELLER, one to incorporate the Lewisburg, Selinsgrove and Philadelphia Junction railroad company.

Mr. PENNELL, one to increase the pay of the collectors of State and county tax in the several townships and boroughs of Delaware county.

Mr. ROHRER, "A supplement to the act incorporating the borough of Kittaning, Armstrong county."

Mr. JACKSON, "An Act extending the provisions of the fifteenth section of the act of April 2, 1853, incorporating the Rosemont cemetery company; relative to judicial proceedings, &c., in Columbia and Monroe; to a certain State road; to the bounty upon fox scalps in Luzerne county; to hunting in certain counties, &c., to the county of Wyoming."

Mr. FEARON, "A supplement to the act incorporating the Lock Haven and Flemington plank road and turnpike road company."

Mr. GREEN, "An Act to exempt the property of the Old Columbia public ground company from taxation."

Also, one relating to licenses within this Commonwealth."

Mr. PUGH, one authorizing William Hull, of Blakely township, Luzerne county, to sell certain real estate.

Mr. GOEPP, "An Act relating to void marriages."

Also, "An Act to preserve the lieu of mortgages in certain cases."

Mr. SMITH, (Philadelphia,) one to restore Thomas Donohue, of Philadelphia, to the rights and privileges of a citizen.

Also, one to incorporate the Warwick manufacturing company.

Also, "A supplement to the act incorporating the Mutual savings and loan association of Philadelphia."

Mr. SHAFFER "A supplement to the act incorporating the Newtown Square and Paoli plank road company."

Mr. IRISH "A supplement to the act relating to counties and townships and county and township officers."

Mr. ABBOTT, "An Act relative to the board of guardians of the poor of the city of Philadelphia."

Mr. BRODHEAD, "An Act extending the provisions of an act concerning the appointment of road viewers and road damages in Northampton county to the county of Monroe, approved 22d April, 1858."

Mr. WHITMAN, "A further supplement to the act authorizing the Governor to incorporate the Bear Mountain railroad company, and for other purposes, approved July 13, 1842."

Mr. QUIGLEY "An Act to incorporate the Chemical works of Philadelphia."

Also, "An Act relative to Whitney street, Philadelphia."

Also, "An Act to extend the time for which assessors are elected in the city of Philadelphia."

Mr. HILL, "An Act abolishing the separate

school districts erected out of a portion of the township of Upper Salford in Montgomery county."

Mr. ACKER, "An Act to incorporate the Farmer's market company, of Philadelphia."

Mr. PEIRCE, one relative to the appointment of a notary public in Chester county.

Mr. WAGONSELLER, "An Act authorizing the Auditor General and State Treasurer to examine and report upon the claim of the bail of H. D. Rodearinel, late supervisor on the Susquehanna division Pennsylvania canal."

Mr. ECKMAN, "An Act authorizing the sale of the armory of the Fredericksburg Guards, of Fredericksburg, Lebanon county, a disbanded corps."

Also, "A supplement to the act incorporating the South Mountain railroad company, approved May 5, 1854."

Mr. RAMSDELL, "An Act authorizing the laying out of a State road from the mouth of Clarion river, Clarion county, to Franklin, Venango county."

Mr. BURLEY, "A supplement to an act incorporating the Tuckahoe and Mt. Pleasant plank road company."

Also, "An Act to authorize the payment of the claim of Jno. C. Couch, of Huntingdon county."

Also, one for the payment of the claim of James Bell, of Tyrone, Blair county.

Mr. EVANS, "An Act to incorporate the Washington passenger railway company, of Philadelphia."

Mr. NILL, "An Act supplementary to an act, entitled 'An Act relating to certain duties and rights of husband and wife, and parents and children, passed May 4, 1855.'"

Mr. ROSE, one relative to the administration of justice in Mercer county.

Also, "A further supplement to an act incorporating the Mercer and New Castle railroad company."

Mr. NEALL, "An Act to incorporate the Fairmount market company, of Philadelphia."

Mr. M'DOWELL, "An Act to authorize the school directors of Allegheny county to select sites for school houses."

Mr. ROHRER, "A supplement to an act to incorporate the University of Kittaning."

Mr. SMITH, (Berks,) "An Act regulating the penalty for the sale or gift of spirituous vinous, malt or brewed liquors, &c., or permitting the same to be drank."

Also, "An Act repealing the act repealing seven, eight and nine sections of the act, approved April 5, 1849, for the vacation of Long Lane, Philadelphia."

Mr. KINNEY, "An Act for the assessment and recovery of damages upon the line of the North Branch canal."

Mr. PIERCE, "An Act for the better regulation of billiard rooms, &c., in Chester county."

Mr. ACKER, "A supplement to an act laying a tax on dogs in the borough of West Chester, and certain townships in the county of Chester, and for other purposes, approved April 14, 1846."

Mr. FLEMING, "An Act to change the name of Chrysostom Charles Sweeny to that of Chrysostom Charles M'Laughlin."

On motion of Mr. NEALL, the hour of adjournment was extended until all the bills in place had been disposed of.

Mr. BOYER, (Clearfield,) "An Act to abolish the office of sealer of weights and measures in Clearfield county."

Also, "An Act to incorporate the Anderson Creek public road and navigation company."

Mr. M'CURDY, "An Act authorizing the laying out of a certain State road in Cumberland and York counties."

Mr. LAIRD, at the request of T. H. Porter, late a member, "An Act to incorporate the



Johnstown and Scalp Level turnpike road company."

Also, "An Act for the payment of the claim of Chas. Miller, of Cambria county."

Mr. GALLEY, "An Act to repeal the act relating to the division of the borough of Uniontown, Fayette county."

Mr. GRAY, "An Act to confer on all the minor children of David C. Evans and wife, the rights to and privileges of children born in lawful wedlock."

Mr. PRICE, "An Act authorizing the State Treasurer to pay Thomas and Henry Bumgardner for loss sustained by a collision on the Philadelphia and Columbia railroad."

Mr. GOOD, "An Act regulating the peddling of hides, skins, &c., in Lehigh county."

Mr. KETCHUM, "An Act to appoint an additional notary public for Pittston, Luzerne county."

Also, "An Act for the better securing of the compensation of labor in Luzerne county."

Mr. HILL, "A supplement to the act incorporating the Blockley and Merriam plank road company."

Also, "An Act to amend the road laws in Montgomery county."

Mr. SHEPPARD, "An Act repealing the sixth section of a further supplement to an act incorporating the city of Philadelphia, approved April 1, 1858."

Mr. CHURCH, "A supplement to the act incorporating the Commonwealth insurance company."

Also, "An Act for the relief of Rebecca and Henry L. Norris."

Also, "An Act to incorporate the North-western savings institution of Philadelphia."

Mr. THORN, "A further supplement to the act consolidating the city of Philadelphia."

Also, "A memorial relative to F. Knox Morton, that certain moneys may be refunded, paid by him to the State Treasurer."

Mr. FISHER, "An Act to incorporate the Chestnut and Walnut Street passenger railway company of Philadelphia."

Mr. ABBOTT, "A further supplement to the act to incorporate the city of Philadelphia."

Mr. SMITH, (Philadelphia,) "An Act to incorporate the Warwick manufacturing company of Philadelphia."

Also, "Supplement to the act incorporating the Mutual savings and loan association of Philadelphia."

Also, "An Act restoring Thomas L. Donohue to the rights of citizenship."

Mr. HAMERSLY, "An Act incorporating the Philadelphia and Olney Passenger railway company."

Mr. JACKSON, "An Act to provide for the payment of damages caused by the construction of the North Branch Pennsylvania Canal."

Mr. WILLISTON, "An Act to incorporate the Fallbrook coal and railroad company."

Mr. STEPHENS, "An Act relative to roads in Salem township, Wayne county."

The House refused, on his motion, to suspend the rules and proceed to the consideration of the same.

Mr. ROHRER offered a resolution, that John R. Smith be retained as Assistant Postmaster during the remainder of the session

And on the question,

Will the House agree to the resolution?

A motion was made by Mr. THOMPSON, that the House do now adjourn; which was agreed to.

So the SPEAKER adjourned the House until next Monday afternoon, at 3 o'clock, P. M.

## MEMORIAL OF OFFICERS, &c., OF THE TIOGA COUNTY BANK.

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

Whereas the Executive of Pennsylvania, in his recent annual message to your Honorable body, in view of the facts reported by a committee in reference to the organization and subsequent management of the Tioga County Bank, among others, has called your attention to the said bank, and recommended a careful inquiry into its present condition. Now, the undersigned officers, directors and corporators of the said Tioga County Bank, beg leave to represent, that since said report the stock of said bank has changed hands, and is now held by men of undoubted responsibility; that new officers have been elected, and the entire management of the bank controlled by a board of home directors; that they claim the bank is now upon a safe basis, and they intend to make it a permanent and solvent institution, and worthy of public confidence and patronage, and to do a legitimate business in a legitimate way. And while they do not impugn the motives of the Executive, they feel that, by being thus publicly pointed at, it may embarrass them in their endeavors to make it a reliable institution, unless an investigation shall be had. They therefore pray your Honorable body to appoint a committee to make a full, thorough and careful examination into the present condition of said Tioga County Bank, and make report to the present Legislature, to the end that your Honorable body and the public may be advised if there is anything worthy of condemnation in the present condition or management of said bank, and as in duty bound will ever pray, &c.

### No. 155.—FILE OF THE SENATE.

STEELE, Corporations—Feb. 2.

## AN ACT to incorporate the Commercial trust company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James Sherron, Samuel P. Wiltbank, John G. Humburg, Loner Stackhouse, William Wyman and Henry S. Jones, and their associates, citizens of the United States and of this Commonwealth, and their successors, be, and they are hereby created a body politic and corporate, in fact and in law, by the name, style and title of the "Commercial trust company."

SEC. 2. That the said corporators shall have full power to receive subscriptions for stock, and the company, by the title aforesaid, shall have continual succession, and be capable in law to sue and be sued, plead and be impleaded, in any courts of law or equity in this Commonwealth or elsewhere, in all manner of suits, complaints, hills, pleas, causes, matters and demands whatsoever; and shall be, in fact and in law, capable of purchasing, receiving, having, holding and enjoying to them, their associates and successors, lands, tenements, hereditaments, annuities, moneys in trust and on deposit, goods, chattels and securities of whatsoever nature, kind, character or quality, real, personal or mixed, or choses in action; and the same from time to time to loan, sell, grant, demise, alien, convey, assign, mortgage or otherwise dispose of, on such terms as they may deem proper; and also to accept trusts of any and every description, which may be committed or transferred to them with their consent, as executors or administrators, by any person or persons, bodies politic or corporate, or by any court of the United States or of this Commonwealth; and they may, whenever desired so to do, grant certificates for amounts of monies deposited

with them, payable on demand, or at such times as may be agreed upon; and also have and use a common seal, and make and execute such by-laws, rules and regulations, and the same to alter, amend and repeal, as they may deem expedient for the proper management of their affairs, not contrary to the laws of the United States or of this State.

SEC. 3. That the capital stock of said corporation shall consist of two thousand shares, of fifty dollars each, which shall be paid in such manner and at such times as the directors may require; and should any subscriber fail to make the first payment as required, he shall cease to be a subscriber or member of the corporation; and in default of any subsequent payment, ten per cent. per month may be charged, and collected as a fine from any subscriber, assignee or transferee; and should any instalment remain unpaid for two months after it has become due and payable, the shares, together with the amount paid thereon, may be forfeited to the use of the corporation: *Provided*, One thousand shares shall be subscribed before said corporation shall be organized and capable of transacting business; and said shares shall be assignable and transferable, under such rules and by-laws as the stockholders may adopt; and that said corporation may increase their capital stock to any sum not exceeding five hundred thousand dollars by a vote of a majority of the stockholders duly convened; and each share of stock on all questions and at all elections, shall be entitled to one vote, and may be given in person or by proxy.

SEC. 4. That the corporators named in this charter shall, as soon as one thousand shares are subscribed, call a meeting of the subscribers by public notice, who shall at once proceed to organize the company by electing by ballot ten directors to serve until the next election, or until their successors are chosen; who shall at once take charge of the business of the corporation, and elect or appoint officers and agents, and generally do all things necessary for the proper management of the concerns of the company, subject to such by-laws as the stockholders shall first have adopted: *Provided*, That the stockholders may change the number of directors from time to time; and that ten dollars shall be paid on each share of stock subscribed, before said company shall open any office for the transaction of business.

SEC. 5. That a meeting of stockholders shall be held once in each year, at which directors may be elected, or at a special meeting called for that purpose.

SEC. 6. That if the privileges hereby granted should at any time prove injurious to the public welfare, the Legislature may alter or repeal this act: *Provided*, That no injury be done to vested rights in any contracts made under this charter: *Provided*, That the creditors of the said company shall have a prior lien upon their property, for all sums due on account of work and labor done, and materials furnished for the said company, as contractors or as manufacturers aforesaid; and for all sums so due which shall not be paid within thirty days after demand made, the directors by whom such sums should have been paid shall become liable, and payment may be enforced as if such debts had been contracted by them on their own account.

### No. 157.—FILE OF THE SENATE.

SHAEFFER, Corporations—Feb. 2.

## AN ACT relative to incorporated cemetery companies.

WHEREAS, The sentiment of humanity, the feelings of surviving friends and relatives, and a decent respect for the dead, require that the graves of the deceased should never be violated, and that the remains of the same family should



not be separated or cast out by any coercion of law, as may happen by executions and sales for taxes;

*And whereas*, The cemetery of the Odd Fellows company, United American Mechanics and Monument cemetery company and others, have disposed of the whole or nearly the whole of their grounds for sepulture, as to which only the lot holders can be liable for taxes, and then will be subject to sales as aforesaid, in manner to outrage the feelings of humanity, and break up cemeteries that are now the best security for the sanitary, as they are the attractive parks and breathing places of our large cities; therefore

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That whenever any lot or lots, or the right of sepulture therein, shall be granted to any person or family, by any incorporated company, or church, or religious congregation, within any common inclosure made by such company, church or congregation, as and for the purpose of the perpetual burial of the dead, every and all lots so disposed of or used for burial, shall hereafter be free and exempt from all taxation, so long as the same shall be used or held only for the purpose of sepulture.

#### No. — FILE OF THE HOUSE.

THOMPSON, in place—Jan. 12.

AN ACT concerning the sale of railroads, canals, turnpikes and plank roads.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That whenever any railroad, canal, turnpike or plank road in this State, of any corporation created by or under any law or laws of this State, except the Lackawanna and Susquehanna railroad, shall be sold and conveyed under or by virtue of any decree or decrees of any court of this State, or of the circuit court of the United States, setting in equity, and an execution or executions issued thereon to satisfy any mortgage, debt or debts, judgment or judgments, or other incumbrance or incumbrances thereon, such sale and conveyance, duly made and executed, shall vest in the purchaser or purchasers thereof, all the right, title, interest, property, possession, claim and demand in law and equity of the parties to the suit or suits, action or actions, in which such decree or decrees was or were made, of, in and to the said railroad, canal, turnpike or plank road, with its appurtenances; and also, of, in and to the corporate rights, liberties, privileges and franchises of said corporation, except the right to collect any unpaid assessments on stock which shall not pass; but subject to all the conditions, limitations, restrictions and penalties of the said corporation, of and concerning the same; and such purchaser or purchasers, and his or their associates, not less than fifteen in number, shall thereupon become a new body politic and corporate, in fact and in law, by such name as they may adopt; and shall be deemed and considered the stockholders of the capital stock of such new body politic and corporate, in the ratio and according to the amount of the purchase money by them respectively contributed; and shall be entitled to all the rights, liberties, privileges and franchises, and be subject to all the conditions, limitations, restrictions and penalties of and concerning the said railroad, canal, turnpike or plank road so sold and conveyed, which were contained in the act or acts creating it, under which the aforesaid corporation was created, and the supplements thereto, so far as the same was or were in force and un-

repealed at the time of such sale and conveyance; and it shall and may be lawful for the said new body politic and corporate, at any time within one year after such sale and conveyance, to organize themselves as a corporation by the aforesaid name, by electing a board of directors, and the election or appointment of a president, and such other officers as shall or may be authorized or required by the aforesaid act or acts and supplements thereto; and to make and issue certificates of the capital stock of such new corporation to the said purchaser or purchasers and their associates, to the amount of their respective interest therein; and it shall be the duty of such new corporation, within one calendar month after its said organization, to make a certificate thereof, under its common seal, attested by the signature of its president, specifying the date of such organization, the name so adopted, and the names of its president and directors, and transmit the said certificate to the Secretary of State at Harrisburg, to be filed in his office, and there remain on record; whereupon it shall be the duty of the Governor of this Commonwealth to revoke the letters patent issued to such corporation, so as aforesaid sold and conveyed, and to grant new letters patent to the said purchasers by such name as they may have so chosen and certified; and thereupon the charter of the said old corporation shall be forfeited and said corporation dissolved, the stock thereof extinguished, and all demands for unpaid assessments thereon forever discharged.

SEC. 2. That this act shall take effect from and after its passage.

#### No. 145.—FILE OF THE HOUSE.

KETCHUM, Judiciary—Jan. 29.

AN ACT declaring dogs in this Commonwealth to be personal property.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passage of this act every dog or bitch, owned by or belonging to any person in this Commonwealth, is, and the same is hereby declared to be personal property; and such dogs or bitches shall be as much the subject of larceny as any other kind of personal property; and any person so stealing or taking away any such dog or bitch, shall be liable to prosecution and indictment in the court of quarter sessions of the proper county, and on conviction thereof, shall be punished as in other cases of larceny.

#### No. 180.—FILE OF THE HOUSE.

GOEPP, Judiciary—January 21.

AN ACT to prevent the defacing of bank notes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, it shall not be lawful for any person or persons, corporation or body corporate, within this Commonwealth, to deface any bank note, or acknowledgment of indebtedness, of the nature, character and appearance of a bank note, issued by any bank lawfully incorporated by the Legislature of this Commonwealth, and authorized to issue the same, by writing, printing, or in any other way impressing or inscribing thereon, either on the face or on the back thereof, any card, advertisement or other inscription calculated or intended to announce and make known the occupation or place of any person, firm or corporation, and to pass off, pay out or circulate any such bank note or other acknowledgment of indebtedness, as aforesaid, so defaced as aforesaid.

SEC. 2. That every person who shall violate the provisions of the first section of the act, shall be taken and deemed to have committed a misdemeanor; and shall, upon conviction thereof in the Court of quarter sessions of the peace of the county wherein which the said violation shall have been committed, be fined in any sum not less than twenty dollars, and not more than fifty dollars.

#### No. 183.—FILE OF THE HOUSE.

GRITMAN, Judiciary—Jan. 31.

AN ACT to erect the counties of Clearfield, Jefferson, Elk and Forest into a new judicial district, to be called the Twenty-sixth district.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the counties of Jefferson, Elk, Forest and Clearfield be, and they are hereby, erected into a separate judicial district, to be called the Twenty-sixth district: *Provided*, That the courts in the several counties shall be held at the terms heretofore fixed by law, and that for the purpose of preventing any interruption of the summer term of courts, this act shall not take effect until the first day of August next.

#### No. 37.—FILE OF THE SENATE.

BELL, Judiciary—Jan. 17.

A SUPPLEMENT to an act, entitled "An Act relating to executors and administrators," approved the twenty-fourth day of February, Anno Domini one thousand eight hundred and thirty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That whenever the executors or administrators of a deceased plaintiff or defendant, in any action or proceeding pending in any court of this Commonwealth, resides without the jurisdiction of the said court, the writ of *seire facias*, provided by the twenty-seventh and thirty-second sections of the act to which this act is supplementary, may be served on such executor or administrator by the sheriff of the county where he is resident, if in the opinion of the proper court such service may be reasonably practicable; but if otherwise, and also where the said executors or administrators reside in some other State in the United States, such service may be made by publication in one or more public newspapers, as in the opinion of the court will be most likely to give notice to the said executors or administrators; the said manner of service herein provided to have the same force and effect as the manner of service provided by the said act to which this is supplementary.

#### No. 50.—FILE OF THE HOUSE.

GRITMAN, Judiciary—Jan. 18.

A SUPPLEMENT to an act for the better preservation of game, approved April twenty-first, Anno Domini one thousand eight hundred and fifty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That hereafter it shall not be lawful for any person to shoot, kill, or otherwise destroy, any partridge within this Commonwealth, between the first day of January and the first day of November; and that all persons offending against the provision hereof, shall be subject to the same penalty and conviction as are provided in the act to which this is a supplement.



# LEGISLATIVE RECORD.

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FOR THE SESSION OF 1859.

No. 26.

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## SENATE.

SATURDAY, Feb. 5, 1859.

The SPEAKER called the Senate to order at 10½ o'clock, A. M.

Prayer was offered by Rev. J. G. Miles, of the First Baptist church, Harrisburg.

Journal read and approved.

## LEAVE OF ABSENCE.

Mr. BELL asked and obtained leave of absence for a few days from to-day.

## REPORTS OF COMMITTEES.

Mr. BREWER, (Judiciary,) reported with a negative recommendation, "An Act relating to auctions in Lancaster city and county."

Also, (same,) as committed, "A further supplement to an act relative to huckstering in the counties of Berks and Lebanon," passed April 9, 1856.

Also, (same,) as committed, House bill No. 101, "An Act authorizing the commissioners of Somerset county to sell property owned and occupied for the use of the poor of said county."

Also, (same,) as committed, House bill No. 99, "An Act to abolish the office of sealer of weights and measures in certain counties."

Mr. BELL, (same,) as committed, "An Act to erect the Twenty-seventh judicial district."

Also, (same,) as committed, "An Act regulating weighing of anthracite, bituminous and semi-bituminous coal."

Also, (same,) as committed, "An Act to allow the taxables in the borough of Butler to pay their street tax in labor."

Also, (same,) as committed, "A supplement to sundry acts relative to the city of Pittsburgh."

Also, (same,) as committed, "A supplement to an act to give jurisdiction in equity to the supreme court and the court of common pleas for the county of Philadelphia, in cases of disputed boundaries," approved April 15, 1858.

Mr. SCOFIELD, (same,) with a negative recommendation, House bill No. 85, "An Act to extend the act of October 13, 1857, entitled 'An Act for the better security of laborers, mechanics and others in certain companies.'"

Also, (same,) with a negative recommendation, "An Act relative to partitioners."

Also, (same,) as committed, "An Act to attach Somerset county to the Middle district of the supreme court."

Also, (same,) as committed, "An Act confirming the sale of the German school house in Myerstown, Lebanon county."

Also, (same,) with a negative recommendation, "An Act for the relief of James Rankin, deceased."

Mr. FINNEY, (same,) with amendment, "A supplement to an act relative to orphans' courts and for other purposes."

Also, (same,) as committed, "A supplement to an act authorizing the appointment of an auctioneer in the borough and township of Wilkesbarre, Luzerne county."

Also, (same,) with a negative recommendation, "A further supplement to an act relating to inspectors."

Also, (same,) as committed, "An Act relative to the township of Croyle, in Cambria county."

Also, (same,) with amendment, "An Act relative to auctions and auctioneers in Lawrence county."

Mr. YARDLEY, (Education,) as committed, "An Act relative to the Norristown academy."

Mr. MILLER, (same,) as committed, "An Act to attach a part of Washington township to Edinboro', for school purposes."

## BILLS IN PLACE.

Mr. RUTHERFORD read in his place and presented to the chair, a bill, entitled "An Act to incorporate the Mutual fire insurance company of Annville, Lebanon county."

Mr. PENNEY, "A supplement to an act incorporating the borough of South Pittsburgh," approved March 6, 1848.

Mr. WRIGHT, "An Act to incorporate the Philadelphia and Olney railroad company."

Mr. STEELE, "An Act relative to the collection of State and county taxes in Luzerne, and for other purposes."

Mr. GAZZAM, "A supplement to an act incorporating the Pittsburg and Steubenville railroad company."

Mr. RANDALL, "An Act to incorporate the Quicksilver mining company."

Also, "An Act making compensation to Geo. Jordan, for injuries received in the service of the State."

## ORIGINAL RESOLUTIONS.

Mr. WRIGHT offered the following resolution:

*Resolved*, That hereafter the Senate adjourn, on Saturdays, at 12 o'clock, until otherwise ordered.

Mr. SCHELL moved to amend by inserting the following:

That the Senate meet hereafter at 9½ o'clock and adjourn at a quarter of 12 on Saturdays.

Mr. WRIGHT proposed further to amend by making the resolution, as regards the hour of adjournment, apply to this day.

Upon the resolution with reference to the adjournment, and upon the various amendments, as well as the motion to re-consider, there was a running discussion between Messrs. MYERS, WRIGHT, HARRIS and WELSH.

Mr. RANDALL moved to postpone the consideration of the resolution and amendments indefinitely.

On which,

The yeas and nays were required by Mr.

RANDALL and Mr. WRIGHT, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Coffey, Craig, Fetter, Finney, Harris, Miller, Nunnemacher, Palmer, Parker, Randall, Rutherford, Schell, Scofield, Shaeffer, Schindel, Steele, Turney, Welsh and Cresswell, *Speaker*—21.

NAYS—Messrs. Blood, Brewer, Francis, Gazzam, Keller, Marselis, Myer, Penney, Wright and Yardley—10.

So the question was determined in the affirmative.

Mr. BELL moved that when the Senate adjourn it adjourns at a quarter of 12 o'clock.

On which,

The yeas and nays were required by Mr. BELL and Mr. FINNEY, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Blood, Brewer, Fetter, Francis, Gazzam, Keller, Marselis, Myer, Penney, Schell, Schindel, Steele, Wright and Yardley—16.

NAYS—Messrs. Coffey, Craig, Finney, Harris, Miller, Nunnemacher, Palmer, Parker, Randall, Rutherford, Scofield, Shaeffer, Turney, Welsh and Cresswell, *Speaker*—15.

So the question was determined in the affirmative.

Mr. MYER offered the following resolution, which was twice read, considered and adopted:

*Resolved*, That the Clerk of the Senate do and is hereby instructed to purchase for each member of the Senate a map of the city of Philadelphia.

On motion of Mr. MYER, Senate bill No. 204, was re-committed to the Committee on Claims.

## ORDERS OF THE DAY.

The motion to postpone indefinitely the consideration of "A supplement to the act incorporating the Germantown passenger railroad company," came up in order.

Mr. WRIGHT having the floor.

Mr. WRIGHT did not wish to vote upon the motion of the postponement; nor was he desirous of speaking against time. He was prepared to offer two or three amendments, which he thought would obviate all difficulty to the passage of the bill. He would yield the floor to-day, with a view to a discussion of the merits of the bill when it should again be before the Senate.

Mr. HARRIS said that when the bill was pending, yesterday, he was anxious that there should be a postponement for a short time, in order to afford an opportunity for examining its provisions. Since then, it had laid over one day; and as he thought it had already taken up enough time of the Senate, he thought the question should be met at once.

Subsequently, upon the various amendments and proviso which were offered, there was a protracted, running discussion between Messrs. WRIGHT, COFFEY, MARSELIS, MILLER, SCOFIELD, FINNEY, RANDALL, PALMER, GAZZAM, BREWER and MYER.

The motion to postpone indefinitely was lost; whereupon

Mr. MYER moved to postpone until Wednesday next;

On which the yeas and nays were required by Mr. FINNEY and Mr. WELSH, and were as follow, viz:

YEAS—Messrs. Bell, Blood, Brewer, Fetter, Keller, Marselis, Myer, Palmer, Penney and Yardley—10.

NAYS—Messrs. Baldwin, Coffey, Craig, Fin-



ney, Francis, Gazzam, Harris, Miller, Nunnemacher, Parker, Randall, Rutherford, Schell, Scofield, Shaeffer, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—21.

So the question was determined in the negative.

Mr. BALDWIN moved to re-consider the resolution fixing the hour of adjournment to-day at a quarter of 12 o'clock:

On which the yeas and nays were required by Mr. WRIGHT and Mr. COFFEY, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Finney, Harris, Miller, Nunnemacher, Palmer, Parker, Randall, Rutherford, Schell, Scofield, Shaeffer, Turney, Welsh and Cresswell, *Speaker*—17.

NEAYS—Messrs. Bell, Blood, Brewer, Fetter, Francis, Gazzam, Keller, Marselis, Myer, Penney, Schindel, Steele, Wright and Yardley—14.

So the question was determined in the affirmative.

Mr. HARRIS moved to postpone indefinitely the re-consideration of the resolution.

On which motion,

The yeas and nays were required by Mr. BELL and Mr. WRIGHT, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Fetter, Finney, Harris, Miller, Nunnemacher, Palmer, Parker, Randall, Rutherford, Schell, Scofield, Shaeffer, Steele, Turney, Welsh and Cresswell, *Speaker*—19.

NAYS—Messrs. Bell, Blood, Brewer, Francis, Gazzam, Keller, Marselis, Myer, Penney, Wright and Yardley—11.

So the question was determined in the affirmative.

The question recurring upon the motion to postpone the consideration of the bill for the present.

The yeas and nays were required by Mr. MYER and Mr. RANDALL, and were as follow, viz:

YEAS—Messrs. Bell, Blood, Brewer, Fetter, Marselis, Myer, Palmer, Penney and Yardley—9.

NAYS—Messrs. Baldwin, Coffey, Craig, Finney, Gazzam, Harris, Miller, Nunnemacher, Parker, Randall, Rutherford, Schell, Scofield, Shaeffer, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—20.

So the question was determined in the negative.

Mr. WRIGHT moved to amend, in the 12th line, by inserting after the word "opened," the words "by consent of land owners;" which he subsequently withdrew, and offered in lieu thereof, the following: After the word "graded," in the same line, insert the words, "by this company."

Mr. GAZZAM suggested a modification of this amendment, so as to make it read, "opened, and by the said company graded;" which was adopted.

Mr. WRIGHT moved further to amend by adding the following proviso, to come in at the end of the first section:

*Provided further,* That the portion of said road extending south-east from Washington lane, in Germantown, Twenty-second ward of the city of Philadelphia, to the junction of Fourth and Fifth streets, with the Germantown and Perkiomen turnpike road, be finished within eight months from the time of the passage of this act, in accordance with the provisions of the act to which this is a supplement, otherwise the provisions of this supplement shall be void, so far as the right of this company to use Fourth and Eighth streets for railway purposes is concerned.

Mr. RANDALL offered the following as a substitute: *Provided further,* That if the Germantown passenger railway company shall be able to agree with the Germantown and Perkiomen turnpike company for the right of way for

their said railway over said turnpike within thirty days after the passage of this supplement, then the said passenger railway company shall, within ten months after such agreement, lay a railway track or tracks, and run their cars thereon, as provided in the act to which this is a supplement, from the intersection of said turnpike with Fourth street northwardly as far as Washington lane in said city; but if the said passenger railway company shall fail within the said time to agree with said turnpike company for the right of way, then said passenger railway company and the said turnpike company shall each, within a reasonable time thereafter, choose one person, and the two persons so chosen shall select a third person, or if the two first chosen fail to agree upon a third person within five days after they are chosen, then the court of common pleas of Philadelphia shall select such third person; and the three persons so chosen, or a majority of them, shall proceed to fix and determine, by a yearly rental or otherwise, as they shall see proper, the fair value of the said right of way, and the valuation so fixed shall be filed on record in the said court, and shall be confirmed by the said court, and within ten months after the said proceedings, shall be finally settled and confirmed; the said passenger railway company shall lay a railway track or tracks to Washington lane, and run their cars thereon, as before provided in this section.

The question being upon Mr. RANDALL'S substitute,

The yeas and nays were required by Mr. WRIGHT and Mr. MYER, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Finney, Francis, Gazzam, Harris, Miller, Nunnemacher, Parker, Penney, Randall, Rutherford, Scofield, Steele, Turney, Welsh and Cresswell, *Speaker*—18.

NAYS—Messrs. Blood, Brewer, Fetter, Keller, Marselis, Myer, Palmer and Wright—8.

So the question was determined in the affirmative.

Mr. YARDLEY paired off with Mr. SHAEFFER, who was absent.

On the question, will the Senate agree to the section as amended?

The yeas and nays were required by Mr. WRIGHT and Mr. MYER, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Finney, Francis, Gazzam, Harris, Miller, Nunnemacher, Parker, Randall, Rutherford, Scofield, Steele, Turney, Welsh and Cresswell, *Speaker*—17.

NAYS—Messrs. Blood, Brewer, Marselis, Myer, Palmer and Wright—6.

So the question was determined in the affirmative.

Mr. MYER submitted the following, to come in at the end of the first section:

*Provided,* That the said company, before commencing to run their cars on the said railway, or before authorizing or contracting with any other company to run cars on the said railway, shall purchase, at the option of the owners, the stock of horses, omnibuses, sleighs and harness, owned and used for the lines on said streets, at a price to be assessed in the following manner: The said owners shall choose one disinterested person, and the said company shall choose a second disinterested person, and the two thus chosen shall choose a third, who, having been sworn before the court of common pleas, faithfully to perform their duties, shall appraise the said stock, as the same is used and running on the said streets, and the value thus arrived at by them shall be binding and final on all parties.

Pending the consideration of the proviso offered by Mr. MYER, the SPEAKER declared the Senate adjourned until Monday at 3 o'clock, P. M.

## SENATE.

MONDAY, Feb. 7, 1859.

The Senate met and was called to order by the SPEAKER at 3 o'clock, P. M.

Prayer by Rev. Dr. McClaren, of Pittsburg.

The Journal of Saturday was read and approved.

## LEAVE OF ABSENCE.

Mr. MILLER asked and obtained leave of absence for Mr. YARDLEY for a few days from to-day.

## REPORTS OF COMMITTEES.

Mr. TURNEY, (Finance,) reported as committed, "An Act relative to the collection of State and county taxes in Luzerne county."

Also, (same,) as committed, "An Act authorizing the register of wills in Westmoreland county to appoint an appraiser to re-assess the estate of Jonathan J. Mossholder, deceased, for collateral inheritance purposes."

Mr. COFFEY, (same,) as committed, "An Act relative to the collection of State and county taxes in Cambria county."

Also, (same,) with a negative recommendation, "An Act to aid in establishing the School of Mines."

Mr. MARSELIS, on leave given, made a statement, which is as follows:

Mr. MARSELIS said he was sorry that the committee had reported the bill with a negative recommendation. He thought the committee had not, perhaps, fully and carefully considered the subject in all its bearings. He had, on his recent visit to Philadelphia, seen several persons who were interested in the passage of the bill, and told him that they desired to be heard before the committee in order to explain to them more fully the objects they had in view.

Mr. RANDALL generally concurred in the views expressed by the Senator from the city, (Mr. MARSELIS.)

After a few words from Mr. COFFEY and Mr. WELSH, the bill was then re-committed.

Mr. WELSH, (same,) as committed, "An Act increasing the fees of prison inspectors in Lancaster county."

Also, (same,) as committed, "An Act authorizing the Auditor General and State Treasurer to sell the stock belonging to the State in the Washington and Williamsport turnpike road company."

Mr. RANDALL, (same,) as committed, "An Act for the relief of Isaac Gulick, collector of militia taxes in Montour county."

Mr. GREGG, (same,) with a negative recommendation, "An Act for the relief of Christopher Hollingsworth, a collector of military taxes in Lancaster county."

Also, (same,) with amendment, "A joint resolution relative to the pay of Thomas H. Porter, late a member from Cambria county, and John H. Wells, clerk to the committee on the Cambria county contested election case."

Mr. SCOFIELD, (Election Districts,) as committed, "An Act relative to elections in Williamsport, Lycoming county."

## BILLS IN PLACE.

Mr. WRIGHT read in his place and presented to the Chair, "A further supplement to an act incorporating the city of Philadelphia."

Mr. SCOFIELD, "An Act relative to certain public officers and their sureties."

Mr. TURNEY, "An Act relative to recorders of deeds in this Commonwealth."

Mr. GAZZAM, "An Act relative to the city of Pittsburg."

Mr. GREGG, "An Act relative to the fees of county surveyors."

## ORIGINAL RESOLUTIONS.

Mr. WELSH offered the following:  
*Resolved,* That the Senate will hold a session to-night, commencing at 7 o'clock.  
The resolution was twice read,



And on the question,

Will the Senate agree to the same?

The yeas and nays were required by Mr. WRIGHT and Mr. WELSH, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Fetter, Gazzam, Gregg, Harris, Keller, Miller, Nunnemacher, Palmer, Parker, Penney, Randall, Rutherford, Scofield, Schindel, Steele, Thompson, Turney, Welsh and Cresswell, *Speaker*—22.

NAYS—Messrs. Brewer, Francis, Marselis, Myer and Wright—5.

So the question was determined in the affirmative.

#### ORDERS OF THE DAY.

The Senate resumed the consideration of the proviso offered by Mr. MYER, to come in at the end of the first section of the "Supplement to an act incorporating the Germantown passenger railway company."

The various sections of the bill were taken up, serially, and numerous amendments were offered thereto, many of which were adopted, after considerable discussion, generally of a desultory, but sometimes of an exciting character.—The Senators who participated in it were Messrs. RANDALL, SCOFIELD, MARSELIS, GAZZAM, WRIGHT and FINNEY.

On the question will the Senate agree to the proviso.

The yeas and nays were required by Mr. MYER and Mr. WRIGHT, and were as follow, viz:

YEAS—Messrs. Brewer, Fetter, Francis, Keller, Marselis, Myer, Penney, Thompson and Wright—9.

NAYS—Messrs. Baldwin, Coffey, Craig, Finney, Gazzam, Gregg, Harris, Miller, Nunnemacher, Palmer, Parker, Randall, Rutherford, Scofield, Schindel, Steele, Turney, Welsh and Cresswell, *Speaker*—19.

So the question was determined in the negative.

Mr. WRIGHT offered the following amendment.

*Provided further*, That said railroad company is hereby authorized and required to keep said turnpike road in proper repair in case it is vacated by the Germantown and Perkiomen turnpike road company, so long as the same may be used for passenger railroad purposes, and be subject to all the laws of this Commonwealth and the ordinance of the councils of the city of Philadelphia, relative to passenger railways.

Mr. MARSELIS moved to amend the amendment by inserting the following:

*Provided further*, That if any part of the Germantown and Perkiomen turnpike road comes into possession of the city, then it shall be the duty of the Germantown railroad company to keep said portion of the road in repair.

On the question,

Will the Senate agree to the amendment offered by Mr. MARSELIS,

The yeas and nays were required by Mr. WRIGHT and Mr. MARSELIS, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Finney, Francis, Gazzam, Gregg, Harris, Marselis, Miller, Nunnemacher, Parker, Penney, Randall, Rutherford, Scofield, Schindel, Steele, Turney, Welsh and Cresswell, *Speaker*—21.

NAYS—Messrs. Brewer, Fetter, Myer, Palmer, Thompson and Wright—6.

So the question was determined in the affirmative.

The amendment as amended and the section as amended were agreed to.

The Deputy Secretary of the Commonwealth, being introduced, presented a message from the Governor, stating that he had signed a bill, entitled "A further supplement to an act incorporating the Lackawanna and Bloomsburg railroad company," and transmitting the annual state-

ment of the New York and Erie railroad company for the year 1858, together with the annual report of the Pennsylvania State agricultural society.

Mr. BREWER moved to amend in the tenth line, by striking out the words "running over or," which he subsequently modified by moving to strike out the words "running over," and insert in lieu thereof the word "crossing."

Mr. WRIGHT suggested an amendment to this amendment, to insert after the word "Philadelphia," in the eleventh line, the words "upon such terms as may be mutually agreed upon."

Mr. BREWER accepted the amendment of Mr. WRIGHT; and it was agreed to.

Further amendments to the tenth and eleventh lines were offered by Messrs. COFFEY and SCOFIELD, and that part of the first section as amended, reads thus:

"Running their cars over or connecting their road with any other passenger railway or railways in the city of Philadelphia, upon such terms as may be mutually agreed upon, and of crossing the track of any of said railways."

The first section as amended, was agreed to; as also, the second, third and fourth sections.

The hour of five having arrived, the SPEAKER adjourned the Senate until 7 o'clock this evening.

#### EVENING SESSION.

Agreeably to order, the Senate met at 7 o'clock, P. M.

The question being upon the fifth section of the bill under consideration when the Senate adjourned; it was agreed to.

The sixth and seventh sections were also adopted.

The title was agreed to; whereupon

Mr. RANDALL moved to re-consider the vote on the first section of the bill; which was agreed to.

Mr. RANDALL then moved to add after "railways," in the first section, the following:

*Provided further*, In case the said companies cannot agree, then the district court of the city of Philadelphia shall, upon petition presented by either party, appoint two disinterested persons, who shall fix the amount to be paid by the parties using the same, and whose decision in the premises when confirmed by said court shall be final and conclusive: *Provided*, That the persons so appointed by the court shall file their report in the prothonotary's office of said court within thirty days after their appointment.

On the question, will the Senate agree to the amendment? it was decided in the affirmative.

On the motion to suspend the rules,

The yeas and nays were required by Mr. RANDALL and Mr. WRIGHT, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Fetter, Finney, Francis, Gazzam, Gregg, Harris, Miller, Nunnemacher, Parker, Randall, Rutherford, Scofield, Schindel, Steele, Turney, Welsh and Cresswell, *Speaker*—20.

NAYS—Messrs. Brewer, Keller, Marselis, Myer, Palmer, Penney, Thompson and Wright—8.

So the question was determined in the affirmative.

On the final passage of the bill,

The yeas and nays were required by Mr. WRIGHT and Mr. RANDALL, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Fetter, Finney, Francis, Gazzam, Gregg, Harris, Miller, Nunnemacher, Parker, Randall, Rutherford, Scofield, Schindel, Steele, Turney, Welsh and Cresswell, *Speaker*—20.

NAYS—Messrs. Brewer, Keller, Marselis, Myer, Palmer, Penney, Thompson and Wright—8.

So the question was determined in the affirmative.

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. TURNEY, Senate bill No.

160, "A supplement to an act incorporating the Johnstown woolen manufacturing company," was taken up, considered, and passed finally.

Mr. FRANCIS called up House bill No. 76, "A supplement to an act incorporating the Pittsburg and Erie railroad company." This bill, having passed committee of the whole, was read a second and third time and passed finally.

On motion of Mr. GAZZAM, Senate bill No. 164, "An Act relative to certain charitable corporations," was taken up, considered and passed finally.

Mr. MILLER moved to proceed to the consideration of House bill No. 100, "An Act authorizing the Auditor General and State Treasurer to sell the stock belonging to the State in the Washington and Williamsport turnpike road company."

The motion was agreed to; and the bill having passed second reading, lies over by request of Mr. MYER.

On motion of Mr. WRIGHT, the Senate proceeded to the consideration of the bill to amend and extend the charter of the Mutual fire insurance company of Germantown and its vicinity, as in committee of the whole. (Mr. RUTHERFORD in the chair.)

After some time spent therein, and the bill had been slightly amended, the committee rose and reported; when it was read a second and third time, and passed.

On motion of Mr. CRAIG, the bill relative to roads in Salem township, Wayne county, was taken up, passed through committee of the whole, and then read a second and third time, and passed.

Mr. FINNEY moved a non-concurrence in House amendments to "A supplement to the act incorporating the Erie City railroad company;" agreed to.

Mr. HARRIS called up House bill No. 116, "An Act to allow the taxables of the borough of Butler to pay their street tax in labor."

Said bill passed finally.

On motion of Mr. MYER, House bill No. 37, "An Act to provide for the erection of a house for the employment and support of the poor in Susquehanna county," was taken up and after being considered and amended, passed finally.

Mr. KELLER moved that the Senate proceed to consider House bill No. 42, "An Act for the relief of Isaac Gulick, collector of militia taxes in Montour county;" which was agreed to, and the bill having passed its various readings was adopted.

On motion of Mr. PENNEY, House bill No. 34, "A supplement to sundry acts relating to the city of Pittsburg," was taken up, considered and passed finally.

Mr. THOMPSON called up Senate bill No. 123, "An Act to incorporate the Norristown, Bridgeport and King of Prussia turnpike road company." This bill passed finally.

On motion of Mr. MARSELIS, the Senate proceeded to consider Senate bill No. 86, "An Act to incorporate the Carolina steam navigation company." Passed finally.

On motion of Mr. FINNEY, the House bill No. 155, to attach a part of the township of Washington to the borough of Edenboro' for school purposes, was considered in committee of the whole, reported without amendment, and then read a second and third time, and passed.

On motion of Mr. GREGG, the House bill No. 24, declaring Plunkett's creek, in Lycoming county, a public highway, was considered in committee of the whole, then read a second and third time, and passed.

On motion of Mr. PALMER, the House bill No. 162, to extend the limits of the borough of Pottsville, in the county of Schuylkill, was considered in committee of the whole, and afterwards read a second and third time, and passed.

On motion of Mr. RANDALL, the Senate adjourned.



## HOUSE OF REPRESENTATIVES.

Monday, Feb. 7, 1859.

The House was called to order at 2 o'clock, by the SPEAKER.

The Clerk proceeded to read the Journal of Friday; when,

On motion of Mr. WILCOX, the further reading was dispensed with.

Mr. STEPHENS, on leave, read in his place and presented to the chair, "An Act relative to roads in Salem township, Wayne county;" and,

On his motion, the rules being in this case suspended, said bill was taken up, considered and passed finally; and ordered that the Clerk present the same to the Senate for concurrence.

## SENATE AMENDMENT

To the supplement to the act incorporating the Fayette County railroad company, was concurred in.

## ORIGINAL RESOLUTION.

Mr. HARDING, on leave, presented a resolution that a committee of five be appointed to inquire into the operations of the building, loan, and savings institutions and corporations of the city of Philadelphia; which was read the second time.

Mr. THORN said that the scope of the resolution was too wide. "To examine into the affairs" was not sufficiently expressive, and did not make the contemplated object clear. He did not know that he should oppose the resolution, however. If a full examination of all affairs was to be made, a year would scarcely be sufficient time for a committee to report.

Mr. HARDING said that the reason why he had offered the resolution, was because he had been solicited by both the enemies and friends of these institutions to do so. He hoped that the resolution would pass, and that the committee would be appointed.

Mr. THORN suggested that it was not exactly right to make the institutions of Philadelphia subject to an examination, and allow the others throughout the State to pass without notice. The particular duties of the committee should be more distinctly set forth. He moved that the words "city of Philadelphia" be stricken out, and that the words, "State of Pennsylvania," be inserted.

The amendment was not agreed to.

On the final passage of the resolution there was no quorum voting;

Whereupon, the vote being again taken, the resolution was not agreed to.

Mr. CHURCH, who had voted in favor of the passage of the resolution, desired to explain.—He had been in favor of a full examination of the affairs of the institutions of Philadelphia, because he believed that they were well-managed, and could not be injured by any investigation. He saw no reason, however, why Philadelphia should be singled out.

## PETITIONS, &amp;c., PRESENTED.

Mr. GRAY read in his place and presented to the chair, the petition of sundry citizens of Washington township, Greene county, for the passage of an act authorizing the voters of said township to elect two additional supervisors of highways for said township.

Mr. WALKER, eight from two hundred and sixty-nine citizens of Jenner township, Somerset county, for the repeal of the supplement to the act passed 16th April, 1858, relative to certain borough and township elections; and, on leave, read a bill in relation to the same; which,

On his motion was taken up and passed finally.

Mr. STONEBACK, one from citizens of Pottstown, Montgomery county, for a supplement to the borough charter, relating to the election of town council and bonding the debt of said borough.

Mr. ACKER, one from Joseph Danfield, asking for relief.

Mr. WILLIAMS, (Bucks,) one from citizens of Bucks county, for the incorporation of the New Britain turnpike road company.

Mr. WAGONSELLER, one from Michael Kleckner and others, praying that certain money wrongfully paid by them on bail of H. D. Rodemmel, be refunded.

Mr. DURBORAW, two from citizens of York and Adams counties, for the re charter of the Hanover savings institution.

Mr. ROHRER, one from citizens of Cambria county, for the creation of a new county, to be called Pine.

Also, one from citizens of Indiana county, of similar import.

Mr. ACKER, one from citizens of Chester county, for the restoration of the fee bill of 1814.

Also, a remonstrance from citizens of West Colin and Sadsbury townships, Chester county, against the passage of an act to appoint commissioners to view and lay out and construct a State road in Lancaster and Chester counties, approved April 15, 1857.

Mr. PEIRCE, one from citizens of Chester county, for the better regulation of billiard rooms, &c., in said county.

Mr. EVANS, the answer of Horace B. Fry, to the petition presented by his wife, Emily L. Fry, praying for a divorce from the bonds matrimony with him, and asked that it be read.

Mr. EVANS moved that the answer be read.

Mr. HAMERSEY had no objection, but thought that if it was read, the petition of Mrs. Fry should be also laid before the House.

Mr. EVANS said that this would not be opposed.

Mr. THORN said that the answer of Mr. Fry had already been published in a newspaper, and no doubt the majority of the members had already perused it. He thought, under these circumstances, that the reading might be well dispensed with.

Mr. SMITH, (Philadelphia,) moved to postpone.

Mr. HAMERSEY said that he was willing to have them read.

Mr. WALBORN said that he would not favor any effort to postpone the reading of any petition. It was a right of the people to be heard.

Mr. THORN said that he did not wish to be misunderstood. He would have no particular objection to the reading, if the documents were not long, and if the answer had not already been published in a newspaper, which he had read in his own room yesterday morning. It was not a question of delicacy. If Mr. Fry chooses to furnish a copy of his answer to a newspaper forty-eight hours before it was offered to the House, he could not complain, if the House dispensed with its reading. He agreed with Mr. WALBORN that it was a right of his constituents to have their petitions read, but in this case it was scarcely necessary.

Mr. EVANS expressed himself against the postponement.

Mr. HARDING objected to the remarks of Mr. THORN, that Mr. Fry had furnished a copy of his answer to a newspaper. Mr. Fry had told him (Mr. HARDING) that he was sorry that it had appeared in print, and that he had only prepared three copies for the use of the Divorce Committee. How it had found its way into the press, he did not know.

Mr. HAMERSEY, as one of the Divorce Committee, said that he had not received a copy of the answer.

Mr. EVANS said that it was proper to explain that the letter which had accompanied the copy of the answer which he had presented, was dated the third instant, before the publication in the paper.

The question being on the motion to postpone, it was not agreed to.

The Clerk then proceeded to read the petition of Mrs. Fry for a divorce.

Mr. LAWRENCE (Washington,) moved that the further reading be dispensed with, and that the documents be printed. Agreed to.

Mr. ELLMAKER, two from citizens of Lancaster county, praying for the repeal of an act passed 14th day of May, 1857, increasing the fees of Attorney General and District Attorney, so far as relates to said county.

Mr. BOYER, (Clearfield,) one from citizens of Susquehanna and Chester townships, asking to be included in the new county to be called Pine.

Mr. MEHAFFEY, two remonstrances from citizens of Williamsport against an act to regulate the street commissioners of said borough.

Also, two from citizens of Brady's township, Lycoming county, to be re-annexed to Union county.

Also, two remonstrances against the same.

Also, the petition of A. H. McHenry, guardian of the minor children of the late Thomas Babb, for a law to authorize him to invest certain moneys belonging to said children in real estate.

Also, one from citizens of Lycoming county, for an act for the protection of trout in spawning season.

Mr. PENNELL, one from citizens of Chester borough, for the passage of an act amending the charter of said borough, so as to equalize the taxation for borough and road purposes upon all real estate.

Mr. WIGTON, three from two hundred and ninety-five citizens of Lewistown, Mifflin county, for the relief of Stephen A. Lauchlin, for injuries received from the falling of an unprotected wall on the public works.

Mr. PENNELL, two numerous signed by citizens of Philadelphia, against the enforcement of a recent ordinance of the city councils for the removal of the market houses, and prohibiting farmers and others from standing their wagons or exposing provisions for sale within certain prescribed limits in said city.

Mr. WHITMAN, one from citizens of borough of Harrisburg, for an amendment to their borough charter.

Mr. PRICE, one from two hundred and twenty-eight citizens of Mount Joy and vicinity, asking that the name of the Mount Joy savings institution be changed to that of the Mount Joy Bank, and that they may be allowed to issue bank notes of the denomination of ten dollars and upwards.

Mr. ECKMAN, one from one hundred and forty citizens of the borough of North Lebanon, against the cutting off of any portion of said borough and annexing the same to North Lebanon township.

Also, one from Daniel Mosser and Wm. Lehman, for an act to confirm the sale of the German school house in Myerstown, Lebanon county.

Mr. BARNESLEY, one from thirty-nine citizens of Bucks county, asking that the office of sealer of weights and measures be abolished in said county.

Mr. WITHROW, one from citizens of Mifflin county, for the passage of an act to appoint three commissioners to run the line between Mifflin and Huntingdon counties.

Mr. BOYER, (Schuylkill,) three from citizens of Schuylkill county, for an appropriation for a monument on the capital grounds in honor of the brave Pennsylvanians who fell in the late war with Mexico.

Also, four from citizens of Schuylkill county, for an act securing the payment of wages for labor in said county.

Mr. LAIRD, one from citizens of Erie and vicinity, for an act authorizing the corporate authorities of said city to lay out water lots in



front of the Erie reservoir, and to sell the same for the purpose of improvement.

Mr. WOLF, two from citizens of Codorus township, York county, in favor of the abolition of the office of county superintendent of common schools, so far as said county is concerned.

Mr. PROUDFOOT, four remonstrances from citizens of Cambria county, against the annexation of a part of said county to the proposed erection of the new county to be called Pine.

Mr. SHAFER, two from citizens of Chester and Montgomery counties, for a charter to build a bridge over the Schuylkill at or near Buckwalter's ferry.

Mr. McDOWELL, one from citizens of Allegheny county, praying for the passage of an act authorizing the school directors of Allegheny county to select sites for school houses.

Mr. HOTTENSTINE, one from citizens of Cambria, Clearfield, Indiana and Jefferson counties, for the erection of a new county, to be called Pine.

Also, from a number of citizens residing in the vicinity of the railroad running from Sunbury to McCarmel, in Northumberland county, praying for a law for the better protection of their stock, by compelling the company to fence their railroad, or to make it lawful for said inhabitants, for all loss sustained by them, to have proper persons appointed to assess damages.

Also, one from citizens of Northumberland county, for a law, (subject to the assent of the electors of said county,) to annex a part of Northumberland to Union county.

Mr. NILL, one to prevent fishing with seines or nets in the Conococheague creek, on the lands of Bernhard Wolff and William Heyser, known as the Holywell paper mill property.

Mr. KETCHUM, a memorial from citizens of Luzerne county, praying for an appropriation to build a monument to the soldiers who lost their lives in the late war with Mexico.

Mr. QUIGLEY, the petition of citizens of Philadelphia, for widening Whitney street, in the said city.

Mr. PINKERTON, one from citizens of Schuylkill county, for an additional appropriation for a monument on the Capital grounds, in honor of the Pennsylvanians who lost their lives in Mexico.

Also, six from five hundred citizens of Schuylkill county, for the passage of an act to secure to the mechanic, miner and laborer the prompt payment of their wages, and for the repeal of all laws authorizing a stay of execution on judgments obtained for the wages of labor not exceeding one hundred dollars.

Mr. BARLOW, one from one hundred and eighty-one citizens of Miles township, Centre county, remonstrating against the laying out of a State road from Shroyer's Gap, Clinton county, leading through Centre and Union county via McCall's saw mill.

Mr. OAKS, one from citizens of Catawissa, Columbia county, remonstrating against the passage of an act declaring the streets and alleys of Robert's addition, in said borough, to be public highways.

Mr. WARDEN, one from Mary Washington, widow of an old soldier of the Indian war of 1790, asking for relief.

Mr. MANN, two from citizens of Potter county, for the repeal of the law approved the 20th day of April, 1858, regulating the sale of intoxicating liquors, and asking for the passage of an act prohibiting the peddling of alcoholic, malt or brewed liquors.

Mr. THOMPSON, one from citizens of Butler county, for an appropriation to Westminster college, Lawrence county.

Mr. BERTOLET, seven from citizens of Berks and Schuylkill counties, praying that a law may

be passed, requiring all ascending boats to keep the tow-path side of the Schuylkill canal.

Mr. GOOD, one from three hundred and forty-three citizens of Weisenburg township, Lehigh county, for the repeal of the common school law, so far as relates to the said township.

Mr. GALLEY, one from the burgess and council of Uniontown, Fayette county, asking for the repeal of an act dividing said borough.

Also, one from citizens of Fayette county, for the repeal of all the laws authorizing premiums on fox and wild cat scalps, and for the repeal of an act increasing the pay of county officers in said county.

Also, one from citizens of Fayette county, praying for the repeal of a law prohibiting manufacturers from peddling their own wares.

Mr. ROSE, a petition from the members of the Mercer county bar, for the passage of an act relative to the administration of justice in said county.

Mr. BALLIET, one from citizens of Carbon county, for the erection of a new judicial district, to be composed of Carbon and Lehigh counties.

Also, one for an appropriation for the erection of a monument in honor of Pennsylvanians who fell in Mexico.

Mr. JACKSON, one from citizens of Sullivan county, asking for the passage of a law to prohibit the running of deer by dogs in said county.

Mr. DISMANT, four from citizens of Montgomery county, asking for the passage of an act authorizing them to build a bridge over the river Schuylkill, at or near Buckwalter's ferry.

Mr. TAYLOR, two from citizens of Indiana county, for the abolition of the office of county superintendent of common schools, in said county.

Mr. BAYARD, one from forty citizens of Pittsburg, in favor of the incorporation of the Commercial Bank of Pittsburg.

Also, two numerous signed from citizens of Pittsburg, in favor of the incorporation of the Citizens' passenger railway company.

Mr. GOEPP, a remonstrance from citizens of Northampton county, against the removal of the seat of justice.

Mr. STUART, three petitions from citizens of York and Cumberland counties, praying the Legislature to enact a law authorizing a State road to be laid out from Siddensburg, York county, to Eberly's mills, in Cumberland county.

Also, a remonstrance from sundry citizens of York and Cumberland counties, against the passage of an act laying out a State road from Siddensburg, in York county, to Eberly's mills, Cumberland county.

Mr. ELLMAKER, one four yards in length, from citizens of Lancaster city, praying for the incorporation of the Conestoga gas-light company.

Also, two from citizens of Lancaster county, praying for the repeal of the act approved May 14, 1857, increasing the fees of district attorneys, so far as relates to said county.

Mr. BRODHEAD, two from citizens of Pike county, asking for an alteration in the road laws, as far as relates to said county.

Mr. MEHAFFEY, two from citizens of Brady township, Lycoming county, praying to be re-annexed to Union county.

Mr. ABBOTT, one from Messrs. Morris & Bro., of Philadelphia, praying for the passage of a law authorizing the settlement of their claim against the late Board of Canal Commissioners for the price of two locomotives furnished to the State.

Mr. PATTERSON, one from citizens of Juniata county, remonstrating against the passage of a law requiring the commissioners of said

county to make and keep in repair a certain mountain road.

Mr. PINKERTON, four petitions from citizens of Norwegian township, Schuylkill county, for a law requiring the supervisors of said township to let out the roads in said township to the lowest bidder.

Also, one from citizens of Pine Grove township, empowering Peter Klick and Peter Keeny, trustees of a certain school-house in said township, to dispose of the same for the benefit of the Pine Grove township school district.

Mr. CHURCH, one from citizens of Philadelphia, in favor of a liberal appropriation to aid in the establishment of a school of Mines and Minerals in the Polytechnic college, Philadelphia; which, on his motion, was read.

Mr. BURLEY, two from citizens of Middle Woodbury township, Bedford county, asking to be separated from Bedford county, and attached to Blair county.

Mr. HILL, one from citizens of Upper Salford township, Montgomery county, for an act to repeal and abolish the Oil Goshenhoppen school district.

Also, one numerous signed by citizens of Montgomery county, praying for an appropriation in aid of the Polytechnic college, of Pennsylvania, accompanied by the sixth annual announcement of said college.

Mr. FLEMING, one from citizens of Indiana county, for the erection of a new county, to be called Pine.

Also, one from citizens of Clearfield county, of like import.

Also, the petition of Sabina R. Sloan and others, for authority to sell certain real estate.

Mr. WILCOX, one from citizens of Indiana county, of like import.

Also, one from citizens of Cambria, of similar import.

Mr. WOODRING, one of similar import.

Mr. GALLEY, one from the burgess and town council of Uniontown, Fayette county, asking for the repeal of an act dividing said borough.

Mr. ACKER, one from the commissioners of Chester county, remonstrating against the passage of an act, entitled "A further supplement to an act to incorporate the Royersford bridge company."

Mr. SMITH, (Philadelphia,) one from citizens residing along the line of the Philadelphia, Wilmington and Baltimore railroads, for the passage of an act prohibiting the running of their locomotives east of Gray's Ferry bridge.

Mr. WALBORN, one from citizens of Pennsylvania, for an appropriation for the Polytechnic college at Philadelphia.

Mr. GRATZ, the memorial of the managers of the Northern Home for friendless children, accompanied with the fifth annual report of same.

Mr. THORN, the memorial of the widow and orphans of the late John J. McCahon, asking for relief for services rendered by him whilst commissioner in Europe; which was read.

Mr. HARDING, the memorial of the Howard association.

Mr. CHASE, a petition from citizens of Susquehanna county, for a county poor house.

Also, a memorial from Pennsylvania Institution for Deaf and Dumb, asking an increased appropriation.

Also, two from citizens of Blair county, in favor of an additional appropriation for the erection of a monument in honor of the brave Pennsylvanians who lost their lives in Mexico.

Mr. LAWRENCE, (Washington,) one from the faculty of Washington college, in favor of an appropriation in aid of the Polytechnic college at Philadelphia.

Mr. LAWRENCE (Washington,) offered a resolution that hereafter afternoon sessions from three until five o'clock, p. m., be held every Tuesday and Thursday.



Mr. CHASE moved to amend the same by inserting in the proper place, and that the House meet every morning except Monday, at ten o'clock; which was agreed to.

Mr. HAMERSLY moved to amend said resolution by devoting said afternoons to the consideration of private bills; which was also agreed to.

And on the question,

Will the House agree to the resolution as amended?

The yeas and nays were required by Mr. PRICE and Mr. THOMPSON, and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Custer, Dismant, Durbow, Eckman, Ellmaker, Evans, Fleming, Galley, Graham, Gratz, Gray, Green, Hamersly, Harding, Hottenstine, Jackson, Kenegy, Ketchum, Laird, Lawrence, (Washington,) Mann, Mehaffey, M'Curdy, M'Dowell, Neall, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Price, Proudfoot, Quigley, Shafer, Smead, Stephens, Stoneback, Stuart, Thompson, Thorn, Wagonseller, Walborn, Walker, Warden, Whitman, Wigton, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Wilson, Wolf, Woodring, Zoller and Lawrence, *Speaker*—69.

NAYS—Messrs. Smith, (Berks,) Smith, (Philadelphia,) Styer and Wood—4.

So the question was determined in the affirmative.

Mr. WAGONSELLER, leave being given, read in his place and presented to the chair, "An Act authorizing and requiring the commissioners of Union county to deliver to the commissioners of Snyder county certain assessment books of Snyder county;" and on his motion, said bill was passed finally, and ordered that the Clerk present the same to the Senate for concurrence.

Mr. WALBORN moved that the supplement to the act incorporating the Green and Coates Street passenger railway company be made the special order for Thursday afternoon.

Mr. THOMPSON moved that the further consideration of the question be postponed until tomorrow; which was subsequently withdrawn and renewed by Mr. EVANS.

And the question being taken, it was determined in the affirmative; thirty-one gentlemen voting affirmatively, and twenty-eight negatively.

Mr. SMITH, (Berks,) on leave, read an act repealing the eighth section of the act providing for the resumption of specie payments, &c.

Mr. PATTERSON, a petition from citizens of Blair county, in favor of an additional appropriation for the erection of a monument in honor of Pennsylvanians who lost their lives in Mexico.

Mr. SMEAD, one from citizens of Bradford county, for the passage of an act for the assessment and recovery of damages on the line of the North Branch canal.

Mr. WILLIAMS, (Bucks,) "An Act to incorporate the Union market company of Philadelphia."

Mr. WARDEN, one for the relief of Mary Washington, widow of an old soldier.

Mr. GALLEY, one to repeal an act to vest in Nancy Christy the right of this Commonwealth to the estate of Prudence Christy, dec'd, late of Dunbar township, Fayette county.

Mr. FLEMING, "An Act empowering Sabina R. Sloan to sell certain real estate."

Mr. GOOD, "A further supplement to the act dividing the borough of Allentown, Lehigh county, into five wards," and moved that the rules be suspended, and that the House proceed to the consideration of said bill; which was agreed to.

This bill was read the second and third time, and postponed.

Mr. MEHAFFEY, "An Act to authorize A. H. McHenry, guardian of the minor children of the late Thos. Babb, to invest certain money belonging to said children in real estate."

Mr. KETCHUM, "An Act relating to the collectors of State and county taxes in the county of Luzerne, and for other purposes."

Mr. PALM, one for the repeal of former acts relating to the borough of Schuylkill Haven, and extending the several features of the act regulating boroughs, approved April 3, 1851, to Schuylkill Haven; and, on his motion, said bill was taken up and passed finally.

Also, three petitions in favor of the same.

Mr. QUIGLEY, "An Act to incorporate the Suffolk park association."

Mr. WIGTON, "An Act for the relief of Stephen H. Lauchlin."

Mr. HARDING, "An Act to incorporate the Phoenix homestead and building association of Philadelphia."

Also, "An Act to incorporate the Delaware County passenger railway company."

Mr. HAMERSLY, "Supplement to the act for the better preservation of game," &c.

Also, "An Act to incorporate the Fairmount and Manayunk steamboat company."

Mr. EVANS, "An Act to incorporate the Washington passenger railway company."

Mr. SHAFER, "Supplement to an act to incorporate the Phoenix iron company," asking railroad privileges.

Mr. WILSON, the petition of citizens of Darlington, Beaver county, for the erection of an independent school district."

Mr. WAGONSELLER, "An Act relative to records in Union county."

On motion of Mr. McDOWELL, the SPEAKER adjourned the House until to-morrow morning at 10 o'clock, A. M.

#### CALENDAR OF PRIVATE BILLS.

FOR

TUESDAY, FEBRUARY 8, 1859.

No. 140. "An Act relating to strays in Venango county."

No. 141. "A supplement to an act to incorporate the Union School and Children's Home Asylum; to provide for the taxation of non-resident vendors of merchandise in the city of Philadelphia, and for the relief of Edward Hutchinson."

No. 142. "An Act to provide for the better regulation of buildings in the city of Philadelphia."

No. 143. "An Act relating to the borough of Lebanon."

Sen. 50. "An Act to authorize the House of Refuge to extinguish a certain ground rent."

No. 148. "An Act releasing to George S. Jamison, collector at Blairsville, from payment of money due the Commonwealth."

No. 150. "An Act to provide for the payment of the expenses of the special election held in Luzerne county, June 8, 1858."

No. 154. "An Act for the relief of Henry Bumgardner, a soldier of the Indian war of 1794."

No. 158. "An Act to incorporate the Port Kennedy railroad company, of Montgomery county."

No. 159. "An Act to incorporate the North-West Portage railroad company."

No. 160. "A supplement to an act incorporating the Green and Coates Streets Philadelphia passenger railway company."

No. 161. "A supplement to an act to incorporate the Buffalo and Bradford railroad company, approved the 14th day of March, 1856."

No. 162. "An Act defining certain powers."

No. 163. "An Act to incorporate the Mercantile Library Hall company, of the city of Pittsburg."

No. 164. "An Act to incorporate the Farmers' Mutual fire insurance company of middle Pennsylvania."

No. 165. "An Act to incorporate the Security fire insurance company, to be located in the city of Philadelphia."

No. 166. "A further supplement to the act incorporating the Scranton gas and water company, and amendatory to the supplement approved February 20, 1858."

No. 167. "An Act to amend the charter of the borough of North Lebanon, county of Lebanon."

Sen. 46. "An Act to incorporate the Preachers' aid society of the First Methodist Protestant church of Pittsburg."

No. 169. "A supplement to an act incorporating the Railroad Car-spring company, approved the 14th of April, 1858."

No. 170. "An Act to incorporate the Luzerne powder company."

No. 171. "A further supplement to an act, entitled 'An Act to incorporate the borough of Marietta, in the county of Lancaster,' passed March 9, 1843."

Sen. 45. "An Act to incorporate the town of Jefferson, in the county of Cambria, into a borough, to be called the borough of Wilmore."

No. 172. "An Act to incorporate the City building association."

No. 174. "An Act to amend and extend the charter of the fire insurance company of Germantown and its vicinity."

Sen. 41. "An Act to incorporate the association for the construction of a statue of George Washington."

No. 181. "An Act to regulate the fees of county commissioners, county auditors, juries, directors of the poor and witnesses, in the county of Northampton."

No. 182. "An Act to confer on certain associations of the citizens of this Commonwealth the power and immunities of corporations and body politic in law, and to confirm charters heretofore granted."

No. 183. "An Act to erect the counties of Clearfield, Jefferson, Elk and Forest into a new judicial district, to be called the Twenty-sixth district."

No. 184. "An Act to exonerate James F. Leonard, prothonotary of Clearfield county, from the payment of costs, taxes, et cetera, on his commission."

No. 186. "An Act to increase the pay of the county commissioners and auditors of Indiana county."

No. 187. "An Act relative to the Delaware Division canal company, of Pennsylvania."

No. 188. "An Act to confer on James Morrison, of Washington county, all the rights and privileges of a child born in wedlock."

No. 189. "An Act to amend the fee bill of the orphans' court of the county of Allegheny."

Sen. 7. "An Act to require the register of wills in and for Luzerne county, to record in a book or books the appraisements, inventories and vendue lists of personal property."

No. 194. "An Act to authorize the Surveyor General to issue a patent."

#### BILLS OBJECTED TO.

No. 107. "An Act relative to reserved tracts or out-lots of the borough of Franklin."

No. 121. "An Act to incorporate the Central market company of the city of Philadelphia."

No. 126. "An Act to incorporate the Centre market company of Philadelphia."

No. 129. "An Act securing to the people of Philadelphia the right of free travel over certain highways."

#### No. 182.—FILE OF THE SENATE.

PENNEY, Estates and Escheats—Feb. 3.

AN ACT supplemental to an act, entitled "An Act relating to the sale and conveyance of



real estate, approved the eighteenth day of April, Anno Domini one thousand eight hundred and fifty-three."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That where real estate held by the same parties, and in the same right shall be situate in two or more counties of this Commonwealth, the proper court of any one of the said counties, on the petition or appearance and consent of all the parties, shall have the same jurisdiction as to the sale and conveyance of said real estate, or any part thereof, as is vested in the courts of the county where the premises may be situated, by the act to which this is a supplement; *Provided,* That no sale, by virtue of this act, shall discharge any real estate from the lien of any debt, unless made by public outcry or vendue, after full advertisement under decree of the proper court of the county where such real estate is situated.

#### No. 178.—FILE OF THE SENATE.

MILLER, Judiciary—Feb. 3.

#### AN ACT relative to arbitrations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That arbitrations under the compulsory arbitration law and its supplements shall be called lay arbitrations, and arbitrations under this act legal arbitrations.

SEC. 2. That whenever a party to a suit shall, by himself or attorney, enter a rule to arbitrate the same, he shall be taken and deemed to have waived his right to appeal and trial by jury in said suit, and it shall be optional with the other party to the suit, or his attorney, whether the arbitration shall be a legal or lay arbitration; and unless the opposite party, or his attorney, shall on or before the day fixed for choosing the arbitrators, elect by writing filed to have a legal arbitration, it shall be a lay arbitration as heretofore, with the right to each or either party to appeal.

SEC. 3. That if the party not entering the rule shall, as aforesaid, elect to have a legal arbitration, there shall be but one arbitrator, who shall have been duly admitted to practice law in some court of record in this Commonwealth, and the method of choosing service of notices, length of rules and fixing times of hearing, shall be the same as under the lay or compulsory arbitration law.

SEC. 4. That the arbitrator shall have the same power and authority to permit the amendment of the declaration and pleadings, grant non-suits, award subpoenas and attachments, to make interlocutory orders necessary for the trial of the case, to allow the names of the parties to be amended or changed, and to compel the production of books and papers to be used on the trial of said case, as judges of courts of record now have or may have, and with the same force and effect; and to punish witnesses in contempt for non-attendance after having been duly and legally subpoenaed, by imposing upon them all the costs of the attachment awarded for their arrest, and the same may be levied of their goods and chattels, lands and tenements, without any right of exemption, or stay of execution, for the collection of which said arbitrator may award execution in the name of the plaintiff in the suit, for the use of the county against the said witness so in contempt.

SEC. 5. That the hearing or trial before the arbitrator shall be proceeded in, in the same manner, and governed by the same rules as trials before courts and juries, and exceptions

to the admission or rejection of testimony shall be taken and noted at the time of the admission or rejection thereof, and either party, at any time before the closing argument in the case, may submit written points of the law arising therein, and request the opinion of the arbitrator in writing thereon. It shall be the duty of the arbitrator to conduct the trial, and at the conclusion thereof, to find and report the facts of the case in the form of a special verdict, together with the exceptions taken during the trial to the admission or rejection of evidence, and the points of law made by the parties, and his decision or ruling thereon, and his award or finding in the case. The award and accompanying papers before mentioned shall be by him filed in the prothonotary's office, within seven days after the finding thereof; upon which award so filed judgment shall be entered nisi to become absolute, if no exceptions to the ruling or decisions of law thereon, or motion to set it aside, as hereinafter provided, be made or filed within twenty days after the filing of said award. If exceptions be filed to the decisions or ruling of the law in the case by the arbitrator, the same shall be in the nature of a writ of error to the common pleas, or court in which the case is pending, to the decision of which, upon such exceptions, either party shall be entitled to take a writ of error, upon the usual conditions and restrictions.

SEC. 6. That the judgment nisi, on the award, shall continue to be a lien until final judgment.

SEC. 7. That the arbitrator shall keep a memorandum of his acts and proceedings, under and by virtue of the fourth section of this act and file the same with his award.

SEC. 8. That as compensation for his services the arbitrator shall be entitled to receive six dollars for the first day and four dollars for each subsequent day's service, necessarily employed in the hearing and determining the case. He shall also be entitled to receive two dollars for each adjournment upon application of either or both of the parties, at any time when no other proceedings are had; but he shall not charge or receive adjournment fees for any day when he shall charge or receive per diem compensation, which compensation shall be taxed and collected as costs in the case.

SEC. 9. That before entering upon his duties the arbitrator shall be sworn or affirmed, to perform the duties of his appointment with fidelity, which oath or affirmation may be administered by any attorney of any court of record of this Commonwealth, or by any officer having general authority to administer oaths, or by the prothonotary of the court.

SEC. 10. That the award may be set aside, and the case referred to the same or a different arbitrator, at the option of the parties, to be chosen at a time and place to be fixed by the court, within four days thereafter, in the usual manner, to meet not less than four nor more than ten days after said choosing for the following causes, to wit: For such misbehavior on the part of the arbitrator, as in the opinion of the court shall invalidate the award, in which case the arbitrator shall forfeit his compensation for testimony discovered after the trial, such as will justify the court in granting a new trial.

SEC. 11. That no rule to show cause why an award shall not be set aside for misbehavior on the part of the arbitrator shall be granted unless the party making the motion shall state the misbehavior in writing specifically which statement shall be verified by the oath or affirmation of the mover, or some person acquainted with the fact; and no award for the cause aforesaid shall be set aside unless the same be proved to the satisfaction of the court.

SEC. 12. That no application or motion to set aside an award, for after discovered testimony, shall be entertained or rule granted to show cause, unless the mover shall have re-

duced the facts, which he expects to prove, to writing; which statement shall be accompanied by the oath or affirmation of the mover or some one for him, that the same are true and were not known to the parties asking for the new trial, or either of them, at the time of the former trial, and that he expects to prove the said facts by a witness whose name and place of residence shall be given. On the hearing of the rule to show cause, the said witness may be examined as to his knowledge of the facts alleged.

SEC. 13. That no motion to set aside an award shall be entertained by the court, unless made within twenty days from the filing thereof in open court, if a court be in session, at any time during said twenty days, if not to a judge at chambers.

SEC. 14. That all subpoenas, executions, attachments, rules or orders, made or awarded by the arbitrator, shall be issued by the prothonotary, and he may issue subpoenas returnable before the arbitrator without a special order.

SEC. 15. That the parties or their attorneys to a suit pending, or hereafter to be brought, may amicably refer the trial and determination of the same to a legal arbitrator, and fix their own time and place of hearing with the same force and effect, and with the same incidents and rights to the parties as if the said suit had been referred by rule entered and arbitrator chosen, as hereinbefore provided.

#### No. 163.—FILE OF THE HOUSE.

PRICE—Corporations.—Jan. 29.

AN ACT to incorporate the Mercantile Library Hall company of the city of Pittsburgh.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George W. Jackson, James M'Cauley, Thomas M. Howe, James Park, junior, William Holmes, William M. Lyon, Isaac M. Pennock, J. K. Moorhead, Alexander Nimick, James M. Cooper, William Bagaley, John F. Singer, George Darsie, George Black, George W. Cass, William F. Johnston, Allen Kramer, John H. Shoenberger, Nathaniel Holmes, and Felix R. Brunot, all of the county of Allegheny, and their associates and successors, are hereby erected into a body corporate in deed and in law, by the name, style and title of the Mercantile Library Hall company, for the purpose of erecting a hall for the use and benefit of the Young Men's Mercantile Library and Mechanics' Institute of the city of Pittsburgh.

SEC. 2. That the said corporation, by the same name and title shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of law, and elsewhere; and shall be capable and able in law and equity to take, purchase, hold and receive, to them and their successors, for the use of said company, lands, tenements, choses in action, goods and chattels, of whatever kind, nature or quality, real personal or mixed, which now are or hereafter may become, the property of said corporation, or be held for their use, by gift, grant, bargain, sale, conveyance, devise, bequest, or otherwise, from any person whomsoever, capable of making the same; and the same to grant, bargain, sell, mortgage, improve or dispose of for the use and benefit of the said company; may have a common seal, and at pleasure alter, change or renew the same; and in general do all things which may be necessary for the well-being and due management of said corporation.

SEC. 3. That the corporation hereby created shall have power to appoint such officers for its government, the management of its property and the superintendence of its affairs, as its members may deem proper and beneficial; and



to make all by-laws which may seem proper to the same end; and to change or modify them at pleasure: *Provided*, That such by-laws and regulations shall not be contrary to the constitution of the State of Pennsylvania or the United States.

SEC. 4. That it shall be the duty of the corporation hereby created, as soon as a sufficient amount of stock shall have been subscribed, to purchase ground and proceed to erect thereon a suitable and commodious library building, for the use of the Young Men's Mercantile Library and Mechanics' Institute of the city of Pittsburg, incorporated by act of Assembly approved the day of Anno Domini one thousand eight hundred and forty-nine; which said building shall be completed without unnecessary delay; and when ready for use shall, with the ground aforesaid, be perpetually leased to the Young Men's Mercantile Library and Mechanics' Institute on the following terms, viz:—The Young Men's Mercantile Library and Mechanics' Institute shall pay to the corporation hereby created, on or before the first day of January in each year, all necessary repairs and taxes to which said ground and buildings may be subjected; and in addition thereto, a sum not over six per centum per annum on the whole cost of said ground and building, or such part thereof as shall not have been repaid by the said Mercantile Library to the corporation hereby created; and in consideration of the payment of the before mentioned taxes, repairs and interest, the Mercantile Library and Mechanics' Institute shall forever have entire possession and control of said ground, and the buildings erected thereon; and shall have power to sub-let the whole, or any portion thereof, and collect the rent and revenues, and make appropriation of the same; *Provided nevertheless*, That whatever rents and revenues they may receive, over and above the amount of taxes, interest and repairs, shall be paid to the corporation hereby created, to reimburse the same for the cost of the ground and buildings: *And provided further*, That if the Mercantile Library and Mechanics' Institute shall at any time be in arrears for two whole years for taxes, repairs and interest, then they shall forfeit their lease aforesaid, and the corporation hereby created may, after six months' notice to the president and managers of said Mercantile Library, take possession of the aforesaid ground and buildings; in that event, the corporation hereby created shall annually pay to the Mercantile Library and Mechanics' Institute such proportion of the net revenue from the aforesaid ground and buildings as the amount paid by the Mercantile Library towards the reimbursement of the cost of the ground and buildings shall be to the whole cost thereof; and in case of sale of the whole or any part, the said Mercantile Library and Mechanics' Institute shall be entitled to a like proportion of the proceeds of sale.

SEC. 5. That on or before the completion of said buildings, the corporation hereby created shall enter into good and sufficient covenant with the Mercantile Library and Mechanics' Institute to convey to said corporation all the right, title and interest of the corporation hereby created in the ground and buildings aforesaid, so soon as the Mercantile Library and Mechanics' Institute shall have reimbursed the corporation hereby created its cash outlay for the ground and buildings; and whenever the Mercantile Library and Mechanics' Institute shall tender to the Mercantile Library hall company hereby created any sum not less than one thousand dollars, in part payment of said cost, the same shall be received, and duplicate receipts given therefor, under the seal of the corporation; the date, amount and purpose of said payment shall be recorded in a book to be kept by the Library hall company for that pur-

pose, which shall at all proper times be open for the inspection of the officers of the Mercantile Library and Mechanics' Institute, and which shall be carefully preserved by the Library hall company, in a place secure as may be from fire, theft or other dangers.

SEC. 6. That the corporation hereby created may borrow money to an amount not exceeding the sum actually paid in, and may issue its bonds therefor; and its funds shall be expended, as provided in this act, in buying suitable ground and erecting and furnishing proper and commodious buildings for the use of the Mercantile Library and Mechanics' Institute; the stock of said company shall be in shares of ten dollars, and shall be personal property, and transferable only on the books of the company, and each share shall be entitled to one vote in elections or the management of the affairs of the company.

SEC. 7. That on and after the first day of January in each year, the treasurer of the Library hall company shall pay over to the stockholders, *pro rata* the sum of money which shall have been received during the preceding year for interest from the Mercantile Library and Mechanics' Institute.

SEC. 8. That the Legislature hereby reserves the right to repeal, alter or amend this act, in such manner as shall do no injustice to the incorporators.

#### No. 169.—FILE OF THE SENATE.

BELL, Judiciary.—Feb. 3.

AN ACT in reference to the commissions of justices of the peace and aldermen.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That every person hereafter elected to the office of justice of the peace or alderman shall, within thirty days after the election, if he intends to accept said office, give notice thereof, in writing, to the prothonotary of the common pleas of the proper county, who shall immediately inform the Secretary of the Commonwealth of said acceptance, and no commission shall issue until the Secretary of the Commonwealth has received the notice aforesaid.

SEC. 2. That so much of an act of Assembly as requires constables to send copies of the returns of the election of aldermen and justices of the peace to the Governor of the Commonwealth is hereby repealed.

SEC. 3. That whenever any person elected to the office of alderman or justice of the peace shall fail to give the notice of acceptance as provided for in the first section of this act, within thirty days after said election, the office shall be considered vacant, and shall be filled as vacancies are now filled by law.

#### No. 180.—FILE OF THE SENATE.

SCOFFIELD, Judiciary.—Feb. 3.

AN ACT to authorize certified copies of records of insurance companies to be admitted as evidence.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That in all cases of litigation in any of the courts of common pleas or quarter sessions of this Commonwealth, where a mutual fire insurance company chartered by the Legislature of this State shall be a party, a copy of the record or records of such company, certified by the seal of the company and the affidavit of the proper officer, that such is a true copy of the record, as the same may purport to be, shall be admitted as evidence before such courts, and be received as

of equal weight with the original record; also, that such fire insurance companies so chartered, shall not be compelled to produce their books of record before any of the courts of this Commonwealth, but in lieu thereof, shall on sufficient notice, furnish a copy of a designated record or part thereof, at the proper cost of the party requiring such evidence, which, certified as before mentioned, may be read in evidence on trial.

#### No. 180.—FILE OF THE HOUSE.

GOEPP, Judiciary.—January 31.

AN ACT to prevent the defacing of bank notes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, it shall not be lawful for any person or persons, corporation or body corporate, within this Commonwealth, to deface any bank note, or acknowledgment of indebtedness, of the nature, character and appearance of a bank note, issued by any bank lawfully incorporated by the Legislature of this Commonwealth, and authorized to issue the same, by writing, printing, or in any other way impressing or inscribing thereon, either on the face or on the back thereof, any card, advertisement or other inscription calculated or intended to announce and make known the occupation or place of any person, firm or corporation, and to pass off, pay out or circulate any such bank note or other acknowledgment of indebtedness, as aforesaid, so defaced as aforesaid.

SEC. 2. That every person who shall violate the provisions of the first section of the act, shall be taken and deemed to have committed a misdemeanor; and shall, upon conviction thereof in the Court of quarter sessions of the peace of the county wherein which the said violation shall have been committed, be fined in any sum not less than twenty dollars, and not more than fifty dollars.

#### No. 183.—FILE OF THE HOUSE.

GRITMAN, Judiciary.—Jan. 31.

AN ACT to erect the counties of Clearfield, Jefferson, Elk and Forest into a new judicial district, to be called the Twenty-sixth district.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the counties of Jefferson, Elk, Forest and Clearfield be, and they are hereby, erected into a separate judicial district, to be called the Twenty-sixth district: *Provided*, That the courts in the several counties shall be held at the terms heretofore fixed by law, and that for the purpose of preventing any interruption of the summer term of courts, this act shall not take effect until the first day of August next.

#### No. 50.—FILE OF THE HOUSE.

GRITMAN, Judiciary.—Jan. 18.

A SUPPLEMENT to an act for the better preservation of game, approved April twenty-first, Anno Domini one thousand eight hundred and fifty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That hereafter it shall not be lawful for any person to shoot, kill, or otherwise destroy, any partridge within this Commonwealth, between the first day of January and the first day of November; and that all persons offending against the provision hereof, shall be subject to the same penalty and conviction as are provided in the act to which this is a supplement.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 27.

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## SENATE.

TUESDAY, Feb. 8, 1859.

A quorum of Senators being present, The SPEAKER called the Senate to order at 10½ o'clock, A. M.

Mr. BELL appeared in his seat. The Journal of yesterday was read and approved.

The SPEAKER presented a remonstrance of citizens of Blair county, against a law to prohibit the grazing of cattle on the mountains in Blair and Cambria counties.

## PETITIONS, MEMORIALS, &C.

Mr. PENNEY presented a petition of citizens of Allegheny county, praying for an appropriation for the School of Mines.

Mr. PALMER, twelve petitions signed by six hundred and four citizens of Schuylkill county, for the passage of an act for the better securing the payment of the wages of labor in said county.

Also, three petitions of citizens of Schuylkill Haven, Schuylkill county, for the repeal of a certain act relating to said borough.

Also, the petition of citizens of Schuylkill county, for the repeal of the law relating to the office of sealer of weights and measures.

Mr. MARSELIS, the petition of the Howard institution of Philadelphia, asking for an appropriation of two thousand dollars.

Also, the memorial of the Northern Home for Friendless Children, praying for an appropriation, accompanied by their annual report.

Mr. TURNEY, three petitions of citizens of Westmoreland county, praying for the abolition of the office of county superintendent of common schools.

Mr. SCHINDEL, six petitions of citizens of Northampton county, in favor of the removal of the seat of justice in said county.

Also, two remonstrances against the same.

Also, a remonstrance of citizens of the same county, against the incorporation of the Iron-ton railroad and mining company.

Mr. FRANCIS, a petition of divers citizens of Venango county, asking for a reduction of taxes for school purposes.

Also, a remonstrance of one hundred and seven citizens of Venango county, against the erection of a new county out of parts of Warren, Crawford and Venango.

Mr. THOMPSON, a petition of citizens of the borough of Pottstown, for an alteration in their borough charter.

Also, a remonstrance against the erection of a bridge over the Schuylkill river at Black Rock, in Montgomery and Chester counties.

Mr. GAZZAM, a petition of citizens of Pittsburgh and vicinity, for the passage of an act incorporating the Pittsburgh and East Liberty passenger railway company.

Mr. SCHELL, a petition of citizens of Bedford county, praying for the sale of the poor-house in that county.

Also, a petition of citizens of Blair county, praying for an additional appropriation for the erection of a monument to the memory of Pennsylvanians who lost their lives in the war with Mexico.

Mr. WRIGHT, the petition of Isaac Collins, John Robbins, Jr., Arthur G. Coffin, Charles Gilpin and others, for an appropriation to the Polytechnic College for the maintenance of a school of mines.

Also, a petition of citizens of Philadelphia and Bucks counties, against the passage of a supplement to the Byberry and Bausalem turnpike road charter.

Mr. PARKER, a petition of sundry citizens of Philadelphia, for aid in establishing the School of Mines.

Mr. RANDALL, the petition of the widow and children of John J. McCahen, praying for compensation for service of the deceased to the State.

Also, a petition of citizens of Philadelphia, praying for an additional appropriation for the erection of a monument on the Capital grounds.

Mr. BELL, a petition of citizens of Delaware county, for the passage of a law to equalize taxes in the borough of Chester.

Also, a petition of citizens of Chester county, relative to the fees of justices of the peace and constables in that county.

Mr. STEELE, a petition of citizens of Luzerne county, for an appropriation to the Polytechnic college in Philadelphia.

Also, a petition signed by fifty-three citizens of the same county, for a change in the present school laws.

Mr. GREGG, a petition of citizens of Centre county, for a change relative to the appointment of road viewers.

Also, a petition of citizens of Lycoming county, for the passage of a law securing more effectually prompt payment on the part of insurance companies.

Mr. BLOOD, a remonstrance of citizens of Clearfield county, against the removal of the seat of justice from Clearfield to Carwinsville in that county.

Also, a petition of citizens of Susquehanna township, Cambria county, praying for the erection of a new county, to be called Pine.

## REPORTS OF COMMITTEES.

Mr. NUNNEMACHER, (Roads and Bridges,) reported as committed, "An Act to incorporate the Parryville bridge company."

Also, (same,) with amendment, "A supplement to an act incorporating the Byberry and Bensalem turnpike road company."

Also, (same,) as committed, "An Act incor-

porating the Pennsylvania and Maryland Line turnpike road company."

Mr. FETTER, (same,) as committed, "An Act incorporating the Chartiers and Robinson Township turnpike road company."

Also, (same,) as committed, "An Act relating to the opening and grading of new roads in Thornbury township, Delaware county."

Mr. RUTHERFORD, (same,) as committed, "An Act relative to the navigation of Pine Creek in Warren county."

Also, (same,) as committed, "An Act relative to road views and road damages in Northumberland county."

## BILLS IN PLACE.

Mr. MILLER read in his place and presented to the Chair, "An Act relative to brokers."

Mr. RUTHERFORD, "An Act to authorize the removal of the dead interred in the grounds connected with St. Stephen's church, Harrisburg."

Mr. THOMPSON, "An Act to repeal an act authorizing the appointment of sealer of weights and measures in Montgomery county."

Mr. RUTHERFORD, "A further supplement to an act relating to counties and township and county and township officers," approved April 15, 1834.

Mr. TURNEY, "An Act relative to the holding of courts in Clearfield county."

Mr. PARKER, "A supplement to the act providing for the regulation and inspection of buildings."

Mr. BREWER, "An Act to incorporate the Mont Alto iron company."

Mr. BLOOD, "An Act to repeal a part of the fourth section of an act to appoint road commissioners to take charge of the Ridgway and Warren turnpike road company, in Elk and Forest counties."

Mr. BELL, "An Act to incorporate the Delaware County passenger railroad company."

Mr. CRAIG, "A further supplement to an act relative to sheriffs in this Commonwealth."

Mr. RANDALL, "An Act to pay salary and mileage to Wm. F. Small, Senator, during the session of 1847."

## ORIGINAL RESOLUTIONS.

Mr. RANDALL offered the following resolution:

*Resolved*, That the act to establish a general banking law be made the special order for Monday next, and every day thereafter until disposed of.

Said resolution was twice read, considered, and adopted.

Mr. WELSH offered the following:

*Resolved*, That from and after this day, it shall be the duty of the SPEAKER to charge all private bills which may hereafter be called up for consideration to the member upon whose motion such bill may have been considered; and it shall also be the duty of the SPEAKER to call the names of the Senators alphabetically, whenever the consideration of bills shall be in order, and each Senator shall then in his turn have the privilege of moving to proceed to the consideration of a private bill.

Mr. GREGG desired some information with reference to the operation of the plan proposed by the resolution.

The SPEAKER explained that the resolution was in the language of the resolution of last session.

Mr. GREGG thought it would, sometimes,



operate a little injuriously—particularly with modest members.

The SPEAKER suggested that no advantage could be taken by any Senator, and that its operation, heretofore, had been beneficial.

Mr. MYER explained the operation of the resolution last session.

Mr. WELSH said the resolution was in the precise language of the resolution passed at the last session, and under which the Senate had proceeded in its business. It will operate fairly and justly to all, and he hoped it would be adopted.

The resolution was twice read, considered and adopted.

#### ORDERS OF THE DAY.

House bill No. 100, "An Act authorizing the Auditor General and State Treasurer to sell certain stock belonging to the State in the Washington and Wilmington turnpike road company," came up in order and passed finally.

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. WELSH, Senate bill No. 158, "An Act incorporating the Mount Olivet cemetery association of York county."

On motion of Mr. CRAIG, Senate bill No. 236, "An Act incorporating the Parryville bridge company."

On motion of Mr. MILLER, House bill No. 35, "An Act for the relief of certain collectors of taxes in Washington county," was taken up. Mr. MILLER moved to amend, by re-inserting in the sixth line the words "and State."

Mr. TURNEY said that although the sum involved may be small, it might be establishing a dangerous precedent. The Finance Committee had struck out the words "and State;" and although he had no objection to the extension of this privilege in case of county tax, he was opposed to extending it to State tax.

Mr. MILLER said, in explanation of the bill and amendment, that the Committee on Finance had stricken out the words "and State" in the bill. As this renders the bill entirely inoperative, I move to insert these words. It will be understood by the Senate, that the commissioners in each county are required to exonerate tax collectors from the collection of taxes, which may have been improperly assessed upon individuals or property. This is a just and equitable provision in the general law; otherwise collectors would be compelled to account for and pay into the treasury taxes which may have been illegally assessed. If this was the case, no person could be found who would act in this capacity. The committee, in striking out the words, "and State," show their willingness to exonerate the collector from the collection of county taxes, that may have been improperly assessed. If it is right in this instance to permit the commissioners to grant exonerations from county taxes, it is equally so to do the same for State taxes. In Washington county, a certain time is fixed for the collector to claim such exonerations. It appears that, at the said time, (the first of January in each year,) certain of the collectors of Washington county, through sickness and other unavoidable causes, failed to come up; when coming in after this period they found the door closed upon them by the law. Now they desire this time to be extended, that justice may be done them, and that they may not be compelled to account for and pay in taxes that it is impossible for them to collect. The commissioners are ready to make such exonerations as are reasonable and just, but cannot do so unless this amendment, now offered, is sustained.

Mr. SCHELL thought the amendment of the Senator from Washington should be adopted. If there was any benefit to be derived from this bill, as regards county tax, it would be equally just and beneficial in respect to State tax.

Mr. BELL considered the amendment a good one, and that it should be adopted.

On the question,

Will the Senate agree to the amendment?

It was determined in the affirmative, and the section as amended was adopted.

On the final passage of the bill,

The yeas and nays were required by Mr. MILLER and Mr. TURNEY, and were as follows, viz:

YEAS—Messrs. Baldwin, Bell, Blood, Craig, Fetter, Finney, Francis, Harris, Keller, Marselis, Miller, Parker, Penney, Rutherford, Schell, Scofield, Schindel, Steele, Thompson and Cresswell, *Speaker*—20.

NAYS—Messrs. Brewer, Nunnemacher, Randall, Turney, Welsh and Wright—6.

So the question was determined in the affirmative.

On motion of Mr. GAZZAM, Senate bill No. 239, "An Act incorporating the Charters and Robinson Township turnpike road company."

On leave given, Mr. RANDALL reported as committed, "A further supplement to the act incorporating the Lewisburg, Centre and Spruce Creek railroad company."

On motion of Mr. BELL, House bill No. 23, "An Act relative to making and opening roads and building bridges in West Marlborough township, Chester county, and repairing roads in said township."

On motion of Mr. RANDALL, House bill No. 27, "An Act to incorporate the Penn Warehouse company," which was amended in the first section by adding the names of Andrew J. Catherwood and Morton McMichael.

By request this bill lies over on second reading.

On motion of Mr. TURNEY, Senate bill No. 163, "An Act to incorporate the Uniontown gas and water company." This bill was slightly amended.

On motion of Mr. SCHELL, Senate bill No. 185, "An Act to incorporate the Johnstown and Ashtola tramroad and railroad company."

This bill having been amended in the first section by the insertion of the words, "and several supplements thereto," after the words "forty-nine," in the twelfth line, lies over.

On motion of Mr. GREGG, "A supplement to the act incorporating the Lewisburg, Centre and Spruce creek railroad company."

On motion of Mr. SCOFIELD, House bill No. 60, "An Act to repeal the tenth section of the act of 27th April, 1852, entitled 'An Act authorizing the laying out of a State road in Montgomery and Bucks counties; relative to fishing in certain streams in Potter county.'"

Mr. BELL wished to know the object of the bill.

Mr. SCOFIELD explained that the section forbids others than residents of the State of Pennsylvania, fishing in the streams of Potter county. Persons from the State of New York, had been in the habit of coming over, previous to its passage, and fishing. The hotel keepers had found them profitable customers, and they were desirous of having the section repealed, so that these New Yorkers might enjoy the privileges which they had previously, and the business interests of a portion of the people of Potter be benefitted. The bill was an omnibus bill, and it was proposed simply to eject the tenth passenger.

Mr. BELL thought that might all be very well; but when the Legislature passed that law, there must have been some good reason for doing so. Fish must have been scarce, or they would not have desired such a clause.

Mr. SCOFIELD said the law was passed, because the people of that section of the State wished to reserve the best fish for themselves. They found, however, that the New York folks, who had been in the habit of coming over to fish, were fond of whisky; and the passage of this law had deterred them from coming, thereby injuring the business of hotel keepers. They

desired its repeal, so that these persons may be induced to visit the county during the fishing season.

Mr. RANDALL wished to inquire of the Senator from Warren, whether this tenth passenger, whom he proposed to eject, had paid his fare? If he had, they had no right to eject him.

Mr. PALMER wished to express how willingly he would vote to repeal the section, and extend to all the privileges of fishing in that county. He was, he said, at home, a very laborious man; and almost the only recreation he took from his duties, was in the summer among the trout streams of Potter. In his pleasure in that pastime, he had become acquainted with many New Yorkers, and had found them a very clever set of men. He did not desire that they should be fined for pleasure which he, as a Pennsylvanian, enjoyed, simply because they were from another State.

Mr. SCHELL wished to know whether the fish of Potter could not be made to go over to New York State, and the object be accomplished in that way.

Mr. SCOFIELD replied that if the Senator from Bedford could devise some plan by which the Allegheny or other rivers could be made to run up stream, he might be equally successful in accomplishing the other. The fish were, he said, headstrong and stubborn, like politicians, and liked to run with the current.

On motion of Mr. TURNEY, Senate bill No. 70, "An Act to repeal an act for the protection of sheep and taxing of dogs in Blair county."

On motion of Mr. RANDALL, Senate bill No. 150, "A further supplement to an act consolidating the city of Philadelphia."

Mr. GREGG asked for an explanation of the bill.

Mr. RANDALL said the object of the bill was to do away with the election of the board of guardians of the poor and the board of health, by the people, and to give to the supreme court their appointment. The change proposed would be a saving, to the city of Philadelphia of twenty-five thousand dollars annually, and perhaps of hundreds of thousands of dollars eventually. The bill had been sent to him by the city council of Philadelphia; it had received their unanimous approval, and he did not believe there would be found a dissenting voice to it among his constituents.

Mr. BELL was gratified with the bill, because of the spirit it manifests. He had seen it charged upon the board of guardians of the poor, that they had perpetrated pecuniary frauds to a vast amount, and the plan proposed for their selection by the bill would have a tendency to guard the public interests. He referred to the evils growing out of a reference of every thing to the popular vote, particularly as it affects the judiciary system. He was, he said, a Democrat, and had been from his youth up, but he could not but regard it as an error, and was of the opinion that the sober second thought of the people would induce them to return to the old method of selecting the high office of the judiciary.

Mr. WRIGHT had no serious objection to the bill, but he thought there might be some difficulty in carrying out the intentions of its framers. He thought the object contemplated by the second section could not be attained without some difficulty.

Mr. RANDALL rose to say that his only object was to abolish the boards before the spring election.

Mr. WRIGHT agreed with his colleague, that the sooner the bill passed, the better for the interests of the people of Philadelphia. Still, he had objections to the second section, and he hoped it would not pass.

The second section was withdrawn and the bill passed.



On motion of Mr. STEELE, House bill No. 43, "An Act relating to sheriffs' and prothonotary's costs in Luzerne county."

## BILLS IN PLACE.

On leave given, Mr. BLOOD read in his place and presented to the Chair, "An Act to repeal the last proviso of the 41st section of an act to reduce the State debt, and to incorporate the Pennsylvania canal and railroad company."

Mr. BELL, "An Act authorizing execution of property in equity on non resident defendants."

The hour of one having arrived, the SPEAKER adjourned the Senate until to-morrow morning at half-past 10 o'clock.

## HOUSE OF REPRESENTATIVES.

TUESDAY, Feb. 8, 1859.

The House was called to order at 10 o'clock by the SPEAKER.

The Clerk read the Journal of yesterday.

The SPEAKER laid before the House a statement of the affairs of the Thomas iron works.

## BILL IN PLACE.

Mr. ECKMAN, on leave, read in his place and presented to the Chair, "An Act to confirm the sale of the Germau school-house, in Myers-town, Lebanon county," which was referred to the Committee on the Judiciary System.

Mr. BRODHEAD, on leave, presented two petitions from citizens of Pike county, asking for an alteration of the road laws as far as relates to said county.

## REPORT OF A COMMITTEE.

Mr. WILCOX, from the minority of the committee appointed on the subject of printing the *Daily Legislative Record*, submitted the following report:

The Legislature, at its present session, adopted a resolution for the appointment of a committee, in conjunction with a similar committee of the Senate, should the Senate appoint such committee, for the purpose of contracting for a *Daily Legislative Record*, of which committee the undersigned was appointed a member by the SPEAKER.

The Senate refused to appoint a committee, and of course no conference was had.

The majority of the committee of the House reported the fact to this body, and offered the following resolution:

*Resolved*, That the committee already appointed on the part of the House, be empowered to enter into a contract with George Bergner & Co., for the publication of a *Daily Legislative Record*, under such restrictions as they may consider the most advantageous to the State, and that they also receive such sureties in the sum of \$3,000 from the contractors for the faithful performance of the work as they may deem reliable; the whole to be submitted to this House for ratification.

This resolution was predicated upon a proposition submitted to the committee by George Bergner & Co., for the publication of a *Daily Legislative Record*, for the sum of \$5 60 per page, being \$1 40 per page less than the price allowed R. J. Haldeman, Esq., and this resolution was adopted by the House.

The undersigned refused to sign the contract entered into by a majority of the committee, for the reason that it would entail on the State the expense of two sets of *Records*, furnished by different parties.

At the last session of the Legislature a law was passed, of which the following is the fortieth section, entitled "An Act to provide for the ordinary expenses of government," &c., approved April 21, 1858

"To Richard J. Haldeman, publisher of the *Legislative Record*, compensation at the rate of seven dollars per page for the numbers published and re-published of said *Record*, at the present session, deducting any sum heretofore paid, the amount to be certified as due by the

superintendent of public printing; and the said publisher is hereby authorized to continue the publication of such record at the next session, under all the terms and conditions of the existing contract until the two Houses otherwise order, or a new contract is made for such publication."

This is the law of the land, and can only be repealed by the action of both Houses. The Senate refused to confer with the House in making a new contract, and hence any action on the part of the committee of the House to enter into a new contract with a different person would have entailed upon the State the additional expense of paying for a *Daily Legislative Record* contracted for by the House alone. Mr. Haldeman being authorized by the law to continue the publication of the *Record*, until the two Houses should otherwise order, would have been bound by the terms of his contract to have furnished daily, and thus instead of saving money to the State the additional expense of \$41 80-100 per day would have been entailed on her.

It is the duty of a legislator to husband, by all means within his power, the money of the people. It is his duty to see that the public money is appropriated in a fair and legitimate manner, and the undersigned could not in justice to himself or the people, sign a contract, which, to say the least of it, was useless, without the concurrent action of a co-ordinate branch of the Legislature.

The authority to Mr. Haldeman to continue the publication of the *Record* emanates from the law of the land, and until that law is repealed, it is worse than folly to enter into a contract with another person to do the same thing without law.

For these reasons the undersigned refused to sign the contract as submitted to him.

Very respectfully,

WM. P. WILCOX.

The SPEAKER laid before the House a communication from the Auditor General, in answer to a resolution of the first instant, calling upon that department for information relative to the capital of banks and brokers in this Commonwealth; which was read by the Clerk, and laid on the table.

Mr. FOSTER rose to a privileged question. Leave being given, he referred to a newspaper which he held in his hand, (the *Daily Harrisburg Telegraph*.) and asked for the reading of a certain article.

The SPEAKER. Will the gentlemen send forward the paper?

The article was read as follows by the Clerk:

"A FALSEHOOD CORRECTED.—We observe in the Legislative proceedings published in the *Pittsburg papers*, (which we learn are sent to that city by J. Heron Foster,) a charge that we forged a paper or contract after it had left the committee. This is a base and malicious falsehood, and the writer knew it to be such. The facts are simply these: We made a proposition to the House to print a *Record* for \$5.60 per page, similar to that for which they now pay \$7 per page. The House now receives two thousand copies of that *Record*, but the number printed for both Houses is 3,000. The proposition offered by us was a verbatim copy of the agreement made last year with Mr. Haldeman; but the words 'two' were very indistinctly written by the Clerk who copied the agreement, and when we discovered that the Clerk had read 'two' instead of three, we took the agreement to Mr. Ramsdell, Chairman of the committee, and told him that the word ought to be distinctly written 'THREE'—that we were willing to give them even THREE THOUSAND COPIES instead of 'two,' the number now received. Mr. Ramsdell at once replied, make the 'h' more plain and then it cannot be mistaken for 'two.' Consequently it will be observed that if any alteration was made at all (which we utterly deny,) the mem-

bers would have received ONE THOUSAND COPIES more by the alteration, and that certainly would have been no fraud whatever upon any body, and would have only resulted to the injury of ourselves."

The SPEAKER said that this was not a privileged question, and that the gentleman could only speak upon it by asking leave to make a statement. Leave was accordingly asked and given.

Mr. FOSTER then said that it might be that the question was not privileged. What he wished to say was, that no statement had been made in the telegraphic dispatches which had not previously been made by him upon the floor of the House. At the time of the occurrence which had given rise to the article in question he had charged, as he now charged, that while a certain contract was pending, and its ratification under consideration, it was illegally altered, and without the knowledge or consent of the House. This alteration was of such a character, according to his knowledge of law, as to entitle it to the name of a forgery. A remark to this effect had passed his lips, and had found publicity through the telegraphic columns of the press. If outside parties thought proper to institute any proceedings on this assertion he would furnish a certified copy of his allegations.

But he desired now to caution the House that some action was necessary for the protection of its papers. This was his object, rather than to speak in his own defence.

As regard the facts of the forgery, he wished to recapitulate them. While the contract between a certain committee and George Bergner & Co. was before the House for ratification, he had asked the chairman of the committee (Mr. RAMSDELL,) whether the contract provided for the publication of two or three thousand *Records*. He had received no answer, but the Clerk had read it two thousand. He had demurred at this as not according to the bid of the parties offering to contract, whereupon one of the parties to the contract went to the Clerk's desk—took possession of the contract, and altered it, and a moment afterward stepped up to Mr. RAMSDELL, and said in a loud whisper: "Tell FOSTER it is three thousand." He had then, to satisfy himself as to the facts, stepped up to Mr. RAUCH, then acting as assistant clerk, and obtained the document. Upon examination he found that "two" had been erased—that "three" had been inserted, and that the ink used in the alteration was not yet dry. He asked the Clerk (Mr. RAUCH,) whether it had not been read "two," and received the reply "yes, but it has since been altered," mentioning who had done it. He returned to his seat—made the charge openly, and was prepared to sustain it. He now appealed to the House whether its papers and records were safe when accessible to a man who would commit alteration and forgery, and who occupied a seat at the very elbow of their Clerk.

Mr. ROSE asked leave to make a statement. Leave being given, he requested that the Clerk might read a certain article from a newspaper, (the *Daily Harrisburg Telegraph*.)

The Clerk read the article, as follows:

"OUTRAGEOUS CONDUCT.—We are pained to denounce the conduct of at least one member of the Legislature thus early in the session. We allude to the outrageous conduct of Mr. ROSE, the Republican member from the counties of Mercer and Venango, who during the debate yesterday behaved in such a menacing and braggadocio manner towards the presiding officer, (Mr. WALBORN, who was temporarily occupying the chair,) that it became necessary for that gentleman to call upon the Sergeant-at-Arms to take him into custody; and even then he behaved afterwards ungentlemanly, and un-



worthy of a man occupying a seat on the floor of the House.

"We say this more with sorrow than anger, having been on the most intimate terms with that gentleman during the last session of the Legislature, and have defended him on more than one occasion. He had one personal rencontre with a member from the city of Philadelphia, and from present appearances we expect some similar scenes, not with political opponents but with partizan friends. However, the Republicans of Mercer and Venango will find it very difficult to ascertain with what party Mr. ROSE intends to act. He has thus far acted more with the Locofocos than with our own friends."

Mr. ROSE then said that while he was in Philadelphia fulfilling his duties as a member of a committee on a contested election case, the article in question had been placed in his hands by a friend. In one sense, he was surprised at its perusal. In another, he was not surprised. It did not astonish him to see an attack upon him by that paper, for he had learned, a week before, that the editor intended to assail him on account of his refusal to vote him the contract for the publication of the daily *Legislative Record*. But he was astonished that the manager of the paper did not pay some slight regard to the truth. Every gentleman in the House, who had been present on the occasion referred to, could testify that the allegations of the article were unqualifiedly false. He would, however, revert to the circumstances.

When the contract between the *Record* Committee and George Bergner & Co., with the accompanying bonds, was read, it was stated by the gentleman from Allegheny (Mr. FOSTER) that an alteration had been made in the contract since it had been read by the Clerk. The discovery of this base forgery, committed on the floor of the House, in the very presence of the Representatives of the people, brought the blush to the face of every honorable man, no matter to which party he belonged. It was easy then to appreciate the situation of the friends of George Bergner, (the House had its own opinion as to who made the alteration,) and to see that their only course was to press a re-committal of the contract to the committee. This was a very nice way of getting out of the matter. Pending a motion to this effect, the previous question was called. The gentleman from Franklin (Mr. M'CLURE) took the ground that the vote must be at once had on the original resolution to ratify the contract. The chairman (Mr. WALBORN) had decided otherwise. From this decision an appeal was taken. Several gentlemen took the floor at the same time, and considerable confusion prevailed. The Chairman decided that the appeal was not debatable, whereupon he had taken an appeal from this decision. The Chairman said that the appeal must be put in writing. He had accordingly prepared it, and being entitled to the floor, got up to offer the paper. That this was strictly proper, is evinced by the fact that it was in strict accordance with the orders of the Chairman. But the confusion was so great that it was almost impossible for him to be heard, and while holding the paper in his hand, he was obliged to call "Mr. SPEAKER" several times. The Chairman gave no apparent attention, and probably did not hear him, but directed the members to take their seats. He, thinking himself entitled to the floor, had retained his position until the Chairman remarked that "if the gentleman from Mercer did not take his seat he would call the Sergeant-at-Arms," when he immediately took his seat. This was all of it; and the assertion that the Sergeant-at-Arms had had him in custody was false.

Another allegation in the article was that he

had behaved in a braggadocio and menacing manner during the debate. Was this charge sustained? The publisher of the *Daily Telegraph* had good reporters in the House on the occasion referred to, and one of them had shown to the speaker a very correct account of his remarks. Why did not the publisher put those remarks in the paper, and let the people judge whether they were in braggadocio style? Why had they been smothered, and an account of those proceedings been omitted, and found no place in the *Telegraph*? The House were the best judges of why this was done.

Another allegation, which he regarded as "the unkindest cut of all," was contained in the statement, viz: that the editor of the *Telegraph* had been last year on the "most intimate terms" with him. This was too bad; moreover it was false; and he was satisfied that if such a report was believed it would kill him in the State of Pennsylvania quicker than anything else.

Still another allegation was that he had voted with the Democrats. Why, who made George Bergner a plank in the Republican platform, and who gave him the right to read a member out of the party if he did not put his hand in the public Treasury, and help to draw some three or four thousand dollars for the aforesaid Geo. Bergner? He had only to say, that if this man Bergner was a plank in the Republican platform, he desired to spit upon that plank.

Mr. ROHRER asked leave to make a statement. Leave being given, he said that he desired to corroborate the assertions of Mr. ROSE. He had been extremely sorry to see the attack made upon that gentleman, in a paper of his own party, and had considered it an outrage, owing to its falsity. During the whole of the scene alluded to, he had been seated near Mr. ROSE, and so convenient that he could not fail to perceive all that passed, and to hear all that was said. The allegations were untrue, and he himself had shown the article to Mr. ROSE in Philadelphia, in order that he might speak in his own justification.

As a close observer of what was transpiring at the time, he had noticed nothing arrogant in the conduct of the gentleman from Mercer, (Mr. ROSE.) Other members of the House were soliciting the attention of the SPEAKER with just as much energy, and with just as little intention of disrespect. He had noticed particularly, at the time, that Mr. ROSE was endeavoring to call the attention of the SPEAKER. He turned round in his seat, and from the smile that he observed playing upon the countenance of Mr. ROSE, that, with him, the whole affair was evidently considered a matter of fun and amusement. He had himself called "Mr. SPEAKER," louder than usual, and if anything in a more boisterous manner than Mr. ROSE. But this was most certainly warranted by the circumstances at the time, for there was much noise and confusion. At the time Mr. ROSE was requested to take his seat, or receive the attention of the Sergeant-at-Arms, there was nothing improper in his manner, and indeed his conduct was, to a very great degree, in my estimation, less exceptionable than many other members of the House. He deemed this corroboration due to Mr. ROSE, as he had been singled out from amongst the rest, and made the target for a very villainous and unjustifiable attack.

Mr. BARNESLEY, on leave, presented the petition of citizens of Bucks county, in favor of the incorporation of the New Britain turnpike road company.

Mr. CHURCH, on leave, from the committee on corporations, reported with amendment, "supplement to the act to incorporate the Commonwealth Insurance company of Pennsylvania;" and on his motion the same was ordered to be placed on the Private Calendar.

Mr. EVANS, on leave, read in his place and

presented to the Chair, "An Act to incorporate a ferry over the river Schuylkill;" and on his motion said bill was ordered to be placed on the Private Calendar.

On motion of Mr. LAWRENCE, (Washington,) Mr. WILCOX'S minority report was ordered to be printed in the *Legislative Record*.

Messrs. MANN and STUART severally asked and obtained leave of absence for Messrs. WILLISTON and HOTTENSTINE for a few days—the latter on account of sickness in his family.

Mr. QUIGLEY submitted the following:

WHEREAS, It has been alleged on the floor of this House, that a contract while on the Clerk's desk, pending a motion to approve of the same, was altered materially without the consent of the House; be it therefore,

Resolved, That a special committee of three be appointed, with power to send for persons and papers, to inquire into the facts, and report what action, if any, should be taken on the subject.

The resolution was read the second time.

Mr. LAWRENCE, (Washington,) leave being given, said that he understood that the party, who it was alleged was implicated in the alteration, had fallen back upon the chairman of the committee for defence. The chairman was not present, and he therefore moved a postponement.

On the question to postpone,

The yeas and nays were required by Mr. QUIGLEY and Mr. GOOD, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barnesley, Barlow, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Church, Durboraw, Eckman, Ellmaker, Evans, Fisher, Graham, Gratz, Green, Hamersly, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, M'Clure, M'Curdy, M'Dowell, Miller, Neall, Nill, Palm, Patterson, Pennell, Peirce, Price, Proudfoot, Rose, Shafer, Smead, Styer, Thompson, Wagonseller, Walborn, Walker, Whitman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Zoller and Lawrence, *Speaker*—55.

NAYS—Messrs. Bertolet, Boyer, (Clearfield,) Brodhead, Custer, Dismant, Fleming, Foster, Galley, Good, Gray, Hill, Jackson, Laird, Oaks, Pinkerton, Quigley, Rohrer, Smith, (Berks,) Smith (Philadelphia,) Stephens, Stoneback, Stuart, Warden and Wolf—24.

So the question was determined in the affirmative.

#### CALENDAR OF PRIVATE BILLS.

Agreeably to order the House proceeded to the consideration of private bills; when the following were read, and laid aside for second reading:

No. 140. "An Act relating to strays in Venango county."

No. 141. "A supplement to an act to incorporate the Union School and Children's Home Asylum; to provide for the taxation of non-resident vendors of merchandise in the city of Philadelphia, and for the relief of Edward Hutchinson."

No. 142. "An Act to provide for the better regulation of buildings in the city of Philadelphia."

No. 143. "An Act relating to the borough of Lebanon."

Sen. 50. "An Act to authorize the House of Refuge to extinguish a certain ground rent."

No. 148. "An Act releasing to George S. Jamison, collector at Blairsville, from payment of money due the Commonwealth."

No. 150. "An Act to provide for the payment of the expenses of the special election held in Luzerne county, June 8, 1858."

No. 154. "An Act for the relief of Henry Bumgardner, a soldier of the Indian war of 1794."

No. 158. "An Act to incorporate the Port



Kennedy railroad company, of Montgomery county."

No. 159. "An Act to incorporate the North-West Portage railroad company."

No. 161. "A supplement to an act to incorporate the Buffalo and Bradford railroad company, approved the 14th day of March, 1856."

No. 163. "An Act to incorporate the Mercantile Library Hall company, of the city of Pittsburg."

"An Act to incorporate the Farmers' Mutual fire insurance company of Middle Pennsylvania."

"An Act to incorporate the Security fire insurance company, to be located in the city of Philadelphia."

No. 166. "A further supplement to the act incorporating the Scranton gas and water company, and amendatory to the supplement approved February 20, 1858."

No. 167. "An Act to amend the charter of the borough of North Lebanon, county of Lebanon."

Sen. 46. "An Act to incorporate the Preachers' aid society of the First Methodist Protestant church of Pittsburg."

No. 169. "A supplement to an act incorporating the Railroad Car-spring company, approved the 14th of April, 1858."

No. 170. "An Act to incorporate the Luzerne powder company."

No. 171. "A further supplement to an act, entitled 'An Act to incorporate the borough of Marietta, in the county of Lancaster,' passed March 9, 1843."

Sen. 45. "An Act to incorporate the town of Jefferson, in the county of Cambria, into a borough, to be called the borough of Wilmore."

No. 173. "An Act to incorporate the City building association."

No. 174. "An Act to amend and extend the charter of the fire insurance company of Germantown and its vicinity."

Sen. 41. "An Act to incorporate the association for the construction of a statue of George Washington."

No. 181. "An Act to regulate the fees of county commissioners, county auditors, jurymen, directors of the poor and witnesses, in the county of Northampton."

No. 184. "An Act to exonerate James F. Leonard, prothonotary of Clearfield county, from the payment of costs, taxes, et cetera, on his commission."

No. 186. "An Act to increase the pay of the county commissioners and auditors of Indiana county."

No. 188. "An Act to confer on James Morrison, of Washington county, all the rights and privileges of a child born in wedlock."

No. 189. "An Act to amend the fee bill of the orphans' court of the county of Allegheny."

Sen. 7. "An Act to require the register of wills in and for Luzerne county, to record in a book or books the appraisements, inventories and vendue lists of personal property."

"Supplement to the act to incorporate the Commonwealth insurance company of Pennsylvania."

No. 107. "An Act relative to reserved tracts or out-lots of the borough of Franklin."

No. 121. "An Act to incorporate the Eastern market company of the city of Philadelphia."

No. 126. "An Act to incorporate the Franklin market company of Philadelphia."

No. 129. "An Act securing to the people of Philadelphia the right of free travel over certain highways."

On motion of Mr. HAMERSLY the further consideration of said bill was postponed for the present.

#### OBJECTED BILLS.

"Supplement to the act incorporating the Green and Coates Street passenger railway company," was objected to by Mr. FISHER.

"An Act defining certain powers," was objected to by Mr. WALBORN.

"An Act to confer on certain associations of the citizens of this Commonwealth the power and immunities of corporations and body politic in law, and to confirm charters heretofore granted," was objected to by Mr. McDOWELL.

"An Act to erect the counties of Clearfield, Elk, Jefferson and Forest into a new judicial district, to be called the 27th district," was objected to by Mr. ROSE.

"An Act relative to the Delaware division of the Pennsylvania canal," was objected to by Mr. WILLIAMS, (Bucks.)

"An Act to authorize the Surveyor General to issue a patent," was objected to by Mr. ECKMAN.

"An Act to incorporate a ferry across the river Schuylkill," was objected to by Mr. SHAFER.

Mr. KETCHUM, from the Committee on the Judiciary System, reported with amendment, "An Act for the better compensation of labor in Luzerne county." Said bill was read and laid aside for second reading.

#### BILLS IN PLACE.

Mr. ABBOTT, "An Act to incorporate the Hestonville, Mantua and Fairmount passenger railroad company." (Referred to Committee on Railroads.)

Mr. QUIGLEY, "An Act relative to Whittier street in Philadelphia." (Referred to Committee on Judiciary.)

Mr. PALM, "A further supplement to the act of April 20, 1854, incorporating the Navigation railroad company." (Referred to Committee on Railroads.)

Mr. IRISH, "Supplement to an act relating to counties and townships and county and township officers." (Referred to Committee on Judiciary.)

Also, "An Act to liquidate the amount due upon a certain judgment, and to enforce the collection thereof." (Referred to Committee on Judiciary.)

Mr. GRAY, "An Act for the relief of Lewis Six, an old soldier of the Indian war of 1792." (Referred to Committee on Pensions and Gratuities.)

Mr. WHITMAN, "A further supplement to the act incorporating the Bear Mountain railroad company." (Referred to the Committee on Railroads.)

Mr. MCURDY, "An Act to empower the courts of common pleas of the city of Philadelphia and county of Allegheny to incorporate companies for the construction of city passenger railroads in Philadelphia, Pittsburg and Allegheny city, under certain restrictions." (Referred to the Committee on Railroads.)

Mr. KINNEY, "An Act to define and construe the seventh section of an act for the sale of the State canals." (Referred to Committee on Judiciary.)

Mr. THOMPSON, "An Act relative to the North Western coal and iron company;" and on his motion, the rules being suspended, said bill passed finally; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. LAWRENCE, (Washington,) from the Committee on Banks, reported with amendment, "An Act to incorporate the Dimes saving institution of Pottsville."

Also, as committed, "An Act repealing the several sections of the act of 16th April, 1850, which imposes penalties on individuals and corporations for receiving and passing small notes of foreign banks."

Adjourned until this afternoon at 3 o'clock.

#### AFTERNOON SESSION.

The House was called to order at 3 o'clock, P. M., by the SPEAKER.

#### SENATE AMENDMENTS.

To House bill No. 37, "An Act to provide

for the erection of a house for the employment and support of the poor in Susquehanna county," were read and concurred in.

The Clerk of the Senate being introduced informed the House that the Senate non-concurs in House amendments to Senate bill No. 3, relative to the Erie City railroad company.

And on the question,

Will the House recede from its amendments? it was determined in the affirmative.

Agreeably to order, the House proceeded to the second reading and consideration of bills on Private Calendar.

The following were then read the second and third time and passed finally; and ordered that the Clerk present the same to the Senate for concurrence.

No. 140. "An Act relating to strays in Venango county."

No. 141. "A supplement to an act to incorporate the Union School and Children's Home Asylum; to provide for the taxation of non-resident vendors of merchandize in the city of Philadelphia, and for the relief of Edward Hutchinson."

No. 143. "An Act relating to the borough of Lebanon."

Sen. 50. "An Act to authorize the House of Refuge to extinguish a certain ground rent."

No. 150. "An Act to provide for the payment of the expenses of the special election held in Luzerne county, June 8, 1858."

No. 154. "An Act for the relief of Henry Bumgardner, a soldier of the Indian war of 1794."

No. 158. "An Act to incorporate the Port Kennedy railroad company, of Montgomery county."

No. 159. "An Act to incorporate the North-West Portage railroad company."

No. 161. "A supplement to an act to incorporate the Buffalo and Bradford railroad company, approved the 14th day of March, 1856."

No. 164. "An Act to incorporate the Farmers' Mutual fire insurance company of middle Pennsylvania."

No. 165. "An Act to incorporate the Security fire insurance company, to be located in the city of Philadelphia."

No. 166. "A further supplement to the act incorporating the Scranton gas and water company, and amendatory to the supplement approved February 20, 1858."

No. 167. "An Act to amend the charter of the borough of North Lebanon, county of Lebanon."

Sen. 46. "An Act to incorporate the Preachers' aid society of the First Methodist Protestant church of Pittsburg."

No. 169. "A supplement to an act incorporating the Railroad Car-spring company, approved the 14th of April, 1858."

No. 170. "An Act to incorporate the Luzerne powder company."

No. 171. "A further supplement to an act, entitled 'An Act to incorporate the borough of Marietta, in the county of Lancaster,' passed March 9, 1843."

Sen. 45. "An Act to incorporate the town of Jefferson, in the county of Cambria, into a borough, to be called the borough of Wilmore."

No. 173. "An Act to incorporate the City building association."

Sen. 41. "An Act to incorporate the association for the construction of a statue of George Washington."

No. 181. "An Act to regulate the fees of county commissioners, county auditors, jurymen, directors of the poor and witnesses, in the county of Northampton."

No. 184. "An Act to exonerate James F. Leonard, prothonotary of Clearfield county, from the payment of costs, taxes, et cetera, on his commission."

No. 186. "An Act to increase the pay of the



county commissioners and auditors of Indiana county."

No. 188. "An Act to confer on James Morrison, of Washington county, all the rights and privileges of a child born in wedlock."

No. 189. "An Act to amend the fee bill of the orphans' court of the county of Allegheny."

Sen. 7. "An Act to require the register of wills in and for Luzerne county, to record in a book or books the appraisements, inventories and vendue lists of personal property."

"Supplement to the act to incorporate the Commonwealth insurance company of Pennsylvania."

No. 126. "An Act to incorporate the Franklin market company of Philadelphia."

"An Act for the better securing compensation for labor in Luzerne county."

"An Act to provide for the better regulation of buildings in the city of Philadelphia," came up in order; when, on motion of Mr. THORN, the further consideration of the same was postponed for the present.

"An Act releasing to George S. Jamison, collector at Blairsville, from payment due the Commonwealth, came up in order; when, on motion of Mr. WARDEN, the further consideration of the same was postponed for the present.

"An Act for the incorporation of the Mercantile Library Hall company of the city of Pittsburgh, came up in order, and was read the second time.

Mr. IRISH offered an amendment exempting the stock, grounds and buildings of the corporation from taxation; which was agreed to, and the bill passed as amended.

"An Act to amend and extend the charter of the fire insurance company of Germantown and its vicinity," came up in order, and was read the second time.

When, on motion of Mr. HAMERSLY, the further consideration of the same was postponed for the present.

"An Act relative to reserve tracts or out-lots of the borough of Franklin," came up in order, and was read the second time.

When, on motion of Mr. FOSTER, the further consideration of the same was postponed for the present, on account of the absence of the gentleman who has said bill in charge.

"An Act to incorporate the Eastern market company," came up in order, and was read the second time.

Mr. PEIRCE moved to amend as follows:

That the said corporation shall have no power to prohibit or restrict by any by-laws, rule or regulation, any person who shall rent or occupy a stall in any such market building, from exposing to sale and selling at said sale, in such quantities as he may think proper, beef, pork, mutton, veal and poultry, which shall be slaughtered or killed on his farm; nor from exposing to sale and selling at said stall, butter, cheese, sausages and chopped meats which shall be manufactured or prepared for market on his said farm; nor from exposing for sale and selling at said stall, any article or articles killed or slaughtered, made, manufactured or prepared for market on his said farm; which was not agreed to.

Mr. BARNESLEY offered the following amendment, to come in at the end of the sixth section:

*Provided*, They shall not by any rule or regulation prevent farmers who rent stalls in said market, from disposing of the produce of their farms, in such quantities, and upon such terms, as said farmers may think proper; and the farmers of the State of Pennsylvania shall enjoy all the rights and privileges in said market house, that may be granted to the citizens of Philadelphia or elsewhere: *Provided further*, That said company before the renting of any stalls in said market house—and yearly thereafter before said renting—shall, by ten or more

printed hand bills, put up in the most conspicuous places in said market house, ten days before the time of renting, give notice of the time when said stalls will be rented; which said renting shall take place in said market house: *And provided further*. That upon application being made at the time of letting said stalls, the farmers of the State of Pennsylvania shall be entitled to rent at least fifty per cent. of the stalls in said market: *Provided further*, That no farmer shall be entitled to rent more than three stalls in said market, unless all the stalls shall not be applied for at the time of letting; which was agreed to.

He also offered the following new section; which was agreed to:

Sec. 10. The Legislature hereby reserves the right to amend or alter the provisions of this charter at any time, provided no injury shall be done thereby to the stockholders of said company.

Mr. SHAFER offered the following amendment to the second section:

That the capital stock of said company shall consist of four thousand shares, of one thousand dollars each, with the privilege of increasing the same to five thousand shares.

And on the question,

Will the House agree to the amendment?

The yeas and nays were required by Mr. SHAFER and Mr. PENNELL, and were as follow, viz:

YEAS—Messrs. Acker, Balliet, Barnsley, Bayard, Boyer, (Clearfield,) Brodhead, Bryson, Burley, Campbell, Custer, Dismant, Durhoraw, Eckman, Foster, Galley, Good, Gray, Hill, Kinney, Mann, McDowell, Miller, Nill, Patterson, Pennell, Peirce, Shafer, Smith, (Berks,) Stephens, Stoneback, Thompson, Wagonseller, Walker, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf, Zoller and Lawrence, *Speaker*—43.

NAYS—Messrs. Abbott, Boyer, (Schuylkill,) Chase, Church, Ellmaker, Evans, Fisher, Fleming, Goepp, Gratz, Green, Keneagy, Ketchum, Lawrence, (Washington,) Neall, Oaks, Proudfoot, Rohrer, Rose, Stuart, Styer, Thorn, Warden, Wilcox and Woodruff—26.

So the question was determined in the affirmative.

Mr. SHAFER moved the following further amendments, which were also adopted:

In the fourth section of amendment, third line to read, "one thousand shares," instead of two hundred; and in the fourth line of same section to read, "one hundred persons," instead of twenty.

In the eighth section of amendment, sixth line to read, "five thousand shares," instead of one thousand.

And on the question,

Will the House agree to the bill as amended?

It was determined in the affirmative; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. HAMERSLY called up House bill No. 174, "An Act to amend and extend the charter of the fire insurance company of Germantown and its vicinity," and moved as a substitute the Senate bill; which was agreed to; and the bill passed finally.

#### PASSENGER RAILWAY BILL.

Mr. GOEPP moved that the House proceed to the consideration of House bill No. 160, "A supplement to an act incorporating the Green and Coates Street passenger railroad company."

Mr. THORN called for the order of the day. The SPEAKER said that this was in accordance with the order of the day.

The motion to take up the bill being before the House,

Mr. THORN said that on that question he would call the orders of the day, and in explanation would ask for the reading of Rule No. 38.

The rule was read by the Clerk, as follows:

"RULE 38. That on Tuesday of each week, the Speaker shall, immediately after the reading of the Journal, take up private bills, a calendar of which, in their numerical order, shall be made by the Clerk, and printed and laid on each Member's desk before nine o'clock on the morning of each Tuesday; and the Speaker having announced such bills in their order, they shall be severally read by the Clerk; and all such bills as shall encounter no objection, either when the titles of the same are announced by the Speaker, or when the Clerk shall have read the same through, shall be laid aside and prepared for second reading, and shall be taken up in the afternoon of the same day, in the same order and disposed of in the manner in which bills are now disposed of; and such bills as have passed as aforesaid, shall be in order from day to day until disposed of, unless a majority of the House shall determine otherwise. The proposing of an amendment to any bill shall not be construed to be an objection, unless an objection be actually made; but no debate on such amendment, or to the bill to which it is proposed, shall be in order; nor shall any bill reported with a recommendation to be negatived be placed upon the calendar. Any member objecting to a bill upon the calendar shall be required to state the grounds of his objection at the time, confining himself, however, briefly to the objection. All bills objected off the calendar shall be placed at the foot of the calendar of the succeeding Tuesday, under the head of 'Objected Bills,' and shall be taken up in their order, as soon as the regular calendar has been disposed of, *unless a majority of the House shall otherwise determine*. This rule shall not be construed to interfere with the passage of Senate bills as they may be reached; nor shall that part of the rule which allows a member to object a bill off the calendar be in force during the last ten days of the session; but all bills then upon the calendar shall be considered in their order, unless a majority of the House shall otherwise order."

Mr. THORN. Does the SPEAKER decide that the motion to consider is in order?

The SPEAKER so decided, and said that it was incumbent upon him to entertain the motion.

Mr. THORN presumed that his call for the order of the day was also in order.

The SPEAKER said that the order of the day was the consideration of private bills, and that this was a private bill.

Mr. THORN suggests that of course the only result that they both wished to arrive at was a proper conclusion.

The SPEAKER said that the gentleman from Philadelphia could not claim the attention of the House at this time without he raised a point of order or appealed from the decision of the SPEAKER.

Mr. THORN said that in that case the gentleman from Philadelphia would most respectfully raise a point of order and submit it in writing.

The point of order was as follows:

TUESDAY, Feb. 8th, 1858.

The Private Calendar was, during the day, under consideration, and gone through with, and during its progress bill No. 160, "A supplement to an act incorporating the Green and Coates Streets Philadelphia passenger railway company," was objected off the Private Calendar by the gentleman from Philadelphia, (Mr. FISHER,) under the 38th rule of this House, which says "All bills objected off the calendar shall be placed at the foot of the Calendar the succeeding Tuesday, and shall be taken up in their order as soon as the regular Calendar has been disposed of, unless a majority of the House shall otherwise determine."

The gentleman from Northampton, (Mr. GOEPP,) rose in his place and moved to pro-



ceed to the consideration of House bill No. 160, entitled "A supplement to an act to incorporate the Green and Coates Street passenger railroad company," it being one of the objected bills which, under the rule No. 38, lies over until next Tuesday.

The SPEAKER, having entertained the motion of the gentleman from Northampton, Mr. THORN, of Philadelphia, called the orders of the day.

The SPEAKER decided the motion of Mr. THORN out of order, and the motion of the gentleman of Northampton, (Mr. GOEPP,) in order.

Mr. THORN, of Philadelphia, submits the following point for the SPEAKER'S decision:

That rule 38 provides that this objected bill, No. 160, is not in order, as the rule requires it to lay over one week, and cannot be considered at this time without a suspension of that rule.

The SPEAKER decided the point of order not well taken.

Mr. THORN appealed from that decision.

Mr. NILL moved to lay the appeal on the table.

The SPEAKER said that it was not yet before the House, not having been written and presented.

Mr. LAWRENCE, (Washington,) intimated that Mr. THORN was consuming the time of House until the hour of adjournment.

Mr. THORN asked leave to make a statement. Leave being given, he said, "Mr. SPEAKER, as the moderator of this House, I demand of you not to permit my motives to be impugned."

Mr. THORN and Mr. HAMERSLY presented an appeal from the decision of the SPEAKER, in writing, as follows:

"The SPEAKER decided the point of order not well taken, from which an appeal is taken to the House by

GEO. T. THORN,  
GEO. W. HAMERSLY."

Mr. NILL moved that the appeal be laid upon the table.

The SPEAKER. Will the gentleman from Elk, (Mr. WILCOX,) take the chair?

The chair was taken by Mr. WILCOX.

Mr. THORN. Do the rules of this House recognize a motion to lie on the table?

The Chairman said that the motion was in order.

Mr. THORN said that the rules of this House no where, he believed, recognized a motion to lie on the table, in order. Mr. Zeigler, in his Manual, gave his own opinion that such a course might be pursued, but no rule recognized it. Besides this, it should be recollected that Zeigler's Manual had not been adopted for the government of this House. And if gentlemen would read a little further in the Manual, they would find that even if the motion was in order it was susceptible of amendment. If this was so, and if it became necessary, he should offer an amendment. Would it be in order?

The Chairman said that it would.

Mr. THORN then moved to amend by allowing it to lie upon the table until Thursday of next week, and asked for the reading of the point of order and the appeal.

They were accordingly read by the Clerk.

Mr. THORN said that it was the practice of the House to take bills in numerical order.—Even assuming that the SPEAKER had been right in entertaining the motion to consider, yet when he had called the order of the day the House could not proceed to a consideration of the bill without they suspended the rules by a two-thirds vote.

Mr. THORN continued further in defence of his position.

Mr. GOEPP desired to have the floor for a time, for the purpose of postponing the hour of adjournment.

Mr. THORN refused to yield and continued until

The hour of 5 having arrived, the Chairman adjourned the House until to-morrow morning at 10 o'clock.

In the report of the proceedings of Monday, in relation to the memorial of Mr. Fry, Mr. HAMERSLY is made to say:

"That as one of the Divorce Committee, he received a copy of the answer."

Mr. HAMERSLY should have been made to say:

"That the memorial of Mr. Fry was published in the 'Sunday Dispatch,' before he received a copy of it—that he had read it at his own house before a copy was furnished to him as chairman of the Committee on Divorces."

#### No. 18.—FILE OF THE SENATE.

MARSELIS, Banks—February 3.

AN ACT to establish a general banking law.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for any number of citizens of this Commonwealth, not less than five, to associate and form companies for the purpose of carrying on the business of banking, upon the terms and conditions, and subject to the contingencies, restrictions and liabilities, prescribed in this act.

SEC. 2. That whenever any association of citizens of this Commonwealth desire to establish a bank, they shall make application to the court of common pleas of the county wherein it is proposed to locate said bank, and they shall cause a notice of such intended application to be advertised daily: *Provided,* That there be a daily paper in such county; and weekly, if otherwise, for four weeks, in at least two newspapers, if so many be published in said county; the notice of such application shall specify the name and intended location, and intended amount of capital of such bank, and said location shall not be changed after they shall have commenced business.

SEC. 3. That whenever any number of persons, not less than five, shall have associated, or mean to associate, with the intention of carrying on the business of banking, and desire to acquire and enjoy the powers and immunities of a corporation or body politic, it shall and may be lawful for such persons to prepare articles of association, and present the same to the court of common pleas of the county wherein said bank is intended to be located, and the said court is hereby required to read and examine the same; and if it shall be in compliance with this act, then the said court shall direct such writing to be filed in the prothonotary's office of said court, and also order said association to advertise in at least one newspaper printed in said county, weekly, for three weeks, setting forth the fact of said application, and if no sufficient objection is made, the said court shall at the next term of said court, decree and declare by their order endorsed on said instrument, and attested in the usual manner by the prothonotary, under the seal of the said court, that the persons so associated shall be a corporation or body politic; and further order that said charter of incorporation, shall be recorded in the office for the recording of deeds in said county; and on the recording of such instrument, the persons so associated shall become and be a corporation or body politic in law and in fact, subject, however, to the conditions contained in said articles of association.

SEC. 4. That every bank authorized to carry on the business of banking under this act, shall be held and adjudged to be a body corporate, with succession for the term of twenty years from the date of the certificate from the said

court creating such bank, and thereafter only so long as is necessary to close the affairs of such bank; and by its corporate name shall be competent to contract, prosecute and defend actions of every description, as fully as natural persons; and process against such bank may be served upon its president or cashier, or by leaving a copy thereof at their usual place of business, during the usual hours of business; they shall have power to make and adopt a corporate seal, and to change and renew the same at pleasure; and shall, during the term of twenty years from the date aforesaid, if the said bank shall so long comply with the provisions of this act, have power to loan money, buy, sell and discount bills of exchange, notes and all other written evidences of debt, except such as it shall be prohibited by this act from buying, selling or discounting, receive deposits, buy and sell gold and silver coin and bullion, collect and pay over money and transact every such other business as shall appertain to the business of banking, subject, however, to the provisions of this act; may acquire and hold and convey such real estate as may be necessary to the proper transaction of business, and no more; but may, however, acquire title to any real estate pledged to secure any debt previously contracted or purchased, on an execution or order of sale, to satisfy any judgment or decree in its favor, or which shall have been conveyed to it in payment of any previous debt, but shall hold any real estate so held no longer than is necessary to secure the payment of said debt, interest and costs for the collection and securing of the debt for which it was acquired: *Provided however,* That if at any time before selling the same, the last preceding owner, his, her or their heirs, shall tender to said bank a sum sufficient to secure the payment of such debt with interest, costs, taxes and other necessary charges for the collection or securing of said debt, for which said real estate was acquired, then the bank shall release to them, such owner, his, her or their heirs, all right, title and interest therein.

SEC. 5. That all banks established under the provisions of this act shall deposit in the office of the Auditor General of this Commonwealth a certified copy of its articles of association; and the same shall also be advertised in a newspaper, in the county where its business is transacted, at least once a week for four weeks; a certified copy of said articles of association may be used in evidence for or against the said bank.

SEC. 6. That the articles of association shall contain the name by which said bank shall be known and used in its dealings, the place where the business of such bank is to be carried on, setting forth the particular county, city or borough in the Commonwealth; the amount of capital of said bank, and number of shares into which it shall be divided; the names and places of residence of the stockholders, and the number of shares held by each respectively; the time of subscription and the manner in which payment on the stock is to be made; the period at which the bank shall commence and the period of its duration; the number of its directors; the mode of election and the mode of liquidation at the end of the term; the same shall also provide for an increase of capital, and for any alteration or additions to said articles of association; but any such increase of capital, alteration or addition shall be submitted to the stockholders at a general meeting, called for that purpose, and by them approved; and further, any such increase of capital, alteration or addition shall also be approved by the court of common pleas of the county wherein the bank is located; and if approved by said court, the same shall be attested and recorded, and published as is provided in the original formation of said bank.

SEC. 7. That the Auditor General of this Commonwealth shall cause to be engraved and



printed, in the best manner to guard against counterfeiting, such quantity of circulating notes in blank, of different denominations, not less than five dollars each, of which are authorized to be issued by the banks of this Commonwealth incorporated under this act as he may deem necessary from time to time, to carry into effect the provisions of this act; said notes shall be countersigned by the Auditor General, or by a clerk appointed by him for such purpose, numbered and registered in his office, in manner as directed by him in a book kept for the purpose; and all notes issued by him shall be uniform, and they shall have stamped on them, "secured by the deposit of public stock."

Sec. 8. That the plates, dies and materials, to be procured by the Auditor General for the printing and making of such bills or notes for circulation, shall remain in his custody and under his direction; and the expenses necessarily incurred in executing the provisions of this act, shall be audited by the Auditor General, and paid out of the treasury on his written order; and, for the purpose of reimbursing the same, the Auditor General is hereby authorized and required to charge against and receive from each bank or banking association applying for such notes for circulation, such rate per centum thereon as will repay the expenses necessarily incurred, as before directed.

Sec. 9. That the Auditor General, with the approval of the Governor, shall devise a seal with a suitable inscription for this branch of his duties, independent of the seal of office now used by said officer as Auditor General; a description of which, with a certificate of approval by the Governor, shall be filed in the office of the Secretary of State, with an impression thereof; which shall thereupon become his seal of office as set forth in this act, and the same may be renewed when necessary; every certificate, assignment and conveyance, executed by the said Auditor General, in pursuance of any authority conferred on him by this act, and sealed with the aforesaid seal, shall be received in evidence, and may be recorded in the proper recording offices, in the same manner and with like effect as a deed regularly acknowledged or proved before any officer authorized to take proof or acknowledgments of deeds; and all copies of papers in the office of said Auditor General that have any relation to any of the banks or banking associations of this State, certified by him and authenticated by the said seal, shall, in all cases, be in evidence equally and in like manner as the original.

Sec. 10. That banks established under this act, upon legally assigning to and depositing with the Auditor General the bonds or evidences of debt of this Commonwealth, shall be entitled to receive an equal amount of such circulating notes in blank of the denominations such as they may require, numbered, registered, countersigned and stamped, as is herein provided for; the bonds and stocks to be taken at their market value: *Provided*, That the same is not above par.

Sec. 11. That the Auditor General may, at his discretion, exchange such bonds and stock, or any of them, on receiving other approved bonds and stock of equal account; and when any sum of the principal of the bonds and stock which have been transferred to the Auditor General shall be paid to him, he shall notify the bank or banking association which transferred the same of such payment; and shall pay the same to such bank or banking association on receiving other approved bonds and stock of an equal amount, or on returning an equal amount of the bills or notes delivered by him to such association for circulation; which bills, when delivered, shall be cancelled, and all bonds and stock received by the Auditor General un-

der the provisions of this section, shall be subject to all the regulations and restrictions prescribed by the different sections of this act.

Sec. 12. That the bank or banking association transferring bonds and stock to the Auditor General may receive the interest that accrues thereon unless default shall be made in paying the bills or notes to be countersigned as aforesaid, or unless the bonds and stocks so pledged shall become insufficient security for the payment of such bills or notes; and whenever, in the opinion of the Auditor General, the securities deposited according to the provisions of this act shall become from any cause insufficient for the redemption of the notes or bills issued by the Auditor General to such association, he shall thereupon immediately notify the president or cashier thereof, and require such bank or banking association, within ten days, to place in his hands such an amount of securities of the description named in this act, as will, in the opinion of the Auditor General, secure in full the notes or bills issued as aforesaid; and if, upon notice as aforesaid, such bank or banking association shall neglect to comply with the requirements made by the Auditor General, he shall without delay proceed to redeem the notes of such bank or banking association as prescribed by the several provisions of this act, in case any bank or banking association fail or neglect to pay their notes on demand, made at the proper time and place.

Sec. 13. That the affairs of every bank shall be managed by not less than seven nor more than eleven directors; and they shall choose one of their number as president of the bank; every director shall be a citizen of this Commonwealth; each director shall own in his own name and right at least one per cent. of the capital stock of the bank up to two hundred thousand dollars, and the half of one per cent. on its capital stock over two hundred thousand dollars; each director shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of the bank, and not knowingly violate, or willingly permit to be violated, any of the provisions of this act; and that he is the bona fide owner in his own right of the stock standing in his name on the books of the bank; and that the same is not hypothecated, or in any way pledged as security for any loan obtained or debt owing; which oath, subscribed by himself and certified by the officer before whom it was taken, shall be filed and carefully preserved in the office of the recorder of deeds in the county in which the bank is located; but no person shall be president, cashier or director, or either, of more than one bank at the same time.

Sec. 14. That the directors of any bank first elected shall hold their places until the first Monday in November next thereafter, and until their successors shall be elected and qualified; all subsequent elections shall be held annually upon the first Monday in November; and the directors so elected shall hold their places for one year, and until their successors are elected and qualified; but any director removing from the State, or ceasing to be the owner of the requisite amount of stock, shall thereby vacate his place; any vacancy in the board shall be filled by appointment by the remaining directors; the director so appointed shall hold his place until the next annual election; and if from any cause an election of directors should not be made at the time appointed, the bank shall not for that cause be dissolved, but an election may be held on any subsequent day; thirty days' notice thereof having been given in a newspaper printed in a county where the bank is located.

Sec. 15. That in all elections for directors, and in deciding all questions at meetings of the stockholders, each share shall entitle the holder thereof to one vote; stockholders may vote by proxy duly authorized in writing, if dated with-

in thirty days; but no officer, clerk, teller or book-keeper of the bank shall act as proxy; and no stockholder whose liability to the bank is past, due and unpaid, shall be allowed to vote.

Sec. 16. That no bank shall be permitted to commence or carry on the business of banking under this act, unless its capital stock shall be at least one hundred thousand dollars; nor shall the capital stock of any such bank ever be increased to exceed one million; at least twenty-five per centum of the capital stock of each bank shall be paid in gold or silver coin, or their equivalent; one-half of which twenty-five per centum at least, shall be in gold or silver coin, and shall be in the actual possession and *bona fide* the property of the bank, at the time of its commencement of its banking business, and at the place designated for carrying on such business.

Sec. 17. That the capital stock of each bank shall be divided into shares of fifty dollars each, and shall be assignable on the books of the bank in such manner as the by-laws shall prescribe; but no shareholder shall have power to sell or transfer any shares held in his own right, so long as he shall be liable, either as principal, debtor, surety or otherwise, to the bank for any debt without the consent of a majority of the directors; nor shall such shareholder, when liable to the bank for any debt that is over due and unpaid, be entitled to receive any dividend, interest or profit on such shares as long as such liabilities shall continue; but all such dividends, interests or profits, shall be retained by the bank and applied to the discharge of such liabilities.

Sec. 18. That if any shareholder or his assignee, shall fail to pay any instalment on his stock, when the same shall be required to be paid, the bank may sell such stock at public auction, having given three weeks' previous notice thereof, in any newspaper in the county where the bank is located, to the highest and best bidder for the same; and the excess, if any, after paying the expense of the sale, be refunded to the delinquent stockholder.

Sec. 19. That if any bank authorized by the provisions of this act, shall refuse to pay its notes of circulation, or any of them, in gold or silver coin of the lawful currency of the United States, on which payment shall be lawfully demanded, at its banking house or customary place of doing banking business, during usual banking hours, the holders of such protested notes may cause the same to be protested for non-payment, by a notary public, under his official seal, in the usual manner; and the Auditor General, on receiving and filing in his office such protest, shall forthwith give notice in writing to the maker of such note or notes, to pay the same; and if they omit to pay the same for ten days after such notice, the Auditor General shall thereupon declare such bank to have committed an act of insolvency.

Sec. 20. That the Auditor General on receiving information that any bank has committed an act of insolvency, shall forthwith appoint a committee of three judicious and discreet citizens of this Commonwealth, who shall receive five dollars per day each and their traveling and necessary expenses, all of which to be paid by said bank, who shall make immediate inquiry into the truth of such information, and report thereon to the Auditor General of the Commonwealth; and if the said committee, or a majority of them, shall report that such bank has suspended the payment of its notes in gold in silver, he shall forthwith appoint a suitable receiver, who shall take immediate possession of the books, records, money, choses in action and property of such bank of every description, including the securities deposited with the said Auditor General, and hold the same for the joint use of the creditors of the failing bank; the compensation of such receiver



# LEGISLATIVE RECORD.

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shall be five dollars per day each, and traveling and necessary expenses, to be paid by said bank, whose assets they are appointed to take possession of.

SEC. 21. That the receiver, appointed as provided in this act, shall be required to give bond in such sum and with such sureties as the Auditor General and the Governor shall deem sufficient, and under the direction of said Auditor General, shall proceed to settle up the affairs of such bank, and shall convert into money all its assets of every kind whatsoever with the least possible delay; the money so made shall be applied—

I. To pay all the liabilities on account of the notes of circulation; to pay the same on demand, and set aside a sum sufficient to meet all the said notes outstanding;

II. Then to pay all the deposits of the bank;

III. To the payment and discharge of all the remaining liabilities of such bank;

IV. And the residue shall be divided among the stockholders of the failing bank in proportion to the stock by them respectively held.

SEC. 22. That it shall be the duty of the cashier of every bank to publish monthly in one newspaper of said county, wherein the same may be situate, if there be so many, exhibits of the entire amount of the assets of the bank, as herein provided for; and every item therein under separate heads, setting forth the amount of the capital stock actually paid in; the entire amount of indebtedness and liabilities of said bank; the amount of circulation; the amount of deposits; the amount of gold and silver in the vaults of the bank at the time of making the exhibit; the amount of bills, bonds, notes, and other evidences of debt; the value of the real and personal property of the bank.

SEC. 23. That the directors of each bank shall, semi-annually, on the first Monday in May and November, declare a dividend of so much of the net profits of the bank as they shall judge expedient, and pay the same to the stockholders on demand, at any time after the expiration of ten days therefrom; but such dividend shall in no case exceed the amount of the net profits acquired, so that the capital stock of the bank shall never be thereby impaired; and if the directors of the bank shall make any dividends which shall impair the capital stock of the bank, the directors consenting thereto shall be jointly and severally liable in any action of debt, scire facias, or bill in equity, in their individual capacities to such corporation for the amount of the stock so divided; and each director present, or otherwise, when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend.

SEC. 24. That the said banks shall pay into the treasury of the State, in the manner now directed by law for the payment of a tax on dividends, as follows: on all dividends which do not exceed six per centum per annum, eight per centum; on dividends exceeding six per centum, and not exceeding seven per centum, a tax of nine per centum; on dividends exceeding seven per centum, and not eight per centum per annum, a tax of ten per centum; on dividends exceeding eight per centum per annum, and not exceeding nine per centum, a tax of twelve per centum; on dividends exceeding nine per centum, and not exceeding ten per centum, a tax of thirteen

per centum; on dividends exceeding ten per centum, and not exceeding eleven per centum, a tax of fifteen per centum; on dividends exceeding eleven per centum, and not exceeding twelve per centum, a tax of seventeen per centum; on dividends exceeding twelve per centum, and not exceeding fifteen, a tax of twenty per centum; on dividends exceeding fifteen per centum, and not exceeding twenty per centum a tax of twenty-five per centum, and on all dividends exceeding twenty-five per centum, a tax of thirty per centum.

SEC. 25. That the thirty-third section of the act, entitled "An Act to reduce the State debt and to incorporate the Pennsylvania canal and railroad company," approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and forty-four, be and the same is hereby declared in full force and effect, and applicable to all banks that may be hereafter chartered or re-chartered under the provisions of this act: *Provided*, That the capital stock shall not be subject to taxation for any other than State purposes.

SEC. 26. That on each dividend day the cashier shall make a full, clear and accurate statement or exhibit of the condition of the bank, as it shall be on that day, after declaring the dividend, which shall be verified by the oath of the president and cashier, setting forth—

I. The amount of capital stock actually paid in and then remaining as the actual capital stock of the bank;

II. The amount of the bills and notes of the bank than in circulation, specifying the amount of each denomination;

III. The greatest amount of notes in circulation at any time since the making of the last previous statement, specifying the time when the same occurred

IV. The balance and debts of every kind due to the banks of this State, and the amount due to banks not of this State;

V. The amount due to depositors;

VI. The total amount of debts and liabilities of every description, and the greatest amount since the last previous statement, specifying the time when the same occurred;

VII. The total amount of dividends declared on the day of making the statement;

VIII. The amount of gold and silver coin and bullion belonging to such bank, and in possession at the time of making the statement, designating the amount of each;

IX. The amount on hand of bills, bonds, notes and other evidences of debts, discounted or purchased by the bank, specifying particularly the amount of suspended debt, the amount considered bad, the amount considered doubtful, and the amount in suit or judgement;

X. The value of the real and personal property held for the convenience of the bank, specifying the amount of each;

XI. The amount of real estate taken for debts due the bank;

XII. The amount of the undivided profits of the bank;

XIII. The total amount of the liabilities to the bank by the directors thereof collectively, specifying the gross amount of such liabilities as principal debtors, and the gross amount as endorsers or sureties;

XIV. The total amount of liabilities to bank by the stockholders thereof collectively, specifying the gross amount of such liabilities as principal debtors, and the gross amount as in

endorsers or sureties; which statement shall be forthwith transmitted to the Auditor General of the Commonwealth, and a copy thereof immediately published three times in one newspaper of the county in which said bank is located.

SEC. 27. That if any bank against which the Auditor General shall have instituted proceedings on account of any supposed act of insolvency, as prescribed in this act, shall deny having committed such act of insolvency, such bank may apply to any court of competent jurisdiction for a writ of injunction to said Auditor General to suspend all further proceedings against such bank as an insolvent bank; and such court, after citing said Auditor General to appear and show cause why such writ should not be granted, and after the finding of a jury that such bank has at all times continued and still continues to redeem in gold and silver coin its notes of circulation, shall make an order enjoining the Auditor General from all further proceedings against such bank on account of supposed act of insolvency, on which such proceedings were instituted; and thereupon all the property and assets of such bank shall be restored to its directors.

SEC. 28. That if the Auditor General in any case fail to proceed in the manner prescribed in the foregoing sections of this act, in providing for the payment of the outstanding notes of circulation and other liabilities of the failing bank, and in closing the affairs of any bank that shall have committed an act of insolvency, the holders of any of its notes of circulation, or other creditors of such bank, may, in case payment of such notes of circulation or other claim has been refused when lawfully demanded and remain unpaid, apply to any court of competent jurisdiction for its writ, commanding the Auditor General so to proceed; and it shall be the duty of the said court, after citing such bank to appear and show cause why such writ should not issue, and upon the finding of a jury that such act of insolvency has been committed, to issue their writ, commanding said Auditor General forthwith to proceed in the manner pointed out in the preceding sections of this act, to provide for the payment of outstanding notes of such bank, close up its affairs, and make application of its assets.

SEC. 29. That if any bank shall neglect or refuse to comply with any order of the Auditor General, made in accordance with the provision of this act, requiring such bank to reduce its circulation, or to provide a larger amount of specie or other means, or to pay in its stock, or to do or cease to do any other matter or thing which said Auditor General may deem necessary for the security of the noteholders and other creditors, then the Auditor General may apply to any judge of competent jurisdiction by petition, in which the Auditor General shall be made the petitioner, and the bank implicated defendant, setting forth the substance of such order or orders; and such neglect or refusal, on the part of the bank, its officers or agents, and the Auditor General having made affidavit of such neglect or refusal, then it shall be the duty of such judge to allow an injunction, and to enjoin such bank, its officers, agents and all others in its employ or connected therewith, from doing, or suffering, or permitting to be done, any business whatever as a bank; from intermeddling with or in any manner disposing of the books, papers, money, choses in



action, assets or property of the bank, until the further order of the judge to whom application had been made as aforesaid; a petition reciting the proceedings had, shall be filed in the court where proceedings have been had as soon as the injunction is allowed.

SEC. 30. That upon the allowance of any such injunction, the property, credits, securities, liens and assets of every description of such bank shall forthwith vest in the Auditor General, who shall appoint a receiver or receivers to take possession of the same, as is provided heretofore by this act; a certificate of the appointment of such receiver from the Auditor General of this Commonwealth shall be sufficient authority to him to take possession of the books, property and rights of every description of such bank, and shall be full authority to the sheriff of the county where the bank is located to give such receiver full possession of such books, property rights, with the aid of the county if required; and said bank and receiver shall be governed by the provisions of this act.

SEC. 31. That no bank shall take as security for any loan or discount a lien or any part of its capital stock, but the same security, both in kind and amount, shall be required of shareholders as of persons not shareholders; and no bank shall be the holder or purchaser of any portion of its capital, or of the capital stock of any other incorporated bank, unless such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith, on security which, at the time was deemed adequate to insure the payment of such debt, independent of any lien upon such stock, or in case of forfeitures of stock for the non-payment of instalments due thereon, as provided in this act; and stock so purchased shall in no case be held by the bank so purchasing for a longer period of time than six months, if the same can be sold for what the stock cost the said bank, or at par; nor shall any bank, either directly or indirectly, pledge, hypothecate or exchange any of its notes of circulation for the purpose of securing money to be paid in on its capital stock, nor pledge or hypothecate, directly or indirectly, any such, notes, to be used in its ordinary business operations.

SEC. 32. That each bank shall at all times have on hand, in gold and silver coin or its equivalent, in its vaults, an amount equal to twenty-five per centum of all its circulating notes of every description whatsoever; and whenever the amount of its outstanding circulating notes shall exceed the above named proportion, no more of its notes shall be paid out or otherwise put in circulation by such bank, nor shall such bank increase its liabilities by making any new loans or discounts, nor make any dividends of its profits, until the required proportion between its outstanding circulating notes and gold and silver coin, or its equivalent, shall be restored.

SEC. 33. That no bank shall, during the time it shall continue its operations without draw, or permit to be withdrawn either in form of dividends, loans to stockholders, or in any other manner, any portion of its capital stock; and if losses shall at any time have been sustained by the bank equal to or exceeding its undivided profits then on hand, no dividends shall be made, and no dividends shall ever be made by a bank while it shall continue its banking operations to an amount greater than its net profits then on hand, deducting therefrom its losses and bad and suspended debts; and all debts due to a bank on which interest is due and unpaid for a period of six months, unless the same shall be well secured or shall be in process of collection, shall be considered bad and suspended debts, within the meaning of this section.

SEC. 34. That no bank shall any time issue

or have in circulation any note, draft, bill of exchange, acceptance, certificate of deposit, or other evidence of debts which, from its character or appearance, shall be circulated or intended to circulate as money, other than such notes of circulation as are by this act described, and which such bank is by this act authorized to issue, for the purpose of being circulated as money.

SEC. 35. That each bank shall receive at par, at the office or banking house of such bank, in payment of dues payable at such bank for notes of hand, bills of exchange or other evidence of debt, discounted or purchased by or belonging to such bank, the notes of circulation issued by any other solvent bank, incorporated under the provisions of this act.

SEC. 36. That every bank may take, receive and charge, on any loan or discount made, or upon any note or bill of exchange or other evidence of debt, at the rate of six per centum per annum on the amount of any such note, bill of exchange or other evidence of debt so discounted, and no more: *Provided however*, That interest may be reserved or taken in advance at the time of making the loan or discount, according to the usual rules of banking; and the knowingly taking, reserving or charging on any debt or demand discounted or purchased by any bank, a rate of interest greater than that allowed by this section, shall be held and adjudged a forfeiture of such debt or demand; but the purchase or discount of a *bona fide* bill of exchange, or note payable at another place than the place of such purchase or discount, and the taking or reserving of interest thereon at the rate aforesaid, from the time of such purchase or discount until the maturity of such bill or note, shall not be held usurious, although exchange on the place where it is made payable is at the time of such purchase or discount worth a premium; nor shall the discount or purchase of a *bona fide* bill or note, payable at a place between which and the place of discount or purchase exchange is in favor of the place of discount or purchase, and the taking in addition to the rate of interest aforesaid, the rate of exchange between such places, be deemed usurious: *Provided*, That no loan to or discount in favor of any director in which more than six per cent. shall be taken, reserved or charged, shall be forfeited, but the same shall be valid against such party.

SEC. 37. That all transfers of notes, bonds, bills of exchange and other evidences of debt owing to any bank, or of deposits to its credit; all assignments of mortgages or other securities on real estate, or of judgments or decrees in its favor; all deposits of money, bullion or other valuable thing for its use, or for the use of any of its stockholders or creditors; all payments of money to, either made after the commission of an act of insolvency or in contemplation thereof with a view to prevent the application of its assets, in the manner prescribed by this act, or with a view to the preference of one creditor to another, except in payment of its circulating notes, shall be held utterly null and void.

SEC. 38. That if the directors of any bank shall knowingly violate, or knowingly permit any of the officers, agents or servants of such bank to violate, any of the provisions of this act, all the rights, privileges and franchises of such bank shall thereby be forfeited; such violation shall, however, be determined and adjudged by a court of competent jurisdiction, agreeably to the laws of this State and the practice of such court, before the corporation shall be declared dissolved; and in case of such violation every director who participated in or assented to the same shall be held liable, in his personal and individual capacity, for all damages which the bank, its shareholders or any other persons, body politic or corporate, shall

have sustained in consequence of such violation.

SEC. 39. That every president, director, cashier, teller, clerk or agent of any bank who shall embezzle, abstract or wilfully misapply any of the moneys, funds or credits of such bank, or shall, without authority from the directors, issue or put in circulation any of the notes of such bank, or shall, without such authority, issue or put forth any certificate of deposit, draw any order or bill of exchange, make any acceptance, sign any note, bond, draft, bill of exchange, mortgage or other instrument of writing, or shall make any false entry on any book, report or statement of the bank, with an intent, in either case, to injure or defraud such bank, or to injure or defraud any other company, body corporate or politic, or any individual person, or to deceive any officer or agent appointed to inspect the affairs of any bank, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be confined in the penitentiary, at hard labor, not less than one nor more than ten years.

SEC. 40. That the General Assembly may alter or repeal this act at pleasure; but no act altering or repealing this act shall impose any injustice or wrong upon the stockholders of any bank.

#### No. 211.—FILE OF THE HOUSE.

NILL, Judiciary—Feb. 4.

AN ACT supplementary to the several acts, relative to the liens of mechanics and materialmen.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That when any master workman or contractor, shall on demand, refuse to pay any journeymen or laborer, employed in erecting or constructing, repairing or extending any building or property belonging, or adjacent thereunto, the wages due to him, it shall be the duty of such journeyman or laborer to give notice in writing to the owner or owners of such building, of such refusal, and of the amount due to him and so demanded; and the owner or owners of such building, shall thereupon be authorized to retain the amount so due, and claimed by any such journeyman or laborer out of the amount, owing by him or them to such master workman or contractor, giving him written notice of such claim and demand; and if the same be not paid or settled by said master workman or contractor, such owner or owners shall retain the amount claimed by said journeyman or laborer until a suit for the recovery of the same shall have been adjudicated by the proper authority; such journeyman or laborer for the same, judgment having first been obtained as aforesaid, shall entitle such owner or owners to any allowance thereof, in the settlement of accounts between him and such master workman or contractor, as so much paid on account: *Provided*, That the owner or owners of any building or buildings, against which such claim shall be made, shall not be required to pay the same until such journeyman or laborer shall have obtained final judgment against such contractor or contractors; and all costs shall be paid by such contractor or contractors; but if such contractor or contractors are unable to pay the costs, then and in that case, the costs to which the owner or owners may have been subjected, shall be deducted from the moneys coming to such journeyman, laborer or claimant, under the provisions of this act: *And it is further provided*, That such claimant or claimants, shall bring suit against such contractor or contractors, within one month after giving such notice; and if no suit is brought within said time, then the notice is to have no effect whatever.



## SENATE.

WEDNESDAY, Feb. 9, 1859.

The Senate was called to order at half-past 10 o'clock, A. M.

The SPEAKER in the Chair.

Prayer was offered by Rev. J. G. Martz.

The Journal was read.

## REPORTS OF COMMITTEES.

Mr. BREWER, (Library,) reported, as committed, "A joint resolution of thanks to Mr. L. Hachette," and moved that the Senate proceed to its consideration; which was agreed to.

The resolution was twice read, considered and adopted.

Mr. GAZZAM, (Corporations,) as committed, House bill No. 71, "An Act to change the name of the Pittsburg life, fire and marine insurance company."

Also, (same,) with an amendment, "An Act relative to the city of Pittsburg."

Also, (same,) as committed, "A supplement to an act incorporating the borough of South Pittsburg," approved March 6, 1848.

Also, (same,) as committed, "An Act to incorporate the City and County insurance company of Allegheny city."

Also, (same,) as committed, "An Act to incorporate the Birmingham insurance company."

Mr. WRIGHT, (same,) as committed, "An Act to incorporate the Cheltenham Hill gas and water company."

Also, (same,) as committed, "An Act to incorporate the Railroad car spring company."

Also, (same,) as committed, "An Act to incorporate the Citizens' mutual safety insurance company of Erie city."

Also, (same,) as committed, "An Act relative to the Northumberland improvement company."

Also, (same,) as committed, House bill No. 117, "An Act to incorporate the Butler gas company."

Mr. STEELE, (same,) as committed, House bill No. 125, "An Act to incorporate the Mutual fire insurance company of Philadelphia."

Also, (same,) as committed, House bill No. 131, "An Act to incorporate the Huntingdon Valley mutual fire insurance company."

Also, (same,) as committed, "An Act to incorporate the International Union of art and literature."

Also, (same,) as committed, "An Act to incorporate the Quicksilver mining company."

Mr. SCHELL, (same,) as committed, "An Act to incorporate the New Castle water company."

Also, (same,) as committed, "An Act relative to the election of town council in the borough of West Greenville, Mercer county."

Also, (same,) as committed, "An Act to incorporate Grove cemetery company of New Brighton, Beaver county."

Also, (same,) as committed, "An Act to incorporate the Bedford gas company."

Mr. SHAEFFER, (same,) as committed, "A further supplement to an act incorporating the city of Philadelphia."

Also, (same,) with amendment, "A supplement to an act incorporating the Commonwealth insurance company at Harrisburg."

Also, (same,) with amendment, "A supplement to an act regulating boroughs, so far as the same relates to Phoenixville."

Also, (same,) as committed, House bill No. 67, "A supplement to an act to incorporate the Dark Hollow New Hope cemetery company."

Mr. WRIGHT, (same,) as committed, House bill No. 284, "A supplement to an act incorporating the Commonwealth insurance company."

Mr. GAZZAM, (Banks,) with amendment, "An Act to incorporate the Commercial Bank of Pittsburg."

Mr. MARSELIS, (same,) as committed, "An Act relative to banks, and to prevent frauds by bank officers."

Mr. CRAIG, (Private Claims and Damages,) "An Act to make compensation to George Jordan, for injuries received in the service of the State."

Mr. BLOOD, (New Counties and County Seats,) as committed, House bill No. 90, "An Act to appoint commissioners for running the boundary lines between Centre and Clinton counties."

## BILLS IN PLACE.

Mr. MYER read in his place and presented to the Chair, a bill entitled "An Act to provide for the appointment of auditors in the borough of Tunkhannock, Wyoming county, and for other purposes."

Mr. RUTHERFORD, "An Act authorizing the State Treasurer to pay the claim of Thomas Duncan, executor of the estate of Rebecca H. Duncan and James M'Coy."

Mr. CRAIG, "A supplement to an act incorporating the Quakake railroad company."

Mr. GAZZAM, "An Act to incorporate the Western coal and iron company."

Mr. PALMER, "An Act providing for recording certain papers in Schuylkill county."

Mr. TURNEY, "An Act authorizing Robert Given, of Westmoreland county, to construct a dam across the Conemaugh river."

Mr. RANDALL, "A supplement to an act passed June 16, 1836, relative to stays of execution."

Mr. WRIGHT, "A joint resolution relative to the purchase of Sutherland's Manual for the use of the members of the Senate and House of Representatives, and the Clerks and Assistant Clerks of the two bodies."

Mr. WRIGHT moved that the Senate proceed to its consideration; agreed to.

Mr. GREGG did not see the object of incurring the expense incident to the purchase of Sutherland's Manual. The Legislature have now Ziegler's Manual, which had been provided at an expense of one thousand dollars, besides the cost of printing. Senators had talked every day about retrenchment and reform, and yet there is scarcely one on which there is not some project set on foot for getting books and other things which are of no use.

Mr. WRIGHT said the rules of the Senate require that Jefferson's Manual shall be taken for its guidance. Sutherland's Manual contains the important features of this, besides much other valuable information which has been omitted in Ziegler's. Besides, it is larger and more comprehensive.

Mr. BELL inquired whether there was a new edition of the work. If there was, he was desirous of procuring it; if not, the old one could be of no use.

Mr. SCHELL had no objection to supplying new Senators, or those who had not already been provided, with the work. As for himself, he had two copies, and he presumed other Senators had an equal number.

Mr. GREGG said both Houses had contracted for Ziegler's Manual, and there was no necessity of having two, or of kicking out Ziegler's.

Mr. SCOTFIELD remarked that the State had paid one thousand dollars for Ziegler's Manual, besides the cost of printing, which would probably reach one thousand more. He supposed this proposition was made with a view of benefiting somebody else.

Mr. TURNEY was opposed to the resolution. The work contemplated by the resolution had been superseded by the compilation of another work, which answered the same purpose. He would, however, vote for a modification, giving the new members the work.

Mr. WELSH was not under the impression that the action of the Senate, with reference to Ziegler's Manual, had superseded Jefferson's Manual. Ziegler's was a good book, but it does not contain all that Sutherland's does. He would vote for the resolution; and if a resolu-

tion were introduced to supply Cushing's Manual, he would also vote for that. It was important that they should, as faithful representatives, be acquainted with all the Parliamentary rules which governed the Senate.

Mr. SCHELL rose to inquire whether the one thousand dollars appropriated by the Senate was for the work and labor, or for the labor of compiling alone? If it was for the labor only, he had misunderstood the resolution, and should have voted against it. One thousand dollars was enough for both the labor and publication.

Mr. TURNEY moved that the Senate go into committee of the whole on this bill for the purpose of amendment; which was agreed to; whereupon

Mr. TURNEY moved to insert at the end the following: *Provided*, Such distribution be confined to those who have not hitherto received them.

Mr. RANDALL wished to have the amendment in another shape. He had given his copy of the work away, and should like to have another.

Mr. CRESSWELL was opposed to the amendment. He agreed with the Senator from York, with regard to the policy of supplying Senators with all these works. There was a rule of the Senate making Jefferson's Manual the governing one of this body. There is much in the work which Ziegler's does not contain, and it was important that members should be provided with it, in order to make themselves familiar with its provisions. He believed that time would be saved by buying all books upon parliamentary usages. It was very important that representatives should become familiar with those usages; and as many Senators had, doubtless, given copies of the work away to their constituents, he thought it but proper that they should be supplied. Mr. Sutherland, the compiler of the work, had expended much labor in its preparation, and takes it much to heart that his Manual is now to be thrown overboard.

The question being upon the amendment proposed by Mr. TURNEY, it was determined in the negative.

The bill being reported by the chairman, the Senate, on motion, proceeded to second reading.

On the final passage of the bill,

The yeas and nays were required by Mr. TURNEY and Mr. WRIGHT, and were as follows, viz:

YEAS—Messrs. Blood, Coffey, Gazzam, Keller, Marselis, Myer, Parker, Randall, Shaeffer, Schindel, Thompson, Welsh, Wright and Cresswell, *Speaker*—14.

NAYS—Messrs. Baldwin, Bell, Craig, Fetter, Finney, Gregg, Harris Miller, Nuunemacher, Palmer, Penney, Rutherford, Schell, Scofield, Steele and Turney—16.

So the question was determined in the negative.

## ORIGINAL RESOLUTION.

Mr. BELL offered the following resolution:

*Resolved*, That from and after this day, the Senate will hold afternoon sessions on Monday's and Wednesday's, from three to five o'clock, for the purpose of considering private bills.

Mr. MYER offered a substitute, providing for night sessions on Tuesdays and Thursdays, commencing at 7½ o'clock; which was not agreed to.

The question recurring upon the resolution; it was adopted.

## ORDERS OF THE DAY.

"An Act to incorporate the Johnstown and Ashtola tramroad and railroad company," came up in order on second reading.

The various sections having been read and passed;

Mr. TURNEY moved to add the following as a new section:

That before the said company shall enter upon



and occupy any land through which said road may be made, they shall file a bond in the court of common pleas of the county in which said land is located, with securities to be approved by said court, conditioned to indemnify the owner of such land, for any damages that may be caused by the occupation of such land; and the said court shall appoint three commissioners to assess such damages, who shall be citizens of the said county, who shall be governed in all things not inconsistent herewith, by the provision of certain acts for the assessment of damages on the Pennsylvania railroad.

Mr. SCHELL thought the amendment was entirely unnecessary.

Mr. TURNER briefly advocated the propriety of his amendment.

Mr. SCHELL thought there should be no deviation from the general railroad law, as was contemplated by the gentleman's amendment, and he hoped it would not be adopted.

On the question,

Will the Senate agree so to add?

It was determined in the negative, and the bill passed finally.

"An Act to incorporate the Pennsylvania warehouse company," came up in order on second reading. The first section being under consideration.

Mr. BELL could not see the propriety of the bill, and as he was not familiar with the objects, he would ask for an explanation.

Mr. RANDALL said, as the Senator from Chester did not seem to have examined the bill, he was perfectly satisfied that it should lie over, in order to afford him time for its perusal.

Mr. BELL did not desire a postponement. He simply desired a statement of its objects.

Mr. RANDALL explained that the corporation was one of which they had several in Philadelphia. The privileges asked for in the bill were not unusual; and there was not one who seriously objected to it, except, perhaps, one or two companies, who are already in the enjoyment of similar privileges, and who desire a monopoly.

Mr. BELL said it was an established rule with him and others not to incorporate any company for the transaction of any business which could be carried on by private enterprise. He could see no necessity for the incorporation asked for here, for there was nothing to prevent the company from doing business like all other parties. He knew nothing, he said, of the company asking for this charter, whether they are worthy or not. He objected to the bill upon principle, and could see no just reason why it should pass.

Mr. TURNER said he did not understand the bill in an objectionable light. He knew there were one or two charters previously granted for the same principle. If the principle was wrong, those charters having been granted, and the parties operating under them having a monopoly, the more we make of them the more likely will the public interests be subserved. This bill proposes that there shall be three companies to do that which is now done by two. It will lessen the force and power for evil of those already in existence.

Mr. MARSELIS was opposed to the bill, briefly expressing his opposition; while Mr. GAZZAM was constrained to vote in favor of it.

Mr. PALMER remarked that, if he understood the bill, the object was to incorporate a very large pawnbroking and insurance company, with authority to transact business and exact interest to the amount of thirteen and a half per cent. He cared nothing for what the Legislature had done in the past; he held the present proposition to be abominable. It was nothing better than to incorporate a wholesale pawnbroker's shop—a shaving company—at unlimited rates of interest.

Mr. RANDALL was sorry that the Senator from Schuylkill had thought it necessary to oppose the bill with so much vehemence. If he found anything in it objectionable, any feature for which he could not go, why did he not ask that it might be stricken out, or suggest some amendment, rather than resort to expressions against it, which were calculated to influence the passions, instead of controlling the judgment? He would join hands with the Senator, at any time, in the effort to strike down moneyed monopolies. He had voted uniformly against banks, and yet he believed the banking interests were in the hands of as honest men as there are in the Commonwealth. The people who ask for this act of incorporation are among the best citizens of Philadelphia. There was not, as he was aware of, a single clause wrong in it. If there was, let Senators suggest what it is, and he would cheerfully strike it out. He had always voted to throw around these corporations every restriction. He did not desire that the privilege asked for by this company shall be held solely by the United States government, in their bonded warehouse system. The citizens of the country have the same right, and should stand upon the same footing.

Mr. PALMER wished to explain why he could not suggest an amendment. The bill was all wrong, and he was opposed to it on principle.

Mr. MARSELIS remarked that he was also opposed to the bill upon principle. The whole object of this incorporation was to induce speculators to import goods, who have not the money to pay for them, and to make advances upon them at most ruinous rates.

Mr. GAZZAM said there were none who would more cordially unite with the Senators in framing anything for the correction of abuses to which they had alluded, than he; and he would vote for an amendment to confine the dividends to reasonable rates. There were several good objects in the bill, which recommended it to him; one of which was that merchants, instead of going to local banks for accommodations, can store their goods, where they will be perfectly safe, and obtain the needed advances upon them. With a view of diminishing the monopoly which now exists, he would go for the bill.

Mr. WRIGHT desired to add a word or two to what he had said upon the subject. He cordially concurred with the Senator from Schuylkill and his colleague (Mr. MARSELIS,) in their views as to the injurious tendencies of this bill. He was opposed to the establishment of such institutions; there was no necessity for them. The warehousing system of the United States was entirely different, and the objections to the proposed corporation do not apply to that. He drew a distinction between their operations, and concluded by saying that we had entirely too many corporations; the tendency was to incorporate everything that asked for it, and after a while we should have associations of shoemakers, carpenters, &c.—nothing would be done without an act of incorporation.

Mr. TURNER asked the Senator from Philadelphia whether he had not introduced a bill, at a previous session, to incorporate a soup company in Philadelphia?

Mr. WRIGHT replied that he did not himself introduce it; it was done by his colleague. The object, however, was a praiseworthy one, and the case bore no analogy to the present one. Although he voted for that bill, he did not know but it was better to dispense charity without the aid of corporate powers.

Mr. SCOFIELD had listened to the discussion, for the purpose of ascertaining what the objections to the bill are. One of the objections was that the bill conferred upon the company the rights of a huge pawnbroker's shop; and yet private citizens may build warehouses, and store goods, constitutionally and legally retaining them for the payment of charges.

The object of this bill is simply to allow several men, in a corporate capacity, to do that which they have a legal and constitutional right to do as individuals. There was nothing wrong in this; and the other objections had no more weight. He had generally voted against these bills of incorporation, but he thought the object of the one under consideration was a good one, and he should vote for it.

Mr. MILLER said that the bill was one of considerable importance; and as some Senators had not examined it, he hoped it would be permitted to lie over.

Mr. RANDALL said he had consented, when the bill was first called up, that it should lie over; but the Senator from Chester had said he only desired an explanation of its object, and no request was made for a postponement, nor any objection expressed to it.

Mr. FINNEY said the only objection which seemed to be urged against the bill, was the vague and indefinite one that it was a corporation; and those who oppose it, arrogate to themselves the virtue that they oppose all corporations. How, he asked, could the country expand without the aid of corporations, in giving to capital its beneficial powers? This bill is not, he said, asked for in a spirit of innovation. There was nothing different in it, in the abstract, from the little act passed this morning, granting the privilege to a company to make a tram road in Cambria county. If the charges, which are made against corporations, that they are all dishonest; that they are rats and rascals, the people would not have the privileges, at such an expense of their honor and standing. Corporations exist by the force of convenience to trade and commerce—all civilization stands upon corporations, and they were not all the horrible things which some Senators are disposed to picture them.

So far as regarded his own course with reference to acts of incorporation, he had never shirked responsibility in any instance, but had voted for a corporation or bank just when he had thought it right, and when the necessities of trade and commerce demanded them. So uniform had been his course in this respect, that he had come to be regarded as the peculiar champion—the incarnation of the spirit of corporations. It was no argument against corporations to call those connected with them rats and rascals; such objections were born of a misconception of what is right, and fed by ignorance and prejudice. He was prepared to vote for this or any other bill of incorporation, which he considered right, and to take the responsibility of that vote, be it great or less.

Mr. WRIGHT said that he had made it a rule to vote as his judgment dictated on questions of this character. There were many corporations of a proper character, which were in no way detrimental to the public interests. The Senator from Crawford, (Mr. FINNEY,) was nearly as well known to the people of Philadelphia as he was to the people of Crawford. He was universally known as the friend of corporations of every grade and hue. Some of those, who played an important part in the passage of Bank bills, unless they were greatly misrepresented, took a lively interest in their organization. He had been the uniform opponent of such measures, without regard to the parties interested in them.

Mr. BELL said he was so unfortunate as to originate this protracted discussion, although he did not dream that his remarks would occasion it. As to the bill, he had made a valid objection. It was conceded to be a principle, founded in correct political economy, that no corporate privileges should be extended for the furtherance of any object which private capital or individual enterprise can effect. This bill proposes to extend to a company the privilege of receiving goods at an enormous rate of de-



posit, and to insure them at another enormous rate. Will that contribute to the public interest? Will it contribute to the prosperity of Philadelphia? His objection to the bill was not as to its details, (although they might all be defective,) but to the general features of it. He deemed the privileges asked for, entirely unnecessary; and such as were to be viewed with the eye of jealousy. He would move to postpone for the present.

Mr. RANDALL objected to the postponement. He hoped the Senator from Chester would withdraw his motion; and he would renew his request, that, if there was anything wrong in the bill, they should be indicated, that any defect might be remedied.

The question being upon the first section of the bill,

The yeas and nays were required by Mr. BELL and Mr. RANDALL, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Finney, Gazzam, Gregg, Harris, Miller, Parker, Penney, Randall, Rutherford, Scofield, Shaeffer, Thompson, Turney, Welsh and Cresswell, *Speaker*—18.

NAYS—Messrs. Bell, Blood, Francis, Keller, Marselis, Myer, Nuunemacher, Palmer, Schindel, Steele and Wright—11.

So the question was determined in the affirmative.

The second, third, fourth, fifth and sixth sections, were agreed to.

Whereupon, the hour of one having arrived, the SPEAKER adjourned the Senate until to-morrow morning, at 10½ o'clock.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, Feb. 9, 1859.

The House met at 10 o'clock, and was called to order by the SPEAKER.

Prayer was offered by the Rev. Charles A. Hay, of the English Lutheran church, Harrisburg.

The Clerk proceeded to read the Journal of yesterday; when Mr. SMEAD moved that the further reading of the same be dispensed with; which was not agreed to.

The Clerk then completed the reading of the Journal.

Mr. PENNELL moved that the amendments inserted in the act to incorporate the Franklin market company, be journalized.

Mr. HAMERSLY moved to amend by so correcting the same as though they had been offered on second reading; which was agreed to; and the motion, as amended, was adopted.

When said bill was under consideration yesterday,

Mr. PENNELL moved to amend the same, by adding to the end of the second section the following proviso; which was agreed to:

*Provided*, Such by-laws and regulations shall not exclude farmers from any right, privilege or immunity, that is, or may be granted to any citizen of Philadelphia or elsewhere: *And provided also*, Some uniform rule in the renting or letting out of said stalls shall be established by said company, and printed in English, and hung up in some conspicuous place in said market house or houses: *And provided further*, That upon application being made at the time or times set forth in the aforesaid printed rule, the farmers of the State of Pennsylvania shall be entitled to fifty per cent. of said stalls: *Provided*, They make applications for said stalls in conformity with the aforesaid rule; which was agreed to; and the bill, as amended, passed finally; and ordered that the Clerk present the same to the Senate for concurrence.

#### GREEN AND COATES STREET PASSENGER RAILROAD BILL.

The House resumed the consideration of the act incorporating the Green and Coates Street passenger railway bill.

The question being, will the House agree to the motion made by Mr. THORN to amend the motion offered by Mr. NILL to lay the appeal on the table? which amendment proposed to lay the appeal on the table until Thursday week,

Mr. THORN said that he did not purpose to occupy the attention of the House for any length of time. He merely desired to say that if the decision of the SPEAKER was to be sustained as the judgment of the House, it would be in effect an abrogation of rule thirty-eight. He then reverted to the Private Calendar, and explained the aims contemplated by its formation some twelve years ago. He said that the word *then* in the rule, after the word *shall*, had been erased, and was not in the printed copy. This alteration gave, perhaps, the SPEAKER a technical propriety in his recent decision, (that the motion to consider bill No. 160 was in order) which, however, if sustained, would effectually destroy the rule. He continued to argue that the motion had been out of order.

Mr. LAWRENCE, (Dauphin,) said that when the gentlemen from Philadelphia (Mr. THORN) had taken his appeal yesterday, he supposed that the only object was delay, and did not think that the matter would be pushed. He replied to the arguments of Mr. THORN that the motion to consider was out of order, and said that as SPEAKER he had been obliged, under the rules, to entertain it. The word "*then*," if it had been erased, had been while the rule was in the hands of the committee. A motion was always in order.

The discussion upon the decision yesterday, made by the SPEAKER—upon the propriety and legality of calling up bill No. 160, and upon sundry points of order continued and participated in by Messrs. HAMERSLY, THORN, LAWRENCE, (Dauphin,) GOEPP, CHASE and THOMPSON, and finally the question was taken on the motion of Mr. NILL, to lay the appeal of Messrs. THORN and HAMERSLY upon the table.

On this question,

The yeas and nays were required by Mr. THORN and Mr. WILLIAMS, (Bucks,) and were as follow, viz:

YEAS—Messrs. Barnsley, Barlow, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Church, Durboraw, Ellmaker, Goepp, Graham, Green, Irish, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mehaffey, Miller, Nill, Oaks, Palm, Patterson, Peirce, Pinkerton, Rohrer, Rouse, Smead, Smith, (Berks,) Stuart, Styer, Wagon seller, Walborn, Walker, Whitman, Wigton, Wilcox, Williams, (Bucks,) Wilson, Withrow and Wolf—41.

NAYS—Messrs. Abbott, Acker, Balliet, Bertolet, Brodhead, Campbell, Chase, Custer, Dismant, Eckman, Evans, Fisher, Fleming, Foster, Galley, Good, Gratz, Gray, Hamersly, Hill, Laird, Mann, M'Curdy, M'Dowell, Neall, Proudfoot, Quigley, Stephens, Stoneback, Thompson, Thorn, Warden, Wiley, Williams, (Bedford,) and Woodring—35.

So the question was determined in the affirmative.

The question then recurred, on the motion of Mr. GOEPP, to take up and consider House bill No. 160.

Mr. THORN inquired whether a majority vote would be sufficient to call it up.

The Chair was of opinion that it would.

Mr. HAMERSLY questioned the propriety of this decision.

Mr. GOEPP supported the Chairman.

Mr. IRISH favored the views of Mr. HAMERSLY, that a two-third vote was requisite.

Mr. ABBOTT agreed with Mr. GOEPP.

Whereupon another discussion ensued; which was participated in by Messrs. WILLIAMS, (Bucks,) THORN, GOEPP and CHASE

The question being taken on the motion of Mr. GOEPP to consider bill No. 160,

The yeas and nays were required by Mr. PATTERSON and Mr. WILLIAMS, (Bucks,) and were as follow, viz:

YEAS—Messrs. Barnsley, Barlow, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Church, Ellmaker, Goepp, Graham, Green, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mehaffey, Miller, Nill, Oaks, Patterson, Peirce, Pinkerton, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Stuart, Styer, Wagon seller, Walhorn, Witman, Wigton, Wilcox, Williams, (Bucks,) Wilson, Withrow, Wolf and Lawrence, *Speaker*—38.

NAYS—Messrs. Abbott, Acker, Balliet, Bertolet, Brodhead, Chase, Custer, Dismant, Durboraw, Eckman, Evans, Fisher, Fleming, Foster, Galley, Good, Gratz, Gray, Hamersly, Hill, Jackson, Mann, M'Curdy, McDowell, Neall, Palm, Proudfoot, Quigley, Rose, Stephens, Stonehack, Thompson, Thorn, Walker, Warden, Wiley, Williams, (Bedford,) Woodring and Zoller—39.

So the question was determined in the negative.

#### ORIGINAL RESOLUTION.

Mr. THOMPSON submitted the following:

*Resolved*, That the Clerk of the House be authorized to furnish each member and officer thereof, a map of the city of Philadelphia.

The House refused to proceed to the second reading of the same.

#### LEAVE OF ABSENCE.

Mr. STUART asked and obtained leave of absence for Mr. HOTTENSTINE for a few days from yesterday.

Messrs. GALLEY and DURBORAW severally asked and obtained leave to withdraw certain petitions.

#### REPORTS OF COMMITTEES.

Mr. CHASE, from the Committee on Ways and Means, reported as committed, Senate Resolution No. 190, relative to a copy of the Geological Survey of this State, for the School Department; and on his motion, the rules being in this case dispensed with, said resolution was read the second and third time.

Mr. MEHAFFEY, (New Counties and County Seats,) reported as committed, "An Act to erect a new county, to be called Monongohela, out of parts of Fayette, Washington, Westmoreland and Allegheny counties."

Mr. WARDEN moved that the bill be re-committed.

Mr. LAWRENCE, (Washington,) opposed the motion.

And on the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. LAWRENCE, (Washington,) and Mr. WALKER, and were as follow, viz:

YEAS—Messrs. Bayard, Bertolet, Brodhead, Custer, Dismant, Evans, Fisher, Foster, Galley, Goepp, Good, Graham, Gray, Hamersly, Hill, Irish, Jackson, Ketchum, Kinney, M'Dowell, Oaks, Proudfoot, Quigley, Rohrer, Rose, Rouse, Smead, Smith, (Berks,) Stephens, Stoneback, Thorn, Warden, Whitman, Wiley, Wolf, Woodring and Zoller—38.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Bryson, Burley, Chase, Durhoraw, Eckman, Ellmaker, Green, Keneagy, Lawrence, (Washington,) Mann, Miller, Neall, Nill, Patterson, Peirce, Pinkerton, Shafer, Sheppard, Styer, Wagon seller, Walborn, Walker, Wigton, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow and Lawrence, *Speaker*—33.

So the question was determined in the affirmative.

Mr. STUART, from the Committee on Roads and Bridges, reported as committed, "An Act to increase the pay of supervisors in Tremont township, Schuylkill county."

Mr. THOMPSON, (Estates and Escheats),



with amendment, "An Act authorizing Asa Dimock, administrator of the estate of his son, Lafayette Dimock, deceased, late of Harrisburg, to sell and convey certain unimproved and unproductive lands belonging to said estate."

Mr. NEALL, leave being given, read in his place and presented to the Chair, a petition from citizens of Birmingham township, Allegheny county, in favor of the erection of a new county, to be called Monongahela, out of parts of Fayette, Washington, Westmoreland and Allegheny counties.

On motion of Mr. WILCOX, the rules being in this case dispensed with, the House took up and passed finally, Senate bill No. 64, "An Act relative to the boards of revision in the county of Elk."

Mr. GOOD moved to proceed to the consideration of House bill No. 282, relative to the division of the borough of Allentown into wards. Agreed to, and the bill passed.

Mr. LAWRENCE, (Washington,) moved to proceed to the consideration of the joint resolution giving Hon. Wm. E. Frazer, Canal Commissioner, compensation for his services between the time of his appointment and the abolition of the Canal Board. The said compensation being one-half of the amount which would have been received by him for a year's services.

Mr. GOOD moved to amend by inserting one-third of the sum.

Mr. JACKSON moved to amend the amendment, by giving him the pay per diem that he would be entitled to in law.

Mr. ABBOTT was opposed to the amendment to the amendment, and considered that the services of the Canal Commissioners were worth at least one-third of the yearly salary.

Mr. LAWRENCE (Washington,) said that by the one-third amendment, the amount paid would be about four hundred dollars. Mr. Frazer had calculated to be in duty for at least six months, and had made his arrangements accordingly. He should be paid at least a moiety of what he would have received.

Mr. JACKSON said that he was always in favor of paying justly for services actually rendered. It was true that Mr. Frazer had been brought here, and with others, had performed duty, by examining some old claims (which claims had previously undergone scrutiny and been rejected by the old Board,) and had attempted to raise them. In fact, warrants for their payment, amounting to about five thousand six hundred dollars, he believed had been drawn.

Mr. THORN inquired of Mr. JACKSON, who was connected with Mr. Frazer in the transaction.

Mr. JACKSON replied the Hon. Geo. Scott, as appeared by the proceedings of the Canal Board, which had been published in the *Daily Record*.

Mr. HAMERSLY rejected any insinuation against the character of Mr. Frazer, who was an honorable high-minded man.

Mr. JACKSON said that he had not wished to cast any imputation on either Mr. Frazer or Mr. Scott. But he did say, that the former gentleman, after three hours examination of an old claim, was not competent to decide upon its merits. It was a claim for wood furnished to the old Portage railroad, and the parties, he understood, had already received some \$90,000 previously. It is wrong to pay any person more than is honestly his due, and the State will be paying enough (and too much,) if it has to pay the \$5600—and not pay some \$700 for about ten days services besides.

Give the gentleman what he is entitled to by law—and that is enough.

Mr. HAMERSLY said that in regard to that claim, he happened to know that Hon. Mr.

Frazer, while a Senator, had had ample opportunity to become acquainted with the facts.

Mr. NILL said that the proposition should be amended so as to give Hon. Mr. Frazer the amount of mileage allowed to members.

The question being taken on the amendment to the amendment, it was lost.

Mr. WARDEN moved further to amend the amendment, by inserting one-third instead of one-fourth.

This was not agreed to.

Mr. THOMPSON moved to amend the amendment, by making it \$500.

This was not agreed to.

Mr. CHASE moved to amend, by inserting \$200, and striking out the word "Hon." wherever it occurred.

The original resolution as thus amended, passed.

#### BILLS IN PLACE.

Mr. MILLER, "A resolution relative to the Colonial Records and Pennsylvania Archives. (Referred to Committee on Ways and Means.)"

Mr. WILLIAMS, (Bucks,) "A further supplement to the act to regulate the sale of liquors, *et cetera*, approved March 31, 1856, in Bucks county."

The bill passed finally with an amendment, extending its provisions to Bradford county.

Mr. HARDING, "An Act to extend the time for which assessors are elected in the city of Philadelphia." (Referred to Committee on Judiciary.)

Mr. CHURCH, "A supplement to an act regulating elections." (Referred to Committee on Judiciary.)

Mr. PENNELL, "An Act to incorporate the Media Bank." (Referred to Committee on Banks.)

Mr. WILEY, "An Act authorizing the Frankford and Bristol turnpike company, to reduce the width of said road between certain points."

#### PETITIONS AND REMONSTRANCES.

Mr. STUART, a remonstrance signed by three hundred and thirty inhabitants of Cumberland county, against the repeal of an act approved the twenty-sixth day of April, 1855, giving the courts of said county power to appoint reviewers where State roads have been granted by the Legislature.

Mr. THORN, one praying for an appropriation in favor of the School of Mines. (Referred to the Committee on Ways and Means.)

Also, one for the erection of a monument for the soldiers who fell in Mexico. (Referred to the Committee on Ways and Means.)

Also, one from citizens, praying for an appropriation to the Pennsylvania widows' asylum. (Referred to the Committee on Ways and Means.)

Also, one from the officers of the same, of like import. (Referred to the Committee on Ways and Means.)

Mr. IRISH, one praying for an act to incorporate the Commercial Bank of Pittsburg. (Referred to the Committee on Banks.)

Mr. ROSE, five from citizens of Venango county, praying for an act limiting the amount of tax to be assessed in any one year to ten mills for school and building purposes. (Referred to the Committee on Education.)

Also, one from the same, praying for the abolition of the office of county school superintendent. (Referred to the Committee on Education.)

Mr. LAWRENCE, (Washington,) eight for the erection of a new county, to be called Monongahela. (Referred to the Committee on New Counties and County Seats.)

Mr. IRISH, one from citizens of Pittsburg, for the incorporation of a City passenger railroad to the village of East Liberty. (Referred to the Committee on Railroads.)

Mr. NEALL offered a resolution that the Ser-

geant-at-Arms be instructed to distribute the *Records* before the morning session.

Mr. M'DOWELL moved to amend, by making it before 10 o'clock.

It was finally decided to postpone the matter indefinitely, inasmuch as the SPEAKER had control of the officers of the House.

The hour of one having arrived, the SPEAKER adjourned the House until to-morrow morning at 10 o'clock.

#### No. — FILE OF THE HOUSE.

THOMPSON, in place—Jan 12.

AN ACT concerning the sale of railroads, canals, turnpikes and plank roads.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* whenever any railroad, canal, turnpike or plank road in this State, of any corporation created by or under any law or laws of this State, except the Lackawanna and Susquehanna railroad, shall be sold and conveyed under or by virtue of any decree or decrees of any court of this State, or of the circuit court of the United States, setting in equity, and an execution or executions issued thereon to satisfy any mortgage, debt or debts, judgment or judgments, or other incumbrance or incumbrances thereon, such sale and conveyance, duly made and executed, shall vest in the purchaser or purchasers thereof, all the right, title, interest, property, possession, claim and demand in law and equity of the parties to the suit or suits, action or actions, in which such decree or decrees was or were made, of, in and to the said railroad, canal, turnpike or plank road, with its appurtenances; and also, of, in and to the corporate rights, liberties, privileges and franchises of said corporation, except the right to collect any unpaid assessments on stock which shall not pass; but subject to all the conditions, limitations, restrictions and penalties of the said corporation, of and concerning the same; and such purchaser or purchasers, and his or their associates, not less than fifteen in number, shall thereupon become a new body politic and corporate, in fact and in law, by such name as they may adopt; and shall be deemed and considered the stockholders of the capital stock of such new body politic and corporate, in the ratio and according to the amount of the purchase money by them respectively contributed; and shall be entitled to all the rights, liberties, privileges and franchises, and be subject to all the conditions, limitations, restrictions and penalties of and concerning the said railroad, canal, turnpike or plank road so sold and conveyed, which were contained in the act or acts creating it, under which the aforesaid corporation was created, and the supplements thereto, so far as the same was or were in force and unrepealed at the time of such sale and conveyance; and it shall and may be lawful for the said new body politic and corporate, at any time, within one year after such sale and conveyance, to organize themselves as a corporation by the aforesaid name, by electing a board of directors, and the election or appointment of a president, and such other officers as shall or may be authorized or required by the aforesaid act or acts and supplements thereto; and to make and issue certificates of the capital stock of such new corporation to the said purchaser or purchasers and their associates, to the amount of their respective interest therein; and it shall be the duty of such new corporation, within one calendar month after its said organization, to make a certificate thereof, under its common seal, attested by the signature of its president, specifying the date of such organization, the name so adopted, and the names of its



president and directors, and transmit the said certificate to the Secretary of State at Harrisburg, to be filed in his office, and there remain on record; whereupon it shall be the duty of the Governor of this Commonwealth to revoke the letters patent issued to such corporation, so as aforesaid sold and conveyed, and to grant new letters patent to the said purchasers by such name as they may have so chosen and certified; and thereupon the charter of the said old corporation shall be forfeited and said corporation dissolved, the stock thereof extinguished, and all demands for unpaid assessments thereon forever discharged.

SEC. 2. That this act shall take effect from and after its passage.

#### No. 195.—FILE OF THE HOUSE.

CHASE, Ways and Means—Feb. 4.

RESOLUTION extending the time and continuing the salary of the editor of the Colonial Records.

WHEREAS, By a joint resolution of the General Assembly, approved March twenty-four, one thousand eight hundred and fifty-eight, it was provided that the salary of Samuel Hazard, editor of the Pennsylvania Archives should cease and determine on the first of October following; and it appearing by a memorial presented at this session by the said editor, that though his labors have been devoted to the work ever since, it remains unfinished and will require some further time to accomplish it; therefore

Resolved, by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the salary of the said editor be paid to him from the first of October, and be continued at the same rate, and payable in the same manner, till the close of the work, as it would have been, had not the resolution of the twenty-fourth March been passed: *Provided*, That said work shall be completed and furnished the Secretary of the Commonwealth for distribution, at least ten days previous to adjournment of the present session of the Legislature.

#### No. 150.—FILE OF THE SENATE.

WRIGHT, Corporations—Feb. 2.

A FURTHER SUPPLEMENT to an act consolidating the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That three guardians of the poor, and three members of the board of health, shall be appointed by the supreme court of Pennsylvania; one for each board, to serve one year; one to serve two years; and one to serve three years, who shall enter upon duty on the first Monday of July next; and annually thereafter said court shall appoint one member of each board, to serve for three years; the district court and the court of common pleas, shall each appoint the same number of members of each board, in the same manner, to take their seats at the same time; and the city councils in joint convention, shall at any stated meeting in June next, elect three members of the board of health, and three guardians of the poor; one for each board, to serve one year; one for each board, to serve two years; one for each board, to serve three years; who shall enter upon duty on the first Monday of July next, and annually thereafter; at any stated meeting in June; said councils in joint convention, shall elect one member of each of these boards, to serve for three years: *Provided*, That persons chosen by the courts, shall neither be members of the bar, nor officers, nor clerks of, or under any of the courts.

SEC. 2. That this act shall not take effect un-

til the select and common councils of the city of Philadelphia, have by resolution approved of this supplement; and in case of such approval, then the constituted authorities of said city, are authorized to abolish the board of guardians of poor, and the board of health, and to supply their place, as provided for in the first section herein.

#### No. 209.—FILE OF THE HOUSE.

KETCHUM, Judiciary—Feb. 4.

AN ACT to authorize certified copies of records of insurance companies to be admitted as evidence.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That in all cases of litigation, in any of the courts of common pleas or quarter sessions of this Commonwealth, where a mutual fire insurance company chartered by the Legislature of this State, shall be a party, a copy of the record or records of such company certified by the seal of the company, and the affidavit of the proper officer, that such is a true copy of the record, as the same may purport to be, shall be admitted as evidence before such courts, and be received as of equal weight with the original record; also, that such fire insurance companies, so chartered, shall not be compelled to produce their books of record before any of the courts of this Commonwealth; but in lieu thereof shall, on sufficient notice, furnish a copy of a designated record, or part thereof, at the proper cost of the party requiring such evidence, which, certified as before mentioned, may be read in evidence on trial.

#### No. 178.—FILE OF THE SENATE.

MILLER, Judiciary—Feb. 3.

AN ACT relative to arbitrations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That arbitrations under the compulsory arbitration law and its supplements shall be called lay arbitrations, and arbitrations under this act legal arbitrations.

SEC. 2. That whenever a party to a suit shall, by himself or attorney, enter a rule to arbitrate the same, he shall be taken and deemed to have waived his right to appeal and trial by jury in said suit, and it shall be optional with the other party to the suit, or his attorney, whether the arbitration shall be a legal or lay arbitration; and unless the opposite party, or his attorney, shall on or before the day fixed for choosing the arbitrators, elect by writing filed to have a legal arbitration, it shall be a lay arbitration as heretofore, with the right to each or either party to appeal.

SEC. 3. That if the party not entering the rule shall, as aforesaid, elect to have a legal arbitration, there shall be but one arbitrator, who shall have been duly admitted to practice law in some court of record in this Commonwealth, and the method of choosing service of notices, length of rules and fixing times of hearing, shall be the same as under the lay or compulsory arbitration law.

SEC. 4. That the arbitrator shall have the same power and authority to permit the amendment of the declaration and pleadings, grant non-suits, award subpoenas and attachments, to make interlocutory orders necessary for the trial of the case, to allow the names of the parties to be amended or changed, and to compel the production of books and papers to be used on the trial of said case, as judges of courts of record now have or may have, and with the

same force and effect; and to punish witnesses in contempt for non-attendance after having been duly and legally subpoenaed, by imposing upon them all the costs of the attachment awarded for their arrest, and the same may be levied of their goods and chattels, lands and tenements, without any right of exemption, or stay of execution, for the collection of which said arbitrator may award execution in the name of the plaintiff in the suit, for the use of the county against the said witness so in contempt.

SEC. 5. That the hearing or trial before the arbitrator shall be proceeded in, in the same manner, and governed by the same rules as trials before courts and juries, and exceptions to the admission or rejection of testimony shall be taken and noted at the time of the admission or rejection thereof, and either party, at any time before the closing argument in the case, may submit written points of the law arising therein, and request the opinion of the arbitrator in writing thereon. It shall be the duty of the arbitrator to conduct the trial, and at the conclusion thereof, to find and report the facts of the case in the form of a special verdict, together with the exceptions taken during the trial to the admission or rejection of evidence, and the points of law made by the parties, and his decision or ruling thereon, and his award or finding in the case. The award and accompanying papers before mentioned shall be by him filed in the prothonotary's office, within seven days after the finding thereof; upon which award so filed judgment shall be entered nisi to become absolute, if no exceptions to the ruling or decisions of law thereon, or motion to set it aside, as hereinafter provided, be made or filed within twenty days after the filing of said award. If exceptions be filed to the decisions or ruling of the law in the case by the arbitrator, the same shall be in the nature of a writ of error to the common pleas, or court in which the case is pending, to the decision of which, upon such exceptions, either party shall be entitled to take a writ of error, upon the usual conditions and restrictions.

SEC. 6. That the judgment nisi, on the award, shall continue to be a lien until final judgment.

SEC. 7. That the arbitrator shall keep a memorandum of his acts and proceedings, under and by virtue of the fourth section of this act and file the same with his award.

SEC. 8. That as compensation for his services the arbitrator shall be entitled to receive six dollars for the first day and four dollars for each subsequent day's service, necessarily employed in the hearing and determining the case. He shall also be entitled to receive two dollars for each adjournment upon application of either or both of the parties, at any time when no other proceedings are had; but he shall not charge or receive adjournment fees for any day when he shall charge or receive per diem compensation, which compensation shall be taxed and collected as costs in the case.

SEC. 9. That before entering upon his duties the arbitrator shall be sworn or affirmed, to perform the duties of his appointment with fidelity, which oath or affirmation may be administered by any attorney of any court of record of this Commonwealth, or by any officer having general authority to administer oaths, or by the prothonotary of the court.

SEC. 10. That the award may be set aside, and the case referred to the same or a different arbitrator, at the option of the parties, to be chosen at a time and place to be fixed by the court, within four days thereafter, in the usual manner, to meet not less than four nor more than ten days after said choosing for the following causes, to wit: For such misbehavior on the part of the arbitrator, as in the opinion of the court shall invalidate the award, in which case the arbitrator shall forfeit his compensation



for testimony discovered after the trial, such as will justify the court in granting a new trial.

SEC. 11. That no rule to show cause why an award shall not be set aside for misbehavior on the part of the arbitrator shall be granted unless the party making the motion shall state the misbehavior in writing specifically which statement shall be verified by the oath or affirmation of the mover, or some person acquainted with the fact; and no award for the cause aforesaid shall be set aside unless the same be proved to the satisfaction of the court.

SEC. 12. That no application or motion to set aside an award, for after discovered testimony, shall be entertained or rule granted to show cause, unless the mover shall have reduced the facts, which he expects to prove, to writing; which statement shall be accompanied by the oath or affirmation of the mover or some one for him, that the same are true and were not known to the parties asking for the new trial, or either of them, at the time of the former trial, and that he expects to prove the said facts by a witness whose name and place of residence shall be given. On the hearing of the rule to show cause, the said witness may be examined as to his knowledge of the facts alleged.

SEC. 13. That no motion to set aside an award shall be entertained by the court, unless made within twenty days from the filing thereof in open court, if a court be in session, at any time during said twenty days, if not to a judge at chambers.

SEC. 14. That all subpoenas, executions, attachments, rules or orders, made or awarded by the arbitrator, shall be issued by the prothonotary, and he may issue subpoenas returnable before the arbitrator without a special order.

SEC. 15. That the parties or their attorneys to a suit pending, or hereafter to be brought, may amicably refer the trial and determination of the same to a legal arbitrator, and fix their own time and place of hearing with the same force and effect, and with the same incidents and rights to the parties as if the said suit had been referred by rule entered and arbitrator chosen, as hereinbefore provided.

#### No. 198.—FILE OF THE HOUSE.

McDOWELL, Ways and Means—Feb. 4.

#### AN ACT relative to State taxes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases in which real estate constitutes a part, or the whole of the capital stock of any company incorporated by or under any law of this Commonwealth, and said company pays into the State Treasury the tax authorized to be assessed under the act of one thousand eight hundred and forty-four, as corporation tax, such real estate shall be exempt from the payment of State taxes in the county or counties in which said real estate may be situated.

#### No. 202.—FILE OF THE HOUSE.

Mr. THORN, Ways and Means—Feb. 4.

RESOLUTION relative to the payment of certain moneys into the State Treasury by the Manufacturers' and Mechanics' Bank of Philadelphia.

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Auditor General, in settling the per centage allowed by the act of twenty-second day of May, one thousand eight hundred and fifty-seven, on the increase of the capital of the Manufacturers' and Mechanics' Bank of the city and county of Philadelphia, be and is hereby directed to charge no per centage on the restoration of the capital of said bank, to*

the amount allowed by and for which it has already paid a per centage under the provisions of the act of twentieth day of May, one thousand eight hundred and thirty-six, but to charge only the per centage imposed by the act of one thousand eight hundred and fifty-seven, on such increase of capital beyond the amount allowed and already settled for under the act of one thousand eight hundred and thirty-six as may take place under the said act of one thousand eight hundred and fifty-seven.

#### No. 169.—FILE OF THE SENATE.

BELL, Judiciary—Feb. 3.

AN ACT in reference to the commissions of justices of the peace and aldermen.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That every person hereafter elected to the office of justice of the peace or alderman shall, within thirty days after the election, if he intends to accept said office, give notice thereof, in writing, to the prothonotary of the common pleas of the proper county, who shall immediately inform the Secretary of the Commonwealth of said acceptance, and no commission shall issue until the Secretary of the Commonwealth has received the notice aforesaid.

SEC. 2. That so much of an act of Assembly as requires constables to send copies of the returns of the election of aldermen and justices of the peace to the Governor of the Commonwealth is hereby repealed.

SEC. 3. That whenever any person elected to the office of alderman or justice of the peace shall fail to give the notice of acceptance as provided for in the first section of this act, within thirty days after said election, the office shall be considered vacant, and shall be filled as vacancies are now filled by law.

#### NO. 206.—FILE OF THE HOUSE.

Mr. McCLURE, Judiciary—Feb. 4.

AN ACT defining the punishment for certain offences.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That if any person shall give, bestow, or promise any money, reward, office, or anything of value to any member of the select or common council of the city of Philadelphia, for the purpose of influencing his action as a member of said select or common council, upon any subject brought, or proposed to be brought, before said select or common council, or any committee thereof; or if any member of said select or common council shall accept the same for his vote or influence therein; any person so offending shall be deemed guilty of a misdemeanor; and, on conviction thereof, shall be fined in a sum not less than one hundred, nor more than one thousand dollars, and suffer imprisonment not less than three months, nor more than one year.

#### No. 183.—FILE OF THE HOUSE.

GRITMAN, Judiciary—Jan. 31.

AN ACT to erect the counties of Clearfield, Jefferson, Elk and Forest into a new judicial district, to be called the Twenty-sixth district.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the counties of Jefferson, Elk, Forest and Clearfield be, and they are hereby, erected into a separate judicial district, to be called the Twenty-sixth district: *Provided,* That the courts

in the several counties shall be held at the terms heretofore fixed by law, and that for the purpose of preventing any interruption of the summer term of courts, this act shall not take effect until the first day of August next.

#### No. 212.—FILE OF THE HOUSE.

NILL, Judiciary—Feb. 4.

AN Act to abolish the board of revenue commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all laws of the State authorizing the appointment of revenue commissioners be and the same are hereby repealed.

#### No. 50.—FILE OF THE HOUSE.

GRITMAN, Judiciary—Jan. 18.

A SUPPLEMENT to an act for the better preservation of game, approved April twenty-first, Anno Domini one thousand eight hundred and fifty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter it shall not be lawful for any person to shoot, kill, or otherwise destroy, any partridge within this Commonwealth, between the first day of January and the first day of November; and that all persons offending against the provision hereof, shall be subject to the same penalty and conviction as are provided in the act to which this is a supplement.

#### No. 200.—FILE OF THE HOUSE.

SMITH, (Berks,) Ways and Means—Feb. 4.

AN ACT relative to the increase of State tax.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That in any case in which the State Treasurer has failed to give the notice to the county commissioners, as required by the thirty-ninth section of the act of twenty-ninth April, one thousand eight hundred and forty-four, for the space of three months after the increase of the valuation of the assessable property of any county in this Commonwealth, any county or counties thus failed to be notified, shall be released from all liability in consequence of, or by virtue of any increase of valuation of the property thereof.

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# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 29

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## SENATE.

THURSDAY, Feb. 10, 1859.

The Senate met and was called to order by the SPEAKER at half past ten o'clock, A. M.

Prayer was offered by Rev. Jas. Colder, of the Fourth Street Bethel church, Harrisburg. Journal read and approved.

The SPEAKER presented an abstract of the accounts of the Minehill and Schuylkill Haven railroad company.

## REPORTS OF COMMITTEES.

Mr. BELL, (Judiciary,) reported with amendment, "An Act to make decrees for the payment of money in equity proceedings, liens upon real estate, with the right to revive or continue the liens of the same by writ of scire facias."

Also, (same,) with amendment, "An Act authorizing the execution of process in certain cases of equity on non-resident defendants."

Also, (same,) as committed, "An Act relative to mortgages therein stated."

Also, (same,) as committed, "An Act to extend the jurisdiction of orphans' courts in cases of testamentary trusts."

Also, (same,) with amendment, "An Act regulating the fees of auditors appointed by the courts of Philadelphia city and county."

Mr. BREWER, (same,) with a negative recommendation, "An Act for the more effectual suppression of counterfeiting."

Also, (same,) as committed, "An Act relative to costs."

Also, (same,) with a negative recommendation, "A further supplement to an act relative to counties and townships and county and township officers," approved April 15, 1834.

Also, (same,) as committed, "An Act relative to the time of holding courts in Clearfield county."

Mr. MILLER, (same,) as committed, "An Act to authorize the trustees of the Associate Reformed (now the United Presbyterian) congregation of the city of Erie, to sell certain property, and remove the bodies of persons interred therein."

Also, (same,) as committed, "A further sup-

plement to the act relative to sheriffs of this Commonwealth."

Also, (same,) as committed, "An Act relative to brokers."

Also, (same,) with a negative recommendation, "An Act to provide for the election of tax collectors in Bucks county."

Also, (same,) with a negative recommendation, "An Act to repeal acts relative to the borough of Schuylkill Haven, and extending the general features of the act regulating boroughs, approved April 3, 1851, to Schuylkill Haven."

Mr. SCOFIELD, (same,) with a negative recommendation, Senate bill No. 68, "A supplement to an act directing the judges of the court of common pleas in Philadelphia, to appoint an examiner in the case of Elizabeth Cameron, a lunatic."

Also, (same,) as committed, "An Act authorizing and requiring the commissioners of Union county to deliver to the commissioners of Snyder county certain assessment books belonging to Snyder county."

On motion of Mr. KELLER, the Senate proceeded to consider this bill, and dispensed with going into the committee of the whole.

Mr. GREGG moved to amend, by adding the following proviso:

*Provided*, Snyder county pay for the re-binding of the books.

On the question

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. GREGG and Mr. KELLER, and were as follow, viz:

YEAS.—Messrs. Baldwin, Coffey, Craig, Finney, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penney, Rutherford, Scofield, Shaeffer and Thompson—16.

NAYS.—Messrs. Blood, Brewer, Fetter, Keller, Marselis, Miller, Nunnemacher, Randall, Schell, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—15.

So the question was determined in the affirmative.

The question recurring upon the bill as amended, it was agreed to; and the bill passed finally.

Also, (same,) as committed, "An Act to repeal an act relative to the sealer of weights and measures in Montgomery county."

Also, (same,) with a negative recommendation, "An Act to preserve the lien of mortgages in certain cases."

Also, (same,) as committed, "An Act relative to the fees of county surveyors."

Mr. FINNEY, (same,) as committed, "An Act authorizing the removal of the dead interred in the grounds connected with St. Stephen's church, Harrisburg."

Also, (same,) as committed, "An Act relative to recorders of deeds."

Also, (same,) with a negative recommendation, "An Act relative to the proceedings of the supreme court."

Mr. RANDALL, (Railroads,) as committed, "A supplement to the act incorporating the Pittsburgh and Steubenville railroad company."

Mr. MYER, (Election Districts,) as committed, "An Act relative to elections in Somerset county."

Mr. KELLER, from the Committee to Compare Bills, made a report.

Mr. STEELE, (Corporations,) as committed, "An Act to incorporate the Luzerne powder company."

## BILLS IN PLACE.

Mr. BELL read in his place and presented to the Chair, "A further supplement to an act incorporating the West Chester and Philadelphia railroad company."

Also, "An Act supplementary to an act abolishing the office of Canal Commissioner and State Engineer."

Mr. SHAEFFER, "An Act to incorporate the Marietta, Mt. Joy, Sporting Hill and Manheim turnpike road company."

Also, "A further supplement to an act incorporating the Conestoga and Beaver Valley turnpike road company."

Mr. RUTHERFORD, "An Act relative to the borough of Harrisburg."

Mr. BREWER, "A joint resolution relative to the final adjournment of the Legislature."

Mr. SCHINDEL, "A supplement to an act providing for the erection of a house of employment and support for the poor in Lehigh county."

Mr. SCHELL, "An Act authorizing the commissioners of Bedford county to sell the poor-house of said county."

Mr. STEELE, "A further supplement to an act incorporating the Danville railroad company."

Also, "An Act to incorporate the Lombard and South streets passenger railway company."

Also, "An Act to establish a new election district in Shickshinney, Luzerne county."

Mr. GREGG, "An Act regulating borough elections in Bellefonte, Centre county."

Mr. THOMPSON, "A supplement to an act incorporating the Plymouth railroad company."

Mr. RANDALL, "An Act to incorporate the Zoological society of Philadelphia."

Mr. TURNER, "A joint resolution relative to clerk hire."

Mr. MYER, "An Act in relation to Edith T. Greeno, of Canton, Bradford county."

Mr. WELSH, "A supplement to an act incorporating the Hanover savings fund society."

## ORDERS OF THE DAY.

"An Act to incorporate the Penn Warehouse company," came up in order on second reading. The question being upon the seventh section; it was agreed to.

The eighth was then read. Whereupon, Mr. BELL moved to amend, by striking out from the word "company," in the third line, to "respectively," in the fourth line, inclusive.

Mr. RANDALL asked the Senator from Chester to explain the effect of his amendment.

Mr. BELL stated that the amendment simply embodied a principle which had been extended to other corporations. The object was to make stockholders individually liable to the amount of their stock. This company, he said, proposes to take advantage of all the immunities and privileges extended to them; and it was not proper that they should go on and contract debts, perhaps to an unlimited amount, and yet not be individually liable for the indebtedness so incurred.

Mr. COFFEY explained the general rule with regard to the individual liability clause; in whose views Mr. RANDALL concurred, with the hope that the amendment would be voted down. Every necessary restriction had already been thrown around the grant, and he saw no necessity for the amendment.

The question being upon the amendment offered by Mr. BELL, it was determined in the negative.



On the final passage of the bill,

The yeas and nays were required by Mr. WRIGHT and Mr. RANDALL, and were as follows, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Finney, Francis, Gazzam, Gregg, Harris, Miller, Myer, Purker, Penney, Randall, Scofield, Shaffer, Thompson, Welsh and Cresswell, *Speaker*—18.

NAYS—Messrs. Bell, Blood, Brewer, Fetter, Keller, Marselis, Nunnemacher, Palmer, Schell, Schindel, Steele and Wright—12.

So the question was determined in the affirmative.

#### BILLS CONSIDERED AND PASSED.

Mr. BALDWIN called up House bill No. 11, "An Act relative to the distribution of Rogers' geological survey."

Mr. TURNEY would state for the information of the Senate, that when this bill was before the Committee on Finance, he had called upon the Secretary of the Commonwealth to ascertain whether there was a sufficient number of copies on hand to meet the views of its framers. He had ascertained there was. He would further state that the work was already on hand, and had been paid for; consequently the distribution could entail no expense upon the State.

Mr. COFFEY inquired whether there was a sufficient number of copies on hand to supply all, or only those who have not received them?

Mr. TURNEY replied, only those who have not received them.

Mr. WELSH understood that there was but one volume of the work yet published. If the Senate pass the resolution, when the second volume is published, there will be a demand for it, thus entailing an expense upon the State.

Mr. TURNEY explained that the State had not contracted for one volume only, but for the second; also, with accompanying maps. The second volume comes with the first, and is already paid for.

Mr. WELSH, then, had no objection to the resolution.

Mr. GREGG inquired if any copies would be left in the office of the Secretary of the Commonwealth after the supply contemplated; or whether they would be exhausted by the resolution?

Mr. TURNEY said there was sufficient to answer the object of the resolution, and a few extra copies be left.

Mr. TURNEY moved to amend by including the assistant Clerks; which was agreed to.

Mr. GREGG proposed further to amend by giving a copy to the Farmers' High school of Pennsylvania. Agreed to.

Mr. RANDALL moved to add the high school of Philadelphia.

On which,

The yeas and nays were required by Mr. RANDALL and Mr. COFFEY, and were as follows, viz:

YEAS—Messrs. Brewer, Keller, Marselis, Parker, Randall, Schell, Shaffer, Schindel, Steele, Thompson and Wright—11.

NAYS—Messrs. Baldwin, Bell, Blood, Coffey, Craig, Fetter, Francis, Gregg, Harris, Miller, Myer, Nunnemacher, Palmer, Penney, Rutherford, Scofield, Turney, Welsh and Cresswell, *Speaker*—19.

So the question was determined in the negative.

The bill as amended passed finally.

On motion of Mr. COFFEY, Senate bill No. 2, "An Act relating to evidence," was taken up and having passed Committee of the Whole, lies over.

Mr. BELL gave notice of his intention to move to substitute Senate bill No. 114, for the above.

On motion of Mr. BELL, House bill No. 123, "A supplement to an act regulating boroughs, so

far as the same relates to the borough of Phoenixville."

On motion of Mr. TURNEY, "An Act relative to recorders of deeds."

This bill having passed committee of the whole, lies over.

Mr. FINNEY called up Senate bill No. 4, "An Act to alter the districts of the supreme court;" which,

On motion of Mr. SCOFIELD, was amended by inserting, in the twelfth line of the first section the words "Warren, M'Kean," after the word "Fulton."

Mr. TURNEY moved further to amend by adding at the end of the third section the following: *Provided*, Such special courts shall not interfere with the regular terms.

The amendment was adopted, and the bill lies over on second reading.

On motion of Mr. GAZZAM, "A supplement to an act incorporating the Pittsburgh and Steubenville railroad company."

Mr. MILLER called up a joint resolution, relative to the pay of Thomas H. Porter and John H. Wells; and on his motion the clause relative to mileage was re-inserted.

Mr. TURNEY thought there should be no discrimination made between the present case and others which had come before the Senate. The law specifies the compensation to which members are entitled whose seats have been contested, and a decision made against them. It is the same as that of other members; and as Mr. Porter had occupied his seat one month—one third of the session—he thought he should be entitled to one-third pay; with that view he would propose an amendment, as follows—to strike out five dollars and insert seven; which was agreed to.

The bill as amended passed.

On motion of Mr. WRIGHT, House bill No. 264, "A supplement to the act incorporating the Commonwealth insurance company."

On motion of Mr. SHAEFFER, Senate bill No. 127, "An Act authorizing Peter Martin, and others, trustees, to sell a certain school house in Clay township, Lancaster county."

Mr. BELL called up Senate bill No. 47, "An Act concerning turnpike, plank road and bridge companies."

This bill was postponed for the present.

On motion of Mr. CRAIG, Senate bill No. 284, "A supplement to an act relative to sheriffs."

The SPEAKER announced that the Clerk had appointed John B. Steck as an additional Transcribing Clerk, who appeared and was duly qualified.

On motion of Mr. FINNEY, "An Act authorizing the trustees of the Associate Reformed, now the United Presbyterian congregation of the city of Erie, to sell certain property and remove the bodies of persons interred therein."

On motion of Mr. SCHELL, House bill No. 10, "An Act authorizing the commissioners of Bedford county to borrow money."

This bill lies over.

A message from the Governor was received and read, stating that he had approved and signed the following acts of the General Assembly:

"A supplement to an act to incorporate the Williamsport water company, and for other purposes."

"An Act to incorporate the Delaware dredging company."

"A supplement to an act to incorporate the Fayette County railroad company."

"An Act to attach part of Washington township to the borough of Edinboro', for school purposes."

"A further supplement to an act relative to the collection of taxes in Crawford county, and for other purposes."

"An Act to incorporate the Preachers' aid

society of the First Methodist Protestant church of Pittsburgh."

"An Act to incorporate the association for the erection of a statue of George Washington."

"An Act to require the register of wills in and for Luzerne county, to record appraisements, inventories and vendue lists of personal property."

"An Act to authorize the house of refuge to extinguish a certain ground rent."

"A further supplement to the act to incorporate the Erie City railroad company."

"An Act to amend and extend the charter of the Mutual fire insurance company of Germantown and its vicinity."

"An Act to incorporate the town of Jefferson, in Cambria county, into a borough, to be called Wilmore."

The hour of one having arrived, the SPEAKER adjourned the Senate until to-morrow morning at 10½ o'clock.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, Feb. 10, 1859.

The House met at 10 o'clock, and was called to order by the SPEAKER.

Prayer was offered by the Rev. Dr. Bartine, of the Methodist Episcopal church.

The Clerk read the Journal of yesterday.

The SPEAKER laid before the House an abstract of the affairs of the Mine Hill and Schuylkill Haven railroad for 1858. Laid on the table.

Mr. LAWRENCE, (Washington,) asked leave to make a statement. Leave was given.

Mr. LAWRENCE said, yesterday while the joint resolution in reference to the pay of Mr. Frazer, Canal Commissioner, was under consideration, I stated that Mr. F. had been notified by the Secretary of Commonwealth, to appear here on the 2d Tuesday of January, to assume the duties of his office, and in that communication said, that his duties would probably last six months or a year. This statement was made by me from my recollection of a verbal statement to me from Mr. Frazer. I find on examination of the correspondence referred to, the Secretary of State merely notified him of his election, and said nothing about the continuance of the office. I may have misunderstood Mr. Frazer, and at all events believe it due to the Secretary of the Commonwealth, to make this correction at the earliest opportunity.

#### PETITIONS, &c. PRESENTED.

Mr. PINKERTON read in his place and presented to the Chair, five petitions from citizens of Schuylkill county, for the repeal of all laws authorizing a stay of execution on judgments obtained for the wages of labor not exceeding one hundred dollars, and for the better securing the wages of miners, mechanics and laborers.

Also, one from citizens of Pottsville, in favor of the immediate construction of a railroad at some point on the Schuylkill Valley road, near the town of Tuscarora, Schuylkill county, to connect with the Little Schuylkill road at or near Tamaqua.

Also, two from four hundred and seventy-eight citizens of Minersville, same county, in favor of the passage of the act, entitled, "An Act for the better securing the payment of the wages of labor in Schuylkill county."

Also, one from one hundred and ten citizens of the town of Tremont, county of Schuylkill, for the passage of an act forbidding cars to be left standing on railroads in said town, except when being loaded or unloaded.

Also, one from eighty-two citizens of Llewellyn, same county, for a law providing for the better securing the wages of miners, mechanics and laborers in said county.

Mr. WITHROW, a remonstrance from citizens of Mifflin county, against the passage of an act to appoint commissioners to run the line between Huntingdon and Mifflin counties.



Mr. STUART, a petition from a large number of inhabitants of Cumberland county, praying for an appropriation to the Polytechnic college of Pennsylvania.

Mr. PROUDFOOT, two from citizens of Cambria county, against the erection of Pine county.

Also, three from citizens of Cambria county, in favor of the passage of an act relating to the collection of State and county taxes in said county.

Mr. CUSTER, one from citizens of Pottstown, Montgomery county, praying for the passage of an act supplementary to their borough charter, so that their town council consist of nine instead of seven members, and to bond the debt of said borough.

Mr. MANN, one from certain citizens of Potter county, for the repeal of the act of April 20, 1858, regulating the sale of intoxicating drinks, and for a law to prohibit the peddling of liquors in this State.

Also, one from citizens of Brighton township, Potter county, for the privilege to levy an additional road tax.

Also, one from citizens of Potter county, asking for an alteration in the law regulating the collection of poor tax in said county.

Mr. JACKSON presented three remonstrances from one hundred and eighty-two citizens residing along the Loyalsock creek in Sullivan and Lycoming counties, against the passage of an act to incorporate the Montour navigation improvement company.

Also, one remonstrance ten feet long from four hundred and fifty-one citizens of Sullivan and Lycoming counties, of like import.

Also, one petition (numerously signed) from citizens of the borough of Tunkhannock, Wyoming county, asking for the passage of an act for the appointment of auditors, and to regulate the election of the officers of said borough.

Mr. GRAHAM, two from citizens of Washington and Fayette in favor of the new county, to be called Monongahela.

Mr. WHITMAN, two from citizens of Harrisburg, praying that the charter of said borough may be so amended as to render any taxable citizen eligible to hold office in said borough without the property qualification.

Mr. FEARON, two from citizens of Crawford township, Clinton county, for an act to compel the supervisors of said townships to give security.

Also, one from citizens of same county, for an act to appoint viewers to lay out a State road from Lock Haven, Clinton county, to Snow Shoe, Centre county.

Mr. WILEY, a remonstrance from citizens of the townships of Delaware, Lower Dublin, Moreland and Byberry, against the city of Philadelphia purchasing turnpikes and plank-roads within the rural districts of said city.

Also, a petition from citizens of same townships, praying for a law to authorize them to elect their own supervisors, mend their own roads, and that they may be exempted from all highway tax by the city of Philadelphia.

Mr. STEPHENS, one from John Kellum, of Wayne county, for a divorce from the bonds of matrimony from his wife Maria.

Mr. ELLMAKER, a remonstrance from three hundred citizens of Lancaster county, against the incorporation of the Conestoga gaslight company.

Also, a petition from citizens of Elizabeth and Penn townships, Lancaster county, praying that Eli Lichtenberger's property may be included in Penn township, said county.

Mr. MEHAFFEY, one from citizens of Lycoming county, for a law securing more effectually prompt payment on the part of insurance companies.

Also, two petitions, with accompanying documents, from citizens of same county, for a

public road to lead from Shoemaker's mill to the borough of Muncy, in said county.

Mr. BAYARD, two from citizens of Pittsburg, in favor of the Citizens' passenger railway.

Also, one from same, in favor of the incorporation of the Commercial Bank.

Mr. BOYER, (Schuylkill,) one from citizens of Schuylkill county, for the construction of a railroad at some point at the Schuylkill Valley railroad, near Tuscarora, to connect with the Little Schuylkill road at or near Tamaqua, in said county.

Mr. ROHRER, one from the town council of the borough of Kittaning, asking the passage of a supplement to their act of incorporation.

Also, one from citizens of Indiana county, for a new county, to be called Pine.

Also, one from citizens of Cambria county, of like import.

Also, one from citizens of Westmoreland county, in favor of a new county, to be called Monongahela.

Also, a remonstrance from citizens of Freeport, against the passage of an act authorizing the appointment of a special auctioneer in said borough.

Mr. FOSTER, one from thirty-four citizens of Allegheny county, praying for an appropriation to the School of Mines.

Also, one from two hundred and seventy-four citizens of Allegheny county, praying for the erection of a new county, to be called Monongahela.

Also, one from one hundred and ten citizens of Westmoreland and Allegheny counties, for a State road from McCutcheon's Mills to Parnassus Station.

Also, one from one hundred and thirty-seven citizens of Moon township, Allegheny county, praying that the places of election in said township be changed.

Also, the petition of James C. Cummins, Bernard Kane, Thomas Burke, John O'Reilly, John Cavanaugh, Patrick Duffey, James McAdams and thirty others, for the abolition of the Pittsburg high school.

Mr. WILLIAMS, (Bucks,) one from citizens of Philadelphia and Bucks counties, praying for the passage of an act to prevent negroes and mulattoes from coming into the State with the view of acquiring a residence therein.

Mr. BARNESLEY, one from a majority of the property holders of the village of Attleboro, Middletown township, Bucks county, praying that said village may be erected into a borough.

Also, four petitions signed by one hundred and thirty-seven citizens of Bucks county, remonstrating against the provisions of the act to incorporate the Delaware Division canal company; which, on his motion, was read.

Mr. GOEPP, two petitions from citizens of Northampton county, in favor of changing the location of the county seat.

Also, three remonstrances from same, against the same.

Also, a petition from citizens of Nazareth, for an alteration of their borough laws.

Mr. ZOLLER, one from sixty-five citizens of the boroughs of East and West Elizabeth, Allegheny county, in favor of the new county, to be called Monongahela.

Also, two from citizens of Elizabeth township and Allegheny county in general, of similar import.

Mr. BURLEY, one from citizens of Hollidaysburg, in favor of the payment of the claims of Alfred Canon and Samuel Sharan, for damages sustained by the sale of the Main line of the Pennsylvania canal.

Also, two from citizens of Blair county, in favor of an appropriation for the erection of a monument on the Capital grounds, in honor of the illustrious dead of Pennsylvania, who fell in the war with Mexico.

Mr. BALLIET, one from citizens of Carbon county, in favor of a new judicial district, to be composed of Carbon and Lehigh counties.

Mr. ACKER, one from West Nottingham township, Chester county, to have the provisions of the act of April 14, 1846, laying a tax on dogs in certain townships in Chester county, extended to said township.

Mr. MILLER, one from eighty-five citizens of Crawford county, for the repeal of the law imposing military tax.

Also, one for the erection of a new county, out of Crawford, Warren and Venango counties.

Also, a remonstrance from citizens of Philadelphia, against the incorporation of the Steam engine, steamship and steamboat company.

Also, a petition from Elijah G. Nye, asking to be divorced from his wife Mary Ann.

Mr. WHITMAN, one from citizens of Harrisburg, relative to the office of sealer of weights and measures.

Mr. PENNELL, a remonstrance from citizens of Philadelphia, against the incorporation of the Penn steam engine, steamship and steamboat company, of Philadelphia.

Mr. WIGTON, one from citizens of Huntingdon county, to have commissioners appointed to run and define the boundary line between the counties of Huntingdon and Mifflin.

Mr. TAYLOR, two from citizens of Indiana county, for the repeal of the act relative to the county superintendent of common schools, as far relates to said county.

Mr. PRICE, one from the citizens of Lancaster county, for the repeal of the office of sealer of weights and measures in said county.

Mr. KENEAGY, three from citizens of Mannheim township, in favor of the reduction of the district attorney's fees.

Mr. KETCHUM, one from citizens of New Columbus, to be incorporated into a borough.

Also, one from citizens of Newtown township, Luzerne county, for an alteration of the school laws.

Also, one from citizens of Wilkesbarre, in favor of an appropriation to aid in establishing a School of Mines for the Polytechnic College.

Also, two remonstrances from citizens of Huntingdon township, Luzerne county, against authorizing school directors to borrow money, &c.

Mr. HILL, one from citizens of Pottstown, for a change of their borough charter.

Also, one from citizens of Upper Salford township, Montgomery county, to repeal the old Goshenhoppen school district.

Also, one from citizens of Montgomery county, in favor of an appropriation to the Polytechnic College, Philadelphia.

Also, a remonstrance against the incorporation of a bridge company over the river Schuylkill, at Black Rock.

Mr. NILL, a petition from sundry citizens of Perry county, for the passage of an act to reduce the salary of members of the Legislature from \$700 to \$500.

Mr. M'CLURE, one from citizens of Franklin county, for the enactment of a law to impose license on stallions; and Mr. M'CLURE asked the same to be read, as it was in relation to an important public interest.

The petition was read.

Mr. QUIGLEY, one from certain distillers, commission merchants and dealers in domestic distilled spirits, and other citizens of the city and county of Philadelphia, for a change in the inspection laws.

Mr. GRATZ, one of like import.

Also, the petition of Margaret Coldwater, widow of a soldier of the Tenth regiment of the Revolution, asking for relief.

Mr. HARDING, the petition of three thousand colored persons of Philadelphia, for a change in the constitution: which was read.

Mr. MILLER moved that the petition be printed in the *Legislative Record*.



Mr. FOSTER hoped that the subject would be postponed for the present, on account of the absence of the gentleman from Tioga, (Mr. WILLISTON.)

Mr. HAMERSLY moved that the further consideration of the question be postponed for the present.

Mr. M'CLURE thought it would be an act of courtesy here to the gentleman from Tioga, who was not now in his seat, to postpone the matter.

And the question being taken; it was determined in the affirmative.

Mr. HARDING, a petition from citizens of Philadelphia, asking aid for the Polytechnic college.

Mr. WALKER, one from ninety citizens of Allegheny township, Somerset county, for an act fixing the term for keeping the common schools of said township open not less than three nor longer than ten months during any one year; and on leave read a bill in place in relation to the same; which was referred to the Committee on Education.

Mr. OAKS, on leave, read a bill authorizing the court of quarter sessions of Columbia county, to appoint auditors for Conyngham township, said county; and on his motion, said bill was taken up and passed; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. GOOD moved that the rules be suspended, and that the House proceed to the consideration of a bill relative to the borough of Allentown, but the House refused to do so.

Mr. ROUSE presented a memorial from citizens of Warren county, in favor of the new county, to be called Marion.

Mr. WARDEN, a petition from citizens of Mount Pleasant township, Westmoreland county, for the abolition of the office of county superintendent, so far as relates to said township.

Mr. THORN, one from the members of the Philadelphia bar, for an increase of the salaries of the judges of the district court and court of common pleas in the city and county of Philadelphia; which, on his motion, was read.

#### BILLS CONSIDERED.

Mr. CHASE called the attention of the Chair to rule No. 57 of the House, which provides that on Thursday, after the presentation of petitions, bills may be called up according to the alphabetical arrangement of the members.

The SPEAKER replied that in his experience this rule had never been enforced, but it should be hereafter.

Mr. BARNESLEY called up House bill No. 160, "A supplement to an act to incorporate the Green and Coates Street passenger railway company, (Mr. LAWRENCE, (Washington,) in the Chair.)

The first section being before the committee, Mr. GOEPP moved to amend the same so as to make the route read as follows:

"Along Fourth street to the intersection of Jefferson street; thence by Jefferson street to the intersection of Eighth street; thence southwardly in Eighth street to Dickenson street; thence down Dickenson street, &c.;" which was agreed to.

The second section being before the committee,

Mr. GOEPP moved to amend the same by increasing the capital stock from \$400,000 to \$500,000, and to issue bonds not exceeding \$300,000, and to the end of the section the following:

"And in addition, the said company shall pay over to the treasurer of the Commonwealth, for the benefit of the sinking fund, \$50,000 in bonds of the said company, secured by the same mortgage, with twenty years to mature, and bearing an interest of seven per cent. per annum, payable semi-annually;" which was agreed to.

Mr. THORN moved to amend by adding: "And which shall be secured as the first mortgage upon the said road;" which was agreed to.

Mr. HAMERSLY moved to amend by still further adding, "and upon its franchises;" which was also agreed to.

And the section as amended was agreed to.

Mr. SMITH, (Berks,) offered the following, to come in at end of the section:

*Provided*, That the said company, before commencing to run their cars on said streets, or before authorizing or contracting with any other company to run cars on said streets, shall purchase, at the option of the owners, the stock of horses, omnibuses, sleighs and harness owned and used for the lines on said streets, at a price to be assessed in the following manner: The said owners shall choose one disinterested person, and the said company shall choose a second disinterested person, and the two thus chosen shall choose a third disinterested person, who, having been sworn before the court of common pleas faithfully to perform their duties, shall appraise the said stock as the same is used and running on the said streets, and the value thus arrived at by them, or a majority of them, shall be binding and final on all parties.

Which was agreed to.

The committee then rose and the chairman reported the same with amendment.

The bill was read the second time.

The second section being before the House,

A motion was made by Mr. WILEY to amend the same by adding the following words:

*Provided*, That before the said company shall use and occupy said streets, the consent of the city councils of Philadelphia shall be first obtained; and said consent shall be taken and deemed to have been given, if said councils shall not within thirty days after the passage of this act, by ordinance duly passed, signify their disapproval thereof; and the said company shall also be subject to an ordinance of the city councils, entitled "An ordinance to regulate passenger railways within the city and county of Philadelphia," approved seventh day of July, 1757; which was not agreed to; and the section, as amended, was agreed to.

Said bill was then read the second time.

Mr. HAMERSLY said that some days ago, it had been ordered that all the bank bills should be printed and placed on the desks of members before being considered. If the members would turn to their files, they would find that the Germantown supplement was not printed, and now it was asked that a rival project be considered. He did not mean to charge design upon any one, but the fact was evident, the Germantown bill was not printed.

Mr. WALBORN, as chairman of the Railroad Committee, said that he had put a batch of railroad bills into the hands of the printer. The Germantown had not been among them, but had been in possession of the secretary of the Committee on Railroads. He had asked for, but had not obtained it, and had forgotten to ask for it a second time. Why it had not been given him, he did not know. All the bills had been printed which were in his possession. It was, however, on the desk of every member in the Senate file.

Mr. HAMERSLY said that he had not charged any one with design, in not having had it published. He had only said that it was not on the House file, as was required by the rules of the House.

Mr. WALBORN reiterated his assertion that it was on the Senate file.

The question then recurring on the motion to postpone.

The yeas and nays were required by Mr. FISHER and Mr. NEALL, and were as follow, viz:

YEAS.—Messrs. Abbott, Balliet, Bertolet, Brodhead, Custer, Dismant, Evans, Fisher, Fleming, Foster, Galley, Good, Gratz, Gray, Hamersly, Hill, Jackson, Laird, McClure, McDowell, Neall, Quigley, Rohrer, Rose, Stephens, Stoneback, Taylor, Thorn, Warden, Wiley and Woodring—31.

NAYS.—Messrs. Barnesley, Barlow, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Chase, Church, Durboraw, Eckman, Ellmaker, Fearon, Goepf, Graham, Green, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, M'Clellan, M'Curdy, Miller, Nill, Oaks, Palm, Patterson, Peirce, Pinkerton, Price, Proudfoot, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Stuart, Styer, Wagonseller, Walhorn, Walker, Whitman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf, Wood, Zoller and Lawrence, *Speaker*—52.

So the question was determined in the negative.

Said bill was then read the third time;

And on the question,

Will the House suspend the rule, and read the bill the third time by its title?

The yeas and nays were required by Mr. THORN and Mr. NEALL, and were as follow, viz:

YEAS.—Messrs. Barnesley, Barlow, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley Chase, Church, Durboraw, Eckman, Ellmaker Fearon, Goepf, Graham, Green, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, M'Clellan, M'Curdy, Miller, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Price, Proudfoot, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Stuart, Styer, Wagonseller, Walhorn, Walker, Whitman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf, Wood, Zoller and Lawrence, *Speaker*—54.

NAYS.—Messrs. Abbott, Acker, Balliet, Bertolet, Brodhead, Custer, Dismant, Evans, Fisher, Fleming, Foster, Galley, Good, Gratz, Gray, Hamersly, Hill, Jackson, Laird, McClure, McDowell Neall, Quigley, Rohrer, Stephens, Stoneback, Taylor, Thorn, Warden, Wiley and Woodring—31.

So the question was determined in the negative, two-thirds not voting in the affirmative.

Mr. BERTOLET called up House bill No. 132, "A supplement to the act approved April 10, 1826, an act to protect the public in the full benefit and enjoyment of the works constructed for the purpose of inland navigation," (Mr. KETCHUM in the Chair,) which was considered, and passed finally; and ordered that the Clerk present the same to Senate for concurrence.

Mr. THORN rose to a privileged question. He moved that the House re-consider the vote by which they had refused to suspend the rules to pass bill No. 160 (Green and Coates Streets railroad supplement) to a third reading.

Mr. M'CLURE seconded the motion, and said in explanation that as it was very evident the majority of the House intended to pass the bill, they might as well re-consider the vote and pass it at once.

Mr. PATTERSON intimated that this sudden change in the views of those who had hitherto opposed the bill was strange, and to be regarded with great suspicion by its friends.

Mr. THORN reiterated the assertions of Mr. M'CLURE, that the movement was made in perfect sincerity and honor.

Mr. M'CLURE. Why, Mr. SPEAKER, what covert design can there be behind the motion?

The SPEAKER said that he could not see.

Mr. CHURCH, however, was inclined to be suspicious.

Mr. WILLIAMS, (Bucks,) thought that the friends of the bill had better hold it in its pre-



sent position. He thought that there was "a nigger on the fence, sure."

Further rambling debate took place, until finally,

The question being taken, it was carried.

The question now recurring,

Will the House suspend the rule and read said bill the third time?

It was determined in the affirmative.

The bill was then read the third time and passed finally; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. THORN called up House bill No. 202, "Resolution relative to the payment of certain moneys into the State Treasury by the Manufacturers' and Mechanics' Bank of Philadelphia."

Resolution was read a second time.

Mr. ROSE desired an explanation.

Mr. THORN explained.

Mr. ROSE would like to have a full examination. Would it not take money out of the State Treasury?

Mr. THORN said that it could take nothing out, because nothing had been put in.

Mr. ROSE suggested that it might prevent something from going in.

Mr. CHASE had given the bill a close examination and was satisfied it was all right.

Mr. ROSE moved that the further consideration of the bill be postponed until to-morrow.

Mr. WARDEN moved to amend by putting it off until next week; which was not agreed to.

Mr. ROSE'S motion was then put and carried.

Mr. CUSTER called up House bill No. 183, (Mr. PINKERTON in the chair,) "An Act to erect the counties of Clearfield, Jefferson, Elk and Forest, into a new judicial district to be called the Twenty-seventh;" which passed committee of the whole.

The bill was then read the second time.

And on the question,

Will the House agree to the bill?

Mr. ROSE moved that the further consideration of the same be postponed for the present.

Mr. M'CLURE moved to amend by making the postponement indefinite.

Mr. ROSE moved that the further consideration of the bill be postponed for the present.

Mr. ROSE said that there were several reasons why this bill should be postponed for the present. The gentleman from Tioga, (Mr. WILLISTON,) had requested that no action be taken on the bill in his absence, and the House owed it to him as an act of courtesy, that no further proceedings be had in the matter until he should return. Besides, he was opposed to the bill, and should vote against it on its final passage.

This was a very nice proposition indeed—it not only included the erection of a new judicial district, but also the election of a Democratic judge. Any member who would take the trouble to examine the election returns of those counties, would find that the district, if made, would be Democratic. Although he had been charged with being very generous towards the Democratic party, he was not generous enough to assist them in carving out a district for the express purpose of electing a Democratic judge; especially when the district is unnecessary. Every body knew that when Democrats were in power, they were the last men to assist the Opposition in carving out Republican districts. The experiment has been frequently tried, and it has always proved a failure. He regretted the necessity of putting this matter upon a political basis. But the Democratic party had set the example in the first place, and he felt very much like paying them back in their own coin. Last winter when this same bill was introduced it was made a party question, and on that ground it had passed the House. It is true, when the Senate had tacked on Judge Wilnot's

district as an amendment, and the bill came back to the House for concurrence, Democrats were generous enough to vote against the amendment. But aside from this, it was made a party question. In addition to this, the district proposed was too small, and there was no absolute necessity for it, as he would show before the vote was taken on its final passage.

Mr. CHURCH favored the formation of the new district.

Mr. M'CLURE moved to postpone indefinitely. He supported his views by stating that the proposed new district would leave an adjoining one, (of Judge Burnside,) with only 24,500 population. He could not vote to create a new district which would have only about 30,000 population. It might be true that M'Calmont had too much work.

Mr. BOYER, (Clearfield,) then spoke as follows:

Mr. SPEAKER, I rise not so much for the purpose of opposing the motion of the gentleman from Mercer, (Mr. ROSE,) as that of the gentleman from Franklin, (Mr. M'CLURE,) but while up I shall reply to both. The plea that this question should be postponed, because the gentleman from Tioga, (Mr. WILLISTON,) is not in his seat, is, to say the least of it, a very poor one. For if this House is to have its regular business postponed, whenever it is convenient for the gentleman from Tioga to be absent, I fear we will suffer greatly by the delay of important business of this House.

As for the argument of the gentleman from Franklin, that this will make a very small and unimportant district, it is of course not founded on any facts with reference to the proposition now before the House. I beg to call the attention of the House to a few figures in this connection. The district which we propose to make, will have nine thousand and nine taxable inhabitants, while the Twentieth district, composed of the counties of Mifflin and Union, has but six thousand three hundred and ten taxables, and the Twenty-sixth district has but nine thousand and ninety-nine taxables. It will leave the Twenty-fifth district, from which it takes Clearfield, with nine thousand six hundred and ninety taxables. It leaves the Fourth district, from which Elk is taken, with ten thousand four hundred and twenty-four taxables, and the Eighteenth district, from which it takes Jefferson and Forrest, with eighteen thousand four hundred and six; thus leaving the Fourth district heavier than the Twenty-sixth, and the Twentieth and the Eighteenth districts heavier than the Twenty-sixth, the Twenty-fifth, the Twenty-second, the Twenty-first, the Twentieth, the Thirteenth, the Twelfth, the Ninth, the Eighth and the Fourth district; thus you see, sir, that this district is not as small as gentlemen are pleased to have us believe, nor will it reduce these districts, from which it proposes to take certain counties, to so ruinous a position as has been represented; but on the contrary, leaves them still with a greater number of taxable inhabitants than one-half of the other districts in the State.

In reply to the pitiful and beggarly cry of party politics, raised by the gentleman from Mercer, I hardly, in my astonishment, know what to say. That the plea of party should be raised in a question of this kind, is indeed a pity. Now I would, even under the most favorable circumstances, despise even the idea of ever for a moment yielding my feelings to party prejudices. It merits still greater astonishment, when we reflect that last winter, with an overwhelming Democratic majority in this House, they rejected with contempt the effort which was then made to annihilate Judge Wilnot's district. Then, Sir, they despised party feelings; but by a vote indicative of the best feelings towards their opponents, and worthy of all praise, sent the proposition back to the Senate, where the amendments originated. No,

Sir, Mr. SPEAKER, party preferences have not been thought of by those who asked for the erection of this district. We do not, in our section of the State, suffer politics to enter into the official labors of our judges. They know no party. They are not in the habit of giving preference to political opinions; they know only their duty, and endeavor to do it faithfully. I trust, Sir, that this House will not suffer the motion of the gentleman from Franklin to prevail, but that the bill be suffered to go before the House on its merits, in order that it may have a fair and impartial hearing.

Mr. ROSE said he did not desire to make this a political question, but it necessarily assumed that shape from the fact that it had always been the policy of the Democratic party in making either representative or judicial districts, to take good care that the Opposition would not be in the ascendancy. The gentleman from Clearfield, (Mr. Boyer,) was mistaken when he charged him with dragging politics into this question. His own party had inaugurated this policy, and had necessarily forced it upon the Republican party as a means of defence. So far as relieving Judge M'Calmont was concerned, he would gladly do so at any time when the matter came up in proper form. He admitted that Judge M'Calmont's district was large and his labors too great, and his opposition to the measure was not out of any disrespect Judge M'Calmont. He was gratified to say that he entertained the highest respect for the ability and integrity of Judge M'Calmont, and he firmly believed that he was one of the ablest judges of the common pleas in the State of Pennsylvania. But he agreed with the gentleman from Franklin, (Mr. M'CLURE,) that the proposition to erect these counties into a new judicial district was simply absurd.

According to the census of 1850, and the report of the Auditor General, the county of Clearfield contains a population of 12,586, and the taxable inhabitants therein for the year 1858 only amount to 4,268. Jefferson county contains a population of 13,518, and its taxable inhabitants 3,646. Elk county contains a population of 3,531, and its taxable inhabitants 1,239, and the taxable inhabitants of Forest county only amount to 211. From this it appeared that the whole population of the district cannot much exceed 30,000, and the whole number of taxable inhabitants cannot exceed 9,367. He submitted that it would be bad policy to establish so small a district as the one in question. The county that he had the honor in part to represent contained more population than the district proposed. Judge M'Calmont could be relieved by annexing one or more counties of his district to adjoining districts.

Mr. HAMERSLY hoped that the House would let this matter lie over by common consent for a time. He wished to move that when the House adjourn it do so to meet to-morrow morning at ten o'clock.

On this question,

The yeas and nays were required by Mr. PINKERTON and Mr. QUIGLEY, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barusley, Bayard, Fearon, Fisher, Foster, Green, Hamersly, Harding, Irish, M'Clure, M'Dowell, Miller, Neall, Quigley, Rose, Taylor, Thorn and Lawrence, *Speaker*—20.

NAYS—Messrs. Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Chase, Church, Custer, Dismant, Durboraw, Eckman, Ellmaker, Fleming, Goepf, Graham, Gratz, Hill, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, M'Clain, M'Curdy, Nill, Oaks, Palm, Patterson, Peirce, Pinkerton, Price, Proudfoot, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Syer, Thompson, Wagonseller, Walborn, Walker, Warden, Whit-



man, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf, Woodring and Zoller—61.

So the question was determined in the negative.

Mr. LAWRENCE, (Washington,) on leave, read a bill to authorize the Canal Commissioners to examine and adjust certain claims.

Mr. GRATZ, "An Act relative to the salaries of the judges of the district court in the city and county of Philadelphia."

Mr. HARDING, "An Act to incorporate the Washington insurance company."

#### MESSAGE.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, informing the House that he had approved and signed the following acts of General Assembly:

"A supplement to an act to incorporate the Williamsport water company," approved 18th April, 1853."

"An Act to incorporate the Delaware Schuylkill dredging company."

"Supplement to the act incorporating the Fayette County railroad."

"An Act to attach part of Washington township to the borough of Edinboro', for school purposes."

"A further supplement to the act relative to the collection of taxes in Crawford county, and for other purposes."

"An Act to incorporate the Preachers' aid society of the First Methodist Protestant church, of Pittsburg."

"An Act to incorporate the association for the election of a statue of George Washington."

"An Act to require the register of wills in and for the county of Luzerne, to record in a book or books the appraisements, inventories and vendue lists of personal property."

"An Act to authorize the house of refuge to extinguish a certain ground rent."

"A further supplement to the act to incorporate the Erie City railroad company."

"An Act to amend and extend the charter of the Mutual fire insurance company of Germantown and its vicinity;" and,

"An Act to incorporate the town of Jefferson, in the county of Cambria, into a borough, to be called the borough of Wilmore."

The hour of one having arrived, the SPEAKER adjourned the House until this afternoon, at three o'clock.

#### AFTERNOON SESSION.

The House resumed the consideration of the bill erecting a new judicial district out of the counties of Clearfield, Jefferson, Elk and Forest, to be called the Twenty-seventh.

The question recurring,

Will the House agree to the motion proposed by Mr. M'CLURE, to postpone indefinitely the further consideration of the same?

Mr. GOEPP said that, although a friend of the bill, he should have voted to postpone its consideration out of regard for the member from Tioga, (Mr. WILLISTON,) who was absent.—Since the merits of the bill, however, were now under discussion, he should advocate its passage. It was the same one which had been introduced last session, and had been placed in the hands of a committee, who, after having given the subject close attention, had found all the statements in its favor entirely satisfactory, and had reported upon it favorably. Through some oversight, however, it failed to receive the signature of the SPEAKER of the Senate, and thus fell to the ground.

The sparse population of the contemplated new district had been called into question, but the extent of judicial business could not be well inferred from the census. Distance, the difficulties of proceeding from one court to another, and other things, were entitled to due consideration.

It was conceded that two districts would be benefited by the change, if it should be made.

But this district was demanded on legitimate grounds. It was in a section of the State where there were few facilities for travel, and where railroads were unknown. It was necessary for judges to travel from point to point on horseback, and often over bad roads. This consumed time, and to avoid the difficulty more judges were necessary. The movement was asked for by the people, and should not be viewed in a partizan light, for the appointment of the judiciary should not be influenced by politics. During last session, when the project was broached, it was voted for by men of both parties, and was only opposed by a few, because it was feared that a supplement would be added which would annihilate the Thirteenth judicial district of Judge Wilmot. A supplement which would have accomplished this object was actually proposed, but it was lost.

The gentleman from Mercer, (Mr. ROSE,) had admitted that Judge M'Calmont had too much to do. Why then should not a new district be erected to take off some of his counties? It was admitted that the province of Judge M'Calmont was too large, and although the proposed change might reduce the area of Judge Burnside, yet there were no objections to this. None of the friends of the latter gentleman had come forward and asserted that the movement would be improper.

He concluded by reiterating the assertion that the measure proposed should not be considered as one of a partizan character.

Mr. WILLIAMS, (Bucks,) declared his intention of voting against the indefinite postponement, because he was not willing by so doing to kill off a measure about the merits of which he knew nothing. He should vote for the postponement, however, as his friend from Tioga had so requested.

Mr. CHURCH had stated during the morning session, that he would favor a temporary postponement out of regard for his absent friend from Tioga, (Mr. WILLISTON,) who it was known was interested in the bill. One of the members, however, had since moved an indefinite postponement and evinced a desire to kill the measure. He was therefore ready to act upon the bill at once if it was necessary. As to the merits of the project, he understood that there was in the district a unanimous feeling in favor of the proposed movement. He believed that it would indirectly tend to exalt the judiciary.

Mr. CHASE said that as the motion to indefinitely postpone involved a consideration of the merits of the question, and as there was a degree of importance attached to the bill, he desired to make some suggestions, in reply to the gentlemen from Franklin, (Mr. M'CLURE,) Facts and figures had been given to prove that the formation of the district was entirely unnecessary, and that the population was insufficient. The source from which these figures had been drawn was the census of 1857. Since that time the population of all of the western counties had no doubt increased largely. He considered the premises of the argument not legitimate, inasmuch as, even admitting that the counties to be comprised in the new district were sparsely settled, they possessed, in many parts, neither railroads or turnpikes, and judges were obliged to make their way over the country on horseback, or as they best could. Now, in Susquehanna county, the judge was able to go from one court to another by railroad in four, six, or eight hours, but in the new district, he might, and probably would, have to spend as many days on a similar journey. He hoped that the motion to postpone indefinitely would not prevail.

Mr. BOYER, (Clearfield,) desired to impress upon the House the absolute necessity of the formation of this new district. The country

had not the same facilities for travel which other sections possessed. In spring and fall was it particularly difficult. Owing to this cause it was very often the case, that Judge Burnside was unable to reach the place of holding court until Monday afternoon of Court week, and of course, business could not be commenced until Tuesday. Here was a day lost, and consequently additional expense in the pay of witnesses and jurors. Frequently, also, it was necessary to adjourn before the end of the week, in order that the judge might have an opportunity of reaching home. These things were productive of so much delay in business, that there was an evident disinclination to bring cases into court which should be properly disposed of there. Judge M'Calmont had told him that it was necessary for him to hold sessions during thirty-three weeks of the year.—His district was entirely too large, and if a portion of it was taken off, the result would be the formation of a new district sufficiently extensive for all practical purposes. Judge Burnside had said that he did not care whether he lost part of his territory, or not. The counties of Clinton and Centre were becoming larger in point of population every year. Even admitting that the district would be small, it would be productive of no bad result—prisoners would not be so long retained, and numberless other advantages would naturally follow. But in the large district, at present in charge of Judge M'Calmont, it was absolutely necessary for him to be upon the bench sometimes for eleven and twelve hours in the day, and in Jefferson county, it was said, that the business pressed so much that it was next to impossible to keep the record clear.

Mr. KINNEY wished to speak in relation to the postponement. He favored it, but not for an indefinite period. He deprecated the attempt which the gentleman from Mercer (Mr. ROSE,) had made to make of this a partizan question, and in regard to the gentleman from Tioga, (Mr. WILLISTON,) who had been alluded to as being always absent when important bills were up, he said that this was his first absence, and that any insinuation that he was addicted to vacating his seat was unfounded.—Mr. WILLISTON, he knew, did desire the postponement, and out of courtesy, the House should grant it.

Mr. M'CLURE said that the principal argument used in favor of the passage of the bill, was that it would relieve Judge M'Calmont; as if the only means by which he could be relieved was the formation of a new district!—Why, there were other ways, easily accessible, by which one-half or one-third of his territory could be properly disposed of.

Judge White had but thirty-eight thousand population in his district, and yet from this small territory it was proposed to take a county. Judge White did not actually sit five months during the year.

Then one county was to be taken from Judge Burnside. He did not sit for five months in the year, all told; and yet while these two judges had so little to do, it was proposed to give them less, and it was urged that the formation of the new district was absolutely necessary.

He was disposed to give the advocates of the bill due credit for meaning what they said, but let them turn to their maps and closely examine the subject. Let them look at Judge White's district. He could easily take Forest and Jefferson counties, in addition to what he had, and yet not be obliged to work more than six months during the year. The gentleman from Tioga, (Mr. WILLISTON,) had moreover stated that Judge White did not wish his district reduced. No doubt he would be glad to take the two counties. He had said that he had not enough to do.

If the real object of the friends of the move-



ment was simply to relieve Judge McCalmont of too onerous duty, why not give one county to Burnside and one to White? Burnside did not sit more than five months in the year, and no friend of his could come upon the floor of the House, and say that he was overpressed with business.

He would willingly, if such a project was broached, vote to reduce the number of judges in the State one-fourth. The one who presided in his own district, over a population of 105,000, said that he would willingly take more responsibility, and be glad to get it; and yet it was proposed to make a 30,000 district with a judge who would sit a few days and then go fishing. It was an outrage to think of such a thing.

He continued further to argue in favor of his plan, for the distribution of the counties. What objection could there be to it? The neighboring judges would not object, and it would only carry out the views of the friends of the bill, if they really wished to say that one district was too large, and another was too small; but he was inclined to suspect, as a gentleman had said in the morning, in relation to another subject, that there must be "a nigger in the woodpile" somewhere.

He would resist the proposed measure, because it was entirely unnecessary, and would ask gentlemen, both Republican and Democrat, to look candidly at the subject; and then say whether, under the circumstances, they were prepared to erect a new district. He had taken the same position which he now assumed, when he was last year in the minority.

Mr. ROSE said that gentlemen seemed to be of opinion that he had dragged politics into the question. Now if it was apparent that there existed any necessity for the formation of a new judicial district, he would be the last one to oppose it; but as there was no necessity, it was natural to suspect that there was a "nigger in the woodpile" somewhere. And taking all the circumstances into consideration, it looked very much as if party feeling was at the bottom of the measure. Why it was made a party question last session by a Democratic Legislature! There was another ominous fact. What Democrat during the debate to-day had raised his voice against the bill? Not one on the floor of the House. In private conversation he had heard one member denounce it, and was glad.

He reiterated the assertion that if the district was necessary it should be formed, but there was no evidence of this. The plan of annexation of the different counties, which had been proposed by the gentleman from Franklin (Mr. McCLURE) was a good one. Judge McCalmont's district he knew was too large; but if he could get rid of two counties, would it make any difference how it was done. But for a proposition to be urged, which was intended to erect a new judicial district out of a section of country with a population of 30,000, looked very much as if party influence was in operation. He repeated that it had been a party question last winter. Who could name any Republican who had supported the bill at that time, or any Democrat, with the exception of the gentleman from Franklin, (Mr. NILL,) who had not favored it?

Mr. WARDEN suggested that Mr. SHIELDS, of Westmoreland, had opposed it.

Mr. McCLURE. There were several.

Mr. NILL said that a number of his party had voted against the project last winter. As far as he was concerned personally, however, he had never considered or acted upon it as a party measure.

He argued further that it would be unjust to reduce Burnside's district, and that it, with others, was already too small. The district consisting of the counties of Franklin, Fulton,

Bedford and Somerset, with a population of 100,000, was presided over by a judge who did not sit twenty weeks during the year. Assuming the duties of this judge as a basis, the work of Judge Burnside could not be so very onerous. As far as McCalmont was concerned, his friends alleged positively that he was overtasked.

He continued to argue the impropriety of the establishment of the new district.

On the motion of Mr. McCLURE to indefinitely postpone the bill,

The yeas and nays were required by Mr. CUSTER and Mr. McCLURE, and were as follows, viz:

YEAS—Messrs. Acker, Balliet, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Eckman, Evans, Ketchum, Kinney, Mann, McCLURE, McCurdy, Nill, Pennell, Peirce, Proudfoot, Rose, Rouse, Shafer, Smead, Taylor, Thompson, Walker, Williams, (Bedford,) and Wilson—27.

NAYS—Messrs. Abbott, Bertolet, Boyer, (Clearfield,) Brodhead, Burley, Chase, Church, Custer, Dismant, Durhoraw, Fearon, Fleming, Foster, Galley, Goepp, Good, Graham, Gray, Green, Gritman, Harding, Hill, Irish, Jackson, Keneagy, Laird, Lawrence, (Washington,) Mehaffey, McClean, McDowell, Miller, Neall, Oaks, Palm, Patterson, Pinkerton, Price, Quigley, Rohrer, Sheppard, Smith, (Berks,) Stephens, Stonehack, Stuart, Styer, Wagonseller, Walborn, Warden Whitman, Wigton, Wiley, Williams, (Bucks,) Wolf, Woodring, Zoller and Lawrence, *Speaker*—56.

So the question was determined in the negative.

#### BILL CONSIDERED.

Mr. WOLF, on leave, moved that the House Committee on Railroads be discharged from the further consideration of Senate bill No. 132, "A supplement to the act to incorporate the Germantown passenger railroad company."

Mr. THORN moved to amend the same, so that said committee be discharged from all bills in relation to passenger railroads in the city of Philadelphia.

And on the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. EVANS and Mr. NEALL, and were as follows, viz:

YEAS—Messrs. Balliet, Brodhead, Custer, Dismant, Evans, Fisher, Fleming, Foster, Galley, Good, Gray, Gritman, Hamersly, Hill, Jackson, Laird, McCLURE, McDowell, Neall, Quigley, Rohrer, Rose, Stephens, Stoneback, Thorn and Woodring—26.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Schuylkill,) Bryson, Burley, Chase, Church, Durboraw, Eckman, Ellmaker, Fearon, Goepp, Graham, Green, Irish, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, McClean, Miller, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Price, Proudfoot, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Stuart, Styer, Taylor, Thompson, Wagonseller, Walborn, Walker, Warden, Whitman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Wolf, Zoller and Lawrence, *Speaker*—58.

So the question was determined in the negative.

The question recurring,

Will the House agree to the motion proposed by Mr. WOLF?

Mr. THORN moved to amend as follows:

That the Railroad Committee be discharged from the further consideration of all bills the provisions of which contemplate the occupancy of Fourth or Eighth streets, or both.

And on the question,

Will the House agree to the amendment?

A discussion ensued between Messrs. THORN and PRICE.

Mr. WALBORN said that although there was still some action that should be taken by the Railroad Committee upon bills, he should not object to have the matter taken out of their hands.

Mr. SMEAD had voted with the majority a few days ago, to have the bills printed, but had no idea that that was but a prelude to taking the subject out of the hands of the committee, and debarring them from action, as it was now proposed to do. The resolution seemed to him to be premature. They had not yet had time to consider the bills. Whenever they had been allowed ample opportunity, and then refused to report, he would vote to withdraw the bills from their possession.

Mr. THORN did not think that the remarks of Mr. SMEAD were applicable to the amendment which he had offered. He continued further sarcastically to inquire why it was necessary to insult the committee by taking bills out of their hands, and stated, under such circumstances, if he was chairman of the said committee, he would at once resign, or else he wouldn't. He alluded to the fact, that the chairman of the committee, (Mr. WALBORN,) had been instructed to superintend the printing of all city passenger railroad bills, and with one exception, the Germantown supplement, had them printed.

Mr. SMEAD said that with regard to the Germantown supplement, he hoped the gentleman from Philadelphia, (Mr. THORN,) would recollect that it was on the desk of each member in the Senate file, and that consequently no one could complain of not having received a knowledge of its contents.

Mr. ABBOTT thought that the amendment of Mr. THORN was not disrespectful to the committee.

Mr. HAMERSLY desired to correct an error made by the chairman of the committee, and the gentleman from Bradford, (Mr. SMEAD,) that the Germantown supplement was on the Senate file. The bill that was there printed was different from the bill which had been kept in the possession of the chairman of the Railroad Committee. Not one gentleman outside of the committee had seen it.

Mr. WALBORN denied the charge of having kept it in his possession. It had been in the hands of one of his friends, the secretary of the Committee on Railroads. Why had it not been given him? Knowing this fact, was it fair for gentlemen to charge him with dereliction of duty?

Mr. PATTERSON said that this very morning he saw the bill handed over from the secretary to the chairman, who had not previously had it in his possession.

Mr. HAMERSLY said that this afforded no excuse for the chairman. It was his business and his duty to have procured the bill and had it printed. Was he going to say that he had forgotten it, when he had thought about it by day, and dreamed about it by night?

Mr. CHURCH called the previous question.

Mr. HAMERSLY said that he would like to see him gag his colleagues.

Mr. CHURCH withdrew the call.

Mr. SMEAD alluded to the matter which had been before the House during the morning, (Green and Coates Streets bill) and made some remarks relative to the countenance of Mr. THORN, during a certain portion of the morning session.

Mr. THORN replied.

Mr. McCLURE said that the history of the whole transaction was this. A few days ago the Railroad Committee met, and had in their hands a number of bills upon the same routes. They determined to report one bill affirmatively and refused to consider the others at all.



Mr. WALBORN interrupted and asked leave to explain.

Mr. M'CLURE granted it, provided the gentleman would not look at him so fiercely.

Mr. WALBORN said that, even if he did look fierce, he was perhaps all right. He wished to say, however, that a motion to read the bills had been made in committee, but was afterwards withdrawn. This was the reason why they were not read.

Mr. M'CLURE said that he would make a charge upon the floor of the House that the committee had refused, by a direct vote, to consider any bill but one. Besides that, a motion had been made in committee to report the remaining bills with a negative recommendation, and the chairman had not allowed it. There should be but one reported, and that one must be his own particular one. Afterwards, in the House, a motion to have the bills printed had been made. The chairman of the committee had protested against it as an insult, and had appealed to his own immaculate virtue, and solicited the members not to allow the resolution to pass, as it would be a direct reflection on the committee; and he did this, at a time, too, when the committee were actually refusing to act, and were withholding certain bills in their hands.—But that game did not win. The House very properly ordered the bills to be printed, notwithstanding the fact that the committee had put their fists upon them, and determined that they should not even be read, but should sleep the sleep of death. Well, in direct discourtesy to the committee, the House made it the duty of the chairman to have the bills printed and placed on the desks of each member. But the committee were determined, and the same old dodge was resorted to again. One bill was missing on the file, and that was the Germantown supplement. And why? Simply because the chairman did not want it to get into the House. Now, it turns up as before, after having been tried to be put to a final sleep, and got rid of by the rule of thumb.

He continued further, in illustration of the manner in which the bill had been treated.—Something, he said, was due to the House from its committees, and this was not to be illustrated by their obstinate refusal to do their assigned duty. Under existing affairs, however, it was necessary for the House to pass direct votes instructing them to bring out bills and fulfil their responsibilities.

Mr. LAWRENCE, (Washington,) would not permit such remarks to go without reply. Was it anything strange or new for a member to ask the discharge of a committee from the consideration of a particular bill? Was it not done day after day? Yet because in this instance the gentleman from York had moved to discharge the committee, it had brought down the reproach and abuse of special men, because they could not influence the committee to do as they desired.

Mr. M'CLURE positively denied having ever spoken to members of the Railroad Committee, or endeavored to influence them.

Mr. LAWRENCE, (Washington,) did not charge him with that, but did charge him with having asserted on the floor of the House that the Railroad Committee had refused to consider all the bills, and that its work was surreptitiously done. That assertion was false and untrue.

Mr. M'CLURE would not call the gentleman to order, but hoped that the SPEAKER might have done so.

He had not said, moreover, that the Railroad Committee had refused to consider *all* the bills, but he stood ready to prove that they had refused to consider all except one, on a certain route.

Mr. LAWRENCE, (Washington,) Prove it! I appeal to my colleagues for the truth of my

assertion, that the bills were considered. Am I not right?

Cries of "no! no!" and "prove it!"

Mr. LAWRENCE continued. Was it fair to assert that so and so was done in committee? Might he not with equal justice say of Mr. M'CLURE, that he, as a member of the Judiciary Committee, had had a bill of his in possession for the last four weeks, and had not reported it?

Mr. M'CLURE said that the reason why he had not reported it, was because Mr. LAWRENCE had asked him to wait until he could come before the committee. This was disreputable.

Mr. LAWRENCE, (Washington,) denied having said that Mr. M'CLURE had acted with evil intent. Perhaps he had been absent so much that he had not found opportunity for its consideration. The legal practice of the gentleman no doubt consumes much time, and if he thought proper to pay more attention to that than to his constituents, it was perhaps all right.

If the gentleman would only intimate what the Railroad Committee should do to conciliate him, they would try to do it.

In reference to the printing of the bills, did the gentleman not recollect having said, when the measure was up, that it was not intended as a discourtesy to the committee, but merely for the benefit of the members?

As for the chairman of the committee, he had come to the SPEAKER this morning, and expressed sorrow that the Germantown supplement had not been printed. However, the bill was in the Senate file.

He said that the action of the committee on bills had been fair and honest.

Mr. M'CLURE had been charged with having retained a bill for four weeks. He repeated that Mr. LAWRENCE, (Washington,) had requested it not to be reported until he had an opportunity to go before the committee.

Mr. LAWRENCE. When?

Mr. M'CLURE. Within the last week. When the Judiciary Committee, he said, should imitate the Railroad Committee, he would be no longer a member. It was the duty of every committee to act promptly and fairly, and when the gentleman from Washington said that the Railroad Committee had so acted, it was not so.

He continued further to allege unfairness on the part of the committee.

Finally, Mr. WALBORN having the floor, the SPEAKER suspended the debate for the purpose of offering the following:

#### SENATE AMENDMENTS.

To House bill relative to the pay of sheriffs' and prothonotaries' costs in the county of Luzerne, were read, and on motion of Mr. KETCHUM, concurred in.

To resolution relative to the pay of Thomas H. Porter, late a member from Cambria county, and J. H. Wells, clerk of Contested Election Committee, were read, and on motion of Mr. GOEPP, concurred in.

The hour of five having arrived, the SPEAKER adjourned the House until to-morrow morning at 10 o'clock.

#### No. 211.—FILE OF THE HOUSE.

NILL, Judiciary—Feb. 4.

AN ACT supplementary to the several acts, relative to the liens of mechanics and materialmen.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* when any master workman or contractor, shall on demand, refuse to pay any journeymen or

laborer, employed in erecting or constructing, repairing or extending any building or property belonging, or adjacent thereunto, the wages due to him, it shall be the duty of such journeyman or laborer to give notice in writing to the owner or owners of such building, of such refusal, and of the amount due to him and so demanded; and the owner or owners of such building, shall thereupon be authorized to retain the amount so due, and claimed by any such journeyman or laborer out of the amount, owing by him or them to such master workman or contractor, giving him written notice of such claim and demand; and if the same be not paid or settled by said master workman or contractor, such owner or owners shall retain the amount claimed by said journeyman or laborer until a suit for the recovery of the same shall have been adjudicated by the proper authority; such journeyman or laborer for the same, judgment having first been obtained as aforesaid, shall entitle such owner or owners to any allowance thereof, in the settlement of accounts between him and such master workman or contractor, as so much paid on account: *Provided*, That the owner or owners of any building or buildings, against which such claim shall be made, shall not be required to pay the same until such journeyman or laborer shall have obtained final judgment against such contractor or contractors; and all costs shall be paid by such contractor or contractors; but if such contractor or contractors are unable to pay the costs, then and in that case, the costs to which the owner or owners may have been subjected, shall be deducted from the moneys coming to such journeyman, laborer or claimant, under the provisions of this act: *And it is further provided*, That such claimant or claimants, shall bring suit against such contractor or contractors, within one month after giving such notice; and if no suit is brought within said time, then the notice is to have no effect whatever.

#### No. 50.—FILE OF THE HOUSE.

GRITMAN, Judiciary—Jan. 18.

A SUPPLEMENT to an act for the better preservation of game, approved April twenty-first, Anno Domini one thousand eight hundred and fifty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* hereafter it shall not be lawful for any person to shoot, kill, or otherwise destroy, any partridge within this Commonwealth, between the first day of January and the first day of November; and that all persons offending against the provision hereof, shall be subject to the same penalty and conviction as are provided in the act to which this is a supplement.

#### No. 206.—FILE OF THE HOUSE.

Mr. M'CLURE, Judiciary—Feb. 4.

AN ACT defining the punishment for certain offences.

if any person shall give, bestow, or promise any money, reward, office, or anything of value to any member of the select or common council of the city of Philadelphia, for the purpose of influencing his action as a member of said select or common council, upon any subject brought, or proposed to be brought, before said select or common council, or any committee thereof; or if any member of said select or common council shall accept the same for his vote or influence therein; any person so offending shall be deemed guilty of a misdemeanor; and, on conviction thereof, shall be fined in a sum not less than one hundred, nor more than one thousand dollars, and suffer imprisonment not less than three months, nor more than one year.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 30.

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## SENATE.

FRIDAY, Feb. 11, 1859.

The Senate met at the usual hour.

The SPEAKER in the Chair.

Prayer was offered by Rev. Mr. Castleman, of the Episcopal church, Harrisburg. Journal read and approved.

Mr. YARDLEY appeared in his seat.

The SPEAKER presented the memorial of citizens of Cambria county, for an appropriation to erect a monument on the Capital grounds, in memory of Pennsylvania volunteers who lost their lives in the war with Mexico.

Also, a petition of citizens of Woodbury township, Blair county, in favor of the passage of a law to repeal an act to protect sheep and tax dogs in said county.

Also, a petition of citizens of Cambria county, praying for a law to extend to said county the provisions of an act to reduce the expenses of collecting State and county taxes in the county of Venango, approved April 3, 1851.

## LEAVE OF ABSENCE.

Mr. MILLER asked and obtained leave of absence for Mr. PENNEY, for a few days from to-day.

Mr. SCHELL, the same for Mr. GAZZAM.

An extract from the Journal of the House, relative to a bill fixing the place of holding elections in Porter township, Schuylkill county, was read; and, on motion of Mr. PALMER, concurred in.

## PETITIONS, MEMORIALS, &c.

Mr. PALMER presented eleven petitions signed by seven hundred and forty-seven citizens of Schuylkill county, for the passage of an act for the better securing the payment of the wages of labor in said county.

Also, three remonstrances signed by one hundred and forty-three citizens of Schuylkill Haven, Schuylkill county, against any alteration of the wards of said borough.

Also, two petitions of citizens of the same county, for an appropriation in aid of the School of Mines of the Polytechnic College of Pennsylvania.

Also, three petitions of citizens of the same county, for the construction of a railroad to connect the Schuylkill Valley railroad with the Little Schuylkill railroad in said county.

Also, a petition of one hundred and ten citizens of the township of Tremont, in Schuylkill county, for a law prohibiting railroad companies from obstructing the streets in front of houses, in the town of Tremont, with standing trains of cars.

Mr. BALDWIN, a petition of citizens of Lancaster county, praying for the repeal of the act authorizing the appointment of sealer of weights and measures for that county.

Also, a petition of citizens of the same county, praying for the repeal of the law increasing the fees of district attorney in that county.

Mr. THOMPSON, three petitions of citizens of Pottstown, for an alteration in their borough charter.

Also, six remonstrances, against the same.

Also, a petition of citizens of Montgomery county, for an appropriation to aid in establishing the School of Mines.

Mr. FRANCIS, a petition of citizens of Blair county, of like import.

Mr. TURNEY, a petition of citizens of Westmoreland county, praying for the passage of a law abolishing the office of county superintendent of common schools.

Mr. BREWER, a petition of citizens of Adams county, praying for the re-charter of the Hanover saving fund society.

Also, a petition of citizens of Cumberland county, praying for the passage of a law for the better protection of deer.

Mr. SCHINDEL, a petition of citizens of Nazareth, praying for an alteration in their borough laws.

Mr. YARDLEY, three remonstrances of citizens of Bucks county, against an act incorporating the Delaware Division canal company.

Also, a remonstrance of citizens of Bucks and Philadelphia counties, against a supplement to the act incorporating the Byberry and Bensalem turnpike road company.

Also, a petition of citizens of the village of Attleboro, Bucks county, praying that the same be incorporated into a borough.

Also, a petition of citizens of Bucks county, for a law prohibiting negroes and mulattoes coming into the State with a view of acquiring residence therein.

Mr. HARRIS moved that the above be printed in the *Record*; agreed to. It is as follows:

*To the Honorable, the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

The undersigned citizens of Bucks county, in the Commonwealth aforesaid, respectfully represent: That they are subjected to trouble, inconvenience and expense on account of a continued influx upon them of fugitive slaves and manumitted negroes from other States. Fugitives are pursued to this State, and their reclamation is sometimes attended with mobs, and always with a degree of excitement in violation of the quiet of the people and the peace and dignity of the Commonwealth. Old and broken down negroes, set free by their masters, on account of their utter worthlessness, seek our shores only to become a public charge, or a prey upon individual charity; others, still more objectionable, commit petty and atrocious crimes, occupy the time of our courts, and fill up our jails and penitentiaries, and thus in va-

rious ways increasing the already enormous burthens of our tax-payers.

We, therefore, respectfully urge upon your honorable bodies the necessity of a general law prohibiting negroes and mulattoes from coming into our State with a view of acquiring a residence therein.

Mr. CRAIG, a petition of citizens of Carbon county, praying for the erection of a new judicial district.

Also, three memorials of citizens of Carbon county, for an appropriation to erect a monument to the memory of Pennsylvania volunteers, who lost their lives in the war with Mexico.

Mr. WRIGHT, a memorial of citizens and business men of Philadelphia, for the repeal of the tonnage tax on the Pennsylvania railroad.

Also, a memorial of citizens of Philadelphia, for an appropriation to the Polytechnic college for the maintenance of the School of Mines.

Also, a petition of citizens of Byberry, Moreland, Lower Dublin and Delaware townships, Twenty-third ward, Philadelphia, praying for the passage of a law authorizing them to repair their own highways.

Mr. SCOFIELD, a petition of citizens of Warren county, praying that Lewis R. Greer be authorized to erect a ferry over the Allegheny river.

Mr. FINNEY, three petitions of citizens of Washington township, Erie county, relative to a change of the school district in said county.

Mr. PARKER, a memorial of F. Knox Morton, late treasurer of the city of Philadelphia, asking to be relieved from the payment of a certain sum of money.

Also, a petition of citizens of Philadelphia, for the repeal of the tonnage tax on the Pennsylvania railroad.

Messrs. MARSELIS and RANDALL, memorials of like import.

Mr. RANDALL, a petition of nine hundred colored inhabitants of Philadelphia, praying for an amendment to the second article of the Constitution, by striking out the word "white."

Also, a petition of citizens of Philadelphia, praying for an appropriation to the Penn widow's asylum of that city.

Also, a petition from the officers of the said institution, for an appropriation.

Also, a petition of citizens of the same city, for an appropriation to aid in establishing the School of Mines.

Mr. BELL, a memorial of citizens and members of the bar of the city of Philadelphia, praying for an increase of the salaries of the judges of the district court and common pleas in the said city; which, on motion, was ordered to be printed in the *Record*. It is as follows:

*To the Honorable the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

The undersigned, citizens and members of the Bar of the City of Philadelphia, respectfully represent:

That in the opinion of your memorialists the salaries now paid the judges of the district court and court of common pleas for the city and county of Philadelphia, are entirely inadequate, whether considered as the salary of an office of such great responsibility, or as compensation for professional labor and services of a character so arduous and so valuable, and the annexed statements of the amount of business transacted in these courts, compiled and verified from the records, are submitted with the full expectation and belief, that the representatives of



the people of this great Commonwealth, thus informed of the value of their services, will no longer consent that any portion of their judiciary, distinguished as our judges are for their learning and ability, shall be inadequately remunerated, for labors every year greatly increasing in responsibility and importance.

In 1840, the estimated population of the city and county of Philadelphia was 258,037. In 1850, 408,873; and now, 1859, it is believed to be about 600,000. Yet, in 1840, with a population not one-half of the present estimate, we had six judges of the court of common pleas, orphans' court, oyer and terminer, and quarter sessions of the peace, to perform the same duties now satisfactorily discharged by three; and each of those six received a larger salary than either of the three now receive.

The six judges continued in office until March, 1843, when the act abolishing the court of criminal sessions was passed.

The Legislature then considered the duties, to be performed by the three judges of the court of common pleas, too onerous, and authorized the appointment of an additional judge. This system was continued until 1849, when the act providing for the fourth judge was repealed.

The extent of the labors of the three judges, at present composing the court, may be seen, in part, upon a reference to the detailed statement of the amount of business transacted by them from December, 1851, to December, 1858, a period of seven years.

Since general equity powers have been conferred upon this court, its business, in this respect, has become of primary importance. During the last past year, the records show a large increase over any of the preceding years, and although the statistics of the number of suits instituted in several years are set forth, yet no account has been made of the large number of applications for injunctions argued and decided. It will also be remembered, that applications of this character are often made at unusual hours, at chambers, and, from the summary nature of the proceedings, demanding the utmost care and discretion, require a speedy decision. The judges of this court also hold the orphans' court; and, for the purpose of conveying some idea of the amount and extent of labor in that court, a statement of its business is herewith presented. A reference thereto will show, that in one branch of its jurisdiction, to wit, appointment of guardians, sales, and confirmation of sales, the increase of the last year's business, over the first, is 597 cases. These Judges also hold the register's court. But perhaps the most laborious and onerous of all the functions of these judges, are their duties as judges of the courts of oyer and terminer and quarter sessions of the peace, &c. A statement has also been prepared, of the number of jury trials in these courts, from December term, 1851, (inclusive,) to the end of October term, 1858. It will be seen that the whole number is 9,273 cases, and that 1,478 were tried during the last named year. Yet notwithstanding the large amount of business, no case in any branch of this court remains undisposed of, all their work is finished up.

No table is furnished of the "miscellaneous business," such as breaches of the peace, habeas corpus, apprentice and desertion cases, &c. These matters alone require always one day in each week, and often other days have to be set apart, in order to fully dispose of them.

The district court for the city and county of Philadelphia also consists of three judges, who, like those of the court of common pleas, sit for jury trials, for hearing arguments on regular argument days, and for other business at chambers, almost constantly during the whole year.

It is in this court that the great commercial

and mercantile controversies of the city are chiefly decided. Its labors are incessant. The short vacation during the summer scarcely deserves the name, as during it, motions, rules, petitions, or warrants of arrest, under the act of 1842, require the constant attention of one, and sometimes two, judges.

Some idea of their duties and amount of labor may be gained from the fact, that during the last past seven years, 48,567 suits were instituted in this court. That during the last preceding terms, or one year, 9,999 were commenced, showing an increase of 4,623 cases over the first year, viz., 1851. This may appear incredible, but the records prove the fact, as stated. During the last year there were 2,186 cases upon the general motion and new trial lists, as reported in the *Legal Intelligencer*, when it is well known that this falls considerably below the exact number. The first year, i. e., December, 1851, March, June and September, 1852, 752 cases were reported, showing an increase, in 1858, of 1,434 cases. The statement annexed also shows a corresponding increase in other departments. No mention is made of the number of writs of venditioni exponas and levavi faicias, all of which are attended by an immense amount of interlocutory proceedings.

The following table, fairly compiled from data furnished by the last report of the Auditor General, will serve at the same time to show how large an amount of business and financial interests are under the care and control of the six judges of the city of Philadelphia, as well as the proportion of revenue paid by her into the treasury of the State. Nothing can place the justice and propriety of the proposed increase in a stronger light than does this exhibit. Showing that one-third of the ordinary revenue is paid by her industry and enterprise:

	In 1858, there was paid into the State Treasury in the whole State.	In Philadelphia,
From tax on real and personal estate,.....	\$1,610,229 19	\$510,800 00
Tavern licenses,.....	190,440 67	111,902 25
Retailers licenses,.....	190,664 24	100,994 96
Various licenses,.....	38,153 95	6,000 00
Foreign insurance agencies,.....	9,189 85	4,400 00
Tax on writs, wills, deeds, &c.,.....	78,586 97	18,126 58*
Tax on officers,.....	12,018 33	6,760 50*
Collateral inheritance tax,.....	92,318 89	31,500 00
Premium on charters,.....	97,086 20	37,000 00
Auctioneers,.....	70,600 00	69,000 00
Tax on bank dividends, and corporation stocks,.....	669,000 00	307,000 00
	\$3,098,288 19	\$1,203,484 29

\*These two items are sufficient to pay all our city judges \$4.00 per annum.

With respect to her judicial salaries, Philadelphia stands in striking contrast with her sister cities of the Union. The entire annual compensation of the six judges of the district court and court of common pleas amounts to \$16,800.

In New York city there are twenty-one judges who receive \$105,000 per annum. Six judges of the superior court, (corresponding to the district court,) each receives \$6,000 per annum, while our judges receive but \$2,800 each. In Cincinnati, Ohio, there are three judges of the superior court, who each receive \$3,500, while in the country districts of that State, the same officers receive but \$1,700. In Boston, St. Louis, New Orleans, Chicago, the salaries of the judges are about twice the amount of those of the country districts, showing a proper appreciation of the difference in the expense of urban residence.

Your memorialists, with entire confidence in the willingness of your honorable bodies, not only to take this matter into serious consideration, but to do ample justice to the judiciary, submit the facts and statements hereto annexed, which, if examined, they think will satisfy you of the entire propriety and necessity of an increase in the salaries, over and above the small amount now paid.

Your memorialists would also respectfully suggest the fact, that the expense of living in the city, has almost doubled within the few last past years. Rents, provisions, in fact all the necessities of life, have increased in price beyond precedent; so that a salary of \$4,000 now, would be certainly no more than one of \$2,000 a few years ago.

Mr. NUNNEMACHER, a remonstrance of citizens of Schuylkill Haven, against any alteration in the present proportionment of said borough.

Mr. MYER, a petition of citizens of Tunkhannock, Wyoming county, praying for an alteration in their borough laws.

Mr. SCHELL, a memorial of citizens of Fulton county, asking that the tonnage tax on the Pennsylvania railroad be transferred to the Sberman's Valley and Broad Top railroad company for the term of ten years, in exchange for their bonds.

#### REPORTS OF COMMITTEES.

Mr. FINNEY, (Railroads,) reported as committed, "A supplement to an act incorporating the South Mountain railroad company."

Mr. BREWER, (Militia,) with a negative recommendation, "A supplement to an act regulating the militia of this Commonwealth."

Mr. FRANCIS, from the Committee to Compare Bills made a report.

Mr. MYER, (Election Districts,) as committed, "An Act providing for the appointment of auditors, and changing the time of holding borough elections in Tunkhannock, Wyoming county."

#### BILLS IN PLACE.

Mr. SCHELL, "An Act to provide for the election of State Treasurer."

Mr. KELLER, "An Act to incorporate the Columbia County agricultural, horticultural and mechanical society."

Also, "An Act incorporating the East Danville iron company."

Mr. GREGG, "An Act relative to manufacturing flour from rye, wheat and corn in Clinton county."

Mr. BELL, "An Act to incorporate the Penn industrial reform school."

Mr. SCOFIELD, "An Act authorizing Lewis R. Greer to erect a ferry over the Allegheny river."

#### ORIGINAL RESOLUTIONS.

Mr. BREWER offered the following:  
Resolved, That when the Senate adjourns, it adjourn to meet on Monday afternoon next, at three o'clock.

Mr. HARRIS moved to amend by striking out "on Monday afternoon at three o'clock," and inserting "on Monday morning at half-past ten;" which was not agreed to.

On the adoption of the resolution, The yeas and nays were required by Mr. HARRIS and Mr. BREWER, and were as follows, viz:

YEAS—Messrs. Bell, Blood, Brewer, Coffey, Craig, Fetter, Finney, Francis, Marselis, Miller, Myer, Nunnemacher, Parker, Randall, Rutherford, Schell, Schindel, Steele, Turney and Yardley—20.

NAYS—Messrs. Baldwin, Gregg, Harris, Keller, Palmer, Scofield, Welsh, Wright and Cresswell, *Speaker*—9

So the question was determined in the affirmative.

#### ORDERS OF THE DAY.

"An Act authorizing the commissioners of Somerset county, to sell certain property occupied as a poor house," came up in order on third reading, and passed finally.

Senate bill No. 294, "An Act relative to recorders of deeds," came up in order on second reading, and after being read a second and third time, passed.

Senate bill No. 2, "An Act relative to evidence," came up on second reading, but by consent lies over; as



Also Senate bill No. 4, "An Act to alter the districts of the Supreme Court."

BILLS CONSIDERED AND PASSED.

Mr. FRANCIS called up House bill No. 191, "An Act relative to the election of town council in the borough of West Greenville, Mercer county."

A message was received from the Governor, stating that he had approved and signed:

"A supplement to an act to incorporate the Commonwealth insurance company of Pennsylvania."

"An Act to repeal the tenth section of an act of April 26, 1852, authorizing the laying out of a State road in Montgomery and Bucks counties; relative to fishing in certain streams in Potter county, and for other purposes."

"An Act for the relief of Isaac Gulick, a collector of militia taxes in Montour county."

"An Act declaring Plumketts creek, Lycoming county, a public highway."

"A supplement to sundry acts relating to the city of Pittsburg."

"An Act authorizing the Auditor General and State Treasurer to sell certain stock belonging to the State in the Washington and Williamsport turnpike road county."

"An Act to allow taxables in the borough of Butler to pay their tax by labor."

"An Act relating to boards of revision in the several counties of this Commonwealth."

"Joint resolution relative to a copy of the Geological Survey for the School Department."

On motion of Mr. STEELE, House bill No. 170, "An Act to incorporate the Luzerne powder company," was taken up.

Mr. WRIGHT remarked that there was a section of the bill, making the stockholders liable for certain debts, which does not go far enough to answer the objections which had been made by the Governor in similar cases. The section does not make the stockholders liable beyond a certain amount.

Mr. STEELE explained that it was merely a local bill, affecting only the interests of his constituents. There was nothing in it to which the people of his district objected, and he could see no necessity for any amendment.

Mr. SCHELL drew a distinction between this and other bills, and favored its passage.

On the final passage of the bill,

The yeas and nays were required by Mr. WRIGHT and Mr. STEELE, and were as follow, viz:

YEAS—Messrs. Blood, Coffey, Craig, Gregg, Harris, Keller, Marselis, Myer, Palmer, Parker, Randall, Rutherford, Schell, Schindel, Steele, Turney, Welsh, Yardley and Cresswell, *Speaker*—19.

NAYS—Messrs. Brewer, Nunnemacher and Wright—3.

So the question was determined in the affirmative.

On leave given, Mr. FINNEY made a statement requesting permission to strike out the names of Andrew G. Catherwood and Morton M'Michael, additional incorporators, in the first section of the bill passed, incorporating the Penn warehouse company.

The motion to re-consider the vote on the final passage of this bill was agreed to, as also the proposition to strike out the aforesaid names, and the bill passed finally.

On motion of Mr. GREGG, "An Act relating to the trustees of the Farmers' high school of sylvania."

On motion of the same Senator, Senate bill No. 189, "An Act re-annexing part of Brady township, Lycoming county, to Union county."

On motion of Mr. HARRIS, House bill No. 117, "An Act to incorporate the Butler gas company."

On motion of Mr. KELLER, Senate bill No. 222, "An Act relative to the township of Croyle, in Cambria county."

On motion of Mr. SCHINDEL, "A supplement to an act incorporating the borough of Allentown."

On motion of Mr. COFFEY, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, Feb. 11, 1859.

The House was called to order at 11 o'clock, by the SPEAKER.

Prayer was offered by the Rev. Mr. Robinson.

The Clerk read the Journal of yesterday.

Mr. CHURCH called up House bill No. 142, "An Act to provide for the better regulation of buildings in the city of Philadelphia."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the prices charged for permits for the erection or alteration of buildings, by the building inspectors of the city of Philadelphia, shall be as follows, to wit: for the inspection of any building not exceeding thirteen feet in height, nor covering more than three hundred square feet of ground, or for the addition of a story to the back building of any dwelling, one dollar; and the farther sum of fifty cents for each story added to such back building; and for the inspection of any building not exceeding sixteen feet in width, or more than twenty-two feet in height, or covering more than eight hundred square feet of ground, two dollars; and an additional sum of fifty cents for each story above two stories; for any building not exceeding eighteen feet in width and thirty-six feet in height, or covering more than one thousand square feet of ground, three dollars; and for each story above thirty-six feet in height, one dollar; for any building not exceeding twenty feet in width, and thirty-six feet in height, or covering more than one thousand two hundred square feet of ground, the sum of four dollars, and one dollar for each story above thirty-six feet in height; and for any building over twenty feet and not exceeding twenty-five feet in width and forty feet in height, or covering more than one thousand five hundred square feet of ground, the sum of five dollars; and for each story above forty feet one dollar, and an additional sum of ten cents for each hundred square feet of ground covered by such house or building in addition to that before mentioned.

SEC. 2. It shall be the duty of the inspectors annually, on or before the second Monday of April, to fix upon and publish in at least two daily papers of the city of Philadelphia, such portions of the city as may be by them deemed dangerous, to erect any wooden or frame building; and it shall not be lawful to erect any such buildings, except in such portions of the city as may be allowed by said inspectors, under a penalty of fifty dollars.

SEC. 3. It shall be the duty of the city solicitor annually to audit the accounts of the inspectors of buildings, as provided by the act to which this is a supplement, and to enter satisfaction on the bonds of inspectors when retiring from office, on being satisfied that all matters pertaining to the business of said office has been fully and faithfully performed; to see that bonds, as required by law, are filed on any inspectors being appointed, and to attend to all matters and questions of law, as now doing in the departments of the city government, submitted to him by said inspectors; and to submit to city councils a statement of the result of his examination of the accounts of inspectors and of the surplus paid the city treasurer by said inspectors, or of the amount required to make up any deficit, that the same may be supplied as the other departments of the city are provided for; and all acts or parts of acts contrary to the pro-

visions of this act be and the same are hereby repealed.

The several sections were read and agreed to. Mr. CHURCH proposed several new sections, directing the appointment of inspectors of buildings, and matters thereto appertaining; the appointment of the same to be vested in the court of common pleas. The inspectors are to be three in number, and to be selected from nine persons named as follows, viz: three by the bricklayers' company; three by the carpenters' company, and three by the trustees for the relief of disabled fireman; which sections were severally read and agreed to; and the bill was passed finally; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. WILSON, on leave, read in his place and presented to the Chair, "An Act to empower the judges of the court of common pleas of Beaver county, to establish a tariff of fees and costs in equity suits in said county; and the rules, on his motion, being in this case suspended, said bill was taken up.

Mr. THOMPSON offered an amendment, including the county of Butler in the provisions of said act; which then passed the House finally; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. PINKERTON submitted a resolution, as follows:

*Resolved*, That if the Senate concur, bill No. 21, entitled "An Act to change the place of holding elections in Porter township, Schuylkill county," approved 9th day of Feb. 1858, be corrected, by striking therefrom the words, "and that all general, special and township elections be hereafter held, as fixed by a former act of Assembly, at the house now occupied by Daniel Herb, in said township.

Which was passed finally.

Mr. GOOD, on leave, read "An Act supplementary to the charter of the borough of Allentown, Lehigh county;" which, on his motion, was taken up, considered and passed finally; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. BRYSON, on leave, read "An Act relating to the claim of Mr. Porter, for damages sustained by the construction of the Erie extension of the Pennsylvania canal." (Referred to Committee on Claims.)

Mr. WHITMAN, "An Act to change the place for holding the general and township elections in Upper Paxton township, Dauphin county;" and, on his motion, said bill was taken up and passed finally; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. PATTERSON, on leave, offered a resolution that the use of the Hall be granted on Friday evening next, to the vestry and friends of St. Paul's Church, Harrisburg, for holding a public lecture for the benefit of said church; which was read the second time and adopted.

Mr. BALLIET rose to a privileged question. He moved a reconsideration of the vote by which an act relative to the division of the borough of Allentown into wards was passed yesterday; which was agreed to; and the question recurring, shall said bill pass?

A motion was made by Mr. HAMERSLY that the further consideration of the same be postponed for the present; which was agreed to.

Mr. WAGONSLELLER, on leave, read an act for the sale of the real estate of William Richter, deceased.

Mr. FOSTER, on leave, from the Committee on Education, reported as committed, "An Act to incorporate the California seminary of Washington county."

Mr. SMITH, (Berks,) on leave, read a bill to incorporate the German Reformed and German Lutheran congregation and cemetery of Schwartzwald, in Exeter township, Berks county.



Also "A further supplement to the act erecting the borough of Reading into a city."

Mr. THORN moved that the regular order of the day be suspended in order to receive reports from committees and bills in place; which was agreed to.

Mr. HAMERSLY, on leave, presented the memorial of John Gregg, of Philadelphia, in relation to the application of his daughter, Emily L. Fry, for a divorce from her husband, Horace B. Fry.

On motion of Mr. McCLURE five hundred extra copies of the petition of Mrs. Fry, the answer of Mr. Fry, and the memorial of John Gregg were ordered to be published for the use of the House.

Mr. WILLIAMS, (Bucks,) on leave, presented three petitions from citizens of Bucks county, against the construction of dams or other obstructions in the Delaware river.

Mr. BARLOW, on leave, presented a bill authorizing the trustees of Aaronsburg school to sell a certain lot and school house in said township.

Mr. WALBORN, on leave, presented a petition from citizens of Philadelphia, for the repeal of the tonnage duties on freight passing east and west, &c.

Messrs. THORN and NEALL, two of similar report.

Mr. CUSTER, a remonstrance from citizens of Schuylkill county, against the passage of an act apportioning the borough of Schuylkill Haven into wards.

Mr. BOYER, (Schuylkill,) on leave, presented two petitions from citizens of Schuylkill county, in favor of the early passage of an act authorizing the immediate construction of a railroad at some point on the Schuylkill Valley road, near the town of Tuscarora, Schuylkill county, to connect with the Little Schuylkill road, at or near Tamaqua.

Also, two from same, for the passage of an act for the better securing the payment of the wages of labor to mechanics, miners and laborers.

Mr. PINKERTON, two petitions from citizens of Muersville, in favor of an appropriation to the School of Mines, organized in Philadelphia in 1853.

#### REPORTS OF COMMITTEES.

Mr. LAWRENCE, (Washington,) (Ways and Means,) with a negative recommendation, "An Act to aid in establishing the School of Mines."

Mr. GREEN, (same,) with a negative recommendation, "An Act to repeal so much of the act of 1858, as increases the salaries of the members of the Legislature."

Mr. SMITH, (Berks,) (same,) as committed, "An Act to increase the compensation of the judges of the supreme court."

Mr. THORN, (same,) as committed, "A supplement to the act laying a tax on dogs in the borough of West Chester, and certain townships in the county of Chester, and for other purposes," approved April 14, 1846.

Mr. WIGTON, (same,) with a negative recommendation, "An Act relating to licenses within this Commonwealth."

Mr. McDOWELL, (same,) moved that said committee be discharged from the further consideration of an act for the better regulation of billiard rooms, bowling saloons and ten pin alleys, in the county of Chester; which was agreed to.

Mr. WALBORN, (same,) with a negative recommendation, "An Act to exempt the property of the old Columbia public ground company from taxation."

Mr. CHASE, (Judiciary,) as committed, "An Act giving justices of the peace power, with a jury of six, to hear and finally determine charges for crimes of a certain character."

Also, (same,) asked to be discharged from the further consideration of "An Act to repeal

an act to vest in Nancy Christy the right of this Commonwealth to the estate of Prudence Christy, late of Dunbar township, Fayette county, dec'd," and that the same be referred to the Committee on Estates and Escheats, which was so referred.

Mr. THOMPSON, (same,) as committed, "An Act concerning the sale of canals, turnpikes and plank roads."

Mr. GRATZ, (same,) asked to be discharged from the further consideration of Senate bill, entitled "An Act to repeal an act for the protection of sheep and taxing dogs in Blair county," which was granted.

Mr. McCLURE, (same,) as committed, "An Act authorizing the Frankford and Oxford turnpike road company to borrow money."

Mr. PENNEL, from the Committee on Roads and Bridges, reported as committed, "A supplement to the act authorizing the Governor to incorporate the Norristown and King of Prussia turnpike road company."

Also, (same,) with amendment, "A supplement to the act to incorporate the Newton Square and Paoli plank road company."

Mr. DURBORAW, (same,) as committed, "An Act relating to the borough of Lebanon."

Also, (same,) as committed, "A supplement to the act to incorporate the Johnstown and Sealp Level turnpike road company, approved April 17, 1856."

Mr. WALKER, (same,) with a negative recommendation, "An Act appointing commissioners to lay out a certain road in Cumberland and York counties."

Mr. QUIGLEY, (same,) as committed, "An Act relating to Whitney street, city of Philadelphia."

Also, (same,) as committed, "An Act to amend the road laws of Montgomery county."

Mr. STUART, (same,) as committed, "An Act to appoint road commissioners to take charge of a portion of the Milesburg and Smithport turnpike road company, in the counties of Clearfield and Elk."

Also, (same,) as committed, "A supplement to an act to incorporate the Tuckahoe and Mt. Pleasant plank road company."

Mr. WILLIAMS, (Bucks,) (Claims,) as committed, "An Act for the relief of Burk & Gonder, contractors on the Allegheny Portage railroad."

Mr. FEARON, (Agriculture,) with a negative recommendation, "An Act to prevent the destruction of fish in this Commonwealth."

Mr. QUIGLEY, (Corporations,) as committed, "An Act to incorporate the Presque Isle dock company."

Also, (same,) as committed, "An Act to incorporate the Suffolk park association."

Mr. MILLER, (same,) as committed, "A supplement to the act to incorporate the borough of Kittanning."

Also, (same,) as committed, "An Act to incorporate the Mount Olivet cemetery association of York county."

Mr. PRICE, (same,) with amendment, "An Act to incorporate the Union market company, of Philadelphia."

Also, (same,) asked to be discharged from the further consideration of the act to incorporate the Andersou Creek public road and navigation company; which was granted.

Mr. ACKER, (same,) as committed, "An Act to incorporate the Farmers' market company, of Philadelphia."

Also, (same,) as committed, "An Act to incorporate the Union cemetery association, of Lebanon and its vicinity."

Mr. FISHER, (same,) as committed, "An Act relating to certain charitable corporations."

Also, (same,) as committed, "An Act to incorporate the Phoenix homestead and building association."

Mr. ELLMAKER, (same,) as committed, "An

Act to change the name of the Denuska gas company, of Allentown, Lehigh county."

Also, (same,) as committed, "Supplement to the act to incorporate the Johnstown woolen manufacturing company."

Mr. HAMERSLY, (same,) with amendment, "An Act incorporating the Fairmount market company."

Also, (same,) as committed, "An Act to incorporate the Fairmount and Manayunk steamboat company."

Mr. CHURCH, (same,) as committed, "An Act to extend the limits of the borough of Pottsville, Schuylkill county."

Mr. GALLEY, (Election Districts,) as committed, "An Act to change the lines of the borough of California, Washington county."

Mr. KENEAGY, (same,) as committed, "An Act to prevent frauds at elections."

Mr. BURLEY, (New Counties and County Seats,) as committed, "An Act to repeal an act relative to the division of the borough of Uniontown, Fayette county."

Mr. CHURCH, (Library,) as committed, "Joint resolution of thanks to L. Hachett, of Paris."

Mr. LAWRENCE, (Washington,) (Banks,) as committed, "A further supplement to the act incorporating the Marshall's savings institution of Philadelphia."

Mr. BOYER, (Clearfield,) (New Counties and County Seats,) as re-committed, "An Act to erect a new county, to be called Monongahela, out of parts of Allegheny, Fayette, Westmoreland and Washington counties."

Messrs. EVANS and LAIRD severally asked and obtained leave of absence for Messrs. KETCHUM and CAMPBELL.

Mr. SMITH, (Berks,) on leave, reported a bill proposing amendments to the Constitution of the State of Pennsylvania.

#### BILL IN PLACE.

Mr. ACKER read in his place and presented to the Chair, "An Act relative to taxing dogs in Nottingham township, Chester county."

Mr. LAIRD, one relating to fees of justices of the peace.

Also, "Further supplement to the act incorporating the city of Erie."

Also, "An Act supplementary to the act incorporating the Erie and Waterford plank road company."

Also, "An Act to incorporate the Hydro-pathic college of Loretto."

Mr. FOSTER, "An Act to lay out a State road in Westmoreland and Allegheny counties, from a point near M'Cutcheon's mills, on the State road, to Parnassus station, on the Allegheny Valley railroad."

Mr. BRODHEAD, "An Act authorizing the appointment of an auctioneer for the borough of Stroudsburg, Monroe county."

Mr. NILL, one to prevent fishing with nets, seines and set nets, in the East Conococheague creek below Chambersburg, on the lands of Bernard Wolf and Wm. Heyser, known as the Hollywell paper mill property.

Mr. GRATZ, one relative to the salaries of judges of the district court of the city and county of Philadelphia.

Mr. PINKERTON, "An Act to empower Peter Kliek and Peter Keeny, trustees of a certain school house and lot of ground in Pine Grove township, Schuylkill county, to sell the same for the use of the Pine Grove Township school district."

Also, "An Act relative to making and repairing roads in Norwegian township, Schuylkill county."

Mr. ROHRER, "An Act to prevent public auction in Freeport, Armstrong county."

Also, "A supplement to an act regulating the rate of interest, approved 28th May, 1858."

Also, "An Act relating to notaries public in this Commonwealth."



Mr. MEHAFFEY, "An Act to prevent the destruction of trout during the spawning season, in Lycoming, Clinton and Sullivan counties."

Also, "An Act to lay out a public road from Shoemaker's mill to the borough of Muncy, in Lycoming county."

Mr. GOEPP, "A supplement to an act incorporating the Saucon iron company."

Also, "A supplement to the act approved 20th April, 1854, in relation to establishing and changing the places for holding general elections throughout this Commonwealth."

Mr. HILL, "An Act to reduce the salary of members of the Legislature."

Mr. STONEBACK, "An Act to revive and extend the act incorporating the Bridgeport and Kutztown turnpike road company."

Mr. FEARON, "An Act to view and lay out a State road from the borough of Lock Haven, Clinton county, to Snow Shoe, in Centre county."

Also, "An Act to compel the supervisors of roads in the township of Crawford, county of Clinton, to give security."

Also, "An Act for the relief of Thomas Bridgins, collector of military tax for the year 1856."

Also, "An Act to define the limits of the borough of Lock Haven."

Also, "A further supplement to the act incorporating the West Branch boom company."

Also, "Supplement to the act incorporating the Lock Haven and Flemington plank road and turnpike company."

Mr. PINKERTON, "An Act forbidding car or cars standing on railroads in the town of Tremont, Schuylkill county, unless when being loaded or unloaded."

Mr. MCURDY, "An Act authorizing executors to give evidence in certain cases."

Mr. ECKMAN, "An Act to prevent the destruction of fish in the Swatara river and its tributaries."

Mr. GRATZ, one relative to the perpetuating of testimony in certain cases.

Also, "A further supplement to the act incorporating the city of Philadelphia."

Also, "An Act for the relief of Margaret Coldwater, widow of an old soldier."

Mr. ROHRER, "An Act to elect an additional constable in Brady's Bend township, Armstrong county."

On his motion, said bill was taken up and passed the House; and ordered that the clerk present the same to the Senate for concurrence.

Mr. DODDS, "An Act supplementary to an act approved 8th May, 1854, for the regulation and continuance of a system of education by common schools."

Mr. THOMPSON, "An Act to repeal a certain section of the act of 28th May, relating to interest."

Also, "An Act for the better securing of titles to real estate."

Mr. BALLIET, "A supplement to the act to incorporate the Quakake railroad company."

Mr. MCCLURE, "An Act relating to elections."

Mr. GREEN, "A supplement to the act of 20th April, 1858, relative to the attachment of vessels."

Also, "An Act to pay the claim of J. W. Cottrell."

Also, one to pay the claim of Emanuel Hill.

Also, one relative to the Columbia water company.

Mr. PRICE, "A further supplement to the several acts providing for the incorporation of manufacturing and improvement companies within this Commonwealth."

Mr. MANN, "An Act to repeal an act regulating the sale of intoxicating liquors, so far as said act applies to the county of Potter."

Also, "An Act to provide for the collection of additional taxes in the county of Potter."

Mr. KETCHUM, "An Act to provide for the payment of damages arising out of the location and construction of the North Branch and Wyoming divisions of the Pennsylvania canal."

Mr. MEHAFFEY, "An Act more effectually to secure the prompt payment of money on the part of insurance companies."

Also, one to authorize the State Treasurer to pay to the Towanda bridge company a balance due them, in pursuance of a contract with the Board of Canal Commissioners."

Mr. HILL, "A supplement to the act to incorporate the Plymouth railroad company."

Mr. GOEPP, "An Act to alter the general borough laws, so far as the borough of Nazareth, Northampton county, is concerned."

Also, "A further supplement to the act relative to courts of justice, approved 1834."

Mr. THORN, "An Act to incorporate the Drivers' beneficial society, No. 1, of Philadelphia."

Also, "An Act to reduce the number of the directors of the American mutual insurance company," which, on his motion, was taken up and passed the House; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. BISMANT, "An Act to fix the place for holding elections in Franconia township, Montgomery county;" and on his motion said bill was taken up and passed; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. ABBOTT, "An Act to incorporate the Roxboro' Odd Fellow's hall association."

Mr. STYER, "An Act to incorporate the Seventeenth and Nineteenth Street passenger railway company, of Philadelphia."

Mr. PALM, on leave, presented a petition from citizens of Orwigsburg, for an extension of their borough lines so as to include certain parties."

Mr. JACKSON, "An Act relative to county and township rates and levies."

Also, "An Act extending the general manufacturing law to the manufacture of leather in the county of Sullivan."

Also, "An Act to authorize the auditors of Sullivan county to re-audit the accounts of James Taylor, late treasurer of said county, with the Commonwealth."

Also, "A supplement to the act incorporating the Cattawissa and Towanda railroad company."

Mr. LAWRENCE, (Washington,) "An Act for the appointment of a sequestrator on the Washington and Pittsburg turnpike road;" and presented a petition from seven hundred citizens of Washington county, in favor of the passage of the above act.

Also, a remonstrance from citizens of California, Washington county, against changing the lines of said borough.

Mr. STEPHENS, "An Act supplementary to the act relative to hunting and fishing in certain counties of the Commonwealth."

Mr. WILSON, "An Act relative to the settlement of recorders of deeds, registers of wills, prothonotaries and clerks of courts, with the State Treasurer."

Mr. GRATZ, a supplement to an act, entitled "An Act to give jurisdiction in equity to the supreme court and the court of common pleas for the county of Philadelphia, in cases of disputed boundaries, approved 15th day of April, 1858."

Mr. QUIGLEY, "An Act to incorporate the Chemical company of Philadelphia."

Mr. PATTERSON, a remonstrance from citizens of Juniata county, against the passage of an act requiring them to keep in repair a certain road.

Mr. WHITMAN, a petition from citizens of Dauphin county, for the relief of Jacob Baner, a soldier of the war of 1812.

Mr. MCCLURE called for the reading of page twenty-eight of yesterday's Journal.

The SPEAKER directed the Clerk to read the same.

Mr. MCCLURE rose to a privileged question, and called for the reading of that portion of the Journal of Thursday, which related to the Green and Coates' Street railroad bill, being page twenty-eight.

The Clerk read the Journal, in which it was stated that the Green and Coates' Street railroad bill, after having finally passed the House, was ordered to be sent to the Senate for concurrence.

Mr. MCCLURE remarked, that from the reading it must be apparent to the members that the Green and Coates' Street railroad bill had finally passed the House, and that it had been ordered by the House to be then taken by the Clerk into the Senate for concurrence. Now this had not been done; the bill had been transcribed and was now, he understood, in the custody of the SPEAKER of the House, who would not send it into the Senate for six days. He wished to inquire whether he was correct in the statement that the SPEAKER had the bill?

The SPEAKER. The gentleman is correct.

Mr. MCCLURE. Then I simply desire to call the attention of the House to the fact, that it was ordered to be sent into the Senate.

The SPEAKER desired to reply. He said that by a standing rule of the House, it was possible for any gentleman to move a reconsideration of any bill within six days after its final passage. In view of the excitement which had attended the passage of this bill, and from intimations that he had received, he was inclined to believe that a motion to reconsider would be made in this instance, and had therefore deemed it his duty to retain the bill in his possession until the expiration of six days. He would, however, acquiesce in any decision which the House might make; but believing that his action had been just and proper, would not yield the document until the time specified, unless sooner relieved by the House.

Mr. MCCLURE said that the House had already relieved the SPEAKER of all responsibility in the matter, by ordering the document to be sent to the Senate. A thousand resolutions could do no more. The Clerk had informed him that he had called upon the SPEAKER for the purpose of obtaining the bill, and had been refused. Yet this withholding had been done in the face of direct orders of the House.

Mr. GOEPP called the gentleman to order. There was no subject before the House, and no motion pending.

Mr. THORN moved that Mr. MCCLURE have leave to make a statement. Leave was accordingly given.

Mr. MCCLURE had referred before to the order of the House, as it appeared upon the Journal. As for the allegation of the SPEAKER, that he would abide by any decision that the House would make, it was in effect asking them to repeat instructions which had already been plainly given. Neither would it do for the SPEAKER to fall back upon the rule which allowed the reconsideration of bills within six days, for support, because, although it was true that this privilege was accorded, yet there was no provision that the SPEAKER should for this reason, retain the bill, and he had no authority to do so. It was not the province of the SPEAKER to assume the right. It was true that a difficulty had occurred during the present session, because the House had desired to reconsider a bill which had gone out of its possession, but this argued nothing in favor of the prerogative assumed by the SPEAKER. It was on the Journal, in black and white, that the House had instructed its officers to send the bill into the Senate, and if the SPEAKER assumed the right to hold it, he did so in direct



violation of the order. Look at the results which would follow such a custom. Why, during the six days preceding the end of the session, it would be impossible, if the SPEAKER chose to exercise the arbitrary power, to send any bill at all to the Senate, and the effect would be that the SPEAKER would be the sole legislator, and the one hundred men in the House would be ignored.

As for the plea of the SPEAKER that he had been notified that the Green and Conates street bill would be called up for re-consideration, it amounted to nothing. No evidence that was proper for him to receive had been adduced in support of this allegation. In fact, there was no means by which the SPEAKER could have been notified, except by the rising of some member in his seat in open House. A mere intimation in the ear of the SPEAKER conveyed no legal notice; and even if it did, he usurped his power and exceeded his authority when he held the bill for six days.

Mr. MCCLURE, repeated his argument that the course, as proposed, would, at the close of the session, make the SPEAKER the sole legislator.

The SPEAKER desired to reply. He was willing to admit that the House had ordered the bill to be taken into the Senate, but he denied that any time had been fixed. In support of this he referred to rule Twenty-three, and said that in the absence of any immediate instructions as to the time, he had felt bound to retain the document for six days. In the limited opportunity which he had had, he consulted authorities, and they all agreed that books, papers and documents were under the control of the SPEAKER.

It was not out of disrespect to the House that he intended to retain the bill for six days, nor was it for any partiality for, or opposition to its provisions. In fact, he knew nothing about the bill, or about the Philadelphia passenger railroad bills in general. In the course which he had adopted he was strictly endeavoring to do his duty.

Mr. PRICE. I desire the SPEAKER to retain the bill, and shall, within six days, move its re-consideration.

Mr. MCCLURE said that he had sustained the Chair in every decision but one, since the beginning of the session; and in that one, the SPEAKER *pro tem.* had not been Mr. LAWRENCE. But he wished to inquire now, whether the SPEAKER would exercise his alleged prerogative in the six days preceding the end of the session?

The SPEAKER said that under the rule he would not feel authorized to do so.

Mr. MCCLURE. Then you would refrain from it as a matter of choice?

The SPEAKER. Because the Chair would have no right to do so, it not being his province to obstruct legislation.

Mr. MCCLURE said that if the SPEAKER had a right now, he would have an equal right at the end of the session.

The SPEAKER. The gentleman has a right to his own construction of the rule.

Mr. MCCLURE said that he did not assume that the SPEAKER would attempt to clog the wheels of legislation, but in the future there might be worse SPEAKERS, who would act upon the precedent.

If under the instructions already given, the House has not ordered the bill to be taken into the Senate, then it never can be done, nor was it necessary to ask the consent of the SPEAKER. As for notice that the bill was to be re-considered, it had only been given recently; and even then, he contended, that it was no notice at all. Would the remarks of the gentleman from Lancaster, (Mr. PRICE,) appear upon the Journal, or would he be bound, after what he had said, to move to re-consider the

bill? He might, or he might not do it. This, he again said, was not an adequate notice.

Mr. GOEPP asked leave to make a statement. Leave was given. He said that the bill in question had, in the usual manner, been ordered to go into the Senate; the order specified no time for the performance of the action by the Clerk; but merely instructed him, in general terms, to present it for concurrence to the other House. The course to be pursued must be in accordance with the custom in such cases; but the Clerk was not a discretionary officer, and it was palpable that there must be authority somewhere to guide and direct—this authority was vested in the SPEAKER alone.

It was true that the rule allowed six days for re-consideration—it was equally true that bills should be accessible to the House within this period. This was evinced by a difficulty which had already occurred during the session. In ordinary cases, he admitted, that it was the practice to take the bill over at once, but there must be a power somewhere to retain them, if it was thought advisable; and in cases where the SPEAKER was notified that a re-consideration was to take place, it was his duty to exercise this power. Although the SPEAKER could not disobey the orders of the House, yet the time for sending the document over was left to his discretion; provided, of course, that it was within the six days.

Mr. GOEPP said that the present discussion was altogether informal. No resolution or motion was before the House. If the gentlemen who had broached the matter wished to test it fully, why did they not put it in some tangible shape?

Mr. MCCLURE desired that the records of the House and the actions of its officers should be in accordance with each other. If the SPEAKER was to be allowed to retain the bill, then let some one move that that part of the Journal which ordered it to go into the Senate, be erased. He wished to read an extract from Cushing's Manual, a work which, on a previous occasion, the SPEAKER had quoted as good authority.

The extract in question being read, stated that the Clerk of the House was answerable for all documents, and that it was at his peril that he allowed them to go from his possession, without an order from the House.

Mr. HAMERSLY cited an extract from page 113 of the Pennsylvania Manual, (Sutherland's,) which said that after a bill had been read and passed, it should be taken by the Clerk, "as soon as he could conveniently leave the House, to the Senate." In support, also, of the authority quoted by Mr. MCCLURE, he denied that the bills belonged to the SPEAKER, or were in his custody. The Clerk had his own responsible duties, and in these was comprised the care of papers.

The SPEAKER. Will the gentleman state what book he has read from?

Mr. HAMERSLY. Sutherland's Manual.

The SPEAKER. Will the gentleman point me to any place in the records of the House, where that Manual was adopted for its government?

Mr. HAMERSLY. I think I can.

Mr. THORN considered this an important question. He reverted to the suspension in legislation which might ensue during the last six days of the session, in case the SPEAKER was allowed to exercise the arbitrary power. How was the SPEAKER to know when the end of the session approached? The result finally would be, that one-third of the members of the House, with the SPEAKER, might prevent a bill from passing during the last six days of the session, or becoming a law, if it did pass. He fully appreciated the embarrassing position in which the SPEAKER was now placed, and wished to conclude with an inquiry, viz: Did the SPEAKER

intend to give orders to the Clerk that no bill should be sent to the Senate until six days after its passage?

The SPEAKER declined to decide any questions in advance.

Mr. THOMPSON supported the views of the SPEAKER, and reviewed the operations and intentions of rule twenty-three, relative to the re-consideration within six days.

Mr. HAMERSLY inquired whether Mr. THOMPSON, under his construction of that rule, considered that it was the duty of the SPEAKER to retain all bills for six days?

Mr. THOMPSON said that the intention evidently was to have all bills accessible within that time.

Mr. ABBOTT said that it was the regular course to send bills from the House to the Senate as soon as possible. The 23d rule, in his opinion, could not affect this regular mode of procedure, and could not recall a bill after it had gone out of the House, neither did it apply to the present case.

Mr. MCCLURE recapitulated all the circumstances of the case, and desired to take an appeal from the decision of the Chair—that the document was legally retained in his possession.

The SPEAKER said that this appeal was hardly proper, inasmuch as it was not actually based on any motion or business before the House.

Mr. PINKERTON moved that the further consideration of the subject be postponed.

The SPEAKER said he could not entertain this motion, because there was no "subject" properly before the House.

Mr. CHASE coincided with the views which had been expressed by the gentleman from Butler, (Mr. THOMPSON,) and argued that six days retention of all bills was necessary. This retention was due on one account to the constituents of members, to allow them an opportunity of remonstrating. But on the general ground, that the SPEAKER was the responsible officer of the House, and the Clerk but the instrument, he considered that the former should control the documents. It had been said that the Clerk must take the bills to the Senate as soon as he conveniently could. Why, this course would make the whole House subservient to the pleasure of the Clerk. Would they rather trust to him than the presiding officer? All authorities agreed that the general custody of papers was entrusted to the presiding officer.

As for the veto power, which was alleged would accrue to the SPEAKER by the exercise of the privilege, it was possible at any time to take it out of his hands.

Mr. BARNESLEY asked leave to offer a resolution at this time.

The resolution was read by the Clerk.

*Resolved,* That the use of the House should be granted after one o'clock, (the hour of adjournment,) to such members as desired to discuss parts of order. [Laughter.]

Mr. MCCLURE gave notice that he would offer a resolution.

Mr. CHURCH moved to extend the hour of adjournment until the subject was disposed of. Not agreed to.

Mr. THORN moved that when this House adjourns, it do so to meet at three o'clock p. m. on Monday.

On this question,

The yeas and nays were required by Mr. PINKERTON and Mr. PATTERSON, and were as follow, viz:

YEAS—Messrs. Acker, Balliet, Bertolet, Boyer, (Clearfield,) Fisher, Foster, Goepf, Gratz, Green, Hamersly, Ketchum, Laird, McClain, McClure, Miller, Neall, Proudfoot, Shafer, Taylor, Thompson, Thorn, Wagonseller, Warden, Witman and Williams, (Bucks,)—25.



NAYS—Messrs. Abbott, Barnsley, Barlow Bayard, Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Chase, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fleming, Galley, Good, Graham, Gray, Hill, Hottenstine, Jackson, Keneagy, Kinney, Lawrence, (Washington,) Mann, Mehaffey, M'Curdy, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Price, Rohrer, Rose, Rouse, Shepard, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Styer, Walborn, Walker, Wigton, Williams, (Bedford,) Wilson, Withrow, Wolf, Zoller and Lawrence, *Speaker*—59.

So the question was determined in the negative.

Mr. M'CLURE offered the following resolution:

WHEREAS, This House did, on the 10th inst., pass finally bill numbered 160, entitled "A supplement to the act incorporating the Coates and Green Streets passenger railroad company," and as appears by the Journal, instructed the Clerk to present the same to the Senate for concurrence:

AND WHEREAS, The SPEAKER of the House has taken said bill from the custody of the Clerk when it was transcribed and ready to be transmitted to the Senate, and refused to deliver the same to the Clerk until the time has expired on which, by the rule of the House, a motion to re-consider may be made:

Resolved, That the SPEAKER of the House be instructed to deliver said bill to the Clerk, so that it may be presented to the Senate for concurrence, as the House has directed.

The SPEAKER desired to explain. He recapitulated the views which he had already expressed, and re-asserted his right to retain the document.

Mr. M'CLURE said that the SPEAKER was mistaken as to the right. It had been shown that the bill was properly in the custody of the Clerk, and not of the Chair.

Mr. M'CLURE. Has the SPEAKER ever had the custody of any other bill?

The SPEAKER. Of all bills and papers.

Mr. M'CLURE. Does the gentleman decide that the Chair has control over the transcribing room?

The SPEAKER. I so decide.

Mr. M'CLURE asserted that the right which was given to the SPEAKER of controlling the officers of the House did not extend to the disposition of bills. It was an orderly supervision.

The SPEAKER decided that he would not entertain the motion of Mr. McClure, because it was not a correct recitation of the facts, and because that the Chair had decided in contradiction to its tenor, that the SPEAKER had the supervision over bills for six days.

Mr. McClure asserted the right of appeal. The SPEAKER said he would entertain the appeal.

Mr. McClure. Why is the resolution not in order?

The SPEAKER. It is not a correct recitation of facts.

Mr. THORN asked for the reading of rule 7th; which was read.

Messrs. McClure and TAYLOR offered the following appeal:

Resolutions relative to the custody of bill No. 106, being before the House, the Chair decided the resolution to be out of order, because it was not a correct recitation of facts.

From this decision, the undersigned respectfully appeal to the House.

A. K. McCLURE,  
A. W. TAYLOR.

Mr. STEPHENS moved an adjournment; which was lost.

After further remarks of Mr. LAWRENCE, (Washington,)

Mr. HAMERSLY called the orders of the day. The hour of one having arrived, the SPEAK-

ER adjourned the House till to-morrow morning at 10 o'clock.

In Wednesday's *Record*, on the joint resolution for the payment of William E. Frazer, for services as Canal Commissioner, Mr. WARDEN was represented as having moved to insert one-third instead of one-fourth. His motion was to amend by striking out one-third and inserting one-fourth; instead, it should have read thus:

Mr. WARDEN moved further to amend the amendment, by striking out one-third and inserting one-fourth.

#### No. 215.—FILE OF THE HOUSE.

CHASE, Judiciary—Feb. 4.

AN ACT relative to the taking of depositions.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* at the first term of the court of common pleas in each county after the passage of this act, and as often thereafter as may be necessary, the said court, in each county, shall appoint one suitable person, to be called the deposition commissioner, who shall be a citizen of the United States of good repute, and a resident of said county in which he shall have been appointed, and shall have an office at the county seat, and shall hold his said office for the term of three years from the date of his appointment, and until a successor shall be duly qualified, if he shall so long behave himself well: *Provided, That* justices of the peace may also take depositions as heretofore, and special commissioners appointed by the several courts for specific purposes.

SEC. 2. That before entering upon the duties of his said office, said deposition commissioner shall take and subscribe an oath or affirmation to perform the duties of his said office with fidelity and care.

SEC. 3. That upon the appointment and qualification of every such commissioner as aforesaid, he shall pay to the prothonotary of said court the sum of five dollars, which shall be in full for all services to be performed and all expenses to be incurred by the prothonotary under or by virtue of this act.

SEC. 4. That immediately after the appointment and qualification of such commissioner, the prothonotary of the proper county shall certify, under the seal of his office, to the prothonotary of the said court in every other county of the State, the name, date, and fact of appointment and post office address of the said appointee; and whenever the same shall have occurred, also the date of the death, resignation or removal of such officer.

SEC. 5. That an abstract of every such appointment when made, and of every such certificate when received, shall be entered by the prothonotary in tabular form, in a book to be provided at the expense of the proper county, and to be kept for the purpose, and to be called the deposition commissioner's register, in which shall be made to appear the counties in alphabetical order, the county, town, post office address, date of appointment, of qualification, and of death, resignation or removal, and name of the commissioner of the proper county; he shall also carefully preserve, endorse, and file all papers pertaining to any such appointment.

SEC. 6. That every such deposition commissioner shall have power to take the acknowledgment of deeds, to administer oaths and affirmations, and to take the depositions of witnesses, to be read in evidence before any court, justice of the peace or other legal tribunal of this Commonwealth, wherein depositions are or may be by law read in evidence.

SEC. 7. That every such commissioner shall receive for his services such fees as are or shall

be by law allowed in the court or legal tribunal from which the rule or commission to take such depositions may issue, and for taking the acknowledgment of deeds and administering oaths and affirmations other than to witnesses, such fees as are or may be allowed to justices of the peace for similar services.

SEC. 8. That every such commissioner shall to every deposition so by him taken append a statement, showing the fees charged by him, the names and number of days attendance, and mileage circular of each witness, with the sums paid or advanced on the taking of such deposition, the persons by and to whom paid, and the amount to each; and shall certify, among other things, that he is the acting deposition commissioner in and for said county, duly appointed and qualified.

SEC. 9. That depositions may be taken before such commissioner, if said commissioner shall accede thereto, at any place within said county.

#### No. 163.—FILE OF THE HOUSE.

PRICE—Corporations—Jan. 29.

AN ACT to incorporate the Mercantile Library Hall company of the city of Pittsburgh.

That George W. Jackson, James M'Cauley, Thomas M. Howe, James Park, junior, William Holmes, William M. Lyon, Isaac M. Pennock, J. K. Moorhead, Alexander Nimick, James M. Cooper, William Bagaley, John F. Singer, George Darsie, George Black, George W. Cass, William F. Johnston, Allen Kramer, John H. Shoenberger, Nathaniel Holmes, and Felix R. Brunot, all of the county of Allegheny, and their associates and successors, are hereby erected into a body corporate in deed and in law, by the name, style and title of the Mercantile Library Hall company, for the purpose of erecting a hall for the use and benefit of the Young Men's Mercantile Library and Mechanics' Institute of the city of Pittsburgh.

SEC. 2. That the said corporation, by the same name and title shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of law, and elsewhere; and shall be capable and able in law and equity to take, purchase, hold and receive, to them and their successors, for the use of said company, lands, tenements, choses in action, goods and chattels, of whatever kind, nature or quality, real personal or mixed, which now are or hereafter may become, the property of said corporation, or be held for their use, by gift, grant, bargain, sale, conveyance, devise, bequest, or otherwise, from any person whomsoever, capable of making the same; and the same to grant, bargain, sell, mortgage, improve or dispose of for the use and benefit of the said company; may have a common seal, and at pleasure alter, change or renew the same; and in general do all things which may be necessary for the well-being and due management of said corporation.

SEC. 3. That the corporation hereby created shall have power to appoint such officers for its government, the management of its property and the superintendence of its affairs, as its members may deem proper and beneficial; and to make all by-laws which may seem proper to the same end; and to change or modify them at pleasure: *Provided, That* such by-laws and regulations shall not be contrary to the constitution of the State of Pennsylvania or the United States.

SEC. 4. That it shall be the duty of the corporation hereby created, as soon as a sufficient amount of stock shall have been subscribed, to purchase ground and proceed to erect thereon a suitable and commodious library building, for the use of the Young Men's Mercantile Library and Mechanics' Institute of the city of Pittsburgh, incorporated by act of Assembly ap-



proved the day of Anno Domini one thousand eight hundred and forty-nine; which said building shall be completed without unnecessary delay; and when ready for use shall, with the ground aforesaid, be perpetually leased to the Young Men's Mercantile Library and Mechanics' Institute on the following terms, viz:—The Young Men's Mercantile Library and Mechanics' Institute shall pay to the corporation hereby created, on or before the first day of January in each year, all necessary repairs and taxes to which said ground and buildings may be subjected; and in addition thereto, a sum not over six per centum per annum on the whole cost of said ground and building, or such part thereof as shall not have been repaid by the said Mercantile Library and Mechanics' Institute shall forever have entire possession and control of said ground, and the buildings erected thereon; and shall have power to sub-let the whole, or any portion thereof, and collect the rent and revenues, and make appropriation of the same; *Provided nevertheless*, That whatever rents and revenues they may receive, over and above the amount of taxes, interest and repairs, shall be paid to the corporation hereby created, to reimburse the same for the cost of the ground and buildings: *And provided further*, That if the Mercantile Library and Mechanics' Institute shall at any time be in arrears for two whole years for taxes, repairs and interest, then they shall forfeit their lease aforesaid, and the corporation hereby created may, after six months' notice to the president and managers of said Mercantile Library, take possession of the aforesaid ground and buildings; in that event, the corporation hereby created shall annually pay to the Mercantile Library and Mechanics' Institute such proportion of the net revenue from the aforesaid ground and buildings as the amount paid by the Mercantile Library towards the reimbursement of the cost of the ground and buildings shall be to the whole cost thereof; and in case of sale of the whole or any part, the said Mercantile Library and Mechanics' Institute shall be entitled to a like proportion of the proceeds of sale.

SEC. 5. That on or before the completion of said buildings, the corporation hereby created shall enter into good and sufficient covenant with the Mercantile Library and Mechanics' Institute to convey to said corporation all the right, title and interest of the corporation hereby created in the ground and buildings aforesaid, so soon as the Mercantile Library and Mechanics' Institute shall have reimbursed the corporation hereby created its cash outlay for the ground and buildings; and whenever the Mercantile Library and Mechanics' Institute shall tender to the Mercantile Library hall company hereby created any sum not less than one thousand dollars, in part payment of said cost, the same shall be received, and duplicate receipts given therefor, under the seal of the corporation; the date, amount and purpose of said payment shall be recorded in a book to be kept by the Library hall company for that purpose, which shall at all proper times be open for the inspection of the officers of the Mercantile Library and Mechanics' Institute, and which shall be carefully preserved by the Library hall company, in a place secure as may be from fire, theft or other dangers.

SEC. 6. That the corporation hereby created may borrow money to an amount not exceeding the sum actually paid in, and may issue its bonds therefor; and its funds shall be expended, as provided in this act, in buying suitable ground and erecting and furnishing proper and commodious buildings for the use of the Mercantile Library and Mechanics' Institute; the

stock of said company shall be in shares of ten dollars, and shall be personal property, and transferable only on the books of the company, and each share shall be entitled to one vote in elections or the management of the affairs of the company.

SEC. 7. That on and after the first day of January in each year, the treasurer of the Library hall company shall pay over to the stockholders, *pro rata* the sum of money which shall have been received during the preceding year for interest from the Mercantile Library and Mechanics' Institute.

SEC. 8. That the Legislature hereby reserves the right to repeal, alter or amend this act, in such manner as shall do no injustice to the corporators.

#### No. 209.—FILE OF THE SENATE.

BELL, Judiciary—Feb. 5.

#### AN ACT to erect the Twenty-seventh judicial district.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the counties of Lehigh and Carbon, be and they are hereby erected into a separate judicial district, to be called the Twenty-seventh judicial district; and it shall be the duty of the Governor of this Commonwealth, pursuant to the provisions of the constitution, to appoint and commission a person learned in the law, to be president judge of said district, who shall hold his office until the first Monday of December next.

SEC. 2. That the qualified electors of the said Twenty-seventh judicial district, shall, on the second Tuesday of October next, elect a president judge for said district, according to the constitution and laws of this Commonwealth, to serve for the term of ten years, from the first Monday of December next.

SEC. 3. That the January term of the several courts in the county of Lehigh, shall commence on the third Monday of January, in each and every year after the passage of this act.

#### No. 213.—FILE OF THE SENATE.

BELL, Judiciary—Feb. 5.

A SUPPLEMENT to an act to give jurisdiction in equity to the supreme court and the court of common pleas for the county of Philadelphia, in cases of disputed boundaries, approved on the fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the jurisdiction and powers given by the act to which this act is a supplement, to the courts therein named, shall extend to and embrace the ascertainment and adjustment of disputed boundaries between adjoining and neighboring lands in the county of Philadelphia, where such boundaries are or shall have become confused or rendered uncertain, either by lapse of time, by natural causes, or by the act, neglect or default of any present or former owner or occupant thereof.

SEC. 2. That if upon bill filed in any such case, it shall appear that the whole or any part of the lands mentioned in such bill, have or has never been actually parted or divided, the court shall, without dismissing the bill, proceed thereupon to decree partition of such undivided land between the parties to the suit, according to their just rights, and the law and practice of courts of equity of this Commonwealth: *Provided*, That before any such decree or partition shall be made, all persons who shall appear to have title to the land, shall be made parties to the suit.

#### No. 215.—FILE OF THE SENATE.

SCOFIELD, Judiciary—Feb. 5.

#### AN ACT relating to partners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That in all cases where all the members of a firm are dead, or may hereafter die, it shall be lawful to bring suit in the name of the representative of the first deceased partner, or any other, as well as the last, on a claim due the firm of which the deceased partners were members.

#### No. 210.—FILE OF THE SENATE.

BELL, Judiciary—Feb. 5.

#### AN ACT regulating the weighing of anthracite bituminous and semi-bituminous coal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That on and after the first day of September, one thousand eight hundred and fifty-nine, all anthracite, bituminous and semi-bituminous coal, delivered for consumption in the several cities and incorporated boroughs of this Commonwealth, shall be conveyed or carried in such cart or other vehicle, as shall be provided, with a duly attested and sealed scale, of sufficient size or power to weigh correctly said load of anthracite, bituminous or semi-bituminous coal, at the place of delivery, when demanded by the purchaser or purchasers, or the agent of said purchaser or purchasers.

SEC. 2. That any cart, or other vehicle, not so provided with sealed scales as aforesaid, in which anthracite, bituminous, or semi-bituminous coal shall be hauled or delivered as aforesaid, shall be deemed illegal, and the owner thereof shall be liable to be fined in the sum of five dollars for each load of coal sold or delivered, on complaint being made by any person or persons aggrieved, to any alderman or justice of the peace of the proper city or borough in which the offence is committed; which fine shall be sued for in the name of the Commonwealth, and shall be recovered as debts of like amount are now recoverable by law; one-half thereof to be paid to the party prosecuting, and the other half to be paid to the proper authorities for the use of the poor, by the magistrate before whom the said suit shall be brought, to be distributed as out-door relief: *Provided*, That the foregoing provisions of this act shall not apply to such persons as haul coal purchased by themselves, or those in their employ, purchased for their own use.

#### No. 145.—FILE OF THE HOUSE.

KETCHUM, Judiciary—Jan. 29.

#### AN ACT declaring dogs in this Commonwealth to be personal property.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passage of this act every dog or bitch, owned by or belonging to any person in this Commonwealth, is, and the same is hereby declared to be personal property; and such dogs or bitches shall be as much the subject of larceny as any other kind of personal property; and any person so stealing or taking away any such dog or bitch, shall be liable to prosecution and indictment in the court of quarter sessions of the proper county, and on conviction thereof, shall be punished as in other cases of larceny.



# LEGISLATIVE RECORD.

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FOR THE SESSION OF 1859.

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## HOUSE OF REPRESENTATIVES.

SATURDAY, Feb. 12, 1859.

The House was called to order at 10 o'clock, A. M., by the SPEAKER.

Prayer by Rev. Dr. Miles, of the Baptist church, Harrisburg.

The Clerk proceeded to read the Journal.

Mr. CHASE moved that the further reading of the Journal be dispensed with.

The question being put, it was decided in the affirmative.

Mr. HAMERSLY, however, insisted upon his right to call for the reading of the Journal, and it was accordingly ordered to be read by the SPEAKER.

The SPEAKER laid before the House the report of the Westmoreland Indiana bridge company.

The first business in order was the appeal which was yesterday taken from the decision of the Chair, by Messrs. M'CLURE and TAYLOR.

Mr. M'CLURE desired to make an explanation, and to read the appeal as he had corrected it, as follows:

Resolutions relative to the custody of bill No. 160 being before the House, the Chair decided the resolutions out of order, because they did not correctly recite the facts. The SPEAKER maintaining that all bills are in his custody until the House parts with the same.

From the above decision the undersigned appeal to the judgement of the House.

A. K. M'CLURE,  
A. W. TAYLOR.

The SPEAKER called Mr. MILLER, of Crawford, to the Chair.

Mr. SMEAD took the floor.

The Chairman. The question now is, shall the decision of the SPEAKER stand as the judgment of the House?

Mr. WILSON called for the reading of the appeal. It was read.

Mr. SMEAD said that the subject had been fully argued yesterday.

Mr. M'CLURE rose to explain, that the question at issue was not the same one which had yesterday been argued.

Mr. SMEAD moved to lay the appeal upon the table, and called the previous question on the motion.

The call was seconded by Messrs. SMITH, (Berks,) MEHAFFEY, CHURCH, GOEPP, MANN, PENNELL, PRICE, GREEN, WALBORN, BURLEY, KENEAGY and ZOLLER.

The Chairman. The question now is, shall the main question now be put?

The yeas and nays were required by Mr. M'CLURE and Mr. NEALL, and were as follow, viz:

YEAS—Messrs. Abbott, Barnsley, Barlow, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Chase, Church, Durhoraw, Eckman, Ellmaker, Fearon, Goepp, Graham, Green, Harding, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, Miller, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Proudfoot, Price, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stuart, Styer, Thompson, Wagonseller, Walhorn, Walker, Whitman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf and Zoller—53.

NAYS—Messrs. Acker, Balliet, Bertolet, Custer, Dodds, Evans, Fisher, Galley, Gratz, Gray, Hamersly, Hottenstine, Jackson, McClure, McDowell, Neall, Rohrer, Shields, Stephens, Stonehack, Taylor, Thorn Warden, and Wiley—24.

So the question was determined in the affirmative.

Mr. NEALL asked leave to record his vote.

Mr. GOEPP said that it was his right so to do.

The Chairman. The question now is, will the House agree to the motion to lay the appeal upon the table?

Mr. M'CLURE said that this was not the question before the House, and raised a point of order. A discussion ensued on this point, between Messrs. M'CLURE, LAWRENCE, (Dauphin,) IRISH, SMITH, (Berks,) NEALL and others.

The Chairman. The question now is, shall the appeal be laid on the table?

On the question,

The yeas and nays were required by Mr. M'CLURE and Mr. NEALL, and were as follow, viz:

YEAS—Messrs. Abbott, Barnsley, Barlow, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Chase, Church, Durhoraw, Eckman, Ellmaker, Fearon, Goepp, Graham, Green, Harding, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, Miller, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Proudfoot, Price, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Smith, (Philadelphia,) Styer, Thompson, Wagonseller, Walhorn, Walker, Whitman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf and Zoller—52.

NAYS—Messrs. Acker, Balliet, Bertolet, Brodhead, Custer, Diamant, Dodds, Fisher, Galley, Good, Gratz, Hamersly, Hottenstine, Jackson, M'Clure, M'Dowell, Neall, Rohrer, Shields, Stephens, Stoneback, Taylor, Thorn and Warden—25.

So the question was determined in the affirmative.

## ORIGINAL RESOLUTION.

Mr. SMITH, (Berks,) offered the following:

Resolved, That after the morning orders are gone through with, for the purpose of further

considering the motion to discharge the Committee on Railroads from Senate bill No. 132, entitled "A supplement to an act to incorporate the Germantown passenger railway company, approved April 21, 1858," and (if said committee be discharged) for the consideration of said bill, the hour of adjournment be this day extended.

Mr. HAMERSLY said that he should vote against the resolution, because neither the members of the House, nor himself, had seen the bill that was proposed to be called up, as it had passed the Senate. He repeated, that although he represented the district that was interested, he had not seen the bill, because it had been kept locked up in the possession of the Chairman of the Railroad Committee. True, he might have seen it, perhaps, had he asked it as a favor of the chairman.

Mr. WALBORN said that the gentleman from Philadelphia, (Mr. HAMERSLY,) had again asserted that he had kept the bill locked up in his possession. He would hear this no longer. It was false.

Mr. HAMERSLY positively reiterated his statement, and pronounced the assertion of Mr. WALBORN as equally false.

Mr. WALBORN said that his actions as Chairman of the Railroad Committee had been impugned, and he did not intend to hear it any longer from any man. He threw the imputations into the teeth of those who uttered them. The Senate bill was on the desks of the members.

Mr. HAMERSLY repeated that the Chairman (Mr. WALBORN,) has had the Senate bill locked up in his desk since the time that it had come from the Senate. The bill which was on the Senate file, and purported to be the supplement to the Germantown company, was not the same as the one which had been reported from the Senate, and which it was now proposed to consider. They were materially different.

Mr. WALBORN said that he certainly had retained the Senate bill, which it was proposed to consider, in his possession. The committee had not had time to act upon it, because their hands had been tied by the resolution of the House, ordering the printing before any consideration could take place. The motion now pending and incorporated in the resolution was intended to take the bill out of the hands of the committee, and allow it to come before the House. That he had locked up the bill for a special purpose, he denied most positively.

Mr. HAMERSLY rose to explain. The gentleman, after he had been allowed to use the expression "false," had actually in his last speech admitted the truth of every word that he (Mr. HAMERSLY,) had uttered. He had not impugned the motives of the chairman, and there was no necessity for the defence which that gentleman had volunteered. He had too much respect for himself and the House to impugn the motives of any gentleman. But he need not attempt to intimidate any member, for he could not do it. Mr. HAMERSLY hoped that the House would make a distinction between the two bills, the difference in which he had already noticed. The Senate bill was not included in the resolution referred to by Mr. WALBORN, for it came from the Senate after the adoption of the resolution.

Mr. SMITH, (Berks,) wished to inquire whether the Senate bill had not been on the file of the members for a week?



Mr. HAMERSLY. Not as it passed that body.

Mr. NEALL defended Mr. HAMERSLY, and coincided with him in the views which had been expressed. He contended that the resolution which was now pending, and which had been offered by the enemies of the Germantown bill, for the purpose of bringing it up before the House, was unfair. Some time since he recollected having objected to a certain bill, and having thereby brought down the wrath of some members, who had exclaimed, that "it was altogether a local matter, and did not affect the gentleman from Philadelphia." Yet now, the gentleman from Berks, (Mr. SMITH,) disregarding the precedent which he had himself established, attempted to call up a bill affecting altogether the locality of another member, viz: that of the speaker. Was it proper that the gentleman from Berks should thus act contrary to the views which he had previously expressed, and that, after having raised the cry of "locality," he should encroach upon the province of another, and by the mere exercise of the brute force of the majority, be successful in interfering with the bill? He wished to inquire who it was that was backing the members to proceed to the consideration of a bill to which they were opposed. Could two men be found outside of the House, who had any regard for Philadelphia interests, who were supporting the present movement?

As respectable men, representing intelligent constituents, he appealed to the members of the House not to exercise this brute force of the majority. Such an act would be inconsistent with the usages of the last fifty years, and would not only be unfair, but, he might say, would be mean and contemptible, notwithstanding that the member from Berks had asserted that the bill might be called up by its enemies "with perfect propriety." It was a right which the friends of that bill had to have it called up at a proper time, and not when it suited the views of its enemies. He hoped that in this matter, out of regard for the feelings of the minority, if for no other reason, the majority would suspend action, and the gentleman from Berks would withdraw his resolution.

He had heard the expression used that in this case the minority desired to "rule or ruin." This was reversible. It was the majority who evidently so desired. In the consideration of the bill which was antagonistic to the one now proposed to be brought forward, the just rights of all had received attention. Was this not to be done now?

Mr. SMEAD thought that there was no bill before the House, and the discussion had better be postponed until it came up in regular order. The only question now, he considered, was one of time—whether the House should fix a certain time for doing a certain piece of business. This was all that the resolution provided for.

Mr. SMEAD called the previous question on the passage of the resolution of the gentleman from Berks, (SMITH.)

The call was sustained by Messrs. STYER, ELLMAKER, PRICE, WILLIAMS, (Bedford,) KENEAGY, SMEAD, WALBORN, BURLEY, ZOLLER, PATTERSON, BOYER, (Clearfield,) and SMITH, (Berks.)

On the question, shall the main question now be put?

The yeas and nays were required by Mr. STEPHENS and Mr. NEALL, and were as follows, viz:

YEAS.—Messrs. Barnsley, Barlow, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Chase, Church, Durboraw, Eekman, Ellmaker, Fearon, Fleming, Goepp, Graham, Green, Harding, Jackson, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, Miller, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Proudfoot, Price, Rouse, Shafer, Sheppard, Smead, Smith,

(Berks,) Smith, (Philadelphia,) Stuart, Styer, Thompson, Wagonseller, Walborn, Walker, Whitman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf, Zoller and Lawrence, *Speaker*—54.

NAYS.—Messrs. Abbott, Bertolet, Brodhead, Custer, Dismant, Dodds, Evans, Fisher, Galley, Gratz, Gray, Hamorsly, Hottelustine, McClure, McDowell, Neall, Nill, Rohrer, Shields, Stephens, Stoneback, Taylor, Thorn, Warden, and Wiley—25.

So the question was determined in the affirmative.

The SPEAKER. The question now is on the final passage of the resolution of the gentleman from Berks, (Mr. SMITH.)

Mr. HAMERSLY said that he represented the district most immediately interested in the bill, and yet he had never seen it. He wished to appeal to the courtesy of the House, whether they intended to force him to vote upon the bill before he had seen it.

Mr. THORN said that as the previous question had been called, debate was certainly out of order.

The SPEAKER said that Mr. HAMERSLY had obtained leave to speak.

Mr. HAMERSLY only wished to reiterate that he hoped the House would allow him the courtesy of seeing the bill before he was called upon to vote upon it.

The SPEAKER. The question now is on the final passage of the resolution.

On this question,

The yeas and nays were required by Mr. THORN, and Mr. FISHER, and were as follows, viz:

YEAS.—Messrs. Barnsley, Barlow, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Chase, Church, Eekman, Ellmaker, Fearon, Fleming, Goepp, Graham, Green, Harding, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, Miller, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Proudfoot, Price, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Smith, (Philadelphia,) Styer, Thompson, Wagonseller, Walborn, Walker, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf, Zoller, and Lawrence, *Speaker*—50.

NAYS.—Messrs. Abbott, Acker, Bertolet, Brodhead, Custer, Dismant, Dodds, Durboraw, Evans, Fisher, Galley, Gratz, Gray, Hamersly, Jackson, McClure, McDowell, Neall, Nill, Rohrer, Shields, Stephens, Stoneback, Taylor, Thorn, Warden and Wiley—27.

So the question was determined in the affirmative.

#### THE RECORD CONTRACT.

Mr. RAMSDELL asked leave to make a statement. Leave being given, he said that he understood that his absence on Thursday last, after the alteration in the *Record* contract with Geo. Bergner & Co., had been construed to evince an inclination on his part to shirk the responsibility of some act. He had vacated his seat on account of sickness in his family, and for that reason alone.

As far as the alteration in the contract was concerned, he knew nothing. It had not originally been written by him, but by a clerk, and had been read and compared with the old contract made with R. J. Haldeman. Whether any error had been made, he did not know. He had supposed, up to the time the contract was read by the Clerk, that the figures were 3000. When Bergner had come up to speak to him at his desk, Mr. R. was busily engaged in listening to the remarks of a gentleman upon the floor, and only recollected having exclaimed, with a wave of his hand, "well, well." He had never examined the contract, and how, or why the alteration was made, he did not know. He had previous to this entertained a high opinion of the honor and integrity of Mr. Bergner.

Mr. BERTOLET thought that Mr. RAMS-

DELL must be an efficient member of the committee, not to know whether the contract read two or three thousand.

#### LEAVE OF ABSENCE.

Leave of absence was granted to the following named gentlemen on application:

Mr. CHASE for Mr. WILLIAMS, (Bucks.)

Mr. McDOWELL for Mr. FOSTER.

Mr. JACKSON for Mr. LAIRD.

Mr. ROHRER for Mr. WILCOX.

Mr. BARNSELY for the Assistant Sergeant-at-Arms, Mr. Eels.

Mr. LAWRENCE, (Washington,) asked that the Committee on Banks be discharged from the further consideration of a bill incorporating the Mutual deposit institution of Philadelphia, and that the same be otherwise referred. Agreed to.

Mr. PALM moved that when the House adjourns, it do so to meet on Monday next at 3 p. m. Agreed to.

Mr. NEALL moved that Mr. PROUDFOOT be chosen to fill places on two different committees, made vacant by the deporal of Mr. Porter. Agreed to.

#### REPORTS OF COMMITTEES.

Mr. CHASE, (Ways and Means,) reported as committed, "An Act to provide for the ordinary expenses of the Commonwealth, and other general and special appropriations."

Mr. IRISH, (Judiciary,) as committed, "An Act providing for the appointment of an additional notary public in Pittston, Luzerne county."

Mr. GRATZ, (same,) with a negative recommendation, "An Act authorizing the guardian of the minor children of Wm. R. Oliver, late of Washington county, to sell and convey real estate."

Mr. GRITMAN, (same,) as committed, "An Act providing for an additional notary public in Chester county."

Mr. MCCLURE, (same,) as committed, "An Act relative to the administration of justice in Mercer county."

Mr. CHASE, (same,) as committed, "An Act for the better regulation of bowling saloons, billiard rooms and ten pin alleys."

Mr. THOMPSON, (same,) as committed, "A further supplement to an act relative to mechanics' liens on buildings."

Mr. ZOLLER, (Pensions and Gratuities,) with amendment, "An Act for the relief of Rachel Robinson, widow of an old soldier."

Mr. BRODHEAD asked that the Committee on Pensions and Gratuities be discharged from the consideration of the petition of Andrew McClelland, a soldier in the Indian war, and that the same be referred to the Committee on Claims. Agreed to.

Mr. DURBORAW, (same,) with amendment, "An Act for the relief of a certain person."

Mr. HOTTENSTINE, (same,) with amendment, "An Act for the relief of Mary Washington."

Mr. WILLIAMS, (Claims,) as committed, "An Act to pay the claim of James Bell, of Tyrone."

Also, asked that the Committee on Claims be discharged from the consideration of "An Act to provide for the payment of the claim of Jno. C. Couch, of Huntingdon;" which was agreed to.

Mr. WAGONSELLER, (same,) as committed, "An Act for the relief of W. Porter, for damages sustained by the Erie extension of the Pennsylvania canal."

Mr. WITHEROW, (same,) as committed, "An Act for the relief of Stephen Laughlin."

Mr. STYER, (Education,) as committed, "An Act to vest the Girard school house in the city of Philadelphia."

Mr. GRAHAM, (same,) with amendment, "An Act authorizing the school directors of Uniontown to borrow money."

Mr. SMITH, (same,) as committed, "An Act



abolishing the separate school district erected out of a portion of Upper Salford township, in Montgomery county."

Also, with a negative recommendation, "An Act to erect a part of Carroll township, Washington county, into a new school district."

Also, (same,) as committed, "An Act authorizing the school directors of Allegheny county, to select sites for school houses."

It was moved that this bill be considered. Consideration postponed.

Mr. OAKS, (Vice and Immorality,) as committed, "An Act relative to granting licenses to hotel and inn-keepers."

#### BILLS IN PLACE.

Mr. HOTTENSTINE, "A supplement to an act incorporating the borough of Sunbury."

Mr. THORN, "An Act relative to promissory notes and bills of exchange."

Also, "A supplement to an act incorporating the Home manufacturing company."

Mr. HARDING, "An Act to incorporate the Market Street saving fund, Philadelphia."

Mr. PALM, "An Act authorizing the school directors of the borough of Auburn, Schuylkill county, to borrow money."

Mr. M'CLURE moved to re-consider a certain vote.

#### PRIVILEGED QUESTION.

Mr. HAMERSLY rose to a privileged question. In the course of the discussion, the gentleman from Philadelphia, (Mr. WALBORN,) had been allowed to make use of an expression which, although, perhaps, elicited by the heat of the debate, was decidedly offensive. Mr. W. had, however, acknowledged that the charges made against him were substantially true. He desired to ask the gentleman whether he would retract?

Mr. WALBORN said that as he had understood the question at the time, he had nothing to retract. Mr. H. had said that he (Mr. W.) had kept the bill locked up. He did not have the House bill.

Mr. HAMERSLY said that the resolution before the House alluded solely to the Senate bill. If the gentleman had not capacity to understand the resolution he could not help it.

Mr. WALBORN said that he would not allow the attempt to impugn the motives of the chairman of the committee to be continued any longer. The assertions which the gentleman from Philadelphia (Mr. HAMERSLY) had made to-day were only a repetition of those previously made.

Mr. HAMERSLY. Am I to understand that the gentleman does not withdraw the offensive expression?

Mr. WALBORN. I withdraw nothing that I have said, with my understanding of what the gentleman has said.

Mr. HAMERSLY did not know how to consider this reply. It was partly a retraction, and partly not. I have stated that in my remarks I referred to the Senate bill. I ask the gentleman whether, with this understanding, he will not retract.

Mr. WALBORN. I withdraw nothing that I have said, with my understanding of what the gentleman has said.

Mr. HAMERSLY. Then, sir, if he applies that language to me, I fling it back into his teeth as ten times more foul than the source from which it proceeds.

The SPEAKER announced that the morning order was now gone through with, and that the next business would be the special order which had been made, viz:

The resolution to discharge the Railroad Committee from the consideration of railroad passenger bills in the city of Philadelphia, and to oblige them to report the same.

The first question was on the amendment which had been offered, viz: that the resolution should refer to all bills relative to the oc-

cupancy of Fourth and Eighth streets, in the city of Philadelphia.

Mr. THORN took exception to the decision of the SPEAKER, that this was the next business in order, and in support of his position referred to page 99 of the Journal.

A discussion took place between the SPEAKER and Mr. THORN, during which the latter inquired whether the decision would be placed upon the Journal.

The SPEAKER said that it would.

Mr. M'CLURE rose to suggest to the friends of the Germantown supplement, that they should not oppose the action of the majority, who, it was evident, were determined by means of this resolution to call it up and defeat it. The conflict would only be longer postponed by opposition.

The SPEAKER. The question is now on the amendment.

The amendment was lost.

On the question, will the House agree to the original resolution?

It was decided in the affirmative.

#### COMMITTEE OF THE WHOLE.

Mr. SMITH, (Berks,) moved that the House proceed to the consideration of Senate bill No. 132, being "A supplement to the act incorporating the Germantown passenger railroad company."

Mr. CHASE took the chair.

The first section was read.

Mr. M'CLURE moved that the committee rise, report progress and ask leave to sit again. Agreed to.

The SPEAKER. Shall the committee of the whole have leave to sit again?

The question was decided in the negative.

The bill was read by the Clerk.

Mr. HAMERSLY said that it had been his original intention to have spoken upon the merits of this bill, but as the House had determined to kill it, there was of course nothing that he could say that would be of any effect.—He hoped that the friends of the bill would interpose no further obstacles to its defeat, but allow the majority to dispose of it, without voting upon it or taking any part in it. He regarded the course of the majority as an outrage upon the rights of his constituents, and as a gross want of courtesy toward himself.

On the question, shall the first section pass?

The yeas and nays were required by Mr. SMITH, (Berks,) and Mr. WALBORN, and were as follow, viz:

YEAS—Messrs. Abbott, Bertolet, Brodhead, Custer, Galloy, M'Clure, Ramsdell and Rohrer—8.

NAYS—Messrs. Barnsley, Barlow, Boyer, (Schuylkill,) Bryson, Burley, Chase, Church, Durboraw, Eckman, Ellmaker, Fearon, Goepp, Graham, Green, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, Miller, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Proudfoot, Price, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Smith, (Philadelphia,) Styer, Taylor, Wagon-seller, Walborn, Walker, Whitman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf, Zoller and Lawrence, *Speaker*—50.

So the question was determined in the negative.

Mr. THORN moved to adjourn; not agreed to.

Mr. PRICE moved to re-consider the vote had on the first section of the bill.

Mr. GOEPP moved to postpone the consideration of the bill indefinitely.

Mr. THORN moved to adjourn.

On this question,

The yeas and nays were required by Mr. M'CLURE and Mr. PRICE, and were as follow, viz:

YEAS—Messrs. Acker, Bertolet, Brodhead,

Custer, Dismant, Galley, M'Clure, Neall, Thorn and Warden—10.

NAYS—Messrs. Abbott, Barnsley, Barlow, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Chase, Church, Durboraw, Eckman, Ellmaker, Fearon, Fleming, Goepp, Graham, Green, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, M'Dowell, Miller, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Proudfoot, Price, Rohrer, Sheppard, Smead, Smith, (Philadelphia,) Styer, Taylor, Thompson, Wagon-seller, Walborn, Walker, Witman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf, Zoller and Lawrence, *Speaker*—55.

So the question was determined in the negative.

The SPEAKER. The question now recurs on the motion of Mr. GOEPP to postpone the bill indefinitely.

On this Mr. PRICE called the previous question.

The call was sustained by Messrs. WALBORN, M'CLURE, KENEAGY, GREEN, BURLEY, SMEAD, SMITH, (Berks,) PATTERSON, GOEPP, PENNELL, STEVENS and WILSON.

The call was withdrawn.

The motion of Mr. GOEPP was agreed to.

Messrs. HAMERSLY, THORN, FISHER and other leading friends of the bill refrained from voting at all, during its progress and defeat.

Mr. THORN moved to adjourn. Agreed to.

The SPEAKER adjourned the House until 3 p. m., on Monday.

#### No. 221.—FILE OF THE SENATE.

FINNEY, Judiciary—Feb. 5.

A FURTHER SUPPLEMENT to an act relating to inspections, passed the fifteenth day of April, Anno Domini one thousand eight hundred and thirty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the first section of the act entitled, "A further supplement to an act relative to the inspection of liquors," passed the twenty-first day of April, Anno Domini one thousand eight hundred and fifty eight, be and the same is hereby repealed.*

SEC. 2. That from and after the passage of this act, domestic distilled spirits for sale at the port of Philadelphia, not intended for exportation to a foreign port, shall not be required to be inspected and gauged by the inspector of domestic distilled spirits for the city and county of Philadelphia.

SEC. 3. That it shall and may be lawful for any person or persons hereafter, who may be selected or agreed upon by parties to contract for the sale of domestic distilled spirits within the city and county of Philadelphia, not intended for exportation to a foreign port, to inspect the same, and to decide as between the said parties the quantity of proof gallons thereof.

#### No. 218.—FILE OF THE HOUSE.

CHASE, Judiciary—Feb. 4.

#### AN ACT relating to townships.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the provisions of the acts of assembly, passed on the fourteenth day of March, one thousand eight hundred and fifty-seven, which require an election to be held in a township or townships, proposed to be divided upon the question of such division, shall not apply to cases in which the division had been reported to the court prior to the passage of said acts.*



## No. 214.—FILE OF THE HOUSE.

NILL, Judiciary—Feb. 4.

AN ACT relating to the collection of taxes in the several counties of the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter it shall be the duty of the commissioners of every county of the State, in each and every year, immediately after the assessment of taxes for State and county purposes shall be completed in the manner prescribed by law, to cause their clerk to make fair duplicates thereof, in a convenient form, and deliver the same to the treasurer of the said county, together with a certificate under their hands, respectively, and attested by their clerk, certifying that the taxes charged in said duplicates have been duly assessed according to law.

SEC. 2. That it shall be the duty of the county treasurer of each county, after he shall receive the duplicates of assessment from the county commissioners as hereinbefore provided, to give at least thirty days' notice, by weekly publications in one or more newspapers printed in the county, for the purpose of collecting and receiving State and county taxes; and it shall be the duty of the said treasurer to attend at least two days in each township and borough in the county for the purpose aforesaid, previous to the twelfth day of July in each year; and he shall give receipts for taxes in all cases when required by the person paying the same: *Provided*, That if any person shall, on or before the twelfth day of July aforesaid, pay to such treasurer the amount of his or her taxes, such person shall be entitled to a deduction of five per centum on the amount thereof paid for State purposes, which shall be in lieu of the abatement of five per centum allowed the county by the forty-second section of the act to reduce the State debt, et cetera, passed the twenty-ninth day of April, one thousand eight hundred and forty-four.

SEC. 3. That in case any State or county tax assessed in any township or borough within any county shall remain unpaid for a period of thirty days from and after the twelfth day of July aforesaid, it shall be the duty of the treasurer to issue his warrant, under his hand, accompanied by a schedule of all such unpaid taxes and the names of the persons respectively to whom the same are charged in the proper duplicate, directed to the constable of the proper township or borough, whose duty it is hereby made to receive the same, authorizing and requiring him to demand and receive from the persons named in the schedule the sums with which they are therein charged respectively; and the said warrants shall further authorize and require such constable, in case any person named in the schedule thereto annexed shall fail to pay the amount with which such person is therein charged, within ten days after demand therefor made by such constable, to levy the same by distress and sale of the goods and chattels of such delinquent, giving ten days' public notice of such sale, by written or printed advertisements; and in such case the constable shall be entitled to retain out of the proceeds of such sale, after first deducting the taxes, the same fees are now allowed to constables by law for levy and sale upon a writ of execution.

SEC. 4. That upon the delivery by the county treasurer of his warrant to any constable, according to the provisions of this act, he shall charge such constable with the whole amount of taxes contained in the schedule thereto annexed in a book, to be provided for the purpose, from which liability such constable and his sureties,

under the provisions of this act, shall only be discharged by payments of said amount, after deducting such exonerations as may be allowed to such constables and certified to the said treasurer by the county commissioners for mistakes, indigent persons, unseated lands and other cases wherein exonerations are now by law allowed to collectors of taxes.

SEC. 5. That it shall be the duty of the court of quarter sessions in and for the several counties of the Commonwealth, before they shall appoint constables to require from them a bond in the name of the Commonwealth, in such sum and with such sureties as shall be approved by the said court, conditioned for the faithful discharge of the duties imposed upon such constables by this act, and for the payment to the proper county treasurer of the full amount of taxes contained in any warrant and schedule, which shall be delivered to them, or any of them, by the county treasurer of said county, after deducting exonerations, within four months from and after the date of the delivery of any such warrant as aforesaid.

SEC. 6. That it shall be the duty of the constables, who shall receive warrants from the county treasurer of such counties, under the provisions of this act, to settle their accounts, obtain their exonerations and pay over to the treasurer of said county, all moneys collected by them, in pursuance of the said warrants, within four months from and after the day of delivery of such warrants to them respectively; which day shall be endorsed on each warrant by the treasurer issuing the same, and shall also be by him entered in a book, to be by him kept for that purpose, which book, verified by the oath or affirmation of such treasurer, or in case of his death, absence out of the State or other inability to appear and testify, by the oath or affirmation of any credible person proving the hand writing of such treasurer, shall be competent evidence to establish the fact of the delivery of any warrant or warrants, to any constable or constables as aforesaid, in any court of law in this Commonwealth.

SEC. 7. That in case any constable shall fail to make the settlement and payment required in the preceding section of this act, within the time aforesaid, it shall be the duty of the treasurer of said county to cause an action of debt in the name of this Commonwealth, to be brought upon the bond of such constable; and if, upon the commencement of any such suit, it shall appear that such constable has not complied with the provisions of this act, judgment shall be rendered against the defendants therein, for the amount for which such constable is delinquent, together with interest, at the rate of twelve per centum per annum, from and after the expiration of the aforesaid period of four months, and full costs of suit; and in all such cases there shall be no stay of execution or other stay, any law to the contrary notwithstanding; but it shall be the duty of the said treasurer to prosecute such judgment to execution and satisfaction without delay.

SEC. 8. That if any treasurer or constable, shall fail or refuse to perform any of the duties required of them respectively by this act, he or they shall, for every such offence, forfeit and pay a fine of fifty dollars, which shall be recoverable in the name of the Commonwealth, at the instance of any person who will sue therefor, in the same manner as debts of like amount are now by law recoverable with costs of suit; and one moiety thereof shall be paid to the treasurer of the Commonwealth, and the residue to the person suing for and recovering the same.

SEC. 9. That in lieu of the per centage now received by the treasurer of such counties, or State taxes by him paid into the treasury, he shall hereafter be entitled to deduct and retain out of the gross amount of monies collected and

received by him, for the use of the Commonwealth, under the provisions of this act, the sum of six per centum on the amount accounted for and paid over by him to the State Treasurer; four per centum of which shall be passed by him to the credit of the county.

SEC. 10. That it shall be the duty of the commissioners of such counties to deliver the duplicates of assessment, for the present year, to the county treasurer, on or before the first day of May next, and to deliver the duplicates of assessments, for each succeeding year, on or before the first day of April.

SEC. 11. That so much of any law as requires the commissioners of the several counties of the State, to appoint collectors of taxes, and so much of any law as is hereby altered or supplied, is hereby repealed.

SEC. 12. That hereafter, the pay of assessors, in the several counties of the State, shall be two dollars per day for every day necessarily required to make the assessment for State and county purposes.

SEC. 13. That in all cases under the provisions of this act, in which constables shall receive taxes from tax-payers, without resorting to levy and sale of goods, they shall be entitled to demand and receive, from such tax-payers, the additional sum of five per centum on said taxes, to be retained by them as their compensation for such collections.

SEC. 14. That the assessors of the different townships, wards and boroughs, in the several counties of the State, in making the extra assessment provided for by the former acts of assembly, shall certify the name of the person applying to be assessed, with the amount of tax imposed both for State and county purposes, to the constable discharging the duties of collector, under the provisions of said act of the twenty-fifth of February, one thousand eight hundred and fifty-three; and the said constables shall receive and receipt for all such taxes; which receipt shall be as valid as receipts given by collectors in like cases under existing acts of Assembly.

SEC. 15. That the provisions of this act shall not be deemed or taken to apply to the county of Philadelphia.

## No. 180.—FILE OF THE HOUSE.

GOEPP, Judiciary—January 31.

AN ACT to prevent the defacing of bank notes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall not be lawful for any person or persons, corporation or body corporate, within this Commonwealth, to deface any bank note, or acknowledgment of indebtedness, of the nature, character and appearance of a bank note, issued by any bank lawfully incorporated by the Legislature of this Commonwealth, and authorized to issue the same, by writing, printing, or in any other way impressing or inscribing thereon, either on the face or on the back thereof, any card, advertisement or other inscription calculated or intended to announce and make known the occupation or place of any person, firm or corporation, and to pass off, pay out or circulate any such bank note or other acknowledgment of indebtedness, as aforesaid, so defaced as aforesaid.

SEC. 2. That every person who shall violate the provisions of the first section of the act, shall be taken and deemed to have committed a misdemeanor; and shall, upon conviction thereof in the Court of quarter sessions of the peace of the county wherein which the said violation shall have been committed, be fined in any sum not less than twenty dollars, and not more than fifty dollars.



# LEGISLATIVE RECORD.

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## SENATE.

MONDAY, Feb. 14, 1859.

The Senate met and was called to order by the SPEAKER at 3 o'clock, P. M.

The Journal of Friday was read and approved.

## LEAVE OF ABSENCE.

Mr. WRIGHT asked and obtained leave of absence for Mr. BLOOD, for a few days from to-day.

Also, for Mr. STEELE.

## BILLS IN PLACE.

Mr. RANDALL read in his place and presented to the Chair, "A supplement to an act relative to the Philadelphia and Trenton railroad company, approved April 6, 1848."

Also, the annual statement of the funds of the University of Pennsylvania.

Mr. RUTHERFORD, "A further supplement to an act incorporating the Harrisburg female seminary."

Mr. MYER, "An Act to incorporate the Towanda and Athens telegraph company."

Mr. PALMER, "A further supplement to the act incorporating the Minersville water company."

Also, "An Act appointing a place for holding elections in Foster township, in Schuylkill county."

Mr. BELL, "An Act authorizing boards of visitors for the several houses of employment and support for the poor in this Commonwealth."

Mr. YARDLEY, "An Act incorporating the Centreville and Pineville turnpike road company."

Also, "A supplement to an act incorporating the Hilltown and Sellersville turnpike road company."

Mr. PARKER, "An Act to incorporate the Warwick manufacturing company."

Mr. GREGG, "An Act relative to road and bridge viewers in Centre county."

## ORIGINAL RESOLUTIONS.

Mr. MILLER moved to reconsider the vote on the final passage of "An Act for the relief

of certain tax collector in Washington county," which was agreed to.

Whereupon, on his motion the following proviso was added: *And provided further*, That nothing in this act shall, in any wise, affect the liability of Washington county to pay to the Commonwealth its full quota of tax as adjusted by the board of revenue commissioners. The bill as amended passed.

On motion of Mr. CRAIG, the Senate reconsidered the vote on the final passage of "A supplement to an act incorporating the borough of Allentown."

Whereupon, on his motion, the first section was stricken out, and the following inserted in the seventh line of the second section after the word "therefor," the words "for any sum not less than one hundred dollars."

The bill as amended passed.

Mr. WELSH moved to recommit "An Act for the relief of James Rankin, deceased" to the Committee on Judiciary; which was agreed to.

Mr. BALDWIN offered the following resolution, which lies over under the rule:

*Resolved*, That the State Treasurer be requested to inform the Senate, whether any demand has been made by him on the Pennsylvania railroad company, for the tonnage tax due from said company to the Commonwealth under their charter for the last year; and if so, whether the said company has refused to pay the same; and to communicate to the Senate any correspondence which may have taken place on the subject.

On leave given, Mr. RANDALL made a statement. He had, last week, offered a resolution making the bill relative to a general banking law the special order of to-day, and to continue its consideration until it was disposed of by the Senate. This was adopted. Whilst he was absent, the Senator from Chester had offered a resolution, which was also adopted, setting apart the afternoons of Mondays and Wednesdays for the consideration of private bills. He did not believe the Senator from Chester had any desire to interfere with the object contemplated by the previous resolution; and, as the establishment of a general banking law was a matter of vast importance, he hoped the Senate would see the propriety of at once proceeding to the consideration of the bill and dispose of it.

Mr. BELL, in looking at the file, observed that the bill was one of vast details and voluminous character. It would take a long time to dispose of it; and he would suggest that the Senate should set apart some morning, when they were all fresh, and when they could give the subject the attention which its merits demand.

Mr. RANDALL moved that the rule making private bills the order of the day be suspended, and that the Senate proceed to consider "An Act to establish a general banking law,"

On which,

The yeas and nays were required by Mr. WELSH and Mr. RANDALL, and were as follows, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Finney, Gazzam, Marselis, Miller, Myer, Parker, Penney, Randall, Rutherford, Schell, Scofield, Sheaffer, Thompson and Cresswell, *Speaker*—17.

NAYS—Messrs. Brewer, Fetter, Gregg, Harris, Keller, Nunnemacher, Palmer, Welsh, Wright and Yardley—10.

So the question was determined in the negative—a two-third vote being required.

## PRIVATE BILLS CONSIDERED AND PASSED.

Mr. BELL called up Senate bill No. 89, "An Act to incorporate the American improvement and loan company."

The first section being under consideration, Mr. BELL moved to amend by adding the names of Harry Coggsall and Jacob Ziegler, and the following proviso:

*Provided*, That the said company shall not at any time hold in this State more real estate than may be requisite for the convenient transaction of their business, unless it be taken *bona fide* in payment of debts.

The amendments and the section as amended were adopted.

On motion of Mr. BELL, the second section was amended by striking out the words "contract for the construction and equipment of railways and public works and internal improvements, and also to;" also, striking out "construct railroads, public works and internal improvements, and to manufacture iron and machinery and rolling stock and to;" and the word "discount." The section as amended passed.

On motion of Mr. MILLER, the words "satisfactorily secured or," in the third section were stricken out; and on motion of Mr. BELL the names before mentioned were inserted in the same section.

Mr. BELL moved to strike out the fourth section; which was agreed to.

The fifth (now the fourth) having been read, Mr. BELL moved to insert in the fifth line after the word "not," the words "exercise the privilege of banking nor;" agreed to.

The fifth section was adopted, and the following added as the sixth:

"That the said company shall pay to the State Treasurer for the use of the State, a bonus of one-half of one per centum on the sum requisite to be paid in previous to the organization of the said company, payable in four equal annual instalments; the first payment to be made in one year after the payment on the capital stock shall be made; and also a like bonus on all subsequent payments, or amount of the capital of the said company, or any increase thereof, payable in like manner; and in addition to such bonus shall pay such tax upon dividends exceeding six per centum, as is or may be imposed by law.

This bill, as amended, having passed committee of the whole, lies over.

On leave given, Mr. WRIGHT, (Corporations,) reported as committed, "A supplement to an act incorporating the railroad car spring company;" which, on motion of Mr. MARSELIS, was taken up, and, after being slightly amended, passed finally.

Mr. COFFEY, (Railroads,) as committed, "A further supplement to an act to incorporate the Buffalo and Bradford railroad company."

On motion of Mr. MYER, Senate bill No. 6, "An Act to incorporate the Towanda water company."

On motion of Mr. NUNNEMACHER, House bill No. 70, "An Act to incorporate the Fairview cemetery association in Berks county."

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, stating that he had nominated for the advice and consent of the Senate, Thomas S. Kirkbride, M. D., of Philadelphia, John L. Atlee, M. D., of Lancaster city, and Jacob R. Eby, of Dauphin county, to be trustees for the Pennsylvania State lunatic hospital, to serve for the pe-



riod of three years, to compute from the 1st day of February last past.

On motion of Mr. RUTHERFORD, the rule requiring nominations to lie over five days was suspended, and the Senate proceeded, according to the constitutional provision, to confirm the same by voting upon them separately.

Upon confirming the nomination of Thomas S. Kirkbride, M. D., the vote was as follows:

YEAS—Messrs. Baldwin, Brewer, Coffey, Craig, Fetter, Finney, Gazzam, Gregg, Harris, Keller, Marselis, Miller, Myer, Nunnemacher, Palmer, Parker, Penney, Randall, Rutherford, Schell, Scofield, Shaeffer, Thompson, Welsh, Wright, Yardley and Cresswell, *Speaker*—27.

NAYS—None.

Upon confirming the nomination of John L. Atlee, M. D., the vote was as follows:

YEAS—Messrs. Baldwin, Bell, Brewer, Coffey, Fetter, Gazzam, Gregg, Harris, Keller, Marselis, Miller, Myer, Nunnemacher, Palmer, Parker, Penney, Randall, Rutherford, Schell, Scofield, Shaeffer, Thompson, Welsh, Wright, Yardley and Cresswell, *Speaker*—26.

NAYS—None.

Upon confirming the nomination of Jacob R. Eby, the vote was as follows:

YEAS—Messrs. Baldwin, Bell, Brewer, Coffey, Craig, Fetter, Gazzam, Gregg, Harris, Keller, Marselis, Miller, Myer, Nunnemacher, Palmer, Parker, Penney, Randall, Rutherford, Schell, Scofield, Shaeffer, Thompson, Welsh, Wright, Yardley and Cresswell, *Speaker*—27.

NAYS—None.

On motion of Mr. PALMER, Senate bill No. 38, "An Act to secure a stricter accountability of certain officers in Schuylkill county," was taken up, and after being amended in committee of the whole, was read a second and third time, and passed.

On motion of Mr. PARKER, House bill No. 86, "An Act relative to pawnbrokers in the city of Philadelphia."

On motion of Mr. PENNEY, House bill No. 71, "An Act to change the name of the Pittsburgh life, fire and marine insurance company."

On motion of Mr. SCOFIELD, House bill No. 161, "A further supplement to an act to incorporate the Buffalo and Bradford railroad company."

This bill lies over on third reading.

The hour of five having arrived, the SPEAKER adjourned the Senate until to-morrow morning at 10½ o'clock.

#### HOUSE OF REPRESENTATIVES.

MONDAY, Feb. 14, 1859.

The House was called to order at 3 o'clock by Mr. CHASE, Speaker pro tem.

The Clerk read the Journal of Saturday.

#### PETITIONS, &c., PRESENTED.

Mr. RAMSDELL, one from sundry citizens of Venango county, for a law authorizing the laying out of a State road from the mouth of Clarion river to Franklin.

Also, two for a change in the road laws of said county.

Also, one from citizens of Venango county for a change in the mode of collecting State and county taxes.

Also, one from citizens of Cherrytree township, same county, praying to be set off into the proposed new county of Marion.

Also, one relative to Big Sandy creek, in same county.

Also, three remonstrances against any change in the road laws in Venango county.

Also, two petitions for a law to restrict and limit the school directors in assessing taxes.

Also, four petitions asking for a law abolishing the office of county superintendent of common schools.

Also, four remonstrances against taking any parts of Venango county to form the proposed county of Marion.

Also, five petitions from the same, praying for a change in the mode of collecting taxes in Venango county.

Mr. MILLER, one from citizens of Crawford county, in favor of the erection of the new county of Marion.

Mr. ROUSE, one of like import.

Mr. DODDS, one from citizens of Butler county, for the passage of a law in relation to State tax.

Mr. HOTTENSTINE, one from citizens of Sunbury, Northumberland county, for a supplement to their borough charter.

Also, one to compel officers of the railroad running from Shamokin to Mt. Carmel, Northumberland county, to fence their road.

Also, one from citizens of Union county, for an act to change the venue of a certain action from Union to Northumberland county.

Also, one from citizens of Northumberland county, of like import.

Mr. PROUDFOOT, one from citizens of Cambria county, for the removal of the seat of justice from Ebensburg to the borough of Wilmore.

Mr. SHAFER, one from citizens of Chester and Montgomery counties, in favor of the construction of a bridge over the Schuylkill river at or near Buckwalter's ferry.

Mr. BARLOW, one from sixty-seven citizens of Aaronsburg, for the passage of a law authorizing the trustees of the Aaronsburg school, to sell a certain house and lot of ground in said township.

Mr. GRITMAN, one from Jno. Richards, Jr., and other citizens of Pittston, Luzerne county, for an appropriation in aid of the Polytechnic college of Pennsylvania.

Also, a remonstrance from citizens of Huntingdon township, Luzerne county, against the passage of an act authorizing the school directors of said township to borrow money to erect a graded school.

Mr. MEHAFFEY, a petition from citizens of Lycoming county, for a law requiring all railroad companies to erect and maintain fences along both sides of their roads through all improved land.

Also, one from citizens of Cambria, Clearfield, Indiana and Jefferson counties, in favor of the new county of Pine.

Also, one from citizens of Lycoming county, for the passage of an act securing more effectually prompt payment on the part of insurance companies.

Also, one from citizens of Lycoming and Northumberland counties, for a State road from Uniontown to Turbetsville in said county.

Mr. FLEMING, one from citizens of New Bethlehem borough, Clarion county, for power to sell a certain lot in said borough.

Mr. BAYARD, a remonstrance from eighty-five citizens of Moon township, Allegheny county, against changing the place of holding elections in said township.

Also, one from sixty-seven citizens of Pittsburgh, in favor of the incorporation of a passenger railway from Pittsburgh to East Liberty via Pennsylvania avenue.

Also, one from fifty-five citizens of Pittsburgh, of similar import.

Also, one from sixty-five citizens of Pittsburgh, of like import.

Mr. FOSTER, one from one hundred and nineteen citizens of Pittsburgh, of like import.

Mr. MANN, one from citizens of Potter county, for the repeal of the act of April 20th, 1858, regulating the sale of intoxicating liquors.

Mr. GREEN, one from citizens of Lancaster county, for the incorporation of a company to construct a turnpike road between Marietta and Manheim, by way of Mount Joy and Sporting Hill, Lancaster county.

Mr. WILLIAMS, (Bedford,) a remonstrance against annexing Middle Woodbury township, Bedford county, to Blair county.

Mr. LAWRENCE, (Washington,) one from the commissioners of Washington county, for a change in the manner of assessing damages on roads in said county.

Mr. WILSON, a remonstrance of the school directors and citizens of Darlington Township school district, Beaver county, against the division of the territory of the district for the purpose of annexing a portion to Darlington Borough school district, in said county.

Mr. BARNESLEY, three remonstrances from citizens of Bucks county, against the passage of the bill, now before the Legislature, for the incorporation of the Delaware canal company, in its present shape.

Also, a petition from same and citizens of Philadelphia, asking for a law to prevent negroes and mulattoes from coming into the State.

Mr. STONEBACK, ten remonstrances from citizens of Pottstown, Montgomery county, against the passage of any law changing the municipal laws of said borough.

Mr. SMITH, (Berks,) one from numerous citizens of the city of Reading, in Berks county, for the passage of an act for a horizontal survey of said city.

Mr. BURLEY, one from citizens of Blair county, for an act for an increased appropriation to the Polytechnic college of Pennsylvania.

Also, two from citizens of Bedford and Blair counties, for a charter for a railroad from Newry Siding, on the Allegheny Portage Railroad, to the town of Newry.

Mr. BOYER, (Schuylkill,) one from seventy-four citizens of Schuylkill, for the passage of the act for better securing the wages of labor in said county.

Mr. HARDING, one from citizens of Philadelphia, in favor of an appropriation for the Polytechnic college of Pennsylvania.

Mr. HAMERSLY, a memorial from auctioneers in Philadelphia, in favor of the act proposing to modify the auction laws of this Commonwealth.

Also, one in favor of the repeal of the tonnage tax.

Mr. PALM, one from the school directors of Auburn, Schuylkill county, asking for authority to borrow money.

Also, one from citizens of Schuylkill county, for the better protection of miners and laborers, &c., and for the repeal of all laws authorizing a stay of execution on judgments obtained for the wages of labor.

Mr. WARDEN, one from one hundred and four citizens of West Newton, Westmoreland county, against the new county of Monongahela.

Mr. GOEPP, two remonstrances from citizens of Northampton county, against the passage of an act relative to the Delaware Division canal company.

Also, two against the removal of the county seat.

Also, one petition in favor of a removal of the seat of justice.

Mr. CHASE, one from sixty-five citizens of Susquehanna county, for an increased appropriation to the deaf and dumb asylum, Philadelphia.

Also, one from L. P. Hinds and sixty-six others, of Susquehanna county, for a law to increase the criminal jurisdiction of justices of the peace.

Mr. CHURCH, one from the president and officers of Penn medical college, in favor of an appropriation.

Mr. STYER, one for the repeal of the tonnage tax.

Mr. GRATZ, a memorial from citizens of Philadelphia, in favor of the repeal of the tonnage tax.

Also, one from the same, to prevent the influx of colored persons into this Commonwealth.



Mr. ABBOTT, one for the vacation of certain streets in Philadelphia.

Mr. WAGONSELLER, one from citizens of Union county, to prevent fishing with seines and nets in Buffalo creek, said county.

Also, two remonstrances from citizens and the commissioners of Union county, against the passage of any act changing the venue of a certain action from Union to Northumberland county.

Mr. ROSE, a petition from citizens of the borough of Leesburg, in Mercer county, praying for the passage of an act annexing said borough to the township of Springfield, for school purposes.

Also, a petition from D. B. Packard and Celestia, his wife, and Orin B. Peck and Prescilla, his wife, praying for the passage of an act changing the name of Prescott Packard Peck to Daniel Prescott Packard.

Mr. SHIELDS, one from citizens of Westmoreland, Indiana, Cambria and Somerset counties, asking for the passage of an act in favor of the erection of a new county, to be called Ligonier.

Mr. PINKERTON, a petition from citizens of Minersville, Schuylkill county, praying for the passage of a law better securing the wages of labor in Schuylkill county.

Also, one from citizens of Pottsville, for the passage of a law appropriating aid toward the School of Mines organized in Philadelphia, under an act passed April 2nd, 1853.

Also, two petitions numerously signed by citizens of Tamaqua, Schuylkill county, for the passage of a law protecting the wages of miners, mechanics and laborers of Schuylkill county.

Also, two petitions, numerously signed by citizens of St. Clair, for the passage of a law better securing the payment of wages of labor in Schuylkill county.

Also, four petitions from citizens of Schuylkill county, asking a law for the better securing of labor in the county of Schuylkill; which were read at his request.

Mr. ECKMAN, one from citizens of North Lebanon and others, praying for the passage of an act annexing all that part of North Lebanon lying north of the Union canal to the township of North Lebanon, so that the same may form a part of said township.

Mr. FEARON, one from citizens of Lycoming county, for an act to secure prompt payment on the part of insurance companies.

Mr. WOLF, one from citizens of York county, for the abolition of the office of county superintendent of common schools, so far as relates to said county.

Also, one from the county commissioners of York county, to borrow a certain sum of money.

Mr. GALLEY, one from citizens and school directors of Uniontown, Fayette county, for a law to authorize them to borrow money.

Mr. JACKSON, presented a petition of citizens of Sullivan county, asking for the passage of an act to prevent hunting deer with dogs in said county.

Mr. STUART, a petition of sundry citizens of West Fairview, East Pennsborough township, Cumberland county, praying for act authorizing and empowering the school directors to sell a certain school house, and appropriate the proceeds to the purchase of a new school house in said township.

Mr. GRATZ, the annual statement of the funds of University of Pennsylvania.

Mr. PATTERSON, a remonstrance from citizens of Juniata county, against maintaining and keeping in order a certain mountain road.

Mr. ACKER, one from citizens of Chester county, in favor of the repeal of an act authorizing the appointment of commissioners to construct a certain State road in Chester and Lancaster counties.

Mr. CUSTER, five from citizens of Reading, Berks county, for an act authorizing a horizontal survey to be taken of said city.

The SPEAKER laid before the House the annual statement of the Bloomsburg iron company.

Also, of the Dimes' savings bank of Pittsburgh.

#### BILL CONSIDERED.

Mr. THORN called up House bill No. 195, relative to Samuel Hazzard, Editor of the Colonial Records.

The first section was read.

There being some opposition,

Mr. THORN moved so to amend the bill as not to continue Mr. Hazzard longer in office than the first of June, 1859.

Mr. KINNEY opposed because there was not a complete Record in the library.

Mr. ROSE thought, under the circumstances, that it looked as if the Editor was holding on and endeavoring to get a small sum from the State treasury.

Mr. THORN defended the Editor, (Mr. Hazzard.) He said that the duty of preparing an index had been assigned him.

Mr. NILL moved that the further consideration of the question be postponed for the present; which was agreed to.

#### ORIGINAL RESOLUTIONS.

Mr. M'CLURE submitted the following:

WHEREAS, Private bills for the incorporation of City passenger railways are preventing the consideration of legitimate subjects of legislation; therefore

*Resolved*, That the House will hold night sessions on Tuesday, Wednesday and Thursday evenings of each week, commencing at half-past 7 o'clock, for the consideration of passenger railroad bills in their regular order.

And on the question, will the House proceed to the second reading and consideration of the same?

The yeas and nays were required by Mr. M'CLURE and Mr. PATTERSON, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Boyer, (Schuylkill,) Brodhead, Chase, Church, Custer, Dismant, Dodds, Duboraw, Eckman, Ellmaker, Fisher, Fleming, Graham, Gratz, Gray, Hamersly, Harding, Hottenstine, Jackson, Ketchum, Mann, Mehaffey, M'Clure, Neall, Nill, Palm, Peirce, Pinkerton, Proudfoot, Quigley, Ramsdell, Rose, Shafer, Sheppard, Shields, Stephens, Stoneback, Stuart, Taylor, Thorn, Warden, Witman, Wiley, Wilson, Withrow and Wolf—50.

NAYS—Messrs. Barnsley, Barlow, Burley, Fearon, Foster, Galley, Glatz, Goepf, Good, Green, Kinney, Lawrence, (Washington,) McDowell, Miller, Oaks, Patterson, Pennell, Price, Rouse, Smead, Smith, (Berks,) Smith, (Philadelphia,) Styer, Thompson, Wagonseller, Walborn, Walker, Williams, (Bedford,) Williston and Zoller—30.

So the question was determined in the affirmative.

Mr. M'CLURE moved to amend the resolution so as to make it take effect on and after the twenty-third instant.

Mr. SHEPPARD moved that the further consideration of the question be postponed indefinitely on account of the preamble, which did not please.

Mr. THORN said he could not vote for the resolution unless this was done.

Mr. HAMERSLY expressed the same sentiments.

Mr. M'CLURE said that two weeks of the session had been already taken up by the consideration of city passenger railroad bills, and six weeks had passed during which no public business had been transacted. It was to gain time that he advocated night sessions.

Mr. PRICE said there would be no necessity for night sessions, if the gentleman would not quibble. He had consumed much of the valuable

time of the House in raising points of order.

Mr. M'CLURE advocated the measure.

Mr. KINNEY said that passenger bills should take their chance for consideration.

Mr. HAMERSLY would favor the resolution.

Mr. GOEPP should advocate indefinite postponement.

The question being,

Will the House agree to the motion?

The yeas and nays were required by Mr. M'CLURE and Mr. PINKERTON, and were as follow, viz:

YEAS—Messrs. Barnsley, Bayard, Boyer, (Schuylkill,) Burley, Ellmaker, Fearon, Foster, Galley, Glatz, Goepf, Good, Graham, Gray, Green, Harding, Hottenstine, Irish, Kinney, Lawrence, (Washington,) McClean, McDowell, Miller, Oaks, Patterson, Pennell, Price, Rouse, Sheppard, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stoneback, Styer, Wagonseller, Walborn, Walker, Williams, (Bedford,) Williston, Wilson, Withrow and Zoller—41.

NAYS—Messrs. Abbott, Acker, Balliet, Barlow, Brodhead, Chase, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Evans, Fisher, Fleming, Gratz, Hamersly, Jackson, Ketchum, Mann, Mehaffey, M'Clure, Neall, Nill, Palm, Peirce, Pinkerton, Proudfoot, Quigley, Ramsdell, Rohrer, Rose, Shafer, Shields, Stephens, Stuart, Taylor, Thompson, Thorn, Warden, Witman, Wiley and Wolf—43.

So the question was determined in the negative.

Mr. M'CLURE moved to amend the amendment by striking from the preamble the word "legitimate" and insert "public bills;" which was agreed to.

Mr. GRITMAN moved to amend, so that bills incorporating city passenger railroads shall not be considered until the Public Calendar and all other bills upon the Private Calendar, each will be considered and disposed of.

Mr. M'CLURE inquired whether this would not involve a suspension of the rule.

The Chair decided it would, and ruled the amendment out of order.

Mr. KINNEY moved further to amend by striking from the resolution the words "passenger railroads;" which was agreed to.

The question recurring,

Will the House agree to the resolution as amended?

A motion was made by Mr. THORN that the further consideration of the question be postponed indefinitely; which was agreed to.

Mr. NILL offered a resolution that Wednesday next be set apart by special order for the consideration of public bills; which was adopted.

Mr. ZOLLER submitted the following:

WHEREAS, The publishers and editors of newspapers in this Commonwealth purpose to hold a State Convention at the seat of government on next Wednesday, the 16th instant; therefore

*Resolved*, That the use of this hall be granted to the said convention on next Wednesday and Thursday, and that this House meet at 10 o'clock, A. M., and adjourn at 12 o'clock, M., on said days; also, that any previous resolution conflicting with this be rescinded for the time being.

Which was twice read and adopted.

Mr. M'CLURE offered a resolution that this House hold night sessions hereafter each Tuesday and Thursday evening, convening at 7½ o'clock, and adjourning at 9½ o'clock.

Mr. HAMERSLY moved to amend, so as to have the evening sessions every Monday and Wednesday of each week.

Mr. THORN moved that the further consideration of the question be postponed for the present.

And on the question,

Will the House agree to the motion?

The yeas and nays were required by Mr.



THORN and Mr. GRATZ, and were as follow, viz:

YEAS—Messrs. Abbott, Balliet, Barnsley, Bayard, Boyer, (Schuylkill,) Brodhead, Burley, Ellmaker, Evans, Fearon, Foster, Galley, Glatz, Goepf, Good, Graham, Gratz, Gray, Green, Hamersly, Harding, Hottenstine, Irish, Jackson, Kinney, Lawrence, (Washington,) Mehaffey, M'Clean, M'Dowell, Miller, Nill, Oaks, Patterson, Pennell, Price, Quigley, Rohrer, Shepard, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stuart, Styer, Thorn, Wagonseller, Walborn, Williams, (Bedford,) Williston, Wilson, Withrow and Zoller—52.

NAYS—Messrs. Acker, Barlow, Chase, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Fleming, Ketchum, Mann, McClure, Neall, Palm, Peirce, Pinkerton, Proudfoot, Rose, Shafer, Shields, Stoneback, Taylor, Thompson, Walker, Warden, Whitman, Wiley and Wolf—29.

So the question was determined in the affirmative.

Messrs. STEPHENS and JACKSON moved that the House proceed to the re-consideration of the vote by which bill No. 202, "Resolution relative to the payment into the State Treasury of certain moneys by the Manufacturers' and Mechanics' Bank of Philadelphia," passed the House.

And on the question,  
Will the House agree to the motion?

A motion was made by Mr. ROSE, that the further consideration of the question be postponed for the present.

Mr. SNEPPARD moved to amend by postponing indefinitely.

And on the question,  
Will the House agree to the motion?

The yeas and nays were required by Mr. STEPHENS and Mr. FLEMING, and were as follow, viz:

YEAS—Messrs. Abbott, Barlow, Bayard, Burley, Chase, Church, Durboraw, Eckman, Ellmaker, Fearon, Foster, Goepf, Glatz, Hamersly, Harding, Irish, Mann, M'Clean, M'Clure, M'Dowell, Miller, Nill, Peirce, Proudfoot, Shafer, Shepard, Styer, Thompson, Thorn, Walborn, Walker, Whitman, Wiley, Williams, (Bedford,) Williston and Zoller—36.

NAYS—Messrs. Acker, Balliet, Barnsley, Boyer, (Schuylkill,) Brodhead, Custer, Dismant, Dodds, Fleming, Galley, Glatz, Good, Graham, Gray, Hottenstine, Jackson, Ketchum, Kinney, Neall, Oaks, Palm, Pennell, Pinkerton, Quigley, Rohrer, Rose, Rouse, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Taylor, Wagonseller, Warden, Wilson, Withrow and Wolf—40.

So the question was determined in the negative.

The question now being, will the House agree to the motion to postpone for the present? it was agreed to.

Mr. M'CLURE moved that the House do now adjourn; which was not agreed to.

#### LEAVE OF ABSENCE.

Mr. NILL asked, and obtained, leave of absence for a few days, for the Speaker, Mr. Wm. C. A. LAWRENCE.

Mr. GOEPP for Mr. WOODRING.

Mr. GRATZ for Mr. PRICE.

#### BILLS IN PLACE.

Mr. IRISH, "An Act for the better security of personal liberty; to prohibit the use of the jails and prisons of this Commonwealth in the recapture of fugitive slaves, and to prevent persons holding office under authority of the State, from engaging or assisting therein."

Mr. ZOLLER, "An Act to provide for the publication of general and local laws in English and German newspapers, and for the better

accomplishment of the object in printing German State documents."

Mr. ROHRER, one to establish a ferry over the Allegheny river at Freeport, Armstrong county.

Mr. CUSTER, "An Act to authorize and require the treasurer of Reading to pay certain fees and costs."

Mr. ACKER, one for the relief of Joseph Danfield.

Mr. FLEMING, one for the sale of part of a graveyard lot in New Bethlehem borough, Clarion county.

Mr. NILL, one for the preservation of floating timber.

Also, "A further supplement to the act of April 16, 1850, regulating banks."

Mr. ROSE, "An Act changing the name of Prescott Packard Peck to Daniel Prescott Packard, and adopting him as the son of Daniel B. and Celestia Packard."

Also, "An Act annexing the borough of Leesburgh, in Mercer county, to the township of Springfield, in said county, for school purposes."

Mr. GRAY, one authorizing the election of two additional supervisors in certain townships, Greene county.

Also, one for the incorporation of the Waynesborough turnpike road company.

Mr. WAGONSELLER, one to prevent fishing with seines and nets in Buffalo creek, Union county.

Mr. ECKMAN, one to incorporate the Horticultural society of Lebanon county.

Mr. GRITMAN, "A further supplement to the act relative to the borough of Scranton."

Also, one relative to the connection of lateral railroads with the Lackawanna and Bloomsburg railroad company.

Mr. HOTTENSTINE, "A supplement to the act incorporating the Milton savings bank."

On motion of Mr. CHURCH, the act reported some time since, to vest the Girard school house on Passyunk road, was ordered to be placed on the Private Calendar for to-morrow.

Mr. GRATZ read in his place "A supplement to the act incorporating the Pennsylvania fire insurance company."

Mr. HAMERSLY, "A further supplement to the act incorporating the Philadelphia and Reading railroad."

Mr. HARDING, "An Act relative to the duties of port warden in Philadelphia."

Mr. RAMSDELL, one abolishing the office of county superintendent of common schools in Venango county.

Mr. LAWRENCE, (Washington,) one relative to roads and bridges in Washington county.

Also, "An Act to extend the provisions of the act relative to elections to Washington county;" which, on his motion, was ordered to be placed on Private Calendar for to-morrow.

Mr. SHIELDS, one to regulate the standard weight of oats.

Mr. NEALL, on leave, moved that the Committee on Railroads be discharged from the consideration of the act to incorporate the Fairmount Park passenger railroad company; which was not agreed to.

Senate amendments to the House bill relative to the borough of Allentown, were read, and on motion of Mr. GOOD, concurred in.

On motion of Mr. GRITMAN, the act relative to the borough of Scranton, was ordered to be placed on the Private Calendar for to-morrow.

Mr. FEARON, on leave, read a bill to erect a sheer boom at the mouth of Loyalsock creek, Lycoming county.

On motion, the SPEAKER adjourned the House until to-morrow morning, at 10 o'clock A. M.

#### No. 221.—FILE OF THE SENATE.

FINNEY, Judiciary—Feb. 5.

A FURTHER SUPPLEMENT to an act relating to inspections, passed the fifteenth day of April, Anno Domini one thousand eight hundred and thirty-five

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the first section of the act entitled, "A further supplement to an act relative to the inspection of liquors," passed the twenty-first day of April, Anno Domini one thousand eight hundred and fifty eight, be and the same is hereby repealed.*

SEC. 2. That from and after the passage of this act, domestic distilled spirits for sale at the port of Philadelphia, not intended for exportation to a foreign port, shall not be required to be inspected and gnaged by the inspector of domestic distilled spirits for the city and county of Philadelphia.

SEC. 3. That it shall and may be lawful for any person or persons hereafter, who may be selected or agreed upon by parties to contract for the sale of domestic distilled spirits within the city and county of Philadelphia, not intended for exportation to a foreign port, to inspect the same, and to decide as between the said parties the quantity of proof gallons thereof.

#### No. 180.—FILE OF THE HOUSE.

GOEPP, Judiciary—January 31.

AN ACT to prevent the defacing of bank notes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall not be lawful for any person or persons, corporation or body corporate, within this Commonwealth, to deface any bank note, or acknowledgment of indebtedness, of the nature, character and appearance of a bank note, issued by any bank lawfully incorporated by the Legislature of this Commonwealth, and authorized to issue the same, by writing, printing, or in any other way impressing or inscribing thereon, either on the face or on the back thereof, any card, advertisement or other inscription calculated or intended to announce and make known the occupation or place of any person, firm or corporation, and to pass off, pay out or circulate any such bank note or other acknowledgment of indebtedness, as aforesaid, so defaced as aforesaid.*

SEC. 2. That every person who shall violate the provisions of the first section of the act, shall be taken and deemed to have committed a misdemeanor; and shall, upon conviction thereof in the Court of quarter sessions of the peace of the county wherein which the said violation shall have been committed, be fined in any sum not less than twenty dollars, and not more than fifty dollars.

#### No. 218.—FILE OF THE HOUSE.

CHASE, Judiciary—Feb. 4.

AN ACT relating to townships.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the provisions of the acts of assembly, passed on the fourteenth day of March, one thousand eight hundred and fifty-seven, which require an election to be held in a township or townships, proposed to be divided upon the question of such division, shall not apply to cases in which the division had been reported to the court prior to the passage of said acts.*



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 33.

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## SENATE.

TUESDAY, Feb. 15, 1859.

The Senate met at the usual hour.

The SPEAKER in the Chair.

Prayer was offered by Rev. Dr. De Witt, of the New School Presbyterian church, of Harrisburg.

The Journal was read and approved.

The SPEAKER presented two petitions of citizens of Cambria county, in favor of the passage of a law changing the mode of collecting State and county taxes in said county.

Also, a petition of citizens of the same county, in favor of an alteration in the act of May 27, 1841, relative to the election of county treasurer.

## PETITIONS, MEMORIALS, &c.

Mr. PALMER presented fifteen petitions signed by eight hundred and eighty-seven citizens of Schuylkill county, praying for "An Act for better securing the payment of the wages of labor in said county."

Also, a petition of citizens of Schuylkill Haven, in favor of a certain bill relating to said borough.

Also, a remonstrance of the burgess and town council of Schuylkill Haven, against the same.

Also, a petition of eighty citizens of Schuylkill county, for a railroad connecting the Little Schuylkill railroad with the Schuylkill Valley railroad, in said county.

Also, a petition of citizens of Foster township, in the same county, for a law fixing the place for holding their elections.

Mr. BALDWIN, a petition from citizens of Lancaster county, praying for the passage of a law requiring the sheriff's sales of real estate to be held on or near the premises.

Also, two petitions of citizens of the same county, praying for the repeal of an act authorizing the appointment of a sealer of weights and measures, so far as the same relates to said county.

Mr. PENNEY, two petitions signed by — citizens of Pittsburg and vicinity, in favor of the

incorporation of the Pittsburg and East Liberty passenger railroad company.

Mr. YARDLEY, two remonstrances from one hundred and forty citizens of Bucks county, against the passage of an act incorporating the Delaware Division canal company; and, on his motion, ordered to be printed in the *Record*, viz:

*To the Honorable the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met:*

The subscribers, citizens of the county of Bucks, respectfully remonstrate against the passage of the bill now before your honorable bodies, for the incorporation of the Delaware canal company, in its present form. The objectionable parts of the bill, are:

*First.* The privilege to dam the Delaware and to control the waters of said river in like manner as the Lehigh coal and navigation company do the Lehigh river. Such a privilege ought not to be granted, in the opinion of the remonstrants, to any company in this enlightened age. The privilege asked for by the company, will destroy the shad fisheries on said river, and give them unlimited control of its waters.

*Second.* The restricting clause in said bill, to bar all damages to private property sustained by individuals six years previous to the passage of the act for the sale of the State canals. This clause is certainly in violation of the seventh section of the act to sell the State canals. If the time is limited to six years prior to the sale, many individuals will lose in the aggregate a large amount of money.

*Third.* The clause allowing the company to charge as much toll on their canal as the Lehigh canal and navigation company do. We believe it to be very unfair, for the following reasons: The construction of one mile of the Lehigh canal cost more than the making, in several places, of ten miles of the Delaware division. High tolls tax the citizens residing on the canal by increasing the price of coal consumed by the poor as well as the rich. We desire a clause put in the bill requiring the company, in the reconstruction of their canal, to build and keep in repair pivot bridges, at all the roads where bridges are now built; and to keep in good repair all bridges that have not been built on public roads for the passage of waste water. And your remonstrants will ever pray, &c.

Also, a petition of the president and managers of the Hilltown and Sellersville turnpike road company, for an alteration in their act of incorporation.

Mr. SCHINDEL, two remonstrances of citizens of Allentown, Lehigh county, against the division of said borough.

Also, two petitions of citizens of Northampton county, praying for the passage of a law authorizing the voters of said county to vote upon the question of a removal of the seat of justice.

Also, four remonstrances against the removal of the seat of justice from Easton to Nazareth.

Also, three remonstrances of citizens of Northampton county, against an act incorporating the Delaware Division canal company.

Mr. SCHELL, the petition of citizens of Huntingdon county, in regard to certain tax laws.

Also, the remonstrance of citizens of the same county, against any change in the manner of collecting taxes in said county.

Mr. RUTHERFORD, a petition signed by

two hundred and sixty-six citizens of the borough and township of North Lebanon, Lebanon county, praying for an alteration of their dividing line.

Mr. THOMPSON, four petitions from citizens of Pottstown, against any alteration in their borough charter.

Also, a petition of citizens of Montgomery county, for an appropriation in aid of the School of Mines.

Mr. CRAIG, two petitions of citizens of Carbon county, praying for the erection of a new judicial district, to be composed of Lehigh and Carbon.

Mr. FINNEY, a petition of citizens of Crawford county, for a new county out of parts of Venango, Crawford and Warren.

Mr. MARSELIS, two petitions of citizens of Philadelphia, for an appropriation to aid in establishing a School of Mines.

Mr. RANDALL, the petition of the president and directors of the Philadelphia and Trenton railroad, for a supplement to their act of incorporation.

Also, a memorial from the members of the councils of the city of Philadelphia, asking for the repeal of the tonnage tax on the Pennsylvania railroad; and on his motion, it was ordered to be printed in the *Record*. It is as follows:

*To the Honorable the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

Your memorialists would respectfully represent, that the duty or tax now imposed upon the tonnage passing over the Harrisburg and Lancaster, and the Pennsylvania railroads, is a grievous burthen upon the commerce of Philadelphia and Pittsburg, and the people of the interior of the State, whose products pass over said roads, and who, in consequence of this indirect and unequal mode of taxation, are compelled to contribute more than their due proportion to the public burthen.

We believe that the stockholders of these companies, as such, have no material interest in the repeal of this tax; inasmuch as it is manifest, that by confining their operations to the local business of the roads, the transportation of passengers and mails, and valuable merchandise, that will pay high rates, their profits would be as large as they have ever expected to divide among their stockholders; while the amount of capital necessary to carry out such a restricted sphere of usefulness, might be greatly reduced.

This tax was imposed under the apprehension that the construction of the Pennsylvania railroad would divert tonnage from the State canals, and thereby reduce the revenues of the Commonwealth. The sale of these works at their full value, having removed the object for which the tonnage tax was imposed, it is therefore, in the opinion of your memorialists, unwise longer to perpetuate the injuries which it now inflicts upon the trade and prosperity of the State.

Your memorialists will further represent, that, in their opinion, it would be wise legislation to promote, by all constitutional means, the increase of the traffic over this road, to enable it to compete with its rivals. New York has not only removed similar restrictions from her Central line, but has also granted as a free offering, nearly four millions of dollars to the New York and Erie railroad, and is also engaged in the enlargement of the Erie canal at a



cost of more than ten millions of dollars, to enable it to deliver the products of the west and interior, at her seaport, at a cheap rate.

With such examples of liberality to rival works out of the State, is it not strangely inconsistent to continue a tax that is almost prohibitory, upon the only road leading to Philadelphia through Pennsylvania, and the only work calculated to preserve the trade of the west, within her borders, from active and favored competitors? Your memorialists believe that in consequence of the enlargement of the Erie canal and the adoption of steam as a motive power, the removal of the tonnage tax is indispensable if Pennsylvania would retain any portion of the trade of the west. And we respectfully suggest the policy of repealing this law before the low charges consequent upon the enlargement of that canal shall have diverted all our trade from us.

We further represent that this tax is paid exclusively by the farmers, manufacturers and others along the line of the road, who seek by it a market for the proceeds of their industry—the value of which is reduced twice or thrice the amount of the tax, they being compelled to pay not only the tax upon their own tonnage, but also upon that from the western States.

We earnestly pray that your honorable bodies will take this subject, so important to the trade of the State and this city, and to the reputation of the Commonwealth, into early consideration, and apply such remedies as your wisdom may determine.

Mr. COFFEY, a petition of citizens of Freeport, Armstrong county, for a law authorizing the appointment of an auctioneer in said borough.

Also, a petition of citizens of Westmoreland, Indiana, Cambria and Somerset counties, praying for the erection of a new county, to be called Ligonier.

Mr. WRIGHT, a petition of citizens of the rural districts in Philadelphia county, for the passage of an act securing the right of free travel over certain highways.

Also, a remonstrance of citizens of Attleboro, Bucks county, against the erection of said village into a borough.

Mr. BELL, a petition signed by a large number of citizens of Chester county, praying for the repeal of a law laying out and opening a State road in Lancaster and Chester counties.

Mr. GREGG, a petition of citizens of Lyeomg county, praying for the passage of a law requiring prompt payment on the part of insurance companies.

Mr. SHAEFFER, a petition of citizens of Lancaster county, for an act to incorporate the Marietta, Sporting Hill and Manheim turnpike road company.

Also, a petition of citizens of the same county, for the repeal of an act appointing a sealer of weights and measures in that county.

Also, a petition from the same, for the reduction of the fees of district attorney in said county.

Mr. WELSH, the petition of the commissioners of York county, praying for the passage of an act authorizing them to borrow money for county purposes.

Mr. GAZZAM, a petition of citizens of Pittsburgh, praying for the repeal of an act establishing a high school in said city.

Also, a petition of citizens of Moon township, Allegheny county, for a law changing the place of holding elections in said township.

Also, two petitions of citizens of Pittsburgh and vicinity, for an act incorporating the Pittsburgh and East Liberty passenger railway company.

Mr. HARRIS, a petition of citizens of Butler and Venango counties, for the view of a State road leading from Emlenton, Venango county, to New Castle, Lawrence county.

Mr. SCOTFIELD, a petition of citizens of manufacturing counties adjacent to the Pennsylvania railroad, for a repeal of the tonnage tax.

#### BILLS IN PLACE.

Mr. PARKER read in his place and presented to the Chair, "A further supplement to an act incorporating the Philadelphia and Trenton railroad company."

Mr. BELL, "An Act to extend the powers of high constable in the borough of Media;" which, on his motion, was taken up for consideration, and, after having gone through its various readings, passed finally.

Mr. PALMER, "An Act relative to writs of error, appeals and certiorari in the supreme court and the abolition of the court of nisi prius."

Also, "A supplement to an act incorporating the Middle Coalfield tunnel and railroad company."

Mr. YARDLEY, "An Act to incorporate the village of Attleboro, Bucks county, into a borough."

Mr. SCHELL, "An Act for the relief of the Somerset Borough school district, in Somerset county."

#### ORIGINAL RESOLUTIONS.

Mr. HARRIS offered the following resolution: *Resolved*, That hereafter the Senate will meet at 10 o'clock, A. M., except on Mondays.

Said resolution was twice read, considered and adopted.

Mr. PALMER offered a joint resolution relative to the purchase of R. W. Sheaffer's new map and statistics of the anthracite coal regions in Pennsylvania, for the use of the members and heads of the various departments; which lies over under the rules.

#### ORDERS OF THE DAY.

"A supplement to the act incorporating the Buffalo and Bradford railroad company," came up in order on third reading, but was allowed to lie over.

As also, Senate bills Nos. two and four.

"An Act to incorporate the American improvement and loan company," came up in order, on second reading.

The first section being under consideration,

Mr. SCHELL arose, not for the purpose of opposing, at length, the bill, but to state briefly his reasons for voting against it. He would like to vote for the bill, if for no other reason, on account of the high character of the venerable gentleman who is most deeply interested in its passage. He believed that gentleman had the best of motives in originating the project—some of his best friends were named in the bill as corporators; and he had tried hard to persuade himself that he ought to lend it his sanction, but he could not see his way through, and he was compelled, by a high sense of right and duty, to vote against it.

On the question, will the Senate agree to the first section?

The yeas and nays were required by Mr. RANDALL and Mr. BELL, and were as follow, viz:

YEAS—Messrs. Bell, Finney, Gazzam, Harris, Parker, Randall, Rutherford and Thompson—8.

NAYS—Messrs. Brewer, Coffey, Craig, Fetter, Francis, Keller, Marselis, Miller, Myer, Nunnemacher, Penney, Schell, Scofield, Schindel, Welsh, Wright, Yardley and Cresswell, *Speaker*—18.

So the question was determined in the negative, and the bill fell.

On motion of Mr. RANDALL, the Senate proceeded to the consideration of Senate bill No. 18, "An Act to establish a general banking law." (Mr. BREWER in the chair, in committee of the whole.)

The first section being before the Senate,

Mr. RANDALL arose and said, that, in presenting the bill for the consideration of the Senate, he had exercised every care in his power,

and had devoted to it all the industry, thought and attention which the vast importance of the subject demanded. He did not rise with a view of discussing the merits of the bill, at length, but merely for the purpose of stating to the Senate the prominent features of it, and the three cardinal points which are involved.

The first is, that it wipes out monopoly in the present banking system and opens the door to all.

The second cardinal, and one of the most vital points, is that it supplies us with a safe and solid circulation—one which, when rotten banks shall explode, will secure perfect and ample protection to the community.

The next point—and he would state it as briefly as possible, for he did not feel disposed, at present, to argue its details, but would take occasion to do so at the proper time—was that it was calculated to bring about a state of things which was desired by every man in the State, and upon which the general interests so largely depended—an increase of the State stocks, and the extinction of the State debt.

These, he said, were most important and vital principles; and the will for the accomplishment of the objects which he had enumerated, comes before the Senate with peculiar force. The demands of the community were loud for it, and never before had any measure for the establishment of a financial system come before the Legislature with such an endorsement by the people. The Executive of the State had recommended a free banking system, such as that contemplated by the bill; and so far as that message extends, in regard to the subject of free banking, he begged leave to express here, that it meets with his hearty approval.

The system of a general banking law, has, he said, been tried in several of our neighboring States. It has, against monopoly, and against capital, fought itself into favor; and he was sorry that Pennsylvania stands behind in the adoption of a system which is calculated to exercise so important an influence upon the prosperity and greatness of the State. He would appeal to Senators to give to the bill that careful, calm and deliberate consideration which it is entitled to. He asked of them that they would not, by amendments, indirection or subterfuge, attempt to defeat it; but that they would consider the subject as became Pennsylvania Senators, alive to the interests of the State, and with a full consciousness of the responsibility which would attach to their actions.

Before concluding his remarks, he had one word to say to the Senators of the political party to which he belonged. He wished to say it in the spirit of kindness, and impressed solely with a desire to enhance the interests of the State. He believed that the march of that party must be onward; and whatever may have been its views with respect to many important measures of public policy, it cannot shrink, in any instance, from lending its powerful sanction to whatever may contribute to the interest of the masses. They should not be deluded into the belief that, because Senators of the other side were favorable to the project, they must necessarily oppose it, or that it involved a principle which was cardinal wrong. It is sufficient for them to know that the bill is a good one; that the people are in favor—urgently in favor—of the system which it proposes to establish, and that it is the best and strongest side. He would appeal, then, to the members of his own party—not merely as partisans, but as representatives of a great constituency, and the guardians of great public interests. It was for his constituency that he was speaking—for those who had suffered wrong after wrong from the system of banking under which their business was conducted; and for them, as well as the people at large, he desired for the bill a fair and candid consideration.



The first section was adopted.

The second being under consideration,

Mr. SCHELL moved to amend, by inserting the word "supreme," before "court," in the second line, and striking out the part referring applications for banking privileges to the courts of common pleas.

Mr. SCHELL was opposed to making the subject of the incorporation of banks liable to the whims and caprices of the twenty-six or twenty-eight judges of the court of common pleas. He thought the power could, more appropriately, be confided to the supreme court.

Mr. BELL had been long of the opinion that Pennsylvania had been guilty of gross indiscretion in making that business a monopoly, which should be open to all. He was in favor of a free banking law; and, without being acquainted with the details of the bill under consideration, he was prepared to second any efforts to secure to the State a better system than existed at present. He had never seen any reason why banking should be made a peculiar business, without being open to all. Our present system had been a perfect failure, and had been pursued without an adequate security for the public good, or the public interest, but solely with a view to the interests of the corporators themselves.

Without an intention of discussing, at present, the general principles of the bill, he merely rose to say he was opposed to both the amendments of the Senator from Bedford, and the suggestion of the Senator from Philadelphia, (Mr. RANDALL,) giving to the Legislature the power of granting charters. He believed that the courts were to be trusted. They were men of integrity, intelligence and standing. The courts of common pleas, he thought, would be more appropriately vested with the power of granting charters than the supreme court. They were located in the localities where the charters would be desired; they were better acquainted with the corporators, and the necessities for such an institution.— Besides, the supreme court is already burthened with duties which are sufficient to occupy all their attention, without being increased by this additional tax upon their time. He was, also, opposed to vesting the Legislature with the power. He believed it would lead to a return to the old system of monopoly; and, instead of having a free banking system—instead of extending it to all who were justly entitled to its advantages—banking privileges would be extended on grounds of personal or political favor.

Mr. SCHELL remarked that, in submitting the amendment, he had intended no reflection on the judges of the court of common pleas.— His motives for offering the amendment were simply these: The judges have often different views of questions of law, the evils of which he sought to illustrate by various conflicting decisions made upon the license law, as well as upon other questions. He considered the question of where the power of granting these charters shall be vested, the main feature of the bill, and it was important that the section should receive the careful consideration of the Senate. If the power is vested in the supreme court, he was satisfied that there would be but one construction of the law. If it passes in its present form, it is liable to the same conflicting opinions as the cases he had cited.

Mr. FINNEY asked the Senator from Bedford what legal construction the courts can give, except to grant or deny the charter?

Mr. SCHELL explained why he could not vote for the section of the bill. The power of granting charters would be much safer if vested in the supreme court, than in the courts of common pleas.

Mr. GAZZAM was constrained to oppose the amendment of the Senator from Bedford. The

supreme court was not, he thought, as well qualified to act in the matter as the court of common pleas. They were not as well acquainted with the locality, and its necessities, or the corporators. If there are any errors of construction, they can be carried up to the supreme court and be corrected. The courts were the mere agents for giving corporate privileges under the bill, and for that purpose, were the safest tribunals.

Mr. COFFEY said the point just made by the Senator from Allegheny, was a very good one. The Senator from Bedford seems to infer that the courts have discretionary power in the granting of charters. They have no discretion. It is not for them to judge of the necessity for a bank, but whether the terms of the law have been complied with. If there is a difference of opinion, it will be only as to details, and cannot affect the question; and there was no reason why the supreme court should be entrusted with the power, or the Legislature be called upon, because the courts have no power to impose restrictions outside of the bill.

Mr. MILLER said the Senator from Indiana was mistaken in his supposition that no discretionary power was vested in the courts. He understands the third section as meaning and declaring that they have power to decide; and he finds, in reading the section, that which undoubtedly creates discretionary power. He read from the bill, as follows: "And if no sufficient objection is made, the said court shall, at the next term of said court, decree and declare by their order," &c., &c. Discretionary power resides in the courts by this act, and no language could be more clear. He was disposed at first, to think that no discretionary power rested in them, but, upon examination, he was convinced that it did. If, when application is made for a charter, petitions are presented, and remonstrances made against such bank, upon the ground that there is no necessity for it, or for any other good reasons, the courts are bound to take notice of them, and exercise their discretion in granting the privileges asked. He was not prepared to vote against the bill; but if the language was not made more explicit, or the section stricken out, he should be compelled to do so.

Mr. FRANCIS, of Lawrence, said he was in favor of a general banking law, and would vote for any bill, with the necessary safeguards around it, in order to secure the desired end.— But he was opposed to the leaving of this matter to the courts. Courts were composed but of men, often subject to like passions and influences as ourselves; and, at any rate, he would never give his vote to convert them into shops for the manufacture of moneyed corporations.— The banking system of the country was too complex. It needed to be simplified; and, hence, he was in favor of the largest liberty.— In a word, why not let every man who should have deposited with the State Treasurer, State or National stocks, receive from that officer, in connection with the Secretary of State, a certificate of that fact? And why not let that certificate be the evidence of his chartered right to play the banker, and emit his promises to pay? And, whenever he fails to redeem his issues of promise, let the concern be wound up; and the circulation be at once redeemed by the deposits in the hands of the State Treasurer or other person to whom they may have been committed. This, sir, is my idea of a free banking law, and this, too, will secure the note holders, and thus give confidence, which is the great desideratum with all monetary institutions.

Mr. MYER did not desire to discuss the question at present. It was not a matter of serious importance that the bill should be acted upon at an early hour. They should first see, before entering into detail, whether we are in favor of the system. The discussion of the subject, this

morning, had shown that Senators were not as well acquainted with the merits or provisions of the bill as they should be. In approaching a new system—one which was to change our whole system of banking—it was proper that it should be done with due caution and deliberation, and not with precipitation or haste. It was important, he thought, that courts should have discretion, as in other cases; and if any good reason can be shown why a bank should not be incorporated, that they should be vested with the power of refusing it. In this early consideration of the bill, he hoped it might be permitted to pass to second reading, after which ample opportunity could be afforded for an examination into it, and Senators could make whatever suggestions or amendments they thought proper, on its subsequent consideration.

Mr. RANDALL said he believed a large majority of the people wished the passage of a free banking law. In the discussion of the question all had acknowledged that an independent banking system was demanded, and it was for the Legislature to determine the best method of subserving the public wish and interest in that respect. In framing the bill, after a great deal of mature reflection, it was thought that the best place to locate the power of granting charters, was in the courts of common pleas, because they best understand the wants of the people of the county in which they are located. He had great confidence in those courts. The judiciary was a bulwark in which the people must confide, or all security is gone. For the present, at least, he believed it best that the power should be lodged in the courts; and he hoped the bill would be allowed to proceed to second reading, thus affording to Senators an opportunity of becoming familiar with its details, and better preparing them to act with a proper understanding of its merits.

Mr. BELL remarked that the discussion showed that the Senate was not prepared for a consideration of the bill, in its details. He concurred in the views of the Senator from Philadelphia, and desired that the bill might be allowed to pass to second reading, after which such amendments as were desired could be made or suggested.

The amendment proposed by Mr. SCHELL was not agreed to.

Whereupon, on motion of Mr. GAZZAM, the following was substituted in lieu of the words coming after "bank," in the eighth line of the second section, "and such bank shall not be removed from the city or town where it was first located."

The second section, as amended, was agreed to.

Section third, on motion of Mr. SCOFIELD, was amended, by inserting the words "or legal" after the word "sufficient," in the twelfth line, and, as amended, passed.

Sections four, five, six, seven, eight and nine, were adopted without amendment.

Mr. RANDALL moved to amend the tenth section, in the fourth line, by striking out the words, "they may require," and inserting the words, "are required by this act;" which was agreed to; and the section, as amended, passed.

On motion of Mr. RANDALL, the words "equal account," in the third line of the eleventh section, were stricken out, and the words, "of like kind and equal value," substituted therefor.

The same section was amended by Mr. SCOFIELD, by striking out the word "stock," wherever it occurs, and inserting in lieu thereof the words, "evidences of debt."

The section, as amended, was adopted; as also, the twelfth.

On the question,

Will the Senate agree to the thirteenth section?



Mr. GREGG moved to amend, by changing the word "seven," in the second line, into "five;" which was agreed to; and the section, as amended, was adopted.

Sections fourteen, fifteen, sixteen, seventeen and eighteen were agreed to without amendment.

The nineteenth section being before the Senate,

Mr. YARDLEY moved to strike out from the word "protest," in the eighth line, to the word "shall," in the tenth line.

Upon this motion some discussion ensued; which was interrupted by a motion that the committee rise, report progress, and ask leave to sit again.

And on the question,

Shall the committee have leave?

It was determined in the affirmative.

On motion of Mr. CRAIG, the Senate reconsidered the vote on the resolution relative to the purchase of Sutherland's Manual. Further consideration of the same was postponed for the present.

Mr. SCOFIELD moved that the vote on the bill to incorporate the American improvement and loan company be reconsidered, and that further consideration be postponed for the present; which was agreed to.

A message from the Governor was received and read, as follows:

EXECUTIVE CHAMBER,  
Harrisburg, Feb. 6, 1859.

GENTLEMEN:—I have approved and signed the following:

"An Act relative to the opening and making of new roads and building of bridges in the township of West Marlborough, in Chester county, and relative to repairing roads in said township."

"An Act relative to roads in Salem township, Wayne county."

"An Act to incorporate the Penn warehouse company."

"A supplement to the charter incorporating the borough of Allentown."

WM. F. PACKER.

Agreeably to order, the Senate adjourned until 10 o'clock to-morrow morning.

## HOUSE OF REPRESENTATIVES.

TUESDAY, Feb. 15, 1859.

The House was called to order at 10 o'clock, by Mr. S. P. CHASE, Speaker pro tem.

Prayer was offered by the Rev. Mr. Gans, of the German Reformed Church, Harrisburg, Pa. The Clerk read the Journal of yesterday.

Senate amendments to House bills as follows, were severally read and concurred in:

"An Act for the relief of certain collectors of taxes in Washington."

"An Act relative to the Railroad Car-spring company."

On motion of Mr. PALM, the act to secure stricter accountability on the part of certain officers in Schuylkill county, was placed upon the Calendar for this morning.

This being the day set apart for that purpose, agreeably to order, the House proceeded to the consideration of bills upon the Private Calendar, when the following were taken up and laid aside for second reading:

Sen. 140. "An Act to reduce the expenses of collecting State and county taxes in Fayette county."

No. 157. "An Act relative to the assessment of taxes in the township of Thornbury."

Sen. 99. "Resolution relative to pay of Theophilus Snyder."

No. 203. "An Act to increase the salaries of the judges of the court of common pleas of Philadelphia county."

Mr. THORN moved to amend by embracing judges of the district court; which was agreed to.

No. 208. "An Act to authorize the sheriff of Philadelphia county to advertise the sale of real estate in three daily newspapers."

No. 217. "An Act relating to roads in the township of Great Bend, county of Susquehanna."

Sen. 141. "Supplement to an act to enable the county of Warren to affect certain compromises."

Sen. 98. "An Act to prevent the destruction of fish in M'Michael's Creek, Monroe county."

No. 222. "An Act relating to the fees of aldermen and constables in criminal and penal cases in the city of Philadelphia, and to issuing process thereon."

No. 224. "An Act to repeal an act regulating the manner of voting at the general election in the counties of Wayne and Schuylkill, so far as said act relates to the county of Schuylkill."

No. 227. "An Act declaring Eliza N. Kramer an adopted child of Rev. Jas. Gray."

Mr. THORN moved to amend by striking out reverend.

Objection was made by Mr. FOSTER and subsequently withdrawn.

No. 228. "An Act to regulate disbursements from the treasury of Allegheny county."

Mr. IRISH moved to amend, that the act shall not apply to warrants drawn for the payment of jurors and witnesses; which was agreed to.

No. 232. "An Act to refund to William Coulter certain moneys and expenses paid by him to the commissioners of the Nicholson court."

"An Act to authorize the school directors of Bedford borough to borrow money, and for other purposes."

No. 234. "An Act for the relief of W. O. Hickok, of Harrisburg."

No. 235. "An Act to pay the claim of Charles Fisher."

No. 236. "An Act to authorize the State Treasurer to pay Messrs. A. K. and A. L. Witmer, for loss sustained in consequence of a collision on the Columbia and Philadelphia railroad."

No. 237. "An Act authorizing the Auditor General and State Treasurer to examine and report upon the claim of the bail of Henry D. Rodarmell, late supervisor on the Susquehanna division canal."

No. 238. "An Act to incorporate the Union school directors of Wattsburg, in the county of Erie."

No. 240. "An Act to incorporate the California seminary of Washington county."

No. 241. "An Act to establish a Normal school in connection with Westminster college, New Wilmington, Lawrence county, Pennsylvania."

No. 247. "An Act authorizing the Governor to incorporate a company to erect a bridge over Clearfield creek, Clearfield county, at Alexander's fording."

No. 248. "An Act to incorporate the Uniontown and Virginia Line turnpike road company."

No. 249. "An Act to repeal the act of May 16, 1857, authorizing the location of a State road through parts of Washington and Greene counties."

No. 250. "An Act to change the time for electing officers of the Susquehanna and Lehigh turnpike road company."

No. 251. "An Act to incorporate the Richlandtown turnpike road company."

No. 252. "An Act declaring McMichael's creek, in Monroe county, a public highway, and to prevent the destruction of fish, &c."

No. 253. "An Act to incorporate the Green Castle and Maryland State Line turnpike road company."

No. 254. "An Act relative to the election of

supervisors in the township of Salem, in the county of Westmoreland."

No. 248. "An Act to appoint commissioners to re-survey and establish the line of the main road running through a part of Wilkesbarre township."

No. 256. "An Act to incorporate the Clearfield gas company."

"An Act to incorporate the Union mutual fire insurance company of Montgomery county."

No. 260. "An Act to incorporate the People's insurance company, to be located in the city of Philadelphia."

"An Act to incorporate the Southwark soup society."

No. 261. "A supplement to the act, entitled 'An Act for incorporating St. Paul's church, in the city of Philadelphia.'"

No. 263. "An Act to incorporate the members of the Olivet Methodist Episcopal church of the village of Conestville, Chester county."

"An Act to incorporate the First Presbyterian church of Strasburg."

No. 265. "An Act to incorporate the trustees of the Young Men's Christian building association of Philadelphia."

No. 162. "An Act defining certain powers."

No. 182. "An Act to confer on certain associations of the citizens of this Commonwealth the powers and immunities of corporations and bodies politic in law, and to confirm charters heretofore granted."

No. 194. "An Act to authorize the Surveyor General to issue a patent."

No. 369. "An Act for the sale of part of a graveyard lot in New Bethlehem, Clarion county."

"An Act to incorporate the Waynesboro turnpike road company."

"An Act extending the seventh section of the act of 13th June, 1840, relating to elections in Washington county."

"An Act to secure stricter accountability on the part of certain officers in Schuylkill county."

"An Act providing for the election of an additional law judge in Allegheny county," came up in order.

Mr. LAWRENCE, (Washington,) moved to amend, by striking out "from and after the first Monday of December," and insert in lieu thereof "on and after the passage of this act."

Mr. IRISH made objections.

Mr. IRISH moved to amend the last section to read as follows:

"That the said court of common pleas shall hereafter have full concurrent jurisdiction with the district court of said county, in all cases where the amount in controversy shall not exceed three hundred dollars."

Mr. WILSON made objections.

The bill was then read, and prepared for second reading.

"An Act to abolish the board of health of the city and port of Philadelphia, and to provide for the appointment of commissioners of health for said city and port," came up in order, and was objected to by Mr. THORN, because of Senate bill embracing like provisions.

"An Act authorizing the State Treasurer to pay Nathaniel White for damages sustained by him from the Commonwealth," came up in order, and was objected to by Mr. HAMERSLY, because the State is not liable to pay this class of damages.

"An Act to establish a normal school in connection with Westminster college, New Wilmington, Lawrence county, Pa.," came up in order, and was objected to by Mr. BERTOLET, because he was opposed to appropriating moneys out of the treasury; thus making an impolitic discrimination in favor of certain colleges.

"An Act to incorporate the American improvement and loan company," came up in order, and was objected by Mr. BARNESLEY,



because he had not had sufficient time to examine the provisions of the bill.

"An Act to incorporate the Mifflin County Bank," came up in order, and was objected to by Mr. STEPHENS, because we have too many banks now, of promises to pay, which is a libel upon their face; the most of them being but mere ghosts of chance; which enrich a few at the expense of the many; which create our panics, our crises and our hard times, by giving a fictitious value and false stimulus, for the time being, to every branch of business; by raising every thing above its real value, and in the end depress, destroy and injure all the industrial pursuits of life.

"An Act to incorporate the Philadelphia theatre company," came up in order, and was objected to by Mr. HARDING.

"An Act to vest the Girard school house in Philadelphia city," came up in order, and was objected to by Mr. EVANS.

Mr. CHURCH hoped the gentleman would let the bill go to second reading.

Mr. EVANS then withdrew his objection, and said bill was prepared for second reading.

"A supplement to the act to incorporate the Big Mountain improvement company," approved April 12, 1857," came up in order, and was objected to by Mr. HOTTENSTINE.

He said:—The said company is located in the county I represent, and I have had no knowledge of the act until to-day. Had I not been familiar with the name of said company, the bill would perhaps have escaped my notice entirely, which was, no doubt, I suppose intended by the friends of the act. The title of the bill withholds the name of the county, which makes it appear rather suspicious. The bill has not been on file yet; therefore having had no opportunity myself, as well as the majority of the members of this House, to examine into the merits or demerits of the act, I object. If a bill will not bear the examination of the member representing such district, it looks very suspicious, or to use the language of the gentleman from Bucks, (Mr. WILLIAMS,) looks like as if there was a "nigger on the fence."

"An Act relative to the Delaware Division canal company," came up in order, when, on motion of Mr. BARNESLEY, it was ordered to be placed upon the Calendar for next Tuesday.

"An Act to incorporate a ferry over the Schuylkill river," came up in order, when, on motion of Mr. SHAFER, the House refused to consider the same at this time.

Mr. BARLOW called the attention of the House to the fact that House bill No. 271, "An Act authorizing a change of the name, style and title of the Allegheny and Bald Eagle railroad, coal and iron company, in Centre county," had been reported from the committee to which it had been referred, some ten days ago. He desired to know why the same was not to be found upon the files of the House.

The Chair replied that he was informed that it was the fault of the printer, who was behind in the printing of bills.

#### BILLS IN PLACE.

Mr. SMITH, (Berks,) leave being given, read in his place and presented to the chair, "An Act to incorporate the Robeson and Exeter bridge company."

Also, "An Act to incorporate the Berks County association for the improvement of the breed of stock."

Also, "A further supplement to the act incorporating the borough of Reading into a city."

Mr. PATTERSON, on leave, read in his place, "An Act for the relief of Jno. S. Miller."

Also, "Supplement to an act to incorporate the Patterson, Johnstown, Peru Mills and Concord plank road company."

Also, "Supplement to an act to incorporate

the Perrysville, East Waterford and Waterloo plank road company."

Mr. PALM moved that the House proceed to the consideration of Senate bill No. 40, "An Act to secure stricter accountability on the part of officers in Schuylkill county;" not agreed to.

Mr. THORN, on leave, read in his place and presented to the Chair, "A supplement to the act to incorporate the Delaware and Schuylkill Basin company;" which was taken up and passed, and ordered that the Clerk present the same to the Senate for concurrence.

Mr. SMEAD presented "An Act to incorporate the Towanda and Wapposenning railroad company."

Mr. JACKSON, one to prevent hunting deer with dogs in Sullivan county.

Mr. HARDING asked leave to read a bill in place; which was refused.

Mr. WARDEN moved that the House do now proceed to the second reading and consideration of bills upon the Private Calendar.

And on the question,

Will the House agree to the motion?

Mr. THORN said that the officers of the House were already over worked; and, as there would be a session this afternoon, he moved that the House do now adjourn; which was agreed to; whereupon

The SPEAKER adjourned the House until this afternoon at 3 o'clock.

#### AFTERNOON SESSION.

The House met at 3 o'clock, and was called to order by the SPEAKER *pro tem.*, Mr. S. B. CHASE.

#### MESSAGE.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, informing the House that he has approved and signed the following acts of the General Assembly:

"An Act relative to the opening and making of new roads and building bridges, &c., in West Marlboro township, Chester county."

"An Act relative to road laws in Salem township, Wayne county."

"An Act to incorporate the Penn warehouse company."

Mr. HAMERSLEY withdrew his objections to House bill No. 233, "An Act authorizing the State Treasurer to pay Nathaniel White, for damages sustained by him from the Commonwealth."

On motion of Mr. WARDEN, the House proceeded to the second reading and consideration of bills upon the Private Calendar. Bills numbered and entitled as follows, were accordingly taken up and passed finally; and ordered that the Clerk present the same to the Senate for concurrence:

No. 197. "An Act relative to the assessment of taxes in the township of Thornbury."

Sen. 99. "Resolution relative to the pay of Theophilus Snyder, Sergeant-at-Arms in the Senate, &c."

No. 203. "An Act to increase the salaries of the judges of the court of common pleas of Philadelphia county."

No. 217. "An act relating to roads in the township of Great Bend, county of Susquehanna."

"An Act to prevent the destruction of fish in M'Michael's creek."

No. 222. "An Act relating to the fees of aldermen and constables in criminal and penal cases in the city of Philadelphia, and to issuing process thereon."

No. 224. "An Act to repeal an act regulating the manner of voting at the general election in the counties of Wayne and Schuylkill, so far as said act relates to the county of Schuylkill."

No. 227. "An Act declaring Eliza N. Kramer, an adopted child of Rev. James Gray."

No. 232. "An Act to refund to William Coul-

ter certain moneys and expenses paid by him to the commissioners of the Nicholson court."

No. 233. "An Act authorizing the State Treasurer to pay Nathaniel White for damages sustained by him from the Commonwealth."

"An Act to authorize the school directors of Bedford borough to borrow money, and for other purposes."

"Supplement to the act to provide for the employment and support of the poor in Schuylkill county."

"An Act for the protection of dogs in York county."

"An Act for the relief of W. O. Hickok, of Harrisburg."

"An Act to incorporate the Union school directors of Wattsburg, in the county of Erie."

"An Act to incorporate the California seminary of Washington county."

"An Act to reduce the expenses of collecting taxes in Fayette county," came up in order; when, on motion of Mr. GALLEY, the further consideration of said bill was postponed for the present.

"An Act to authorize the sheriff of Philadelphia county to advertise the sale of real estate in three daily newspapers," came up in order, and was read the second time.

And on the question, will the House agree to the bill?

Mr. SHEPPARD moved to strike out all after the enacting clause, and insert in lieu thereof, the following:

That from and after the passage of this act, it shall be lawful for the sheriff of the city and county of Philadelphia to publish, in addition to the advertisements now authorized by law, such advertisements or abstracts thereof of sales of real estate or notices required by law, as he may deem necessary and proper, in a newspaper published in said city, and printed in the German language.

Which was agreed to.

And the bill, as amended, was passed finally; and ordered that the Clerk present the same to the Senate for concurrence.

"A supplement to the act to enable the county of Warren to effect certain compromises," came up in order and was read the second time.

Mr. ROUSE submitted the following new section:

SECTION 2. "That the burgess and town council of the borough of Warren, shall have power to compromise the subscription of said borough to the stock of the Sunbury and Erie railroad company, on the same terms as the commissioners of Warren county, are empowered by the act to which this is a supplement, to compromise the subscription of the county of Warren; and shall, for the purpose of carrying out such compromise, have power to assess a borough tax, not exceeding one per cent. per dollar per annum for the term of six years;" which was agreed to.

And the bill passed finally.

And ordered that the Clerk present the same to Senate for concurrence.

"An Act providing for the election of an additional law judge in Allegheny county," came up in order, and was read the second time.

Mr. LAWRENCE, (Washington,) moved to amend by striking out "from and after the first of December next," and insert in lieu thereof, "from and after the passage of this act."

Mr. IRISH opposed the amendment.

And the question being taken, it was determined in the negative.

Said bill was then read the second and third time, and passed.

"An Act to regulate disbursements from the treasury of Allegheny county," came up in order, and was read the second time.

Mr. WALBORN moved that the further consideration of the bill be postponed for the present; which was subsequently withdrawn.



Mr. THORN moved the following amendment:

*And provided further,* That nothing in this act shall be construed to interfere with the payment of the interest or principal of bonds issued by the city of Pittsburgh, or the county of Allegheny.

And on the question,

Will the House agree to the amendment?

Mr. IRISH said that the gentleman from Philadelphia, (Mr. THORN,) seemed unnecessarily suspicious in regard to this bill. That its object was perfectly fair and legitimate, and that nothing more was proposed or desired than appeared on the face of the bill.

The increasing business of the county, and the increasing number of claims which are being annually presented for examination and payment, require that an additional safeguard should be thrown around the county treasury to protect it against invalid and fraudulent claims.

The city and county of Philadelphia have a similar provision now in force, which it long ago found necessary to protect its treasury.

Why, then, have we not as good a right to a similar provision in our county, whose growing business also requires it?

As for the amendment offered, it embraces in my opinion a most singular and novel proposition. Why should the wealthy bond holder of an eastern, or perhaps a foreign city, be placed in a better position, than the humble home creditor of the county, who may earn his dollar a day in the streets of our city, and is compelled to submit his claim to the examination of a board of auditors? Why should the holders of one class of claims be placed in a better position than another? Why should the claims of bond holders be exempt from an examination and investigation to which all other claims are subject by the terms of the bill? It seems to me, sir, that these very claims which the gentleman proposes to exempt from the ordinary mode of examination, are of a character which especially require a careful and rigid scrutiny and examination, owing to the manner in which they were issued or disposed of. I hope, therefore, that the amendment will be voted down.

Mr. FOSTER opposed the amendment as unnecessary and uncalled for. The city of Pittsburgh, although within the county, was a separate municipality, which the bill in no way affected. The act he had introduced was necessary to protect the treasury of the county.—The commissioners gave no bail, and the treasurer was compelled to pay their warrants. If money was drawn illegally, for election expenses, or any other purpose not recognized by law, the money was paid, and the auditors refused to allow it, the treasurer alone was the loser. He had, therefore, never known a case where a warrant was thrown out. This enables the auditors to hold a check upon expenditures, and prevent recklessness on the part of the commissioners. As to the bond holders, for whose interest the gentleman from Philadelphia felt so deeply, he could see no reason why they should be placed upon any other footing than others who held claims, good or bad, against Allegheny county. They had the supreme court to help them, and when they got through with the commissioners, they might mandamus the auditors. Many of the bonds alluded to had been issued through false pretences, and sold at a sacrifice, in defiance of the very laws which authorized their issue. The bill was a fair one; a very necessary one, and he appealed to the House to vote down the amendment, and pass it as introduced.

The question was further debated by Messrs. GRITMAN, THORN, WALBORN, ROSE and HAMERSLY.

And the question recurring, will the House

agree to the amendment proposed by Mr. THORN? it was determined in the negative.

And on the question, shall the bill pass?

The yeas and nays were required by Mr. EVANS and Mr. WALBORN, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Church, Dodds, Durboraw, Eckman, Fearon, Fleming, Foster, Glatz, Good, Graham, Gratz, Gray, Green, Hamersly, Harding, Hottenstine, Irish, Jackson, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, McChaffey, McClure, McDowell, Miller, Neall, Nill, Oaks, Palm, Pennell, Peirce, Pinkerton, Price, Proudfoot, Pugh, Quigley, Rohrer, Rose, Rouse, Shafer, Shields, Smith, (Berks,) Stuart, Styer, Taylor, Thompson, Thorn, Walker, Warden, Witman, Wigton, Wiley, Williams, (Bedford,) Wilson, Withrow and Zoller—66.

NAYS—Messrs. Barnsley, Custer, Dismant, Evans, Galley, Goepp, Gritman, Hill, Patterson, Ramsdell, Smith, (Philadelphia,) Stoneback, Walborn and Wolf—14.

So the question was determined in the affirmative.

"An Act authorizing the State Treasurer to pay the claim of Nathaniel White, for damages sustained by him from the Commonwealth," came up in order, and was read the second time.

Mr. ROSE called upon the gentleman who had the bill in charge, (Mr. WOLF,) to explain the bill.

Mr. WOLF replied that he had no further evidence in the case than the petition of Mr. White, who is a reliable man, and the affidavits of some twelve or fifteen of the most respectable citizens of the vicinity, and forwarded to the SPEAKER'S desk petitions and documents relative to the claim, which he requested should be read.

And on the question,

Shall the bill pass?

The yeas and nays were required by Mr. EVANS and Mr. WOLF, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barlow, Bryson, Church, Dismant, Durboraw, Ellmaker, Fearon, Foster, Glatz, Goepp, Good, Gratz, Green, Harding, Keneagy, Laird, Lawrence, (Washington,) Mann, McClure, Nill, Patterson, Pennell, Peirce, Price, Quigley, Shafer, Smith, (Philadelphia,) Stephens, Stuart, Styer, Thompson, Warden, Wigton, Wilson, Withrow, Wolf and Zoller—40.

NAYS—Messrs. Barnsley, Boyer, (Schuylkill,) Burley, Chase, Custer, Eckman, Evans, Fisher, Fleming, Galley, Graham, Gray, Gritman, Hamersly, Hill, Jackson, Ketchum, Kinney, Neall, Oaks, Pinkerton, Proudfoot, Pugh, Rose, Sheppard, Shields, Smith, (Berks,) Stoneback, Taylor, Walker, Whitman, Wiley and Williams, (Bedford,)—33.

So the question was determined in the affirmative.

"An Act to pay the claim of Charles Fisher," came up in order and was lost.

"An Act to authorize the State Treasurer to pay Messrs. A. K. and A. L. Witmer, for loss sustained in consequence of a collision on the Columbia and Philadelphia railroad," came up in order, and was read the second time.

Being on the final passage, it was advocated by Messrs. PRICE, KENEAGY, MCCLURE and WILSON.

And on the question,

Shall the bill pass?

The yeas and nays were required by Mr. EVANS and Mr. NILL, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Church, Dodds, Durboraw, Eckman, Ellmaker, Fearon, Fisher, Foster, Galley, Glatz, Goepp, Good, Graham, Gratz, Green, Hamersly, Hard-

ing, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, McChaffey, McClure, Miller, Neall, Nill, Palm, Patterson, Pennell, Pierce, Price, Proudfoot, Quigley, Ramsdell, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Smith, (Philadelphia,) Styer, Taylor, Thompson, Walborn, Walker, Witman, Wigton, Wiley, Wilson, Withrow and Zoller—61.

NAYS—Messrs. Balliet, Barnsley, Chase, Custer, Dismant, Evans, Fleming, Gray Gritman, Hill, Hottenstine, Oaks, Rose, Shields, Stephens, Stoneback, Warden and Williams, (Bedford,)—18.

So the question was determined in the affirmative.

"An Act authorizing the Auditor General and State Treasurer to examine and report upon the claim of the bail of H. D. Rodarmel, late superintendent on the Susquehanna Division of the Pennsylvania canal," on motion of Mr. PATTERSON, was postponed for the present.

"An Act to establish a Normal school in connection with Westminster college, New Wilmington, Lawrence county, Pennsylvania," came up in order, and was read the second time.

And on the question,

Will the House agree to the bill?

Mr. RAMSDELL offered the following new section, in lieu of the ninth:

"The superintendent of common schools of the several counties mentioned in the sixth section of this act, shall have the privilege of acting in conjunction with the trustees of said institution, in selecting a suitable board of examiners to ascertain and report to the State Superintendent, annually, the state or condition of said Normal School—the progress and prospective usefulness of the same; which was agreed to.

Mr. STEPHENS moved to amend by striking from the bill the State appropriation of \$1200, and inserting, in lieu thereof, the words, "the counties of Lawrence, Beaver, Mercer, Butler and Venango, shall pay to Westminster college the sum of \$1200, to be taken out of school moneys appropriated to said counties, in proportion to the taxable inhabitants in each."

Mr. RAMSDELL moved to amend the amendment, by striking from the amendment the counties enumerated therein, and inserting in lieu thereof the county of Wayne; which was subsequently withdrawn.

The question recurring,

Will the House agree to the amendment of Mr. STEPHENS?

The yeas and nays were required by Mr. STEPHENS and Mr. STONEBACK, and were as follow, viz:

YEAS—Messrs. Custer, Dismant, Goepp, Good, Gritman, Hottenstine, Rohrer, Shields, Smead, Smith, (Berks,) Stephens, Stoneback and Wolf—13.

NAYS—Messrs. Abbott, Acker, Barlow, Bertolet, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Church, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fleming, Foster, Galley, Graham, Gratz, Gray, Green, Hamersly, Harding, Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, McClure, Miller, Neall, Nill, Patterson, Peirce, Price, Proudfoot, Quigley, Ramsdell, Rose, Rouse, Shafer, Sheppard, Smith, (Philadelphia,) Styer, Taylor, Thompson, Thorn, Walborn, Walker, Warden, Witman, Wigton, Wiley, Williams, (Bedford,) Williston, Wilson, Withrow and Zoller—63.

So the question was determined in the negative.

Mr. CAMPBELL moved that further consideration of the bill be postponed for the present.

Mr. LAWRENCE, (Washington,) moved to amend, by postponing it until next Thursday.

Mr. GOEPP moved to amend the amendment,



by postponing the further consideration of said bill indefinitely.

And on the question,

Will the House agree to the motion?

The hour of five having arrived, the SPEAKER adjourned the House until to-morrow morning at 10 o'clock.

#### No. 242.—FILE OF THE HOUSE.

WILLIAMS, (Bucks,) Banks—Feb. 4.

#### AN ACT to incorporate the Mifflin County Bank.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Thompson, Davis Bates, Andrew McFarlane, E. L. Benedict, Thomas Reed, Joseph Alexander, John D. Naggeny, Thompson G. Bell, William Beatty, Samuel Milliken, Oliver P. Smith and James Brown, of the county of Mifflin, are hereby appointed commissioners, and they or a majority of them, are authorized to carry into effect the establishment of a bank, to be located in the borough of Lewistown, in the county of Mifflin, with a capital of one hundred thousand dollars; and the said commissioners may increase it to two hundred thousand dollars; and the president and directors may, at any time, increase the same to five hundred thousand dollars, to be divided into shares of one thousand dollars each, and to be organized, managed and governed, as hereinafter provided for.

SEC. 2. That the commissioners named in the first section of this act, or a majority of them, shall have power to open books for receiving subscriptions to the capital stock of said bank, agreeably to the provisions of the first section of this act; and no person shall be permitted to subscribe less than five shares; and such subscriptions shall be made payable to the president and directors of said bank; and the said commissioners shall have the power of keeping the books open to receive subscriptions for the term of one year, if they should not get the one hundred shares subscribed sooner.

SEC. 3. That all persons offering to subscribe to the capital stock of said bank, shall first pay to the attending commissioners the sum of ten dollars on each share to be subscribed; out of which shall be defrayed the expenses of taking the subscriptions and other incidental charges, and the residue shall be paid over to the president and directors of said bank, as soon as the same shall be organized.

SEC. 4. That the stockholders of said bank, shall at no time be less than five nor more than thirty in number, and they shall be the directors of said bank, with power, after incorporation, to elect a president, cashier and other necessary officers, from time to time, as occasion may require in said election of officers, and on all other questions that may come before the board, every five shares of stock shall entitle the holder to one vote, except in determining what paper may be discounted, when each stockholder shall be entitled to one vote and no more, irrespective of the number of shares held by him; and all paper offered for discount shall be rejected, if there be two or more votes against it; the president and cashier or any other officer is prohibited from discounting any paper, unless they have written instructions signed by all the directors, giving them power to do so; and in all elections for officers, and all matters except discounting, to be decided by a vote; two-thirds of all the votes shall be necessary to a decision.

SEC. 5. That the stockholders of said bank, in addition to their corporate liability, shall be jointly and severally liable for all the debts and liabilities of said bank; and as a further security to the holders of all bills or notes which may be issued by said bank, the stockholders there-

of are hereby required to give mortgages to the Commonwealth upon real estate situated in this State, clear of all prior incumbrances, at a fair cash valuation of said real estate, said valuation to be ascertained by an appraisalment of the mortgaged premises made under oath or affirmation by three competent and disinterested persons, to be appointed by the Governor for that purpose; and before the commissioners enter on the duty of their office, they are to notify the Governor, who is authorized to appoint three appraisers, whose duty it shall be to appraise the property shown to them at a fair cash valuation, and to make out a certificate of the same, signed by said appraisers or a majority of them, which certificate is to be attached to said mortgage.

SEC. 6. That the said commissioners shall have the mortgages drawn and duly executed, and submit them and the title papers to the judges of the court of common pleas of the county in which the mortgaged premises are situated, or a majority of them, of whom the president judge shall be one, and the said judges, or a majority of them, are hereby authorized to examine them, and if approved of, they are so to certify, and the said certificate shall be attached to said mortgage with the certificate of appraisers.

SEC. 7. That each mortgagor who, under the provisions of this act, shall mortgage lands or assign mortgages which he has on land on which valuable buildings are erected, shall procure and keep up a policy or policies of fire insurances on said buildings in some solvent company or companies, for such amount as may be required by the rest of the stockholders, and to be approved of by said appraisers; said policies to be deposited with Auditor General for the security of the noteholders of said bank; and in case any such mortgagor shall neglect or refuse to keep up such insurances, it shall be the duty of the Auditor General, whenever any such policy shall expire, forthwith, to require said bank, within ten days, to renew or furnish other policies, or to surrender up to him the circulating notes of said bank to an amount equal to the amount of such expired policy; if the said policies are not given, and the said notes surrendered as required, the Auditor General shall inventory and destroy the same as hereafter directed; but if the policies and notes be not so given, the Auditor General shall direct the Attorney General to collect the amount of said policies out of said mortgages, and pay the same into the State Treasury, there to be kept for the use and security of said noteholders.

SEC. 8. That said mortgages shall be given for the amount of notes proposed to be issued by said bank, and shall be acknowledged as other mortgages, and recorded, together with the aforesaid certificates of valuation, in the county or counties in which the mortgaged lands and tenements lie, and also in the Auditor General's office, in books to be provided for that purpose, and shall be held by said Commonwealth, in trust, for the use of the noteholders of said bank; and upon the failure of said bank to redeem any of its notes as required by law, it shall be the duty of the assignee or assignees who may be appointed under the proceedings authorized by the seventeenth section of the act regulating banks, approved the sixteenth of April, one thousand eight hundred and fifty, to sue out said mortgages and collect the proceeds, or so much thereof as may be necessary to redeem all the notes issued by said bank.

SEC. 9. That when not less than one hundred thousand dollars of the capital stock of said bank shall have been subscribed, and ten dollars on each share has been paid on the amount so subscribed, in gold or silver coin, or the notes of specie paying

banks, which the said commissioners are hereby authorized to receive, said commissioners, or a majority of them, shall certify to the Governor under their hands and seals, and under their oaths and affirmations respectively, the names of the subscribers and the number of shares subscribed by each, together with the amount so actually paid, and that mortgages on real estate to the amount of shares subscribed for and the policies of insurance, have been given and deposited with the Auditor General, as required by this act; and thereupon the Governor shall, by letters patent, under his hand and the seal of the State, create and erect the said subscribers, their successors and assigns, into one body politic and corporate, in deed, and in law, by the name, style and title of the Mifflin County Bank; and they shall so continue a body politic and corporate, for the term of twenty years, from and after the date of said letters patent; and by the name, style and title aforesaid, they shall be able to sue and be sued, implead and be impleaded, answer and be answered, in all courts of record and elsewhere, and to purchase, have, hold, receive, possess, enjoy and retain, to them and their successors, lands, tenements, hereditaments, rents, goods and chattles, of what kind, nature and quality whatsoever, to an amount not exceeding in the whole the capital stock of said bank, except such as may be purchased in satisfaction of any judgment or decree in favor of said bank, or lands purchased, in which said bank may have a lien or assigned to it as security for the payment of any debt; and the same from time to time, to sell, grant, demise, alien and dispose of; and also, to make and have a common seal, and the same to break, alter and renew at pleasure; and also to ordain and put in execution such by-laws, rules and regulations, as shall be convenient and necessary for the good government of said bank: *Provided*, They be not contrary to the constitution or the laws of the United States, or of this State; and generally to do and execute all such acts, matters and things, which a corporation may lawfully do, subject to the rules, regulations, restrictions and provisions of this act: *Provided, however*, That all such lands, tenements and hereditaments, except the banking house and lot of said bank, shall be aliened, sold and disposed of within five years after the same shall have been acquired by said bank.

SEC. 10. That the Auditor General is hereby authorized and directed to cause to be engraved and printed in the manner best calculated to guard against counterfeiting, such quantity of bills or notes in blank of the different denominations not less than five dollars, which are authorized to be issued by the banks of this Commonwealth, to carry into effect the provisions of this act; said blank bills or notes, each denomination of which shall be uniform, shall be countersigned by the Auditor General and numbered and registered in his office; and all said bills or notes of every denomination, shall have upon their face the words secured by pledge of real estate and joint and several liability of stockholders; the forms and devices of said notes, and the number of each denomination may be selected by the bank; but the Auditor General shall prescribe the devices for receiving his signature and the number herein directed to be put on said notes.

SEC. 11. That whenever said bank shall have been duly organized and the stockholders thereof shall have deposited with the Auditor General the mortgage securities and policies of insurances herein required, and not less than twenty-five per cent. of the capital stock subscribed shall have been paid in, and the same shall be so certified under the oath or affirmation of the cashier, the said bank shall be entitled to receive from said Auditor General an amount of the aforesaid bills or notes in blank, equal to the aggregate amount of said mortgages,



in such denomination as said bank may desire, numbered, registered and countersigned as aforesaid; and the said bank, on receipt of said notes, is hereby authorized, after having them signed by the president and cashier thereof, in such manner as to make them obligatory promissory notes, payable on demand, at its banking house or place of business, to loan and circulate the same as money, according to the ordinary course of banking business, subject to all the provisions and restrictions of this act.

SEC. 12. That said bank is hereby prohibited, under a penalty of a forfeiture of its charter, from issuing, paying out or circulating any bills, or notes or paper, in the nature or similitude of bank notes, purporting to be the notes of said bank, other than such as may be received from the Auditor General as aforesaid; and any president, cashier or other officer of said bank, who shall make, sign, issue, pay out, or cause, or knowingly permit to be made, signed, issued or paid out, any bill or note as aforesaid, not authorized by this act, or if any Auditor General shall number, countersign or deliver, or knowingly permit to be numbered, countersigned or delivered to said bank, or to any of its officers, or to any other person, said bills or notes, to an amount, in the aggregate, beyond the amount of mortgaged securities deposited as aforesaid, such Auditor General, president, cashier, or other person so violating the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than one thousand nor more than ten thousand dollars, and undergo an imprisonment in the penitentiary of the proper district for a period not less than three years, nor more than ten years: *Provided*, That nothing in this section shall be construed to prohibit said bank or its officers from loaning, passing and circulating the notes of other banks, in the same manner as other banks incorporated by the laws of this Commonwealth may lawfully do.

SEC. 13. That no officer or director of said bank shall at any time permit the specie or specie funds on hand to be reduced below twenty-five per cent. of the aggregate amount of notes in circulation; and should specie or specie funds at any time be so reduced, it shall be unlawful for said bank to discount any paper until said specie or specie funds be made to exceed said twenty-five per cent.; and any president, cashier or director who shall allow, or knowingly permit any discounts to be made in violation of the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than one hundred nor more than five hundred dollars, and undergo an imprisonment in the penitentiary of the proper district for a term not less than one month, nor more than one year: *Provided*, That nothing in this section shall be construed to prohibit the renewing of paper that has been discounted, or the discounting bills of exchange at short dates.

SEC. 14. That the said directors to meet on the Tuesday of each week, and as much often as they think necessary, for the purpose of discounting or other business; at which time the cashier shall make a full statement of the situation of the bank, in a book to be kept for that purpose, when a majority of the directors shall be a quorum for discounting; but if a majority of said directors should not attend on the days appointed, then, and in that case, any two of them shall have the privilege of discounting.

SEC. 15. That said bank shall make the same statements and returns, to be verified and published in the same manner as are required of the other banks of this Commonwealth not located in the cities of Philadelphia, Pittsburgh or Allegheny; and the said directors, or a majority of them, shall examine one of the statements every three months, and certify under their hands that it is correct, to the best of their knowledge and belief.

SEC. 16. That it shall be the duty of the Auditor General, whenever requested by said bank, to receive all defaced and mutilated bills or notes, and to deliver in lieu thereof other circulating notes, duly numbered, registered and countersigned as aforesaid to the same amount; and said Auditor General, on receipt of any bills or notes under any of the provisions of this act, shall forthwith make out complete lists of the same, containing the numbers, dates and amounts of all said bills or notes respectively, and without delay cause said lists to be recorded in his office, in the book or books for recording the aforesaid mortgages; and as soon thereafter as practicable shall burn and destroy all notes received as aforesaid, in the presence of the State Treasurer and cashier, or president of said bank.

SEC. 17. That on the death of any party who shall have given and deposited mortgage securities as aforesaid, or whenever any person, having so given and deposited the same, shall desire to withdraw his, or her or their means from said bank, and to have their said mortgage securities cancelled, and the lands and tenements bound thereby, released, it shall be lawful for such stockholder, if living, or for the heirs or devisees of such as may be dead, to apply to the Auditor General, by petition, briefly setting forth the facts, and praying that the said securities may be cancelled; whereupon the said Auditor General shall forthwith issue a citation directed to the said bank, and cause the same to be served by copy on the president or cashier thereof, requiring said bank, within six months after said service, to substitute other mortgage securities, under the provisions of the fourth, fifth, sixth and seventh sections of this act, for the same amount as that proposed to be cancelled, or within said six months, to deliver up to said Auditor General, to be destroyed, an amount of the circulating notes of said bank equal to the amount of said mortgage securities so proposed to be cancelled; and on compliance of bank with either of said, the Auditor General shall issue an order, under his hand and seal of office, directed to the recorder of deeds in whose office such mortgage or mortgages may be recorded, authorizing said recorder to enter satisfaction on such mortgage or mortgages, and said recorder shall also at the same time record the authority on which said satisfaction may be entered, after which date the said stockholder is discharged from all liability, unless he holds other stock in the bank: *Provided*, That no mortgage securities shall be cancelled or marked satisfied as aforesaid, unless the stockholder asking for the same shall have first discharged all his or her indebtedness to said bank, and paid off all costs that may occur by entering said satisfaction and getting other mortgages in lieu thereof.

SEC. 18. That on settling up of the said bank, either at the expiration of the charter or by consent of the partners, or by failure of the bank, the persons authorized to settle it, after giving notice in one paper published in the county, one in Harrisburg and one in Philadelphia, to be published six months, giving notice that they are ready to redeem all the notes in circulation, and requesting the holders of them to present them; and at the expiration of two years from the date of the notice, on proof of the notice being published, and all the notes that was presented at the counter was paid, the Auditor General is authorized to issue power of attorney to the register and recorder of the counties in which the mortgaged premises are to enter satisfaction on all the mortgages held by the Commonwealth, as security for the redemption of the notes.

SEC. 19. That the plates, dies and other materials procured by the Auditor General for engraving and printing said bills or notes as herein directed, shall remain in the possession of said Auditor General for safe keeping, and un-

der his direction and control; and the necessary expense of procuring said plates, dies, books and other materials, and of printing, numbering, registering and countersigning said bills or notes, and the usual fees for recording said mortgages and other papers, shall be paid by the said bank, before the said bills or notes shall be delivered by the Auditor General as aforesaid.

#### No. 245.—FILE OF THE HOUSE.

TAYLOR, Estates and Escheats—Feb. 4

A SUPPLEMENT to the acts limiting actions against real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That no entry upon lands shall arrest the running of the statute of limitations, unless an action of ejectment be commenced therefor, within one year thereafter; nor shall such entry and action without a recovery therein, arrest the running of said statute in respect to another ejectment, unless it be brought within a year after the first shall have been non suited, arrested or decided against the plaintiff therein.

SEC. 2. That when the right of a tenant in tail of any land or ground rent, to make an entry or distress, or to bring an action to recover the same, shall become barred by reason of the same, not having been made or brought within the period limited by law, no such entry, distress or action shall be made or brought by any person claiming any estate, interest or right, which such tenant in tail might lawfully have barred; and whenever the statute of limitations shall have begun, or shall begin to run against the tenant in tail, it shall continue to run against the issue, remainderman or reversioner, unless arrested by the act of the tenant in tail: *Provided*, That no person shall be barred by force of this section, until after the expiration of three years from the date hereof.

#### No. 180.—FILE OF THE HOUSE.

GOEPP, Judiciary—January 31.

AN ACT to prevent the defacing of bank notes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, it shall not be lawful for any person or persons, corporation or body corporate, within this Commonwealth, to deface any bank note, or acknowledgment of indebtedness, of the nature, character and appearance of a bank note, issued by any bank lawfully incorporated by the Legislature of this Commonwealth, and authorized to issue the same, by writing, printing, or in any other way impressing or inscribing thereon, either on the face or on the back thereof, any card, advertisement or other inscription calculated or intended to announce and make known the occupation or place of any person, firm or corporation, and to pass off, pay out or circulate any such bank note or other acknowledgment of indebtedness, as aforesaid, so defaced as aforesaid.

SEC. 2. That every person who shall violate the provisions of the first section of the act, shall be taken and deemed to have committed a misdemeanor; and shall, upon conviction thereof in the Court of quarter sessions of the peace of the county wherein which the said violation shall have been committed, be fined in any sum not less than twenty dollars, and not more than fifty dollars.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

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## SENATE.

WEDNESDAY, Feb. 16, 1859.

The Senate met and was called to order by the SPEAKER at 10 o'clock, A. M.

A quorum of Senators present.

Prayer by Rev. Charles A. Hay, of the English Lutheran church, Harrisburg.

Journal read and approved.

## LEAVE OF ABSENCE.

Mr. SCOFIELD asked and obtained leave of absence for Mr. RUTHERFORD, for a few days from to-day.

## REPORTS OF COMMITTEES.

Mr. WRIGHT, (Corporations,) reported as committed, House bill No. 136, "An Act to incorporate the Franklin market company."

Also, (same,) with amendment, "An Act to amend the charter of the borough of North Lebanon."

Also, (same,) as committed, "An Act incorporating a company for the improvement of the drama."

Also, (same,) as committed, "An Act to incorporate the Zoological society of Philadelphia."

Also, (same,) with amendment, House bill No. 121, "An Act to incorporate the Eastern market company."

Mr. SHAEFFER, (same,) as committed, "An Act to incorporate the Mutual fire insurance company of Annville, Lebanon county."

Also, (same,) as committed, "A further supplement to the act incorporating the Female seminary of Harrisburg."

Also, (same,) as committed, House bill No. 143, "An Act relating to the borough of Lebanon."

Also, (same,) as committed, House bill, No. 171, "A further supplement to an act incorporating the borough of Marietta, in Lancaster county."

Mr. GAZZAM, (same,) as committed, House bill No. 163, "An Act to incorporate the Mercantile Hall library company of the city of Pittsburgh."

Also, (same,) as committed, House bill No.

141, "A supplement to an act to incorporate the Union school and childrens' home asylum; to provide for the taxation of non-resident vendors of merchandize in Philadelphia; and for the relief of Edward Hutchinson."

Also, (same,) as committed, House bill No. 165, "An Act to incorporate the Security fire insurance company of Philadelphia."

Also, (same,) as committed, "An Act to incorporate the Morrisville water company."

Mr. SCHELL, as committed, House bill No. 164, "An Act to incorporate the Farmers' mutual fire insurance company of middle Pennsylvania."

Also, (same,) as committed, "An Act to incorporate the Columbia County Agricultural, Horticultural and Mechanical association."

Also, (same,) as committed, House bill No. 166, "A further supplement to an act incorporating the Scranton gas and water company, and amendatory of the supplement, approved February 20, 1858."

Also, (same,) as committed, House bill No. 173, "An Act to incorporate the City building association."

Mr. KELLER, (Banks,) as committed, "A supplement to an act incorporating the mutual saving and loan association of Philadelphia."

Mr. MARSELIS, (same,) with a negative recommendation, "An Act relative to the banks of this Commonwealth."

Mr. FINNEY, (same,) as committed, "An Act to incorporate the Philadelphia and Olney passenger railroad company."

Also, (same,) as committed, House bill, No. 159, "An Act to incorporate the Northwest portage railroad company."

Mr. COFFEY, (same,) with amendment, "An Act to incorporate the Northumberland and Juniata railroad company."

Also, (same,) with a negative recommendation, "An Act to incorporate the Laurel Hill and Manayunk passenger railway company."

Mr. CRAIG, (same,) with a negative recommendation, "An Act to incorporate the Seventh, Eighth and Ninth Streets passenger railway company."

Also, (same,) with a negative recommendation, "An Act to incorporate the Eighth and Ninth Streets passenger railway company."

Also, (same,) with a negative recommendation, "An Act to incorporate the Chatham and Moore Streets passenger railway company."

Mr. RANDALL, (same,) as committed, "A further supplement to an act incorporating the Norristown and Freemansburg railroad company."

Also, (same,) as committed, "An Act incorporating the Plymouth railroad company."

Mr. FETTER, (Agriculture and Domestic Manufactures,) with a negative recommendation, "An Act relative to manufacturing flour from wheat, rye and corn, in Clinton county."

On motion of Mr. GREGG, this bill was recommitted.

Also, (same,) as committed, House bill No. 140, "An Act relative to strays in Venango county."

Mr. NUNNEMACHER, (Roads and Bridges,) as committed, "An Act to incorporate the Pineville and Centreville turnpike road company."

Also, (same,) as committed, "A supplement to an act incorporating the Hilltown and Sellersville turnpike road company."

Mr. RUTHERFORD, (same,) as committed,

"An Act to authorize Lewis R. Geer, to erect a ferry across the Allegheny river."

Mr. FETTER, (same,) as committed, "An Act authorizing the construction of a dam across the Conemaugh river."

Also, (same,) as committed, "An Act relative to road and bridge viewers in Centre county."

Mr. THOMPSON, (same,) with amendment, "An Act to incorporate the Black Rock bridge company, in Montgomery county."

Mr. BALDWIN, (same,) as committed, "A supplement to an act to incorporate the Conestoga and Beaver Valley turnpike road company."

Also, (same,) as committed, "An Act to incorporate the Marietta, Mt. Joy, Sporting Hill and Manheim turnpike road company."

## BILLS IN PLACE.

Mr. COFFEY read in his place and presented to the Chair, "A supplement to an act incorporating the University of Kittanning."

Mr. BELL, "An Act relative to executors, administrators and guardians."

Mr. BREWER, "An Act relative to deer in Adams, Franklin, Cumberland and Fulton counties."

Mr. PENNEY, "A supplement to an act incorporating the Odd Fellows' hall association of Pittsburgh."

Mr. PALMER, "An Act for the relief of George D. Boyer, late treasurer of Schuylkill county."

Mr. THOMPSON, "A supplement to the general banking law."

Mr. SCHINDEL, "An Act to restrict sales by auction in Lehigh and Northampton counties."

Also, "A further supplement to an act encouraging the manufacture of iron with coke or mineral coal."

Mr. SCHELL, "A supplement to an act to enable joint tenants, tenants in common, and adjoining owners of mineral lands to manage and develop the same, approved April 9, 1856."

Also, "An Act for the relief of the Liberty Township school district, in Bedford county."

On leave given, Mr. SCHELL made a statement.

Mr. SCHELL desired to make a statement previous to reading the following bill in place. It had been prepared at the request of a number of business men in his district, and he presented it, in compliance with their request and his duty as a Senator, without wishing to be considered as favorable or unfavorable to it. He desired its publication in the *Daily Record*; which, on his motion, was ordered to be done.

The bill is as follows:

AN ACT to repeal the tonnage duty or toll on the Pennsylvania railroad, and on the Harrisburg, Portsmouth, Mount Joy and Lancaster railroad, on certain conditions.

SECTION I. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the acts incorporating the Pennsylvania railroad company and the Harrisburg, Portsmouth, Mount Joy and Lancaster railroad company, and the several supplements thereto, as imposes a duty or toll on the tonnage or freight carried on and over said railroads be, and the same is hereby, repealed: Provided, That this repeal of the said tonnage duty or toll on the said several railroads is hereby made on the express condition that the said several rail-*



road companies shall, and do, severally and respectively, at and during all time from and after the expiration of thirty days from the passage of this act, reduce and lessen their several and respective tolls and charges, that is to say, their several and respective present published and existing winter rates of tolls and charges, as also their summer rates of tolls and charges as published and fixed for, and during the year eighteen hundred and fifty-eight, on all the local tonnage and freight of and within this Commonwealth, of every kind whatsoever, except coal and lumber, carried on and over their several and respective railroads, at least five mills on each ton, and on any less quantity or weight, proportionately, for each and every mile the same is so carried, below their said several above mentioned and referred to tolls and charges for and on the same.

SEC. 2. The said railroad companies are hereby severally required, in case they, or either of them, accept of and agree to the terms and provisions of this act, within thirty days from and after the passage of the same, to give notice to the Governor, in due and proper manner, and formed so as to be binding on the said several companies, in and according to the judgment of the Attorney General of the Commonwealth, whether they, or either of them, severally, accept of and agree to the terms and provisions of this act, on and according to the condition mentioned and specified in the first section thereof; otherwise and on the failure of said companies, or either one or other of them, to do the same, this act shall not be operative and in force; and in case the said companies, or either of them, shall and do so accept the terms and provisions of this act, the said companies, or company, so accepting the same, shall, and are hereby required, at the time of giving notice, as aforesaid, to deliver to him true, full and correct copies and lists, verified to be such by the affidavits of either the presidents or general superintendents of said companies, of the several and respective published rates of tolls and charges on the local tonnage and freight of and within this Commonwealth, of said several companies mentioned and referred to in the first section of this act; which said copies and lists shall forthwith be filed in the office of the Secretary of the Commonwealth; and in case either of said companies shall, after so accepting the terms and provisions of this act, thereafter charge and receive any greater amount of tolls and charges on the said local tonnage and freight of and within this Commonwealth than is allowed to be charged under and according to the terms and provisions and true intent and meaning of this act, any such excess so charged and received may be recovered by the person or persons so charged and thereby aggrieved, of and from either of said companies so offending, as debts of like amount may be recovered in this Commonwealth; and copies duly certified by the Secretary of the Commonwealth of the lists of tolls and charges above mentioned, to be filed as aforesaid, or of either of them, are hereby declared to be evidence in any suit or proceeding in this Commonwealth wherein the same may be relevant and pertinent to the issue; and the expenses or cost of such said certified copies shall be taxed as part of the costs in any such suit or proceeding.

SEC. 3. The right to repeal this act, and thereby to restore the imposition of said tonnage duties and tolls on said companies and railroads, by any future Legislature of this Commonwealth, is hereby expressly reserved, in case it shall hereafter be deemed advisable or proper, or conducive to the public interest to repeal the same, and thereby again impose said tonnage duties and tolls on said companies and railroads.

Mr. WRIGHT, "A supplement to an act in-

corporating the poor house of Roxborough township, in Philadelphia."

The SPEAKER read in place House Bill No. 121, "An Act to incorporate the Easton market company."

#### ORIGINAL RESOLUTION.

Mr. MILLER moved that the Committee on Education be discharged from the consideration of "An Act to establish the Penn industrial reform school," and that the same be referred to the Judiciary Committee; which was agreed to.

#### BILLS ON SECOND READING.

Senate bills Nos. 2 and 4 lie over.

Senate bill No. 18, "An Act to establish a general banking law," came up in order, the question being upon the amendment to the nineteenth section offered yesterday, by Mr. YARDELEY; which he withdrew, but which was renewed by Mr. MARSELIS.

Mr. MARSELIS wished to say a word on the amendment. He thought there had not been due importance given to the amendment. It was an important feature of the bill, and he should like to hear some discussion upon the subject. He saw no reason why banks should not be held responsible for their notes, forthwith, without being allowed ten days' time, or any other delay for their redemption. The notes are redeemable at demand, and the Senate would commit a fraud by placing any other construction upon them than that which they bear upon their face. This is a subject of money, and cannot be mixed up with other things. The people look upon cash as the only genuine article; it is that which they most crave, and which will alone satisfy them. If the Legislature puts its stamp on paper, and tells the people that it is worth five dollars, that they can go at any time and have it redeemed, when, at the same time, the privilege is extended them of redeeming their issues in ten days, a gross fraud is committed. If we have banks, we ought to make them deal honestly and fairly with the people. To base any such thing as money upon evidences of debt, is a mistake. Instead of giving the banks ten days for the redemption of their issues, they should insist upon an immediate redemption, in accordance with the promise which their notes bear upon their face.

Mr. MILLER desired to make a motion that the committee report progress, and ask leave to sit again. He would then submit another proposition, that the bill be referred to a committee of seven persons, for their examination and report.

Mr. RANDALL was perfectly willing that this should be done, if it was the wish of the Senate; but he could see nothing to be gained by that course.

Mr. MILLER said his object in making the suggestion he had, was as a friend of the measure. Every Senator, he thought, from the discussion which had already taken place upon the bill, was satisfied that it was not in a shape to enable them to act intelligently upon it.

Mr. MYER trusted that if the Senate wished to consider the bill at all, it would not agree to the amendment. It was the duty of each Senator to give the measure his earnest attention; and this can be best done by allowing it to go to second reading. He could see no reason in sending the bill to committee; and if he were to give it to committee at all, he would not make that committee consist of more than three.

Mr. GREGG concurred in the views of the Senator from Bradford. There could, he thought, be nothing gained by re-committing the bill. If they did, it would, most probably, come back in the same shape as at present.

Mr. MILLER remarked that, as the discussion arose upon the amendment of the Senator from Bucks, which he had withdrawn, and which was subsequently renewed by the Sena-

tor from Philadelphia, he would withdraw his motion, in order to allow that Senator to make a statement of his reasons for the withdrawal.

Mr. RANDALL said it would be recollected that, when he introduced the bill, he had stated that he had lent to its preparation all his energies, industry and time; and he did not think, although not perfect in all its details, it was so crude as to be sent back to committee for examination. From time to time, he had called the attention of Senators, and others, well versed in financial matters, to the provisions of the bill; and had sought all the aid of all the experience and wisdom, in its preparation, which he could procure. He was perfectly aware that a whole system, important as this was, could not be struck out at a single heat, and that it could only be perfected by experience and time. He thought the section, as it was originally drawn, was correct, and he hoped it would be adopted without the amendment which had been proposed.

Mr. GAZZAM was willing to go with the Senator from Philadelphia, (Mr. MARSELIS,) in restricting banks to any reasonable extent. Perhaps ten days were too much; but the Senator should consider that what he proposes to strike out, has been a principle which has prevailed among business men, and which should be justly extended to banks. It is the interest of banks to preserve their credit, and to pay their notes at maturity, or on demand; but where the refusal to do so affects the charter of the bank, when, at the expiration of ten days they might be abundantly able to meet all their liabilities, and when they had deposited with State officers, abundant security, was he thought too exacting.

Mr. SCOFIELD moved to substitute the following for the amendment proposed by Mr. MARSELIS, to insert in the tenth line after the word "same," the words "with interest thereon from the time of demand at the rate of ten per centum per annum."

Mr. MARSELIS did not wish to add anything to what he had already said, except to combat, briefly, the position of the Senator from Allegheny.

Mr. GAZZAM rose in explanation of his position.

Mr. SCHELL was in favor of the amendment offered by the Senator from Philadelphia. The present banking system was bad enough, without doing anything to make it worse. He desired the country banks to be placed upon no other foundation than a safe and sound one; that the people, when they have a five dollar note in their hands, may know and feel satisfied that it can be redeemed at a moment's notice to the parties issuing it. He felt convinced that if ten days were allowed for the redemption of their notes, it would kill the bill.

Mr. MYER said it was amusing to hear Senators talk about the bill, and the security which was afforded to bills in their pockets by the present banking system. Men did not know when bills were secure. There was no bank in Pennsylvania which was able to redeem its issues at a moment's notice. Banks never can be secure, until they hold dollar for dollar of their issues, or some other available security.

Mr. FINNEY could suggest, he thought, a compromise. If they would alter the title, by making it a bill authorizing the people of the Commonwealth to deal in the exchanges of this Commonwealth, there would be no objection, for it was, in effect, nothing else. If notes are issued on the security of the State's own bonds, is it going, he asked, to impair the security, by extending to the parties issuing, the provisions of this section? The notes were good, if the bank never paid them, for the State has in its possession the securities upon which they were issued. The system which is proposed to be established by this bill, is one which has been



tried in other States, and found to answer every purpose contemplated. It proposes a simple license to the people to deal in exchanges, by issuing bills of credit, for the use of which specialties, or bills of credit, they have deposited ample securities in State stocks. He then entered into an explanation of the operations of the system, contrasting it with the old, or that under which the present business of the State is conducted.

In setting the system in operation, the State should be liberal enough to allow men to do their business without trammelling them with provisions with which they cannot comply. No bank can exist under the the present laws, and comply with the strict requirements of it. His own view of a banking law of this kind was, that it should be as simple as possible; that the business should be done as by private bankers, restrained by the necessity of redeeming their bills and maintaining their credit. The banks could then take care of themselves. The people were already taken care of in the deposit which is to be made with the State of securities of an undoubted character. A perfect system of banking cannot be organized, unless it is plain, and with greater liberties than under the present banking law. The people, he said, feel like having a liberal, rational banking law; and Pennsylvania owes it to her citizens that she will give them one which will conform to their business necessities.

Mr. YARDLEY arose, not for the purpose of discussing the bill, but in explanation of his reasons for withdrawing his amendment, this morning. He had withdrawn it, not because he thought it was not correct, but for the purpose of allowing the bill, at the suggestion of Senators, to pass to second reading, when it could be again offered, as the bill progressed. He thought the amendment was a good one, and he should vote for the incorporation of it into the bill.

Mr. GREGG hoped neither of the amendments would be adopted. There was a conflict between the sections, and he would call the attention of the gentleman who had the bill in charge, to the fact.

The amendment offered by Mr. SCOFIELD was adopted, and the section as amended, passed.

The twentieth section was amended, by inserting after the word "receiver," in the ninth line, the words, "who shall be a resident of the city or county where the bank is located."

The various sections of the bill, together with a new one, proposed by Mr. FINNEY, to come in before the last, were adopted without amendment.

The new section is as follows:

That any bank heretofore chartered under the laws of this Commonwealth, shall be authorized to deposit bonds or evidences of indebtedness of this Commonwealth to the amount of its capital stock paid in, and receive registered notes therefor; and thereafter shall be subject to the provisions of this act, in the same manner as banks chartered under such provisions: *Provided*, Such bank shall not thereafter issue any notes.

The bill lies over on second reading.

#### BILLS IN PLACE.

Mr. WELSH, on leave given, read in his place and presented to the Chair, "An Act to attach Blair county to the Eighth Normal school district."

Also, "An Act authorizing the commissioners of York county to borrow money."

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. BALDWIN, House bill No. 167, "An Act to amend the charter of the borough of North Lebanon, Lebanon county."

On motion of Mr. BELL, Senate bill No. 47, "An Act concerning turnpike, plank road and bridge companies," was taken up.

The first section was agreed to.

The question being upon the second section, Mr. MILLER moved to amend, by striking out in the fourth line the words, "the usual," and insert in lieu thereof the words, "at any," and in the sixth line, strike out the words, "in actual procession."

Mr. BREWER moved further to amend, by striking out the words, "the place of interment," in the seventh line, and insert in lieu thereof the words, "any funeral."

Mr. GREGG objected to the second section. We had already a law permitting funeral processions, and persons going to or from worship, to pass free of toll. Persons attending funerals, in returning home, at least in the country, were not in the habit of doing so in procession, but scattered as soon as the funeral ceremonies were concluded. He did not see, either, why, if persons attending their regular places of worship, were exempt, they should not be in attending any church.

Mr. RANDALL asked if the section applied to the Senator's own district, or whether the bill was general?

The SPEAKER replied that it was general.

Mr. RANDALL said it was important that persons should be allowed to carry the dead free, and there should be nothing to interfere with the enjoyment of the privilege. He was opposed to the section.

Mr. BELL had but a word to say. The amendment brought them back precisely to where they are now. The bill had been prepared by the people of the section of the State which he represented, which was largely populated, and in which there were large churches, numerous attended. There were also many camp meetings, during the progress of which toll keepers were liable to gross deceits and frauds on the part of persons who profess to be in attendance upon them. There were crowds of persons who went to these places, not for the purpose of worship, but for frolic. They took the same advantages with funerals. The bill was designed to guard against this deceit and fraud, and to correct what experience has shown to be an evil, by amending the existing law.

Mr. GREGG could not answer for the people of Chester; but on the part of his own district there had been no complaint of the existing law. The people there were in the habit of scattering the moment the dead were committed to their resting place, and it was hard to compel them to pay toll, because they could not return in procession. Besides, many of them often had not a "flip" in their pockets to pay toll.

The Senator from Chester had alluded to the rabble who attend camp meetings. The object of these meetings, he said, was to afford an opportunity, as well as an inducement, to hear the Gospel, and they should not be shut out, but afforded every inducement possible. What, he asked, was the small pittance of toll to the salvation of a soul?

Mr. MILLER agreed with the Senator from Centre. The provision may be necessary in certain sections, but it would work great injury in most of the rural districts.

Mr. SCHELL said he went a little further than the Senator from Centre, in his opposition to the bill. The first section was good, but the second should be voted down entirely.

Mr. MYER asked what was the use of all these amendments? As he understood it, they left the law where it is at present.

Mr. GAZZAM said the bill was an important one; and he wished, as the matter referred to the exemption of tolls, to offer an amendment that the tonnage tax on the Pennsylvania railroad—

The SPEAKER decided Mr. GAZZAM out of order.

Mr. RANDALL moved, that, inasmuch as

there was nothing left but the enacting clause, that it be stricken out.

Mr. BELL said that the Senator from Philadelphia felt so elated over the bill which the Senate had considered, and of which he claimed the paternity—

Mr. RANDALL rose to explain. That bill had been in no funeral train.

Mr. BELL. It was in great danger of being in one yesterday; and he was not satisfied that it would not yet be laid on a bier.

Messrs. RANDALL and BELL both continued, briefly in discussion of the bill.

The amendments were adopted, and the second section as amended was not agreed to.

The question being upon the final passage of the bill,

The yeas and nays were required by Mr. RANDALL and Mr. BELL, and were as follow, viz:

YEAS—Messrs. Bell, Brewer, Coffey, Fetter, Finney, Francis, Gazzam, Gregg, Harris, Keller, Marselis, Miller, Myer, Nunnemacher, Palmer, Penney, Schell, Scofield, Shaeffer, Schindel, Thompson, Welsh, Wright and Cresswell, *Speaker*—24.

NAY—Mr. Randall—1.

So the question was determined in the affirmative.

An extract from the Journal of the House was received and read.

It authorizes the Clerks of the Senate and House of Representatives, to amend the first line of the second section of House bill No. 170, "An Act to incorporate the Luzerne powder company," by striking out the words, "that the business of the said corporation," and inserting in lieu thereof the words, "said corporation shall be located in Luzerne county, and its business."

Mr. WELSH asked if there was any precedent for this course. He thought there was not. He had confidence in the Clerks of both branches, but he thought this would be giving them too much power.

Mr. COFFEY said the Senator from York was mistaken in saying there was no precedent for this course. He instanced two cases; yet he considered the practice objectionable.

Mr. SCHELL also instanced a case.

Mr. WELSH said the precedents did not meet the case at all. He objected to granting power to the Clerks to alter or amend bills, without the concurrence of both Houses. He preferred returning to the old practice, requiring all bills in which there had been an error or omission made, to come back, and be re-considered in the usual manner.

On motion of Mr. SCOFIELD, the extract was referred to the Judiciary Committee.

The annual statement of the Swede iron company was transmitted by the Governor to the Senate.

House amendments to the bill relative to the records of Union and Snyder counties were read and non-concurred in. A committee of conference was ordered to be appointed.

Mr. MYER, (for Mr. RUTHERFORD, as previously agreed upon,) called up Senate bill No. 217, "An Act confirming the sale of the German school house and lot of ground in Myerstown, Lebanon county;" which passed finally.

On motion of Mr. BREWER, Senate bill No. 237, "An Act to incorporate the Pennsylvania and Maryland Line turnpike company."

The bill passed with amendment.

On motion of Mr. THOMPSON, Senate bill No. 149, "An Act relating to the borough of Pottstown," after being amended, passed finally.

The hour of one having arrived, the SPEAKER adjourned the Senate until 3 o'clock this afternoon.



## AFTERNOON SESSION.

Agreeably to order, the Senate met at 3 o'clock.

## BILLS CONSIDERED AND PASSED.

On motion of Mr. PARKER, House bill No. 121, "An Act to incorporate the Eastern market company of the city of Philadelphia."

On motion of Mr. WRIGHT, House bill No. 126, "An Act to incorporate the Franklin market company of Philadelphia," was taken up; and, on his motion, was amended in the fourteenth line of the first section, by inserting the words "to be located west of Tenth and south of Market streets," after the word "house."

Mr. COFFEY said he generally voted for these bills of incorporation; but he wished to know of the Senator who had called up the bill, whether there was anything in the bill which would give it preference over other similar bills of incorporation? Also, whether it was not a business which could as well be carried on by private enterprise?

Mr. WRIGHT explained that he had drawn up the bill himself, and he thought it was more carefully guarded than others. It was a business, he would say, in reply to the Senator from Indiana, that could not be as well carried on, if at all, by private enterprise.

Mr. GAZZAM advocated briefly, the passage of the bill. He considered the business which it was proposed to establish, as peculiarly deserving of the protection and aid sought to be extended to it, and he hoped the bill would pass.

On the final passage of the bill,

The yeas and nays were required by Mr. WELSH and Mr. WRIGHT, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Brewer, Coffey, Craig, Fetter, Finney, Francis, Gazzam, Gregg, Harris, Keller, Marselis, Myer, Palmer, Parker, Penney, Randall, Schell, Scofield, Shaeffer, Schindel, Thompson, Welsh, Wright, Yardley and Cresswell, *Speaker*—27.

NAY—Mr. Nunnemacher—1.

So the question was determined in the affirmative.

On motion of Mr. YARDLEY, Senate bill No. 120, "A supplement to an act incorporating the Hilltown turnpike road company."

On motion of Mr. PARKER, House bill No. 165, "An Act to incorporate the Security fire insurance company of Philadelphia city."

On motion of Mr. BREWER, House bill No. 7, "An Act to abolish the office of sealer of weights and measures in Lancaster and Franklin counties."

This bill, after being so amended as to include the counties of Montgomery, Bucks and Berks, and the following proviso being added:

Provided it shall not take effect until the expiration of the terms of the present officers—was postponed for the present.

On motion of Mr. COFFEY, Senate bill No. 183, "An Act for the relief of Joseph Brady, a soldier of the Indian war."

Mr. WELSH moved that the Committee on the Judiciary be discharged from the consideration of a bill authorizing the commissioners of York county to borrow money, and that the Senate proceed to consider the same; which was agreed to, and the bill passed.

On motion of Mr. PARKER, House bill No. 173, "An Act to incorporate the City building association," was then taken up.

The first, second, third, fourth and fifth sections were agreed to.

Upon the adoption of the sixth section, there was a running discussion—Mr. WRIGHT, opposing the section, and Messrs. GAZZAM and COFFEY in advocacy of its provisions. In the course of the discussion, a history of its operations and business of building associations was

given—Mr. WRIGHT being a member of two such associations himself.

On the question,

Will the Senate agree to the sixth section?

The yeas and nays were required by Mr. PARKER and Mr. WRIGHT, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Finney, Francis, Gazzam, Gregg, Palmer, Parker, Scofield, Thompson and Yardley—11.

NAYS—Messrs. Bell, Fetter, Marselis, Miller, Nunnemacher, Penney, Schell, Wright and Cresswell, *Speaker*—9.

So the question was determined in the affirmative.

The seventh section was adopted.

And on the question,

Shall the bill pass?

The yeas and nays were required by Mr. WRIGHT and Mr. PARKER, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Finney, Francis, Gazzam, Gregg, Harris, Palmer, Parker, Penney, Scofield, Thompson and Yardley—13.

NAYS—Messrs. Fetter, Marselis, Miller, Nunnemacher, Randall, Schell, Wright and Cresswell, *Speaker*—8.

So the question was determined in the affirmative.

On leave given, Mr. SCOFIELD read in his place and presented to the Chair, "An Act confirming the title of Charles Whitney and Asa Scott, to certain lands in Warren county."

On motion of Mr. FRANCIS, House bill No. 140, "An Act relative to strays in Venango county."

On motion of Mr. SCHINDEL, House bill No. 66, "An Act to incorporate the Allen mutual insurance company."

This bill was, on motion of Mr. SCHINDEL, slightly amended.

On motion of Mr. GAZZAM, House bill, No. 163, "An Act to incorporate the Mercantile library hall company of the city of Pittsburgh."

On motion of Mr. PENNEY, the words, "twelfth day of February" were inserted in the sixth line, fourth section of this bill; and

On motion of Mr. GAZZAM, after the word "library," in the thirty-second line, same section, the words, "and Mechanics' Institute" were added.

On motion of Mr. GREGG, Senate bill No. 119, "A supplement to an act to incorporate the Allegheny and Buffalo Run turnpike road company."

On motion of Mr. HARRIS, "An Act to incorporate the Grove cemetery, of New Brighton, Beaver county."

The hour of five having arrived, the SPEAKER adjourned the Senate until 10 o'clock tomorrow morning.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, Feb. 16, 1859.

The House met at 10 o'clock, and was called to order by Mr. S. B. CHASE, SPEAKER *pro tem*.

Prayer was offered by Rev. Dr. Bartine, of the Methodist church, Harrisburg, Pennsylvania.

The Clerk was about to read the Journal of yesterday, when, on motion of Mr. LAWRENCE, (Washington,) the reading of the same was dispensed with.

Mr. KETCHUM, on leave, offered a joint resolution to amend the act, (which has already passed both Houses,) to incorporate the Luzerne powder company, the location of which was, by oversight, forgotten to be designated in the bill.

Said resolution was read the second time and passed finally.

Mr. KENEAGY, on leave, offered a resolu-

tion that the president and directors of the Strasburg railroad company, be hereby required, within ten days, to furnish to this House a full and authentic report of its affairs and transactions, exhibiting particularly its receipts and expenditures for the year preceding the second Monday of January, 1859; which was twice read, considered and adopted.

Messrs. PATTERSON and RANDALL, moved that the House re-consider the vote by which the bill to pay the claim of Chas. Fisher was lost yesterday; which was agreed to.

The question recurring, shall said bill pass?

On motion of Mr. PATTERSON, the further consideration of the same was postponed for the present.

Messrs. PRICE and WALBORN moved that the House reconsider the vote by which House bill No. 160, relative to the Green and Coates' Street passenger railway company passed the House a few days since.

And on the question, will the House agree to the motion?

A motion was made by Mr. LAWRENCE, of Washington, that the further consideration of said motion be postponed for the present.

And on the question, will the House agree to the motion?

The yeas and nays were required by Mr. HAMERSLY and Mr. EVANS, and were as follow, viz:

YEAS—Messrs. Balliet, Barnsley, Barlow, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Chase, Durhoraw, Eckman, Ellmaker, Fearon, Glatz, Goepf, Graham, Green, Harding, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehafeey, McClean, Miller, Nill, Oaks, Palm, Patterson, Peirce, Pinkerton, Price, Proudfoot, Pugh, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stuart, Styer, Taylor, Thompson, Wagonseller, Walborn, Walker, Witman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson and Wolf—54.

NAYS—Messrs. Abbott, Bertolet, Brodhead, Campbell, Custer, Dismant, Evans, Galley, Gratz, Gray, Hamersly, Hill, Jackson, Laird, Neall, Quigley, Rohrer, Shields, Stephens, Stoneback, Warden, Wiley and Woodring—23.

So the question was determined in the affirmative.

Mr. KINNEY, on leave, offered a joint resolution that both Houses adjourn to-day at one o'clock, to meet again next Wednesday at three o'clock, P. M.: which was read the second time.

The question was debated by Messrs. HAMERSLY, WILLIAMS, of Bucks, NILL and MANN, against, and by Messrs. KINNEY, LAIRD, THOMPSON, ROSE, MILLER and others in favor of the resolution.

And on the question, shall the same pass?

The yeas and nays were required by Mr. HAMERSLY and Mr. WILLIAMS, (Bucks,) and were as follow, viz:

YEAS—Messrs. Abbott, Bryson, Burley, Campbell, Ellmaker, Foster, Galley, Good, Graham, Gratz, Harding, Keneagy, Kinney, Laird, McClean, Miller, Neall, Pinkerton, Proudfoot, Pughe, Quigley, Rohrer, Rose, Rouse, Smead, Styer, Taylor, Thompson, Walborn, Witman, Wigton and Wilson—32.

NAYS—Messrs. Acker, Balliet, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Schuylkill,) Chase, Church, Custer, Dismant, Dodds, Durhoraw, Eckman, Evans, Fearon, Glatz, Gray, Green, Gritman, Hamersly, Hill, Hottenstine, Jackson, Ketchum, Lawrence, (Washington,) Mann, McClure, McDowell, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Ramsdell, Shafer, Sheppard, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Walker, Warden, Wiley, Williams, (Bedford,) Williams, (Bucks,) and Wolf—50.

So the question was determined in the negative.



Agreeably to order, the House proceeded to the consideration of bills on Private Calander.

House bill, No. 241, "An Act to establish a normal school in connection with Westminster college, New Wilmington, Lawrence county, Pa.," came up in order.

The question being on the motion indefinitely to postpone, made yesterday by Mr. GOEPP, it was withdrawn.

The question recurring,

Will the House agree to the motion to postpone for the present?

It was likewise withdrawn.

The question now being, shall the bill pass?

Mr. ROSE said: This bill proposes to give to the Westminster collegiate institute, the sum of twelve hundred dollars annually, for the purpose of supporting a Normal school, for the instruction of teachers in all the branches of English literature and science, and in the art of teaching and government.

This institution was founded by act of 27th April, 1852, and its charter will be found on page 470 of the pamphlet laws of that year.—It is under the government and control of a board of twelve trustees, five of whom constitute a quorum, who are empowered to make by-laws, and do all other acts necessary for the proper management of its affairs.

Through the energy and enterprise of a few individuals, this institution has already taken rank among the first colleges of the State. The board of managers have erected one of the finest buildings in Western Pennsylvania, and have raised an endowment fund of seventy-five thousand dollars, at the rate of one hundred dollars per scholarship.

The annual catalogue shows the average number of students to be from two hundred and fifty to three hundred. It employs six professors in the various departments, who have been selected purely on account of their great experience and their profound literary attainments. All this has been accomplished within a period of six or seven years, by the exertions of a few individuals, and without one dollar of aid from the State.

By an examination of the charter, it will be seen that the trustees of this institution are not required to establish a Normal school department—they are only required to adopt that course of study which is usually pursued in our colleges; its object being simply to afford facilities for a classical education. Nevertheless, the trustees and faculty of this institution have thought proper to establish a Normal school in connection with the college; and this department has been in successful operation for a period of three or four years. From 1855 to 1858, the Normal students have ranged from 133 to 118. The decrease in 1858, originated from the fact that some of the Normal students have entered the college department. But each and every year, since the establishment of this department, they have numbered over one hundred.

The necessity of such a school, in connection with the college, must be apparent to every one at all familiar with the course of study usually pursued in our colleges. A great many parents send their sons and daughters to this institution for the express purpose of qualifying them for the vocation of teachers of common schools.—The preparatory course in a college gives the student but a mere smattering of the branches usually taught in our common schools. He is hurried through this department, in anticipation that when he has mastered the dead languages and the higher branches of mathematics, he will become more familiar with the structure of his own language and the rudiments of arithmetic. Hence, a student who has only gone through the preparatory course in a college is but poorly qualified to enter a common school in the capacity of a teacher. And, in fact,

many of those who have graduated at our best colleges are ignorant of the first principles of a common English education, and as a general thing they make the poorest teachers of common schools—the "sheep-skin" to the contrary notwithstanding. This is a hard saying, yet it is lamentably true, and easily explained. In their haste to enter the more advanced classes, and to grasp that which is more profound, they overlook the elementary principles—the very stepping-stone to a thorough education.—Besides this, they are deprived of one very essential requisite in order to make a good teacher, and that is, instruction in the art of teaching and government. In this respect, most of our colleges are sadly deficient.

It was this view of the matter that induced the trustees and faculty of this institution to establish a department for the express purpose of educating teachers. They were compelled either to adopt this course or turn away a large number of the applicants, and thus injure the reputation of the college. It is evidently the growing policy of this, as well as most other States of the Union, to encourage the Normal school system, and I am gratified to record, His Excellency, the Governor of this Commonwealth, as being in favor of appropriations for educational purposes. In asking for a donation for this purpose, we, as western members, demand nothing more than our rights, and we mean to insist, year after year, until our requests are granted. I believe all the principal colleges in the State have, at some time or other, received appropriations, except the one in question. Donations have been made to Allegheny college, to Jefferson college, to Washington college, to Dickinson college, to Franklin and Marshall college and to a host of others. But Westminster college has received nothing from the State, except its naked charter; and that portion of the State in which it is located, has never received a sum worth mentioning for any educational purpose. I say, then, without hesitation, that the State owes it to the west as a matter of right, and we mean to have it. The only question, then, is as to the locality of this institution, and I think I can convince any one who will take the trouble to examine a map of Pennsylvania, that a more suitable place could not be selected than the one proposed in the bill. The town of New Wilmington, where this college is located, is situated not far from the centre of the five counties to be included in the district, to wit: the counties of Mercer, Venango, Lawrence, Butler and Beaver. In addition to this, the advantages of connecting this school with the college, must be patent to every member of this House. By an arrangement of this kind, the students of the Normal school can have access to the lectures of the professors, to three well organized literary societies, with commodious and finely furnished halls, and to the library and apparatus of the college.

Besides all this, it would cost the State at least ten times the amount mentioned in the bill to erect suitable buildings, and furnish them for this purpose, and the sum necessary to defray the salaries of professors and other expenses necessary to keep it in successful operation, would far exceed twelve hundred dollars annually.

This institution proposes, for the small *pittance* of twelve hundred dollars annually, to teach three hundred students, each and every year, to be selected from the five counties already named; to furnish three professors (which would only give them four hundred dollars each,) and to do this, free of any other charge, except that of incidental expenses. What better investment could the State make of her money? As a *quid pro quo* the State will have the education of three hundred students annually. The salary of the county superintendent of common schools in several counties in this Commonwealth

amounts to more than this sum, and, although I do not wish to express an opinion at this time as to the importance and propriety of this branch of the common school system, yet I am free to say that much more good will be accomplished by investing the same amount of money in the support of this Normal school.

Another fact to which I wish to call the attention of the House, is that this school is already in existence, and I am authorized to say will continue, whether this appropriation is made or not. Is it not due then to the enterprise and philanthropy of the founders of this institution of learning, that they receive some encouragement from the State? Do we not owe it to them as a debt of gratitude for the interest they have manifested in the cause of education? This bill only proposes to give them the interest on twenty thousand dollars annually. The principal is to remain in the hands of the State; and if, upon experiment, the school does not prove to be of advantage to the State, the interest can, at any time, be withheld, and in fact it cannot be drawn from the treasury any year without an act of Assembly, so that there is no danger of the State being robbed and plundered as has been alleged by gentlemen during the course of this debate.

But looking at this question purely in the light of dollars and cents, (without taking into account the educational advantages which will accrue to the State;) the money will not be entirely thrown away: the increase on the valuation of property will, in a measure, make up for a sum thus appropriated. Since the erection of this college, the real estate in that vicinity has more than doubled in value, and, as a matter of course, the effect of this appropriation will be to enhance the value of real estate to a greater or less extent in the immediate neighborhood of this school; so that in the long run the State cannot be much the loser.

It has been objected that if this bill is passed other portions of the State will follow the example, and ask for similar appropriations. In answer to this objection, I would say that if the whole State were divided into Normal school districts—each district including five counties—it would only make thirteen districts—and if each district were to receive an appropriation of twelve hundred dollars, it would only amount to \$15,600 annually, and for this amount of money the State would have the education of nineteen hundred students each and every year. Surely money could not be laid out to better purpose. Sir, I am as much in favor of economy as any member of this House; but I ask that we be economical in the right direction. Every session of the Legislature, more than \$15,600 is thrown away in useless appropriations. Gentlemen will vote every session to pay rotten and defunct claims against the State, to make appropriations of thousands of dollars for the building of monuments, and to pay Tom, Dick and Harry for some useless and unimportant services rendered to the State, and yet these same gentlemen will raise the hue and cry of extravagance when a proposition is made to donate the trifling sum of twelve hundred dollars, for the education of three hundred teachers annually. Sir, such consistency as this is certainly a jewel.

Mr. CAMPBELL moved to amend the bill by striking out all after the word "and," in the second line of the twelfth section, and inserting the following:

"The twelfth normal school district shall be composed of the counties of Erie, Crawford, and Warren, and the school and building in said borough of Edinboro, in said county of Erie, shall be recognized as, and constituted the normal school in said district;" which was agreed to.

Mr. LAWRENCE, (Washington,) moved further to amend said bill by adding the follow-



ing, "Provided, That said appropriation of twelve hundred dollars shall continue in force only five years."

Mr. GRITMAN moved to amend the amendment as follows:

"And that the further sum of \$1200 be hereby appropriated to the graded school at Scranton, Luzerne county, which is hereby created a normal school district—said sum to be applied as herein before stated—and the pupils of said school shall be appointed from the counties of Luzerne, Susquehanna, Wayne, Columbia and Wyoming."

Which was not agreed to.

The question recurring,

Will the House agree to the amendment of Mr. LAWRENCE?

It was determined in the affirmative.

Mr. ABBOTT moved to amend the fourth section, by adding the following:

Provided, That not less than fifty nor more than three hundred pupils be admitted into said normal school at any one time.

Which was agreed to.

Mr. LAWRENCE, (of Washington,) moved that the above amendment be inserted in the fifth section.

Which was agreed to.

The bill being on second reading,

Mr. KETCHUM said that it was proposed to limit the number of students to one hundred annually. By the general law the provision is for three hundred. Was it right by enacting this law to exclude two hundred scholars. It would be robbing the two hundred of the advantages of education contemplated by the general normal school law.

By the special act of the Westminster college, no number of professors is specified. The general law says that the college shall have six.

Again, it was proposed to place \$1200 in the hands of a college which it had not been proved was competent and worthy.

If the bill would not deprive a portion of the students of the five counties of educational advantages, he would vote for it.

He proposed to postpone until further investigation could be had, and made a motion to that effect.

And on the question,

Will the House agree to the motion? it was determined in the negative—twenty-seven voting in favor, and thirty five against the motion.

Mr. SMITH, (Berks,) moved so to amend the bill as to make it binding upon all graduates of said institution to devote themselves exclusively to the practice of teaching, and followed in a few pertinent remarks in support of the same.

Mr. CHURCH moved to amend the amendment by making it binding upon all said graduates to go to "meeting." The Chair decided the amendment to the amendment not germane to the subject matter before the House.

Mr. LAWRENCE defended the bill.

Mr. NEALL offered to amend the amendment by making graduates teach for three months after leaving the institution; not agreed to.

Mr. SMITH withdrew his amendment.

Mr. ACKER moved that the bill be re-committed to the Committee on Education, and that it be instructed to report a bill making appropriations to all normal schools within the Commonwealth.

Mr. RAMSDELL did not see why the measure met with so much opposition. The western counties, since the formation of the State, had been treated as step-children, and had never heretofore asked for money for their colleges. He wished to call attention to a portion of Governor Packer's message, which says that \$600,000 have been expended for education.—The Philadelphia University and other institutions, received large sums as endowments, but the present request was only for the paltry sum of \$1,200. Was the application to be turned

away? Look at the matter. It was proposed to teach one hundred scholars from five counties for \$1,200. Why the charitable institutions of Philadelphia received thousands of dollars annually. Under these circumstances, the west demanded the appropriation as a right. It was not a subsidy, but rather an agreement between the State and the college.

Mr. STEVENS wished to ask a question. At what time was the money appropriated to the colleges of which Mr. RAMSDELL had spoken?

Mr. RAMSDELL did not know exactly.

Mr. STEPHENS said—

Mr. SPEAKER: I am opposed to this bill, and shall record my vote against it. Not because the object is not a "worthy one, but because a bad precedent will be established. Sir, pass this bill, and what will be the consequence?—You will inaugurate a system of public plunder for a lot of hungry seminary or college aspirants, who wish to get fine living and a fat salary out of the public treasury. These will be but pensioners upon the gratuity of the Commonwealth. Sir, I had hoped the time had passed when the Legislature would enact laws to appropriate money out of the public treasury for the benefit of a few privileged counties of this State for colleges and academies, or for any other private purposes, except it should be to benefit the whole State. I thought the days of public plunder were passed, but lo and behold, in comes the western delegation, composed of the counties of Venango, Mercer, Butler, Beaver and Lawrence, claiming that they have not had a full share of the public tit, and asking for the small sum of twelve hundred dollars annually, for five years to come, for the purpose of educating the teachers of those counties, to the exclusion of all others. This is equivalent to asking the people of the whole State to be taxed for the special benefit of an institution for five counties. The object of forming a Normal school is a good one, but the principle of taxation without representation is a principle that strikes a death blow at the sovereignty of the people. That is what I look at; that is what fills me with wonder and astonishment. Such a bill comes with bad grace from those who pretend that they are freemen. You may say it is a small matter—only six thousand dollars. It was a small matter with our fathers to be taxed on tea; but the principle, that is the question.

The people are already taxed at the tune of \$280,000 to support the common schools of the State. Out of that amount a little over two-thirds goes for the purposes of educating the children. Nearly all of the balance is eaten up by officials, and this bill is opening up a way to finish the whole of it. If the gentleman from Venango will go with me to do away with this hungry swarm of officials, called county superintendents, I will go with him in voting money to establish schools for the training of teachers, but I would have them located in every part of the State, so that they could be open to all. The sum which these schools would cost the State, would not amount to more than one-fourth what our present system costs us, and be productive of ten times the benefit.

Mr. WALBORN said that the gentleman made so much ado about appropriations for educational purposes, that it might help him to know that \$1,200 appropriation would involve an expense to each county of \$18 75.

The question recurring, will the House agree to the motion to re-commit the bill?

It was determined in the negative.

The bill being on second reading, and the question being taken,

Will the House agree to the bill?

The yeas and nays were required by Mr. STEPHENS and Mr. ROSE, and were as follows, viz:

YEAS—Messrs. Abbott, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Burley, Campbell,

Chase, Church, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fleuning, Foster, Graham, Gratz, Hamersly, Harding, Irish, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, McClure, McDowell, Miller, Neall, Palm, Patterson, Peirce, Proudfoot, Quigley, Ramsdell, Robrer, Rose, Rouse, Shafer, Sheppard, Smead, Smith, (Philadelphia,) Taylor, Thompson, Walborn, Witman, Wigton, Wiley, Williston, Wilson and Zoller—53.

NAYS—Messrs. Balliet, Barnsley, Bertolet, Boyer, (Clearfield,) Brodhead, Custer, Dismant, Galley, Glatz, Goepf, Good, Gray Green, Gritman, Hill, Hottenstine, Jackson, Nill, Oaks, Price, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Styer, Wagonseller, Walker, Warden, Williams, (Belford,) Williams, (Bucks,) Withrow, Wolf and Woodruff—31.

So the question was determined in the affirmative.

Said bill was read the third time and passed finally; and ordered that the Clerk present the same to the Senate for concurrence.

#### LEAVE OF ABSENCE.

Mr. SMITH, (Philadelphia,) asked and obtained leave of absence for his colleague, the representative from the Third representative district, Philadelphia, for a few months from to-day.

Mr. M'CLURE, on leave, from the special committee appointed to try the contested election case from the Third representative district, Philadelphia, submitted the following report:

In the matter of the petition of Kennedy McCann, and twenty-three other citizens of the Third representative district of Philadelphia, contesting, in behalf of William H. Matthews, the seat now occupied by David R. McClean, the committee selected by the House, to try the same, submit the following report:

We have given the subject committed to us, the deliberation and consideration its importance demands; for that purpose, and to expedite the final determination, having met in the city of Philadelphia on two occasions. We have heard a large amount of testimony, and find the following to be the facts, viz:

That in the Eighth election division of the Fourth ward, a part of the said Third representative district, the election officers almost totally neglected and refused to perform the duties required of them by the sixty-sixth section of the act of 1839; that one hundred and sixty-two names were voted upon which were not contained in the list of taxable inhabitants of said division, and with the exception of a very few—certainly not over half a dozen—none of them were required to make the necessary proofs of their right to vote, as required by said act; that one boy, at least, was caught on the street and forced up to the window; a ticket placed in his hand; and when he presented the ticket to the officers, the name of a person on the assessment list was called out by one of the bystanders, and the vote was taken and placed in the box, and the name given appears on the list of voters as having voted. It was also shown that several persons voted repeatedly on different names; some of them going a short distance off, changing a part of their clothing, then returning to vote again in other names. One of the names voted upon was proved to be that of a person who has, for a considerable time, been dead. It was also shown, that the judge of the election was intoxicated during the entire day; that after the polls were closed, he was taken away because of his unfitness, by reason of drunkenness, to discharge his duties; and did not return until the counting was all over, and the boxes were being sealed. That the two inspectors of said election, Mr. McGee and Mr. McKeown, have been convicted in the court of quarter sessions, of Philadelphia, for holding said election in a



fraudulent manner; that one of the clerks, Mr. S. Kelly, assisted to count the tickets, voted at said election, without their having been examined by either of the inspectors or the judge; that tickets voted at said election for Mr. McDonough, a third candidate for representative in said district, were counted and returned for Mr. McClean, the sitting member, and that the election officers did not file in the office of the prothonotary of the court of common pleas, the papers required by the act of 1839. It was also shown, that the return from said division was fraudulently altered by the election officers, so as to return Mr. McClean, the sitting member, by five majority. It is evident, from a careful inspection of the return, which was produced before the committee by the respondent, that the vote of Mr. Matthews, the contestant, in said district, was ninety-seven, which would have chosen Mr. Matthews by five majority; but an erasure was subsequently made in the return, making Mr. Matthews' vote but eighty-seven. It was in evidence before the committee also, that when the vote was first counted, all the officers agreed that the vote of Mr. Matthews was ninety-nine. A simple correction of the return, therefore, would entitle the contestant to the seat; but your committee are forced to the conclusion that the utter disregard of the law by the officers of the election in said division, and the palpable frauds openly practiced by them, must reject the entire vote returned from the said poll, and included in the general return of the said district. The entire vote of the representative district, as returned, was as follows:

	McClean.	Matthews.	McDonough.
Whole return,	1251	1246	1047
De'd. 8th div.	342	87	28
	909	1159	1019

By a correction of the fraudulent alteration of Mr. Matthews' vote in the said Eighth division, he would be entitled to his seat, even overlooking the other glaring frauds; and by rejecting the entire return from said division, he will have two hundred and fifty majority over Mr. McClean, the sitting member, and one hundred and forty over Mr. McDonough.

The committee have adopted the following resolutions:

*Resolved*, That the entire return from the Eighth division of the Fourth ward in Philadelphia should be rejected.

*Resolved*, That William H. Matthews is entitled to the seat in this House now occupied by David R. McClean.

Respectfully submitted,

A. K. M'CLURE,  
E. H. IRISH,  
R. P. McDOWELL,  
J. HERON FOSTER,  
WM. G. ROSE,  
O. H. P. KINNEY,  
R. P. MILLER,

The resolutions were twice read and adopted.

Mr. GRITMAN reserved the right to place upon the Journal his reasons for not signing the above report.

Mr. MATTHEWS was then duly qualified and took his seat as a member from the Third representative district, Philadelphia.

Mr. WARDEN asked and obtained leave of absence for Mr. BROADHEAD, for a few days from to-day.

The following bills were then passed finally; and ordered that the Clerk present the same to be Senate for concurrence.

"An Act to appoint commissioners to re-survey and establish the line of the main road running through a part of Wilkesbarre township."

"An Act to incorporate the Union mutual fire insurance company of Montgomery county."

"An Act to incorporate the Southwark soup society."

No. 247. "An Act authorizing the Governor to incorporate a company to erect a bridge over Clearfield creek, in Clearfield county, at Alexander's fording."

No. 248. "An Act to incorporate the Union-town and Virginia Line turnpike road company."

No. 249. "An Act to repeal the act of May 16, 1857, authorizing the location of a State road through parts of Washington and Greene counties."

No. 250. "An Act to change the time for electing officers of the Susquehanna and Lehigh turnpike road company."

No. 251. "An Act to incorporate the Richlandtown turnpike road company."

No. 252. "An Act declaring M'Michael's creek, in Monroe county, a public highway, and to prevent the destruction of fish, &c."

No. 253. "An Act to incorporate the Green Castle and Middleburg turnpike road company."

No. 254. "An Act relative to the election of supervisors in the township of Salem, in the county of Westmoreland."

No. 256. "An Act to incorporate the Clearfield gas company."

No. 260. "An Act to incorporate the People's insurance company, to be located in the city of Philadelphia."

No. 261. "A supplement to the act, entitled 'An Act for incorporating St. Paul's church, in the city of Philadelphia.'"

No. 263. "An Act to incorporate the members of the Olivet Methodist Episcopal church, of the village of Coatesville, Chester county."

"An Act to incorporate the First Presbyterian church of Strasburg, Lancaster county."

"A further supplement to an act relating to a burial ground and school lot in the borough of Pottsville."

"An Act for the sale of a part of a graveyard lot in New Bethlehem, Clarion county."

"An Act to incorporate the Waynesboro' turnpike road company."

"An Act extending the seventh section of the act of the 13th of June, 1840, relating to elections, to Washington county."

"An Act to secure a stricter accountability on the part of certain public officers in Schuylkill county."

Messrs. PINKERTON and M'CLURE moved that the vote by which Senate bill No. 39, "A further supplement to an act relative to a burial ground and school lot in the borough of Pottsville," passed this House, be re-considered, for the purpose of making an amendment; which was agreed to.

The question recurring,

Shall the bill pass?

A motion was made by Mr. M'CLURE that the further consideration of said bill be postponed for the present; which was agreed to.

Mr. McDOWELL, leave being given, from the Committee on Railroads, reported as committed, "An Act to incorporate the Citizens' passenger railroad company of Pittsburg."

"An Act to incorporate the trustees of the Young Men's Christian building association of Philadelphia," came up in order on second reading.

Mr. SMITH, (Berks,) moved to amend said bill, by striking therefrom the sixth section.

Mr. CHURCH inquired the reasons of the gentleman for his motion?

Mr. SMITH, (Berks,) said that his attention had just been called to the bill. If time were given him, he would be prepared to give the gentleman from Philadelphia, (Mr. CHURCH,) his reasons *in extenso* for the proposed amendment. For the present, he would merely state the obvious objection to the sixth section, that it proposed to make the Legislature a tribunal for the decision of points of faith. It undertook to pronounce what was and what was not evan-

gelical; and to express an opinion as to the orthodoxy or heterodoxy of the doctrine of eternal rewards and punishments. It was never contemplated that the Legislature should pronounce upon questions of this character—it exceeded the scope of its power and duties to do so, and was alike opposed to the spirit and letter of the constitution. He trusted the House would avoid a precedent so dangerous.

The following is the section:

SEC. 6. That no denomination shall be regarded as evangelical in the sense of this charter which is not Protestant, and does not hold among its articles of faith the doctrine of a Trinity of persons in the Godhead, and the doctrine of eternal rewards and punishments.

Mr. CHURCH said that the expressions used in the charter were not those of the Legislature, but of the incorporators. They came with credentials and documents, and asked for an act of incorporation, and if they choose to refer to their creed, and exercise the liberty of opinion guaranteed to them by the Constitution, they were entitled so to do. The matter of sectarianism had been discussed in the committee.

Mr. HARDING moved to postpone for the present.

Mr. GOEPP moved to amend by postponing indefinitely. The sixth section drew an invidious distinction between different denominations of christians. He was not disposed to think from the wording of the section that the association was justly entitled to claim the name of the Young Men's Christian Association, particularly when they attempted to define who were christians and who were not.

Mr. GOEPP withdrew the motion to postpone indefinitely.

Mr. HAMERSLY suggested that the sixth section be stricken out.

The motion to postpone for the present was agreed to.

Mr. M'CLURE rose to a question of privilege. He desired to have the SPEAKER direct the Sergeant-At-Arms to open the desk, lately occupied by D. R. M'Clain.

The Chair directed that officer to see that the desk was opened for the use of Mr. Matthews.

"An Act to vest the Girard school house," came up in order; and on motion of Mr. CHURCH, postponed for the present.

"An Act defining certain powers," came up in order; and on motion of Mr. GOEPP, postponed for the present.

"An Act to confer on certain associations of the citizens of this Commonwealth, the powers and immunities of corporations and bodies politic in law, and to confirm charters heretofore granted," came up in order on second reading.

Mr. NEALL moved that the further consideration be postponed for the present.

Mr. GOEPP inquired whether the motion was made at the request of the gentleman who had the bill in charge, (Mr. WOOD.)

Mr. NEALL replied not.

Mr. GOEPP said he was friendly to the bill, and if the motion of the gentleman was made with any hostile intention, he felt bound to oppose it.

Mr. NEALL said he had no such intentions. When the bill came up it would be found where he stood in relation to it.

Mr. GRATZ was of opinion that Mr. WOOD did not wish to have the bill postponed.

Mr. HARDING favored a postponement. The passage of the bill would effect capital to the amount of twenty-seven millions of dollars. It was a small bill, but its provisions, though small, covered nearly every working man's house in Philadelphia.

Mr. HAMERSLY said, that while he must differ from the remarks made by his colleague, (Mr. HARDING,) as there were many persons in Philadelphia in favor of the passage of the



bill, he would still favor postponement for the present.

Mr. GOEPP moved to amend the motion, by postponing the bill until next Tuesday.

Mr. HARDING suggested Wednesday; which was agreed to. So the further consideration of the bill was postponed until that time.

"An Act to authorize the Auditor General to issue a patent," came up in order on second reading.

Mr. ECKMAN opposed the passage of the bill.

And on the question,

Will the House agree to the bill?

It was determined in the negative.

So the bill was lost on second reading.

Mr. BRODHEAD, on leave, read in his place and presented to the Chair, "An Act to authorize the citizens of Hamilton township, Monroe county, to elect additional supervisors."

Mr. GOEPP, one to incorporate the Bethlehem mining company.

Mr. CHURCH called up the joint resolution of thanks to L. Huchett, of Paris; which was passed finally.

Mr. PINKERTON, on leave, presented an act for the relief of Geo. D. Boyer, former treasurer of Schuylkill county.

Mr. DODDS, on leave, from the Committee on Pensions and Gratuities, reported, as committed, an act for the relief of Rachel George, widow of an old soldier.

The Governor transmitted to the House the annual report of the Swedo iron company.

Mr. MCCLURE rose to a question of privilege. He moved that the House proceed to the consideration of the motion re-considering the motion to concur in the Senate amendments to House bill relative to the pay of Thomas H. Porter, late a member of the House; which was agreed to.

And on the question, will the House agree to the Senate amendments?

The hour of one having arrived, the SPEAKER adjourned the House until to-morrow morning at 10 o'clock.

#### No. 223.—FILE OF THE HOUSE.

GRATZ, Judiciary—Feb. 4.

AN ACT to abolish the "Board of Health" of the city and port of Philadelphia, and to provide for the appointment of "Commissioners of Health" for said city and port.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the present board of health of the city and port of Philadelphia, as constituted and organized by, and under an act for establishing a health office, and to secure the port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes, passed January twenty-ninth, one thousand eight hundred and eighteen, and an act, entitled "A further supplement to the act, entitled 'An Act to incorporate the city of Philadelphia,' passed February second, Anno Domini one thousand eight hundred and fifty-four," shall be abolished and cease to exist as a body corporate, in deed and in law, on and after the first Monday in July next, Anno Domini one thousand eight hundred and fifty-nine, and that all laws and parts of laws providing for the organization of said board as now established, and under and by virtue of which, said board of health is now constituted by the election of its members by the qualified electors of the several wards of the city of Philadelphia, shall from and after the said first Monday in July, Anno Domini one thousand eight hundred and fifty-nine, be repealed, and thereafter be of no force or effect, so far as the same shall conflict with the provisions of this act.

SEC. 2. That on the first Monday in July next, Anno Domini one thousand eight hundred and fifty-nine, and forever thereafter, until otherwise provided by law, the powers, duties, rights, liberties, authorities and immunities of the board of health of the city and port of Philadelphia, as constituted and organized under the provisions of the acts of assembly mentioned in the first section of this act, and any, and all other laws in relation to said board of health, shall be transferred and assigned to, and be assumed and exercised by three reputable citizens and electors of said city of Philadelphia, who shall be appointed and constituted the "Commissioners of Health in and for the city and port of Philadelphia," in the manner hereafter prescribed.

SEC. 3. That on the first Monday in June, Anno Domini one thousand eight hundred and fifty-nine, the judges of the district court for the city and county of Philadelphia, shall appoint and qualify three reputable citizens and electors of said city, to be "Commissioners of Health in and for the city and port of Philadelphia," for the term of three years, from the first Monday in July, Anno Domini one thousand eight hundred and fifty-nine, and until their successors are appointed and duly qualified; and on the first Monday in June of every third year thereafter, the judges of said district court shall appoint and qualify three persons in the same manner as is herein above prescribed: *Provided,* That the said commissioners thus appointed may at any subsequent time be eligible to re-appointment. *And provided further,* That in case a vacancy occur in the number of the said commissioners of health, from death, resignation or otherwise, it shall be supplied and filled for the unexpired term of such commissioners, in the same manner as is provided for in the appointment of said commissioners.

SEC. 4. The said appointments shall be certified over the signatures of the judges of the said court, and the said commissioners shall, thereupon appear before the said judges and subscribe an oath or affirmation that they will well and truly perform all the duties of their office, and they shall also, severally, give bond in the sum of ten thousand dollars, conditioned for the honest discharge of their duties in said office; said bonds to be duly entered of record in the office of the prothonotary of the said district court.

SEC. 5. That the commissioners of health so appointed and qualified shall meet on the first Monday in July, Anno Domini one thousand eight hundred and fifty-nine, at ten o'clock in the morning, (at the present health office,) and then and there assume and exercise all the powers, duties, rights, liberties, authorities and immunities of the present board of health; and shall organize by the selection of one of their number as president, and by the selection and appointment of such other officers and agents as a majority of said commissioners may deem necessary for the proper execution and discharge of their duties as commissioners of health: *Provided,* That all such appointments and selections shall be certified to the select and common councils of the city of Philadelphia: *And provided further,* That the pay and compensation of all officers and agents shall not be increased during the time for which they shall be appointed.

SEC. 6. That each of said commissioners of health shall receive, in full consideration for his services, the sum of twenty-five hundred dollars per annum, payable monthly; appropriations therefor to be made by the councils of the city of Philadelphia, and paid upon warrants on the city treasurer, to be drawn in conformity to ordinances prescribed by the city councils.

SEC. 7. That any commissioner of health re-

fusing or neglecting to perform his duty, upon satisfactory proof thereof being given to the judges of the district court, shall be forthwith removed from office, and shall forfeit any compensation or salary then due him; and for any misapplication of the funds or property of the said commissioners of health, or funds or property of the city of Philadelphia, or upon conviction, in any court of criminal jurisdiction, of either or any of said commissioners of health, of misfeasance, or any fraudulent and corrupt official act, he or they so convicted shall be sentenced to pay a fine of not less than two hundred nor more than two thousand dollars, and undergo an imprisonment in the county prison for a term not exceeding one year, at the discretion of the court: *Provided,* That in case of the dismissal or removal of any commissioner of health, the bond given by him may be prosecuted to full indemnification for damages, injury and loss sustained by the city, first, and then by any person or body corporate.

#### No. 239.—FILE OF THE HOUSE.

PUGH, Education—Feb. 4.

A FURTHER SUPPLEMENT to an act for the regulation and continuance of a system of education by common school.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the second section of the act, approved the twenty-first day of May, one thousand eight hundred and fifty-seven, entitled "A supplement to an act for the regulation and continuance of a system of education by common schools," be and the same is hereby repealed.

SEC. 2. That it is hereby declared to be the true intent and meaning of the law in relation to the tax on occupations, that the occupation of a farmer shall be exempt from taxation for school purposes.

SEC. 3. That nothing herein contained shall be construed to change the assessments already made in pursuance of law with the official construction thereon, or to prevent the collection of the taxes so assessed and levied, for the present year.

#### No. 169.—FILE OF THE SENATE.

BELL, Judiciary—Feb. 3.

AN ACT in reference to the commissions of justices of the peace and aldermen.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That every person hereafter elected to the office of justice of the peace or alderman shall, within thirty days after the election, if he intends to accept said office, give notice thereof, in writing, to the prothonotary of the common pleas of the proper county, who shall immediately inform the Secretary of the Commonwealth of said acceptance, and no commission shall issue until the Secretary of the Commonwealth has received the notice aforesaid.

SEC. 2. That so much of an act of Assembly as requires constables to send copies of the returns of the election of aldermen and justices of the peace to the Governor of the Commonwealth is hereby repealed.

SEC. 3. That whenever any person elected to the the office of alderman or justice of the peace shall fail to give the notice of acceptance as provided for in the first section of this act, within thirty days after said election, the office shall be considered vacant, and shall be filled as vacancies are now filled by law.



# LEGISLATIVE RECORD.

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FOR THE SESSION OF 1859.

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## SENATE.

THURSDAY, Feb. 17, 1859.

The Senate met at the usual hour. A quorum of Senators being present.

Prayer was offered by Rev. Dr. Bartine, of the Methodist Episcopal church, Harrisburg.

The Journal of yesterday's proceedings was read by the Clerk.

The SPEAKER presented the annual report of the institution for the deaf and dumb for the year 1858.

## REPORTS OF COMMITTEES.

Mr. BREWER, (Judiciary,) reported with a negative recommendation, an extract from the Journal of the House, relating to "An Act to incorporate the Luzerne powder company."

Also, (same,) with a negative recommendation, "An Act authorizing the court of quarter sessions of Columbia county, to appoint auditors in Conyngham township in said county."

Mr. BELL, (same,) as committed, "An Act increasing the pay of county commissioners and auditors in Indiana county."

Also, (same,) with amendment, "An Act to confirm the title of Charles Whitney and Asa Scott to certain lands in Warren county."

Also, (same,) with amendment, "An Act authorizing the appointment of boards of visitors for the houses of employment and support of the poor of this Commonwealth."

Mr. MILLER, (same,) as committed, House bill No. 181, "An Act regulating the compensation of county commissioners, poor directors, auditors and jurymen in Northampton county."

Also, (same,) as committed, House bill No. 188, "An Act to confer on James Morrison, of Washington county, all the rights and privileges of a child born in lawful wedlock."

Mr. SCOFIELD, (same,) as committed, "An Act regulating borough elections in Bellefonte, Centre county."

Also, (same,) with a negative recommendation, "A supplement to an act, approved June 10, 1836, relative to stay of executions."

Mr. FINNEY, (same,) as committed, "An Act for better securing the compensation of labor in Luzerne county."

Also, (same,) as committed, House bill, No. 189, "An Act to amend the fee bill of the orphan's court in Allegheny county."

Mr. HARRIS, (Pensions and Gratuities,) as committed, House bill, No. 154, "An Act for the relief of Henry Bomgardner, a soldier of the Indian war."

Mr. KELLER, from the Committee to Compare Bills, made a report.

Mr. SCHELL, from the Committee of Conference, to whom was referred the difference between the two Houses, on House bill No. 243, "An Act authorizing and requiring the commissioners of Union county to deliver up to the commissioners of Snyder county, certain assessment papers belonging to Snyder county," reported and recommended, as follows:

That they had met a similar committee from the House upon the difference between the two Houses, on the above mentioned bill, and recommend that the Senate recede from its amendment, adding the proviso: *Provided*, That Snyder county pay for the rebinding of the books."

On motion, said report was read, considered and adopted.

Mr. SCOFIELD made a report from the select committee, to whom was referred a resolution relative to the Journal of William Maclay; which, on motion, was adopted, and ordered to be printed in the *Record*. It is as follows:

The select committee to whom was referred a resolution instructing them to report upon the propriety of aiding in the publication of the private journal of William Maclay, a Senator from Pennsylvania in the first Congress of the United States, beg leave to report: that they have examined the Journal referred to in the resolution, and find that it consists of notes of the doings of the first Congress, sketches of the debates and criticisms of the distinguished men of that time. The committee do not hesitate to pronounce it a manuscript of great value. As Congress sat with closed doors at this time, much of its history has never yet been published; this Journal, in part, will supply the deficiency.

But, while the committee are unanimous in desiring the publication of this work, they cannot recommend that the Legislature should, in this instance, depart from its established rule, to print no document not immediately connected with the business of legislation. They, therefore, submit the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject:

G. W. SCOFIELD,  
GEO. W. BREWER,  
GEO. W. MILLER,  
JER. SCHINDEL,  
WM. M. FRANCIS.

## BILLS IN PLACE.

Mr. PARKER, "An Act authorizing the Germantown passenger railway company to lay a track on Fourth and Eighth streets."

Mr. STEELE, "A supplement to an act incorporating the Philadelphia and Great Bend turnpike road company."

Also, "A further supplement to an act relative to supervisors and overseers of the poor in Wilkesbarre and Plymouth townships, in Luzerne county."

Mr. PALMER, "A further supplement to an act incorporating the Navigation railroad company."

Mr. YARDLEY, "An Act to incorporate the Central Valley turnpike road company."

Mr. GAZZAM, "An Act to repeal the second section of an act providing for the expenses of roads and poor, in Pitt township, Allegheny county."

Mr. WELSH, "An Act to incorporate the Union Evangelical Lutheran Congregation of York."

Mr. GREGG, "An Act for the relief of A. W. Bayard, an old soldier."

Mr. FETTER, "An Act relative to elections in Juniata township, Perry county;" which, on his motion, the Senate proceeded to consider, and which, having gone through its various readings, passed finally.

Mr. BALDWIN, "An Act regulating the construction of passenger railways."

## ORIGINAL RESOLUTIONS.

The following resolution, offered on Monday last by Mr. BALDWIN, came up in order:

*Resolved*, That the State Treasurer be requested to inform the Senate whether any demand has been made by him on the Pennsylvania railroad company, for the tonnage tax due from said company to the Commonwealth under their charter for the last year; and if so, whether the said company has refused to pay the same; and to communicate to the Senate any correspondence which may have taken place on the subject.

Mr. SHAEFFER proposed the following amendments:

To insert after the word "Pennsylvania," the words "or any other;" after the word "company" the words, "or companies;" change "charter" to "charters;" strike out "for the last year," and so to amend the latter part of the resolution as to make it read thus:

"And if so, what amount, and for what period of time the said company or companies may be in arrears, and if they have refused to pay the same; and to communicate to the Senate any information and correspondence which may have taken place on the subject."

Mr. GAZZAM hoped the amendment would not be adopted. The resolution was simply one of inquiry with respect to a certain road; and although he would not impugn the motives of the Senator who offered the amendment, it savored too much of a disposition to cover up the facts sought to be elicited, by making the inquiry a general one. "Sufficient unto the day is the evil thereof;" and it was time enough, when the facts with respect to the Pennsylvania road shall have been obtained, to make inquiry with regard to others.

Mr. SHAEFFER wished the Senator from Allegheny distinctly to understand that he did not propose the amendment for the purpose of opposing or defeating the object of the resolution. The resolution was one which affects the revenues of the State, and he asked the Senator from Allegheny whether he was prepared to vote against an amendment which sought to bring under its inquiry all roads, and which might still more largely affect the public interests than the original resolution. For himself, he desired that the information shall be full and explicit—hence it was that he proposed the amendment, embracing within the inquiry all railroads.

Mr. GAZZAM said it was due the people of the State, that the company to which they had given the largest privileges, should be called upon for this information, and the friends of the



road should not interpose any objection calculated to defeat the object of the resolution.

Mr. BALDWIN said he had no interest in the matter, other than as a Senator. He had reported the bill, because he had understood that the Pennsylvania railroad had refused to pay the tonnage tax imposed upon the company. It was simply a resolution of inquiry, and he had no objection to embrace within it the amendment of his colleague.

Mr. SCHELL considered both the resolution and amendment unnecessary at this time, for the reason that, as he understood, the Governor and the Auditor General had the matter under consideration.

Mr. RANDALL remarked that the resolution could do no injury. It was proper that the Legislature should be possessed of all the facts which were sought to be elicited.

Mr. SCOFIELD was not aware that more than one other road paid tonnage tax—the Mt. Joy and Lancaster.

Mr. SHAEFFER replied that the Mt. Joy and Lancaster and the Northern Central.

Mr. WELSH said that, after the explanation, he would vote for the amendment. The Northern Central road runs through a large portion of his district, and he was desirous of ascertaining whether they had refused to pay the tax imposed upon them. He did not see that the amendment could embarrass the original resolution.

Mr. SHAEFFER said there was no conflict of opinion between his colleague and himself as to the effect of the inquiry. There are two other railroads than the one named in the resolution, subject to the provisions of the tonnage tax; and it is but just and right, as it is a matter which largely affects the revenue of the State, that they should all be included.

Mr. GAZZAM remarked that, as the Senator from Lancaster, (Mr. BALDWIN,) had no objection to the amendment, he would withdraw his objections.

The amendments were agreed to; and the resolution, as amended, passed.

#### BILL CONSIDERED.

Mr. KELLER called up Senate bill No. 203, "An Act for the relief of Peter S. McCulloch."

On the final passage of the bill,

The yeas and nays were required by Mr. WELSH and Mr. KELLER, and were as follow, viz:

YEAS—Messrs. Bell, Brewer, Fetter, Gazzam, Keller, Marselis, Myer, Parker, Schell, Shaeffer, Schindel, Welsh, Wright, Yardley and Cresswell, *Speaker*—15.

NAYS—Messrs. Coffey, Finney, Gregg, Harris, Nunnemacher, Scofield and Steele—7.

So the question was determined in the affirmative.

#### ORDERS OF THE DAY.

Senate bills No's. 4 and 18, lie over on second reading, by request.

Senate bill No. 2, "An Act relating to evidence," came up in order on second reading, as follows:

#### AN ACT relating to evidence.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That no person offered as a witness in any action or judicial proceeding in any of the courts of this Commonwealth, shall be excluded by reason of his interest in the event of such action or proceeding; and a party to any action or judicial proceeding in any of the courts of this Commonwealth may be examined as a witness, but such examination shall not be had, nor shall any other person for whose immediate benefit the same is prosecuted or defended be so examined, unless the adverse party or person in interest is living, nor when the opposite party

shall be the assignee, administrator, executor, or legal representative of a deceased person, nor unless ten days' notice of such intended examination of the party or person interested, specifying the points upon which such party or person is intended to be examined, shall be given in writing to the adverse party, except, that in special proceedings of a summary nature such reasonable notice of such intended examination shall be given as shall be prescribed by the court or judge; and when notice of such intended examination shall be in an action or proceeding, in which the opposite party shall reside out of the jurisdiction of the court, such party may be examined by commission issued and executed, as now provided by law. And whenever a party or person in interest has been examined, under the provisions of this section, the other party or person in interest may offer himself as a witness in his own behalf, and shall be so received.

SEC. 2. That when an assignor of a thing in action or contract is examined as a witness, on behalf of any person deriving title through or from him, the adverse party may offer himself as a witness to the same matter, in his own behalf, and shall be so received, and to any matter that will discharge him from any liability, that the testimony of the assignor tends to render him liable for, but such assignor shall not be admitted to be examined in behalf of any person deriving title through or from him, against an assignee, or an executor, or administrator, unless the other party to such contract, or thing, in action, whom the defendant or plaintiff represents is living, and his testimony can be procured for such examination, nor unless at ten days' notice, of such intended examination of the assignor, specifying the points upon which he is intended to be examined, shall be given in writing to the adverse party.

SEC. 3. That a party to the record in any action, or judicial proceeding, or a person for whose immediate benefit such proceeding is prosecuted or defended, may be examined as if under cross-examination, at the instance of the adverse party, or any of them, and for that purpose may be compelled in the same manner, and subject to the same rules of examination as any other witness to testify, but the party calling for such examination shall not be excused thereby, but may rebut it by his own testimony or other evidence.

SEC. 4. That such examination may be had before the trial of the cause at the option of the party claiming it before any judge of the proper court, or a commissioner, generally or specially appointed for the purpose, under a rule entered or a commission issued, as the case may require, with such notice to the party to be examined and to other adverse parties, as is now or may hereafter be prescribed by the rules of the proper court touching the taking of depositions, but the party to be examined shall not be compelled to attend in any other county than that of his residence, or where the said proceeding is pending.

SEC. 5. That a party in interest examined, as provided in the two foregoing sections, may testify in his own behalf, as to any matter pertinent in the issue, but if he testify to any new matter, not in answer to the inquiries propounded to him by the adverse party, or necessary to explain or qualify his answers thereto, or matter in discharge of himself, when his answers would otherwise charge him, such adverse party or his co-plaintiff, or defendant, may be examined as a witness in his or their own behalf, in respect to such new matter.

SEC. 6. That a party proposing to examine a party, adverse in interest, may have the same process and means of compelling attendance and response, as the law provides in the case of ordinary witnesses.

SEC. 7. That no person shall be excluded

from testifying as a witness in any action or proceeding, in any court by reason of his having been convicted of a felony, and sentenced therefor, but evidence of the fact may be given to affect his credibility.

SEC. 8. That nothing contained in this act shall render any person, who, in any criminal proceeding, is charged with the commission of any indictable offence, or any offence punishable on summary conviction, competent or compellable to give evidence, for or against himself or herself, or shall render any person compellable to answer any question tending to criminate himself or herself, or shall in any proceeding, whether civil or criminal, render any husband competent or compellable to give evidence, for or against his wife, or any wife competent or compellable to give evidence, for or against her husband.

Mr. BELL desired to offer an amendment to the bill of the Senator from Indiana. The bill proposes to work a radical change in one of the most important systems of Pennsylvania. The subject is one which has attracted the judicial attention of some of the greatest minds in England, as well as in some of the States of our own Confederacy; and the reform which is proposed, has been received with different degrees of favor and disfavor, both at home and abroad. A bill had also been reported by himself from the Judiciary Committee, proposing to alter, radically, the same system, and yet stopping far short of the bill under consideration. The bill places it within the power of either party to a suit, to become witnesses in a matter in controversy. The bill reported by himself does not go so far. He then explained the difference between them, and said he desired to test the sense of the Senate as to the features of each.

Mr. BELL moved to strike out all after the enacting clause, and insert Senate bill No. 114, as follows:

#### AN ACT relating to evidence.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That no person shall be excluded from testifying as a witness in any judicial proceeding in this Commonwealth, by reason of his having been convicted of a felony, after he shall have undergone the judgment consequent thereon, or been relieved therefrom by executive pardon.

SEC. 2. That no person shall be excluded from testifying as a witness in any such judicial proceeding, by reason of any interest he may have in the event thereof: *Provided however,* That this section shall not apply to a party to the record, nor to any person for whose immediate benefit the action may be prosecuted or defended.

SEC. 3. That when an assignor, legal or equitable, of a thing in action or contract, is examined as a witness on behalf of any person deriving title through or from him, the adverse party may be examined as a witness in his own behalf; but such assignor shall not be admitted to testify in behalf of any person deriving title through or from him against another assignee, or executor, or administrator, unless the other original party to such contract or chose in action, whom the plaintiff, or complainant, or defendant, or respondent represents is living, and his testimony may with ordinary diligence be procured, nor unless reasonable notice of the intended examination of such assignor shall be given in writing to the adverse party.

SEC. 4. That a party to the record of any judicial proceeding, or a person whose immediate benefit such proceeding is prosecuted or defended, may be examined as if under cross-examination at the instance of the adverse party or any of them, and for that purpose may be com-



pelled in the same manner and subject to the same rules of examination as any other witness to testify; but the party calling for such examination shall not be concluded thereby, but may rebut it by counter testimony.

SEC. 5. That such examination may be had before the trial of the cause at the option of the party claiming it, before any judge of the proper court, or a commissioner generally or specially appointed for the purpose, under a rule entered or a commission issued as the case may require, with such notice to the party to be examined and to other adverse parties as is now or may hereafter be prescribed by the rules of the proper court, touching the taking of depositions. But the party to be examined shall not be compelled to attend in any other county than that of his residence, or where the said proceeding is pending.

SEC. 6. That a party in interest, examined as provided in the foregoing sections, may testify in his own behalf as to any matter pertinent to the issue. But if he testify to any new matter not responsive to the inquiries propounded to him by the adverse party, or necessary to explain or qualify his answers thereto or matter in discharge of himself when his answers would otherwise charge him, such adverse party or his co-plaintiff or defendant may be examined as a witness in his and their own behalf in respect to such new matter.

SEC. 7. That a party may testify on behalf of his co-party, plaintiff or defendants, as to any matter in which he is not jointly interested or liable with such co-party, and as to which a several verdict and judgment may legally be rendered.

SEC. 8. That a party proposing to examine a party adverse in interest, may have the same process and means of compelling attendance and response as the law provides in the case of ordinary witnesses.

MR. COFFEY said, this bill proposes a change so thorough and radical in our system of practice, that I shall urge its claims, not only as right in itself, but as having the sanction of experience. I object to the amendment proposed by the Senator from Chester, because it stops short of the reform demanded. Conceding the absurdity of the common law rule, which excludes interested testimony, he yet retains it as to parties whom this rule excludes, for no other reason than their interests in the event of the suit. If it is reasonable and right to open the lips of interested persons not on the record, it is illogical to close the lips of parties, because, in both cases, the ground of exclusion is exactly the same, namely, their interests in the event of the issue. The true principle is to open every avenue whereby the truth may come in.

The common law, assuming that he who has a pecuniary interest in the event of a suit is an unsafe guide to truth, deliberately excludes him. The witness may be a person of the purest character; may be fully acquainted with the facts in controversy; may be the only one who knows them, and yet the inexorable rule of the law excludes him, if he be interested in the event to the extent of six cents; and for want of his testimony a fortune may be unjustly swept away, a reputation may be unfairly destroyed, or any other of the thousand evils which follow in the train of an unjust law may happen. Surely the policy which daily produces such results must be vindicated by some overwhelming reason. That reason is that an interested witness is more likely to tell a falsehood for his own gain than to tell the truth to his own loss, and therefore it is safer to exclude him altogether than to incur the risk of being misled by his evidence. This rule then is based upon the assumption of such an universal depravity, such a widely spread and deeply seated wickedness, that in human action men are in general dishonest when it is

their interest to be so. I think the statement of the principle proves its absurdity. Ignoring every sentiment of virtue and honor; conceding nothing to the better tendencies of human nature, it is unsafe as a rule of action. There are a thousand feelings which will prompt men more strongly to perjury than the love of gain; as the ties of kindred, family, pride, fear, hatred or revenge, and yet none of these are a ground of exclusion.

But the true question is, are the advantages resulting from the admission of all testimony greater than the evils which follow the exclusion of that kind which is called *interested*? The advantages of opening every door whereby truth may enter are manifest. What are the evils to be apprehended? It is said perjury will increase. I think not, because,

1st. The examination of parties will diminish the number of witnesses to be examined, and the fewer witnesses you have, the less chance is there for perjury. Perjury is not confined to persons interested in the controversy. On the contrary, men who would carry a cause by foul means will rather hire others to swear falsely than do so themselves.

2d. Parties and interested witnesses know the facts better than others, for they have more reason to remember them than indifferent persons; and hence, are less likely to fall into the errors of defective memory; a fruitful source of injustice in legal investigations, as every lawyer knows.

3d. Interested witnesses, whether parties or not, will testify under the suspicion excited by their position. Every one will receive their evidence with instinctive prejudice, watching for exaggeration or misstatements, and guarding against deception. These witnesses will know this, and hence be more careful. Moreover, having before them the terrors of a cross-examination in open court, in the presence of an adversary prepared to detect and expose falsehood. I say few men would be bold enough to swear deliberately to falsehoods under these circumstances, especially when, as the bill requires, they have given to their adversary ten days notice of the points about which they are to testify.

I might elaborate this subject, but after all, experience is the best teacher in this, as in all other matters of legislation, and to experience, I appeal. This proposition is no experiment. It has the sanction of years of trial in England, and in some of our sister States. Years before the reform was consummated in England, the philosophic mind of Jeremy Bentham had seached out and exposed these venerable absurdities, and under his guidance the profession there learned to distrust the ancient boast, that their system was the perfection of reason. In 1843, Lord Denman's act was passed, going the length which the Senator from Chester now proposes to us, that is, abolishing the rule which excluded interested witnesses, but still forbidding parties to be witnesses. Parliament, however, passed a law allowing parties to be examined in the county courts. The great benefits of the county court system, and the conceded inconsistency of admitting one interested witness who was not on the record, and excluding another who was, forced Parliament, in 1851, under the lead of Lord Brougham, always an intelligent and practical, but never a rash reformer, to pass a law admitting parties as witnesses in all cases. Since then the testimony of English judges and lawyers has been almost unanimous in favor of the practical workings of the law, especially in diminishing legal business and abbreviating legal controversies; and the evil of perjury, instead of increasing, has been lessened. In 1848 Connecticut adopted the system, and after ten years' experience, her bench and bar, always respectable, bear strong testimony in its favor. Massa-

chusetts, New York, Ohio and other Western States have followed her example, but I desire especially to refer to New York. That enlightened State has gradually engrafted this reform upon her system of jurisprudence, and the first section of the bill I have presented to the Senate, is taken chiefly from her statute book. The provision admitting parties as witnesses has had existence there nearly two years, and at the present session of her Legislature an attempt was made to repeal it. It failed under the earnest and overwhelming remonstrances of the press, the bench and bar, and the people of New York. I have in my hands the remonstrance of the bench and bar of the city of New York, signed by all the judges of the supreme and superior courts, and a large number of the most eminent members of the bar, men of national reputation, protesting against the repeal, and bearing strong testimony to the success and excellence of the new system.

But it is said the professional and popular mind of Pennsylvania is unprepared for the radical change which the bill under consideration proposes. Sir, I deny that our good old State, steady and conservative as she is, has been careless of the reforms of which others are availing themselves. It is true, she does not always lead the vanguard of progress, but I assert that this subject has engaged the intelligent attention of our bench and bar, and that the passage of this bill will be received with popular and professional favor. Since the introduction of this bill I have received letters from all parts of the State, many of them from eminent judges and lawyers, urging me to press its passage. I have been careful to ascertain, so far as I could, the opinions of all classes upon the subject. The five judges of the supreme court, a portion of the bench of the city of Philadelphia, and many eminent members of her bar, a large number of the most learned and able judges and lawyers of central and western Pennsylvania, men slow of change and suspicious of legal reform, have given their sanction to the principle, and many of them to all the details of this bill. It is true that here and there an expression of doubt has escaped from lips whose accents always commands respect, but these are exceptional. I have been careful too, to collect, so far as possible, the opinions of intelligent laymen, and here no utterance of dissent has discouraged me, for among men whose minds are not warped by professional prejudice; who are not wedded to the common law by loving communion and intimate fellowship with its venerable formulas and fictions, the absurdity and injustice of sealing the lips of a witness for some imaginary interest, of which he is often utterly unconscious, is apparent. A significant evidence of the necessity of this reform is found in the fact that nearly all the Senators on this floor who oppose this bill, confess that they do so, not because *they* are doubtful of its propriety, but because some legal friend at home is opposed to it. I believe that if those whose opinions thus influence legislation, would take the trouble to examine the question, and study the workings of the new system, most of them would yield their prejudices.

I know not, sir, whether this bill will pass or be defeated at this session. If defeated, I shall not be disturbed, for the adoption of its principles is but a question of time. We may not be the architects of this reform, but if we are not, those who follow us in these halls, will be; legal reform progresses slowly but surely, and of all legal reform, none is more certain of success than this. Ignorance or prejudice may throw temporary barriers in its way; the timid and doubtful may alarm their ready fears by visions of perjury and injustice, but the intelligent and steadily advancing sentiment of the people, and the profession, will surely vindicate this reform,



and engraft it upon your jurisprudence. When that is done, the sarcasm of Bentham, that "no man could find his way to mill by the common law rules of evidence," will have lost its force, and in this branch of her jurisprudence our good old Commonwealth will deserve the honorable praise which the civilized world has accorded to her humane penal code, and her admirably blended system of law and equity.

Mr. BELL said he had listened with pleasure and profit to the eloquent and able remarks of the Senator from Indiana. He had, on the general principles characteristic of the two bills submitted by that Senator and himself, so fully occupied the whole ground of argument, as to leave but little to add to his suggestions—and indeed it might be thought unnecessary, and therefore scarcely admitting of excuse, to speak to the same points. But the propositions submitted to the consideration of the Senate, are of a character so momentous, invoking little short of a revolution in our long-settled system of evidence, and involving the pecuniary interests of every man in the community, that he trusted, as the mover of the amendment of the original bill, the Senate would bear with him, should he attempt to explain the provisions of the proposed amendment, particularly where these differed from the original bill.

The substitute presented by himself, offered for the consideration of this body three distinct propositions, to each of which he desired to direct attention, and of which he would invoke investigation. The first of these had for its object the abrogation of a bill which had been unknown in England since the reign of Elizabeth. In Pennsylvania, ever since the settlement of the province, our system of jurisprudence has been laboring under the absurdity of excluding as a witness every individual who, in the course of a long life, had been once convicted of a felony of the most trivial character. Place a man in the position of a criminal—though this involves but the commission of the most trifling larceny—and under our system his mouth is forever closed as a witness in our courts of justice. He may be the sole observer of the perpetration of the most atrocious crime; he may be the only man breathing who, from his knowledge of facts, can rescue his neighbor from pecuniary ruin, or his fellow's character from the blighting influence of detraction; he may, by a long course of upright conduct and devotion to honest pursuit, have redeemed an early error and reconquered the good opinion of the community; the utmost confidence may be felt in his truthfulness, and yet, by the operation of our rigid rule, his mouth is hermetically sealed, unless the Executive pleases to interpose the pardoning power. This is not only unjust to the individual, as excluding him from the ordinary privilege of a member of society, but is still more deeply injurious to the party who proposes him as a witness, and who is thus deprived of evidence essential to his case, and which might be entirely satisfactory to the tribunal trying his case. He had said this objection to the competency of a witness had been unheard of in England for more than two centuries. There, the legal effect of what is known as the benefit of clergy—at first confined to the few who were able to read, but in course of time, by the spread of education, extending to the mass of the community—the felon was restored to his civil rights after undergoing the punishment due to his offence; but the benefit of clergy never having been extended to Pennsylvania, the result of its operation was also unknown among us, and consequently, the old common law rule of disqualification remained, to cripple our system of jurisprudence and trammel the administration of justice. Mr. B. here illustrated this observation, by cases that had fallen under his own observation, and concluded his remarks on this branch of the sub-

ject, by observing that in truth, this, with similar objections, ought to go to the credit of the proposed witness, in reference to the judgment of the jury, as judge of the amount of credence due to the witness, should not be permitted to shut out the light, by a total exclusion of the evidence.

The next feature of the proposed measures are identical. Each proposes to wipe out the objection to witnesses, because of an interest in the event of the particular action. This rule of exclusion originated in an age when ignorance and incapacity for judicial administration was general: when juries were carried from shiretown to shiretown, until they consented to a verdict in accordance with the instructions of the judge, and when fine and imprisonment awaited what was then denominated contumacy. This abuse found its origin in the same sections which dictated the rule of exclusion on the ground of interest—the contempt which the bench entertained for the jury box. In the prevailing ignorance of the age, the more educated classes, then occupying the judicial seats, feared to permit a discolored ray of light to penetrate the jury, lest it might mislead. To suspect, was to exclude, because it was supposed the jury might not be capable of discriminating between the light, perfectly pure and unsuspected, and that which shone, subject to impeachment. But with advancing centuries, the intelligence of the masses has advanced. The time has come when jurors are as competent to judge between what is worthy of credence, and what ought to be received with suspicion and distrust, as those who preside over their deliberations. Is it not, therefore, apparent, that the objection which is addressed to the competency of the witness—altogether excluding him from testimony—should be referred to his credibility, leaving this to be weighed by that portion of his fellow-citizens most competent to determine the question?

Mr. B. proceeded to say that the third feature of the bill submitted by him, principally distinguished it from that proposed by the Senator from Indiana. His proposition was to permit parties to the record, and those for whose immediate use the action was brought, to volunteer as witnesses in their own behalf; while that proffered by himself restricted the examination of a party to the case in which he was called by his adversary. This has been denominated a half-way measure. It may be so, but it is a safe measure. The introduction of novelties in judicial systems are always dangerous, and while necessity may sometimes impel us to the trial of them, wisdom and experience teaches us that we should advance with suspicious caution.

He advocated his bill at some length, during the course of which he said that he also had letters from judges of high standing, protesting earnestly—almost violently—against the adoption of the system proposed by the bill of the Senator from Indiana. The plan proposed by him was a matter of experiment merely. It had existed in England for a few years, and in New York for a short time; and in that State there has already been a movement made for its repeal. Experiments, particularly upon judicial systems, were always dangerous; and he protested against making so radical a change as that proposed by the bill, when there is no necessity for it. Let us, he said, try the half-way measure first, and see how it operates, before taking the step contemplated, of changing the whole system. That is not wise in the introduction of novelties which is not necessary, particularly with reference to the judiciary. Try the half-way movement, and if that is found beneficial in half a dozen years, then extend the system proposed by the Senator from Indiana.

Mr. FINNEY said the manner in which it was proposed to amend the bill, takes away all the beneficial tendencies of it. Thinking so, he de-

sired to make a few remarks with reference to it. On the first section, the position of the Senator from Chester is correct. He would go still further, however, and would allow no religious test to be applied—no religious views to exclude a party from testifying; but would require no higher test than moral standing, allowing all evidence to have its due weight with the jury.

With respect to the second and third sections, he said there was no difference in the truthfulness of evidence, because the name of the person giving it was written on the record as a party to the suit. That was a matter which the jury should take into consideration in making up its verdict. He then entered into a brief exposition of the operations of the bill, which he thought would be worse than the old; after which he threw out a few ideas with respect to the philosophy of evidence, and drew a distinction between the tests of common law, under the feudal system, and those which prevailed in a more enlightened period. These tests had, long ago, been decided unphilosophical, and had been wiped out of the statute books. He alluded to the method of administering oaths, calling upon God to help them, as one of the relics of a darker period, and which would soon be abolished under the gradual spread of a more enlightened and liberal policy. There would soon be a nearer approach to that system which says "let thy communication be yea, yea, and nay, nay." The form of calling upon God to aid us in an oath was a superstition of bygone days, and should be done away with. There should be no higher aid invoked than that principle which teaches us to "do unto others as you would have others do unto you;" and although we may get nearer and nearer to that system, we would never progress beyond it.

He alluded to the days when indulgences were granted to tell lies, and when it was necessary to adopt the principle which excluded an interested party. Where a large pecuniary interest was involved, a party might purchase the indulgence to lie with impunity, and it became necessary for the courts to exclude him. These restrictive rules had their origin in the dark ages, and prevailed to a great extent throughout the world at the present time, except where they had been lopped off.

He continued in illustration of the workings of the law of evidence, as proposed by the bill and the substitute, and wound up by saying that by adopting the first bill, litigation would be diminished, and the most beneficial results ensue.

Mr. PALMER said—

Mr. SPEAKER: I have observed with admiration the flood of light and learning poured upon the important subject under discussion by the learned Senators who have preceded me, and it is with a profound sense of my own inexperience and inability to cope with them in this debate, that I approach it; but it appears to me due to its momentous interest to the people of this Commonwealth, and to myself, in justification of the votes that I shall cast upon it, to place my views upon the record. There are two propositions presented for the consideration of the Senate—one that of the distinguished Senator from Indiana, (Mr. COFFEY;) the other that of the able and eloquent Senator from Chester, (Mr. BELL). The latter may be designated as the proposition of the conservative or middle ground, between the present condition of our law of evidence, and the more radical change proposed by the Senator from Indiana. While most measures of the legal profession in Pennsylvania would probably admit the propriety and necessity of some change in our common law rules, regulating evidence, there will doubtless be great difference of opinion among them relative to the reasonable extent of that change. Every lawyer



in active practice, during an experience of several years, will doubtless have found many occasions to regret the present condition of the law of evidence in both civil and criminal cases. That a witness called to the stand in a criminal case, in the result of which he feels no interest except that common to every other citizen, that justice may be done between the Commonwealth and the defendant; a witness who, for years, has led a good life, and preserved an excellent reputation for virtue, truth and veracity, should be utterly excluded from testifying, because of some crime committed in his early youth, and long entirely repented and atoned for, is a manifest absurdity in our jurisprudence. That a citizen called in a civil cause, whose whole life has been unimpeached and unimpeachable; a man who is known by the common speech of all people acquainted with him, to be one who would speak the truth, though it caused the heavens to fall, should have his mouth closed, because of an interest, however small, in the result of the pending cause; while others, bound to the parties, in whose favor they are called, by ties of consanguinity, marriage, business relations, with their feelings warped and prejudices deeply involved in the subject matter of their testimony, should be admitted, is another absurdity. But while I acknowledge the necessity of some reform, and am willing to advance upon the road of progress pointed out by both the propositions pending before the Senate, I must admit that my own mind inclines to that of the Senator from Chester, (Mr. BELL,) and that I shall be disposed to sustain that proposition, if some amendments, necessary in my view, and which I shall submit at the proper time, shall be engrafted upon it. I have heard what has been said upon the conservatism of Pennsylvania, and the reproach that has been cast upon her as lagging behind her sister States of the Union in the path of progress and reform. There may be, and doubtless is, some truth in these reproaches; but I am one who am not prepared entirely to scout this old fashioned Pennsylvania conservatism. It is true that my infusion of New England blood does sometimes leap to the cries of progress similar to those to which we have listened from the eloquent Senator from Indiana, (Mr. COFFEY,) and the eloquent Senator from Crawford, (Mr. FINNEY,) but my habit of life and associations from my youth up, among the sturdy German element of our Pennsylvania population, restrains me to conservatism. It may be true that in some things Pennsylvania is behind some of our sister States of New England, but she is still a grand old Commonwealth, magnificently strong in many of her elements. In the time past she has stood proudly, stubbornly perhaps, amid the surging waves of the extremes, north and south, until it may be that she appeared to the world to be actually, what she was admitted to be symbolically, the *Keystone*; as heavy and as hard to move as the original rock itself. But those of her sons, who, like myself, are wedded to her, heart and soul, claim that if her progress toward greatness has been slow and gradual, it has also been safe and sure. I admire her sturdy conservatism, and I would not shock it by sudden and radical changes in our system of jurisprudence. We are here but as the representatives of the people, and I would not have us move too fast and too far for public opinion to follow. We have heard from Senators of the difference of opinion still existing in Great Britain upon the subject of the change there in the law of evidence now proposed here. We have also been told of the effort recently made by the people of the State of New York, before their Legislature, to repeal a similar law, after a short trial of about twenty months; and I was informed, within a few days past, by an intelligent gentleman, citizen of that State,

that, except for the remonstrance from the judges and lawyers of the city of New York, which was read to the Senate this morning by the Senator from Indiana, there is little doubt that the act of repeal would have passed the New York Legislature by a nearly unanimous vote. In that case, it would have been contended by the enemies of the reform, that the law had been tested and condemned by the people; and without a fair trial of its merits, it would have been postponed for years. I may illustrate the subject by reference to our own experience in legislating against intemperance in the use of intoxicating liquors. For long years the wisest and best men of our State had implored the Legislature for men's sake, and for God's sake, to do something to remove or to lessen this great evil. Finally legislation was had, but it was in advance of the public opinion, and was repealed, and the present laws, which I claim are a disgrace to our statute books, were enacted, and the result is found in the fact that the present condition of the Commonwealth is worse than it was in the beginning. I would not imitate this sad example in the matter under consideration. Let us advance upon public opinion gradually, feeling our way as we advance, so that our progress may be secure; and rather rest content with practical measures—that may be designated by some as half-way—rather than to lose everything by attempting too much.

I intend, at the proper time, to submit to the Senate some amendments to the bill, proposed by the Senator from Chester, which I hope will meet their approval, and enable me to cast my vote for the bill.

House amendments to Senate bill No. 141, "A supplement to an act to enable the county of Warren, to effect certain compromises," were read.

The question being,

Will the Senate concur?

It was moved that further consideration of the same be postponed for the present; which was agreed to.

The hour of one having arrived, the Senate adjourned until to-morrow morning, at ten o'clock.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, Feb. 17, 1859.

The House was called to order at 10 o'clock, A. M.

The SPEAKER in the Chair.

Prayer was offered by Rev. Jas. Colder.

The Clerk read the Journal of yesterday.

The SPEAKER laid before the House the Report of Deaf and Dumb Asylum.

Also, the fourth annual report of the officers of the Penn Asylum for indigent widows and single women.

Also, a petition from the same body, asking an appropriation for said institution.

On motion of Mr. CHASE, so much of the resolution, passed a few days since, as granted the use of the House to the Editorial Convention was rescinded; that body having adjourned *sine die* last night.

On motion of Mr. LAWRENCE, of Washington, Mr. MATTHEWS was placed upon the Committee on Banks, in lieu of Mr. McCLEAN, late a member of the House.

Mr. EVANS, on leave, presented the answer of Horace B. Fry to the memorial of John Grigg, in the matter of the application of his daughter, Emily, to be divorced from the said H. B. Fry, and moved that the same be printed for the use of the House.

Mr. McCLEURE moved to amend by printing five hundred copies in pamphlet form.

Mr. EVANS moved to amend the amendment by printing, in addition to the above, the previous testimony taken in the case.

Mr. WILLISTON regarded it a useless ex-

pense, and hoped the question would not prevail.

Mr. HARDING moved further to amend, by increasing the number to 1000 copies; which was not agreed to.

Messrs. WILEY, ROSE and HAMERSLY opposed the motion.

The question recurring,

Will the House agree to the motion to print 500 copies?

It was determined in the negative.

The question now being,

Will the House agree to the motion to print?

It was agreed to.

Mr. ROHRER, on leave, offered the following joint resolution:

*Resolved by the Senate and House of Representatives,* That the State Treasurer be, and he is hereby authorized and required, to pay Lucius Rogers, for services as clerk in the contested election case of W. H. MATTHEWS vs. DAVID R. McCLEAN, three dollars per day for thirty-eight days, with the usual mileage, together with mileage while traveling with said committee, and actual expense in Philadelphia, while in the employ of the committee in taking testimony in said case, which shall be certified to by the chairman of the said committee.

Which was read the second time.

Mr. CHASE moved to amend, by striking from the resolution that portion which refers to mileage, while traveling with the committee.

Messrs. HAMERSLY, ROHRER, ROSE and MILLER opposed the amendment.

Messrs. CHASE and THORN defended it.

The question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. ZOLLER and Mr. WITHROW, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Chase, Church, Custer, Dismant, Dodds, Durboraw, Eekman, Ellmaker, Fisher, Fleming, Galley, Glatz, Gratz, Hamersly, Harding, Hill, Hottenstine, Jackson, Keueagy, Ketchum, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Proudfoot, Pugh, Quigley, Shafer, Shepard, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Styer, Taylor, Thorn, Wagoner, Walborn, Walker, Wiley, Williams, (Bucks,) Wilson, Withrow, Wolf and Lawrence, *Speaker*—57.

NAYS—Messrs. Bayard, Bertolot, Campbell, Evans, Fearon, Foster, Gray, Irish, Kinney, Laird, Lawrence, (Washington,) Mann, Matthews, McDowell, Miller, Neall, Pinkerton, Ramsdell, Rohrer, Rose, Rouse, Shields, Warden, Witman, Wigton, Williams, (Bedford,) Williston and Zoller—28.

So the question was determined in the affirmative.

Mr. THORN moved to amend the resolution, by substituting a new one in lieu thereof, giving to the said Rogers four dollars per day, together with his actual expenses while attending on the committee in Philadelphia; which was agreed to; and the resolution, as amended, passed finally.

Mr. PATTERSON, leave being given, from the Committee on Railroads, reported as committed, "An Act to incorporate the Lewisburg, Selinsgrove and Philadelphia Junction railroad company."

Also, on leave, re-presented "An Act for the relief of Jno. S. Miller;" which was referred to the Committee on Ways and Means.

Mr. PRICE, on leave, read in his place and presented to the Chair, "An Act making evidence taken by commissioners appointed by an act passed the 12th of April, 1858, competent testimony, to be used on behalf of claimants in all suits pending or to be hereafter brought against said institution, its late directors, stockholders or assignee, in the several courts of this



Commonwealth;" and moved that the rules be suspended, and that the House proceed to the consideration of the same; which was not agreed to.

PETITIONS, &c., PRESENTED.

Mr. HOTTENSTINE read in his place and presented to the Chair, five petitions numerously signed from citizens of Northumberland county, to have that part of their county lying north of the line, between the township of Point Chillisquesque, annexed to and made part of the county of Union.

Mr. PROUDFOOT, two remonstrances from citizens of Cambria county, against any alteration in existing laws for the collection of taxes in said county.

Mr. BERTOLET, eight petitions from citizens of Reading, for an act authorizing the survey and laying out of such streets and alleys as are not yet opened within the limits of said city, and the establishment of the grades thereof.

Also, two from citizens of Reading, for a horizontal survey of said city.

Mr. EVANS, the fourth annual report of the Penn asylum for indigent widows and single women.

Also, a petition for the repeal of the tonnage tax on the Pennsylvania railroad.

Also, the answer of Horace B. Fry to John Grigg.

Mr. GREEN, a petition from residents adjacent to the Pennsylvania railroad, in favor of the repeal of the tonnage tax on said road.

Mr. SHEPPARD, the fourth annual report of the Penn asylum for indigent widows and single women.

Also, one in favor of the repeal of the tonnage tax on the Pennsylvania railroad.

Mr. HAMERSLY, one in favor of the repeal of the tonnage tax on the Pennsylvania railroad, signed by a number of the most influential firms in Philadelphia.

Mr. PINKERTON presented a petition of citizens of Minersville, Schuylkill county, numerously signed, for a law better securing the wages of labor in Schuylkill county.

Also, another of like import, from Schuylkill county.

Mr. M'DOWELL, one from citizens of Plum township, Allegheny, and Franklin township, Westmoreland county, praying that a new school district may be erected out of parts of said townships.

Mr. CUSTER, six from citizens of Berks county, for the repeal of the act fixing the dividing line between Reading and Alsace townships.

Mr. SMITH, (Berks,) one of like import.

Mr. WOLF, a bill and petition from citizens of the borough of Logansville, York county, for authority to lay out and open certain streets in said borough.

Mr. PENNELL, the petition of Penn asylum for indigent widows and single women, for an appropriation of twelve thousand dollars to relieve them of their indebtedness, and an annual appropriation of two thousand dollars, to assist them in the maintenance of the institution.

Also, one from the farmers and manufacturers of the counties adjacent to the Pennsylvania railroad, praying for the repeal of the tonnage tax.

Also, the petition and affidavits of James Eden Roosevelt vs. Catharine his wife, for a divorce.

Mr. NILL, two from citizens of Fulton county, for the repeal of the usury laws.

Also, two from citizens of Dublin township, Huntingdon county, praying that said township may be annexed to Fulton county.

Mr. FEARON, one from citizens of Lycoming county, for the construction of a boom in Loyalsock creek in said county.

Mr. WOODRING, nine remonstrances from citizens of Northampton county, against the

passage of the act now before the Legislature, relative to the Delaware Division canal company.

Mr. STONEBACK, a remonstrance from citizens of Pottstown, Montgomery county, against the passage of an act authorizing them to elect nine councilmen instead of six.

Mr. DISMANT, one from thirty-nine citizens of Montgomery county, for an appropriation to aid in establishing a School of Mines.

Mr. WILLIAMS, (Bucks,) one from citizens of Bucks county, remonstrating against the passage of an act authorizing dams or other obstructions in the river Delaware.

Also, one from citizens of Allentown against the passage of an act erecting five wards in said borough.

Mr. WAGONSELLER, one from citizens of Juniata county, against keeping a certain mountain road in repair at the expense of said county.

Mr. BALLIET, four petitions from citizens of Carbon county, for a new judicial district composed of the counties of Carbon and Lehigh.

Also, two remonstrances from citizens of Allentown, Lehigh county, against dividing their borough into more wards.

Mr. BOYER, (Schuylkill,) one from citizens of Schuylkill county, in favor of the passage of the act for the better securing the payment of wages of labor in said county.

Mr. WILEY, three remonstrances of members and others, of the several Evangelical churches of Frankford, Philadelphia, against the passage of an act to permit the running of cars on Sunday upon the Frankford and Southwark passenger railroad.

Mr. ROHRER, one from three hundred and sixty-one citizens of Armstrong county, for the repeal of an act of Assembly, authorizing the election of county superintendent and the total abolition of that office in said county.

Mr. WILLIAMS, (Bucks,) one from citizens of Bucks and Lehigh counties, for the construction of a turnpike road from Quakertown and Spunertown to the village of Centre Valley.

Mr. MEHAFFEY, one from citizens of Lycoming county, for the passage of an act securing more effectually prompt payment on the part of insurance companies.

Also, a remonstrance from citizens of said county, against the passage of an act erecting a boom in Loyalsock creek.

Mr. HILL, three petitions from citizens of Pottstown, Montgomery county, for a supplement to their borough charter.

Mr. DODDS, one from citizens, farmers and manufacturers of the counties adjacent to the Pennsylvania railroad, for the repeal of the tonnage tax.

Mr. BAYARD, one from citizens of Pittsburgh, in favor of a passenger railway from said city to the village of East Liberty, by way of Pennsylvania avenue.

Mr. LAWRENCE, (Washington,) one from citizens of Somerset township, Washington county, in favor of the election of four supervisors in said township.

Also, one from citizens of Jefferson township, Allegheny county, for the new county of Monongahela.

Mr. WITMAN, one from citizens of Harrisburg, for a change of their borough charter.

Mr. CHURCH, a memorial from the Penn asylum for indigent widows and single women, for an appropriation.

Also, one in favor of an appropriation to the Polytechnic college, of Philadelphia.

Also, two for the repeal of the tonnage tax.

Mr. TAYLOR, one in favor of the erection of a new county, to be called Ligonier.

Also, a remonstrance against the same.

Also, a petition from citizens of Indiana county, for the repeal of the act authorizing

the appointment of county superintendent of common schools.

Also, a remonstrance from citizens of Indiana county, against the erection of the new counties of Pine and Ligonier.

Mr. ACKER, one from the Pennsylvania anti slavery society; which was read.

Mr. PEARCE, two from citizens of the township of East Bradford, praying that the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth sections of "An Act to incorporate the Coatsville, Mortonsville and Doe Run plank road company," be extended to the said township of East Bradford.

Mr. GALLEY, memorials and petitions from citizens of Fayette and other counties, praying for the passage of "An Act to pay the Cumberland road."

Also, three more from citizens of Fayette, Washington and Somerset counties, of similar import.

Also, one from citizens of Perry township, Fayette county, praying for the incorporation of a bridge company, and to authorize the commissioners of said county to make a donation to said company.

Also, petitions of citizens of Fayette co., praying for a repeal of all laws allowing the county commissioners to pay premiums on fox and wild cat scalps; and for the repeal of a law increasing the pay of county officers, jurors and witnesses.

Mr. GOEPP, a remonstrance from citizens of Northampton county, against the passage of the act now before the Legislature, relative to the Delaware Division canal company.

Also, one from same, against the removal of the county seat.

Mr. BURLEY, one from citizens of Blair county, for the abolition of the office of county superintendent of common schools in said county.

Mr. CUSTER, five from citizens of Reading, for a horizontal survey of said city.

Mr. WARDEN, one from sundry citizens of Unity township, Westmoreland county, in favor of the passage of a law abolishing the office of county superintendent of common schools.

Also, a remonstrance of eighty-six citizens of Sewickly township, same county, against any division of said county, for the purpose of erecting the new county of Monongahela.

Mr. BARNESLEY, one from citizens and stockholders of the Quakertown and Spinertown turnpike road, for a supplement to their charter.

Also, three from citizens of Attleborough, Bucks county, against the passage of a law incorporating said village into a borough.

Mr. WILLISTON, nineteen petitions from several hundred citizens of Tioga county, praying for the repeal of certain sections of the Tioga plank road company. (Referred to Committee on Roads and Bridges.)

Also, one from fifteen citizens of Tioga county, praying for a law taxing dogs. (Referred to Committee on Judiciary.)

Also, one from citizens of Tioga county, for a law to prohibit driving deer with dogs. (Referred to Committee on Agriculture.)

Mr. M'DOWELL, one from citizens of Plum township, Allegheny county, and Franklin township, Westmoreland county, for the passage of an act erecting parts of said townships into a separate school district.

Mr. BERTOLET, two from citizens of Berks county, for the better protection in their farms from trespassers.

Mr. PRICE, one from Lancaster county attorney, remonstrating against the passage of an act admitting plaintiffs and defendants to testify in suits pending or being brought, in the courts of this Commonwealth, in their own cases.

Mr. BURLEY, one from citizens of Blair



county, asking for the repeal of the tonnage tax on the Pennsylvania railroad.

Also, one from citizens of Juniata township, Blair county, asking to attach part of said township to Allegheny township, for school purposes.

Also, one from citizens of Blair county, asking to have the office of county superintendent of common schools abolished.

Mr. KINNEY, one from one hundred and twelve citizens of Franklin township, Bradford county, in favor of a law compelling land owners to fence their farms, and presented a bill of the same import.

Mr. MILLER, one from citizens of Crawford county, in favor of the new county of Marion.

Also, one from the Penn asylum, for indigent widows and single women.

Mr. WIGTON, one from citizens of Jackson township, relative to the road laws in said county.

Also, one for the removal of the seat of justice to the borough of Wilmore.

Also, one to change the place of holding elections in Jackson township, Huntingdon county.

Mr. WITHEROW, one from citizens of Newton Hamilton, Mifflin county, for an act to attach the premises owned by the Pennsylvania railroad company, and now occupied by Wm. Hamilton, to the borough of Newton Hamilton school district, in Mifflin county.

Mr. KENEAGY, one from citizens of Philadelphia in favor of an appropriation to Penn Asylum.

Mr. ELLMAKER, two remonstrances from citizens of Lancaster city and county, against authorizing the sheriff to sell real estate on the premises.

Mr. GOOD, two from one hundred and sixty-four citizens of the borough of Allentown, in favor of a division of said borough into wards.

Mr. PUGH, one from citizens of Carbondale township, Luzerne county, to change the place of holding their elections in said township.

Mr. GRITMAN, a remonstrance from John Koons, George S. Miller and other citizens of Huntingdon township, Luzerne county, against giving the school directors of said township power to borrow money, &c.

Messrs. MATTHEWS, QUIGLEY, SMITH, of (Philadelphia,) severally presented petitions from citizens of Philadelphia, in favor of the repeal of the tonnage tax on the Pennsylvania railroad.

Messrs. WALBORN, HARDING and FISHER, severally presented petitions, relative to the Penn asylum, asking for appropriation.

Mr. WILEY, leave being given, presented "An Act to increase the fees of jurors." (Referred to Committee on Judiciary.)

Mr. HAMERSLY, one from citizens of the seventh and eighth districts of Philadelphia, for a change in the mode of electing directors of the poor, in said township.

Also, a remonstrance from citizens of Allentown, against the division of said borough into wards.

Also, one in favor of an appropriation to the Penn asylum.

Also, two from citizens of the rural districts of Philadelphia, in favor of the act securing the right of free travel over certain highways.

Mr. WALKER, one from citizens of Somerset county, against the new county Ligonier.

Mr. WILSON, on leave, from the joint committee of conference appointed, relative to House bill No. 283, reported that the joint conference recommended the Senate bill to be stricken out.

On motion of Mr. WAGONSELLER, the report of the committee was adopted by the House.

Mr. M'CLURE, presented a petition from

citizens of Franklin county, for a law to impose a tax on dogs.

Also, one to impose a license on stallions.

Mr. RAMSDELL, two from citizens of Venango county, in favor of a change of the road laws, in said county.

Also, a remonstrance against the abolition of the office of county superintendent of common schools.

Mr. ROUSE, a memorial from citizens of Warren county, in favor of the new county, Marion.

Mr. SHIELDS, one from eighty-five citizens of Westmoreland county, in favor of the abolition of the office of county superintendent of common schools.

Mr. CHASE moved that for the purpose of considering public bills, the regular orders of the day be suspended.

On the question.

Will the House agree to the motion?

The yeas and nays were required by Mr. THORN and Mr. CHASE, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Campbell, Chase, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Evans, Fearon, Fisher, Glatz, Gratz, Gray, Green, Gritman, Hamersly, Harding, Hill, Jackson, Ketchum, Kinney, Lawrence, (Washington,) Mahaff-Matthews, M'Clure, Miller, Neall, Nill, Oaks, Palm, Pennell, Peirce, Proudfoot, Pugh, Quigley, Ramsdell, Rohrer, Shafer, Sheppard, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stuart, Styer, Taylor, Thorn, Wagonseller, Walborn, Walker, Warden, Witman, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston and Wolf—64.

NAYS—Messrs. Bayard, Foster, Hottenstine, Laird, M'Dowell, Pinkerton, Price, Stephens, Stoneback, Wilson, Zoller and Lawrence, *Speaker*—11.

So the question was determined in the affirmative.

Mr. CHASE further moved, that bills reported from committees affirmatively have the priority; which was agreed to.

Mr. KINNEY, on leave, offered a joint resolution, that when the two Houses adjourn they do so meet at 3 o'clock on next Tuesday.

On the question,

Will the House proceed to second reading of the same?

A motion was made by Mr. EVANS, that the further consideration of the motion be postponed for the present.

And on the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. HAMERSLY and Mr. WILLIAMS, (Bucks,) and were as follow, viz:

YEAS—Messrs. Abbott, Balliet, Bayard, Bertolet, Boyer, (Clearfield,) Burley, Campbell, Evans, Fleming, Foster, Galley, Goepf, Good, Gratz, Gray, Harding, Hottenstine, Irish, Ketchum, Kinney, Laird, Miller, Neall, Palm, Peirce, Pinkerton, Price, Proudfoot, Pugh, Quigley, Rohrer, Rose, Rouse, Shafer, Smead, Smith, (Philadelphia,) Styer, Taylor, Walborn, Warden, Witman, Wigton, Wiley, Williston, Wilson and Lawrence, *Speaker*—46.

NAYS—Messrs. Acker, Barnsley, Barlow, Boyer, (Schuylkill,) Chase, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Fearon, Fisher, Glatz, Green, Gritman, Hamersly, Hill, Jackson, Lawrence, (Washington,) M'Clure, M'Dowell, Nill, Oaks, Ramsdell, Sheppard, Smith, (Berks,) Stephens, Stoneback, Stuart, Thorn, Wagonseller, Walker, Williams, (Bedford,) Williams, (Bucks,) Wolf and Zoller—37.

So the question was determined in the affirmative.

Mr. WILLIAMS, (Bucks,) asked and obtained leave of absence for Mr. GRAHAM.

Mr. WILSON for Mr. BRYSON.

Mr. EVANS, from the Committee on Vice and Immorality, reported with a negative recommendation, "An Act relative to inspections."

The above resolution was then read the second time.

Mr. HAMERSLY said: I am sorry, Mr. SPEAKER, that it became necessary for a member of the opposition to remind the majority of this House of its duty to the people and to the party which sent those who compose it here. I had hoped, sir, that we should all have stood here shoulder to shoulder in favor of economy and reform, without being goaded into it by the taunts of the Democratic party. Now, sir, we are proposing to adjourn this House for four or five days, without having a single reason urged in its favor, except a desire to promote the personal convenience of individual members. For myself, I desire to say, sir, that I am opposed to all these adjournments. I am as anxious to visit my home as any gentleman upon this floor, but in agreeing to come here as a representative of the people, I virtually bound myself to sacrifice all my private interests and feelings to the general good. I have voted against every proposition to adjourn over, and I have not absented myself from the House for five minutes since the commencement of the session. I trust, sir, that we shall remain here and faithfully discharge our duties to our constituents, so that we may be prepared to adjourn finally at an early day.

Mr. M'CLURE said that no public bills had passed yet, and there was no use in adjourning.

Mr. ROSE said that no quorum would probably be in attendance, even if the House did not adjourn. He moved an amendment, until Wednesday, instead of Tuesday next.

Mr. KINNEY said that the adjournment could not affect the consideration of public bills.—Tuesday was generally appropriated to meeting, and hearing an address read.

Mr. NILL said that Mr. ROSE could easily obtain leave of absence.

Mr. ROSE inquired how long Mr. NILL had been absent?

Mr. NILL replied, two weeks. He opposed the resolution strongly.

Mr. ROSE advocated the adoption.

Mr. WILSON said that when one gentleman from Franklin made a speech, the other followed, and each had been absent about two weeks. He hoped that the House would adjourn.

Mr. FOSTER said that he did not believe the community would suffer from the adjournment of the House.

Mr. ROSE withdrew the amendment.

Mr. KINNEY moved to amend his resolution, so as to strike out the word "Senate."

The amendment was carried.

Mr. HAMERSLY had not voted for any adjournment this session. Party obligations should compel the attendance of the members.

Mr. ROSE. Would the adjournment increase the expenses?

Mr. HAMERSLY. It will.

Mr. ROSE hoped that the gentleman from Philadelphia would recollect this in future, when they asked to adjourn on every Friday.

Mr. CHASE said that the appropriation bill would probably come up for consideration tomorrow.

Mr. RAMSDRILL. Does the resolution call for the adjournment of the third House?

The SPEAKER. The gentleman is out of order.

Mr. ROHRER said when he left home, his constituents had requested him not to press public business, for they had had enough of it. The gentleman from Franklin had been away when the business did not interest them. It was essential, however, that when the public



business came up there should be a full attendance.

Mr. THORN made some remarks.

Mr. GLATZ moved to indefinitely postpone.

Mr. ROSE said that as it did not seem to matter to the constituents whether the gentlemen from Franklin were absent or not, he would ask leave of absence for both of them until the end of the session.

Mr. LAWRENCE, (Washington,) entered a protest against the adjournment. He had never seen such trifling with the public business.—The people did not expect the members to adjourn to go home to see their wives and children. He would insist on the yeas and nays.

Mr. KINNEY said he was willing to face the record. Who was it that had trifled with the public business? It was the very gentlemen who opposed the adjournment.

Mr. NILL. Does the gentleman say that I have trifled.

Mr. KINNEY said that the gentleman had certainly not been in his seat for two weeks.

Mr. WILLIAMS, (Bucks,) said that the constituency of the gentlemen would hold them to a fearful responsibility.

Mr. HARDING advocated the adjournment.

Mr. GRITMAN wished to enter his protest against the discussion upon such a subject. If the gentlemen from the west wanted to go home, let them go, and not ask the House to adjourn.

Mr. ROSE said that the gentleman from Bucks, (Mr. WILLIAMS,) was too modest by far. He seemed to think that he was of no use. This was not so. The constituents of Mr. WILLIAMS, and of every other member, expected them to do their duty, and looked to them for efficient service.

Mr. MANN reviewed the arguments in favor of adjournment. He said that they were not consistent.

Mr. RAMSDALL moved to postpone indefinitely:

The yeas and nays were required by Mr. NILL and Mr. M'CLURE, and were as follow, viz:

YEAS—Messrs. Acker, Balliet, Barnsley, Barlow, Boyer, (Schuylkill,) Chase, Church, Custer, Dodds, Durboraw, Eckman, Fearon, Fisher, Glatz, Green, Gritman, Hamersly, Hill, Jackson, Ketchum, Lawrence, (Washington,) Mann, Mahaffey, Matthews, M'Clure, M'Dowell, Nill, Oaks, Pennell, Peirce, Pughe, Ramsdell, Shafer, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Thorn, Wagonseiler, Walker, Williams, (Bedford,) Williams, (Bucks,) Wolf and Zoller—45.

NAYS—Messrs. Bayard, Bertolet, Boyer, (Clearfield,) Burley, Campbell, Evans, Fleming, Foster, Galley, Goepp, Good, Gratz, Gray, Harding, Hottenstine, Irish, Kinney, Laird, Miller, Neall, Proudfoot, Quigley, Rohrer, Rose, Rouse, Smith, (Philadelphia,) Styer, Taylor, Walborn, Warden, Wigton, Wiley, Williston, Wilson, Woodring and Lawrence, *Speaker*—37.

So the question was determined in the affirmative.

Mr. LAIRD offered a resolution, that hereafter the House hold an afternoon session every Saturday, and a morning session every Monday.

And on the question,

Will the House proceed to the second reading of said resolution?

A motion was made by Mr. EVANS, that the further consideration of said motion be postponed for the present.

And on the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. JACKSON and Mr. GOOD, and were as follow, viz:

YEAS—Messrs. Acker, Balliet, Barnsley, Cus-

ter, Dismant, Evans, Fisher, Green, Hamersly, Matthews, Pennell, Peirce, Quigley, Ramsdell, Shafer, Styer and Williston—17.

NAYS—Messrs. Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Campbell, Chase, Church, Dodds, Durboraw, Eckman, Fearon, Fleming, Foster, Glatz, Goepp, Good, Gratz, Gray, Gritman, Harding, Hottenstine, Jackson, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mahaffey, M'Clure, M'Dowell, Miller, Neall, Nill, Oaks, Palm, Pinkerton, Proudfoot, Pughe, Rose, Rouse, Sheppard, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Taylor, Thorn, Wagonseiler, Walhorn, Walker, Warden, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf, Woodring, Zoller and Lawrence, *Speaker*—66.

So the question was determined in the negative.

Said resolution was then read the second time.

Mr. THORN moved to amend the resolution, so that those sessions be exclusively devoted to the consideration of the act for the incorporation of the Mutual admiration society; which was not agreed to.

Mr. NILL moved that the rules be suspended, and that the House proceed to the consideration of the act to incorporate the Pennsylvania and Maryland turnpike road company: which was not agreed to.

The hour of one having arrived, the SPEAKER adjourned the House until this afternoon, at three o'clock.

#### AFTERNOON SESSION.

The House met again at 3 o'clock, and resumed the consideration of the resolution submitted by Mr. LAIRD—that the House hold sessions every Saturday afternoon and Monday morning.

Mr. FOSTER moved so to amend the resolution that public bills be always in order before private bills, until disposed of; which was not agreed to.

The question recurring shall the resolution pass,

The yeas and nays were required by Mr. LAIRD and Mr. GLATZ, and were as follows, viz:

YEAS—Messrs. Acker, Barlow, Bertolet, Boyer, (Clearfield,) Burley, Campbell, Church, Custer, Dodds, Eckman, Fearon, Fisher, Fleming, Foster, Glatz, Goepp, Good, Gray, Gritman, Hamersly, Hill, Jackson, Kinney, Laird, Lawrence, (Washington,) Mann, Mahaffey, M'Clure, M'Dowell, Neall, Oaks, Peirce, Pinkerton, Proudfoot, Quigley, Ramsdell, Rose, Rouse, Sheppard, Shields, Smith, (Philadelphia,) Stephens, Stuart, Taylor, Thorn, Wagonseiler, Walker, Warden, Wigton, Williams, (Bucks,) Withrow, Wolf and Woodring—53.

NAYS—Messrs. Barnsley, Boyer, (Schuylkill,) Chase, Dismant, Durboraw, Evans, Gratz, Green, Matthews, Nill, Palm, Pennell, Rohrer, Shafer, Smead, Stoneback, Styer, Walborn, Williston, Wilson and Lawrence—21.

So the question was determined in the affirmative.

Mr. PENNELL, on leave, offered the following:

WHEREAS, The sessions of this House are being wasted in useless and frivolous discussions on motions and points of order, instead of being devoted to the consideration and dispatch of the legitimate business of the House; therefore,

*Resolved*, That no member be permitted to speak, or occupy more than five minutes time, in the discussion of any subject matter before the House.

The House refused to proceed to the second reading of the same.

Mr. GRITMAN, offered a joint resolution that the Governor be respectfully requested to return to the House, for correction, House bill, No. —, "An Act to incorporate the Luzerne powder company;" which was passed finally; and ordered that the Clerk present the same to the Senate for concurrence.

#### SENATE AMENDMENTS

To bills entitled as follows, were severally read and concurred in:

"An Act to incorporate the Franklin market company."

"An Act to incorporate the Eastern market company."

"An Act to incorporate the Mercantile Hall company, of Pittsburgh."

"An Act to incorporate the Grove Cemetery, New Brighton, Beaver county."

"An Act to incorporate the Allen mutual insurance company."

Mr. MILLER, from the Committee on Corporations, reported as committed, "An Act to incorporate the Towanda water company."

Agreeably to order, the House proceeded to the consideration of public bills.

House bill No. 10, "Resolution relative to granting pensions to soldiers of the war of 1812," came up in order." (Mr. TAYLOR in the Chair.)

On the question,

Will the committee agree to the resolution?

A motion was made by Mr. CHASE, that the committee rise, report progress, and ask leave to sit again; which was agreed to.

The committee rose, and the SPEAKER resumed the Chair.

And on the question,

Shall the committee have leave to sit again?

It was determined in the negative.

Said resolution was then read the second time; when,

On motion of Mr. THORN, the further consideration of the same was postponed for the present.

The House resolved itself into committee of the whole, (Mr. ROUSE in the chair,) on the bill No. 16, "Joint resolution instructing our Senators and Members of Congress to oppose any increase on the present rates of postage," as follows:

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That our Senators in Congress be, and are hereby instructed, and our Members requested, to oppose any increase of the present rates of postage.

*Resolved*, That the Governor is hereby directed to transmit a copy of the foregoing resolution to each of our Senators and Members of Congress.

Mr. NEALL moved to substitute the following:

That our Senators and Representatives in Congress be, and are hereby requested, to oppose any increase of the present rates of postage.

Which was not agreed to.

Mr. NILL offered the following, to be added to the end of the first section:

And that they are also further instructed and requested to pass an act to increase the sum for which the silver coinage of the United States shall be a legal tender in the payment of debts.

Which was not agreed to.

Mr. NILL moved that the further consideration of the original resolution be postponed for the present.

Mr. WOODRING moved to amend by postponing the subject indefinitely.

Mr. WILLISTON hoped not. The question of postage interested the country at large, and he thought it was worthy of some consideration.

Mr. KINNEY followed in a few remarks in



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1858.

No. 36

favor of the bill, and opposed the indefinite postponement.

Mr. NILL would vote for the indefinite postponement of the bill, because it was too late to present it at the present session of Congress.

Mr. GOEPP opposed the bill, because he was hostile to the principle of instructions. The matter concerned us as little here as the matter of our State tax concerned our Representatives at Washington.

Mr. ROSE said—

The gentleman from Northampton, (Mr. GOEPP,) had taken ground against the doctrine of instructions, and for this reason he had voted against every resolution relative to instructions during this and the last session of the Legislature. In answer to the gentleman from Northampton, he would send up the following document, and asked that the same be read:

[*Congressional Globe of 1838—Page 190.*]

## IN SENATE.

MONDAY, Feb. 19, 1838.

Mr. Buchanan presented the resolutions of the Legislature of Pennsylvania, as follows:

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That our Representatives in Congress be requested, and our Senators instructed to vote and use their influence for a postponement, until next session of Congress, of the act introduced by the Hon. Silas Wright, of New York, commonly called "the sub-treasury bill," or any other act or acts of a similar character, and that they vote at this session for no act of a similar nature; and that we have full confidence in Martin Van Buren, and in the wisdom and intelligence of our Democratic Senators and Representatives in Congress; and our Senators are hereby further instructed and our members requested to vote for such a mode of receiving, keeping and disbursing the public moneys, as will separate, as far as practicable, the banks from the government.*

*Resolved, That the Governor be requested to transmit a copy of the above resolution to our Senators and Representatives in Congress.*

LEWIS DEWART,

*Speaker of the House of Representatives.*

J. R. BURDEN,

*Speaker of the Senate.*

Approved 16th day of February, 1838.

On presenting these resolutions in the Senate, Mr. Buchanan, after stating that it was known to the Senate and to the country, that he was in favor of the immediate passage of the bill reported by the Senator from New York, (Mr. WRIGHT,) went on to say:

"Ever since I was capable of forming an opinion upon this subject, I have believed that the Legislatures of the several States had a right to instruct their Senators. In my opinion this right results from the very nature of our Constitution, which is a federal compact between distinct and sovereign States. It has ever been considered, with but few exceptions, a fundamental article in the political creed of that party to which I am proud to belong. I have, in public and in private, in the face of the Senate and before the country, often expressed this opinion; and I shall never preach one doctrine of political faith and practice another. I shall never shrink from what I conceive to be my duty, because in performing it, I may apply the torture to myself.

"I know that some of my most valued friends

in Pennsylvania, who hold the right of instructions to be sacred, are of opinion, that under the peculiar circumstances of this case, I ought to disobey these instructions.

"But they do not perceive that if the Senator can look behind his instructions the right is at once abandoned. Under the pretext, or if you please, under the honest belief, that they do not speak the voice of the people, or that they have been corruptly and improperly obtained, a Senator could always justify himself to himself for disobedience.

"I shall, therefore, not disobey my instructions. My only alternative, then, is either to obey or resign."

In speaking of the Legislature that passed these resolutions, Mr. Buchanan says, at the close of his remarks:

"A more firm, faithful, intelligent and patriotic set of men has never represented Pennsylvania."

Mr. ROSE said he had no further remarks to make upon the subject, except that he had placed the President in opposition to his Democratic friend from Northampton, and he desired to bear his reply.

Mr. HAMERSLY inquired whether the foregoing would not be debarred by the statute of limitation.

The motion to postpone indefinitely was then taken, and not agreed to.

The question now being, will the House agree to the motion to postpone? it was not agreed to.

And the question recurring, shall said resolution pass?

The yeas and nays were required by Mr. GOEPP and Mr. WARDEN, and were as follow, viz.

YEAS—Messrs. Acker, Balliet, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Schuylkill,) Burley, Campbell, Chase, Church, Cnster, Dismant, Dodds, Durboraw, Eckman, Fearon, Foster, Galley, Glatz, Gratz, Green, Gritman, Hamersly, Hill, Hottenstine, Irish, Jackson, Kinney, Lawrence, (Washington,) Mann, Me-haffey, Matthews, McClure, McDowell, Miller, Neall, Nill, Oaks, Palm, Peirce, Pinkerton, Proudfoot, Pughe, Quigley, Ramsdell, Rohrer, Rose, Rouse, Shafer, Sheppard, Shields, Smead, Stephens, Stoneback, Stuart, Styer, Taylor, Thorn, Wagonseller, Walborn, Walker, Wigton, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Witbrow, Wolf and Zoller—70.

NAYS—Messrs. Boyer, (Clearfield,) Evans, Fisher, Goepp, Good, Gray, Laird, Smith, (Philadelphia,) Warden, Woodring and Lawrence, *Speaker*—11.

So the question was determined in the affirmative.

Messrs. STEPHENS and BOYER, (Clearfield,) entered upon the Journal the following reasons for casting the above vote:

Mr. STEPHENS. As the Legislature is clothed with constitutional power to elect the Senators of the United States, it is but natural to infer that they should exercise the right to instruct what they have created. And as our Congressmen are elected by the people, and as we have lost none of our rights by coming here as the people's servants, therefore I believe it is a right that we possess, in common with the people, to request favors at their hands.

Mr. BOYER said: My reasons for voting "no" on the resolution instructing our Senators and requesting our members in Congress to oppose

any increase in the present rates of postage, are simply these:

*First.* It is clearly my opinion that a Legislature of a State has no right to interfere with the legitimate duties of her members in Congress, and has, therefore, no authority to instruct them.

*Second.* At this late period of the session of the present Congress, there is little reason to suppose that this subject will be discussed at all by Congress before its adjournment *sine die*, and will, therefore, only tend to embarrass the action of our Senators and members of Congress, without accomplishing the purpose for which it is intended. But for the purpose of avoiding any misapprehension on this subject, I desire here to express my entire satisfaction in the present rates of postage, and am decidedly opposed to any increased rates of the same.

The House resolved itself into committee of the whole. (Mr. IRISH in the chair,) on House bill No. 33, as follows:

AN ACT to authorize the judges of the several courts of common pleas of the Commonwealth to reserve points of law and to order judgments of non-suit.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for the judges of the several courts of common pleas of the Commonwealth, when they think it expedient, to reserve question of law, which may arise on the trial of a cause for their subsequent consideration and judgment: Provided, That either party shall have the right to a bill of exceptions to the opinion of the court, as if the point had been ruled and decided on the trial of the cause.*

Sec. 2. That whenever the defendant, upon the trial of a cause in any of the said courts, shall offer no evidence, it shall be lawful for the judges of such court to order a judgment of non-suit to be entered if, in their opinion, the plaintiff shall have given no such evidence as in law is sufficient to maintain the action, with leave nevertheless to move the court to set aside such judgments of non-suit; and in case the court shall refuse to set aside the non-suit, the plaintiff may remove the record by a writ of error into the supreme court for revision and reversal, in like manner and with like effect as he might remove a judgment rendered against him upon a demurrer to evidence.

Mr. WILLISTON was opposed to the second section of the bill. He regarded it as an infringement on the constitutional rights of the citizens. He would like to hear from the gentleman who had the bill in charge, some reasons why this bill should pass.

Mr. GOEPP explained the provisions of the bill.

Mr. GRITMAN was hostile to the first section of the bill.

Mr. WILSON made objection to the second section of the bill; which, in his estimation, was an invasion of the right of jury trial.

Mr. ROHRER moved that the further consideration of the bill be postponed for the present; which was agreed to.

The House resolved itself into committee of the whole, (Mr. M'CLURE in the Chair,) on House bill No. 36,

AN ACT relating to costs in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of*



*Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases where petit juries may by law direct that a prosecutor or defendant shall pay the costs thereof, any such jury may direct that a prosecutor shall pay a portion, and the defendant or defendants a portion thereof; and shall designate, in such case, what portion each party shall pay.

Which passed committee of the whole, and was read a second time,

When Mr. ROHRER moved to postpone the further consideration of the same for the present; which was not agreed to; and the bill was passed finally; and ordered that the Clerk present the same to the Senate for concurrence.

The House resolved itself into committee of the whole, (Mr. GREEN in the Chair,) on House bill No. 47, "An Act relating to marriages;" which was read and agreed to.

The SPEAKER resumed the Chair, and the bill was read the second time.

Mr. GRITMAN spoke in favor of the bill, and hoped it would pass.

Mr. ROHRER moved to amend, by striking from the bill the words, "or other;" which was not agreed to.

Mr. WAGONSELLER stated that there was now a bill before the Senate of much ampler provisions, and moved that this would be postponed for the present; which was agreed to.

The House resolved itself into committee of the whole, (Mr. JACKSON in the Chair,) on House bill No. 97, "Resolution relative to the final adjournment of the Legislature," fixing the 8th of March as the time for adjournment.

Mr. CHASE moved to extend the time to the 15th of March; which was agreed to; and the committee rose.

The bill was read the second time,

When Mr. ROHRER moved that its further consideration be postponed for the present.

And on the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. M'CLURE and Mr. WOLF, and were as follow, viz:

YEAS—Messrs. Bayard, Campbell, Foster, Galley, Hottenstine, Laird, Pinkerton, Smead, Walborn, Wigton, Williston and Wilson—12.

NAYS—Messrs. Acker, Balliet, Barnsley, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Chase, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Evans, Fearon, Fleming, Glatz, Good, Gratz, Gray, Green, Hamersly, Hill, Jackson, Kinney, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Clure, Neall, Nill, Oaks, Palm, Pennell, Peirce, Ramsdell, Rohrer, Rose, Rouse, Shafer, Sheppard, Shields, Stoneback, Stuart, Styer, Taylor, Wagonseller, Walker, Warden, Williams, (Bedford,) Williams, (Bucks,) Wolf, Zoller and Lawrence, *Speaker*—56.

So the question was determined in the negative.

The hour of five having arrived, the SPEAKER adjourned the House until to-morrow morning at 10 o'clock.

#### SENATE.

FRIDAY, Feb. 18, 1859.

The Senate was called to order by the SPEAKER at the usual hour.

Prayer was offered by Rev. J. G. Miles, of the First Baptist church, Harrisburg.

The Journal read and approved.

Mr. BLOOD appeared in his seat.

The SPEAKER presented the petition of citizens of Allegheny township, Blair county, for a new election district in said township.

Also, a petition of citizens of Blair county, for the repeal of the tonnage tax on the Pennsylvania railroad.

Also, the memorial of the Penn asylum for

indigent widows and single women, praying for an appropriation to their institution.

Also, the annual statement of the Bald Eagle and Spring Creek navigation company.

#### PETITIONS, MEMORIALS, &C.

Mr. THOMPSON presented the petition of citizens of Philadelphia, praying for a repeal of the tonnage tax.

Also, a petition of citizens of Montgomery county, for an appropriation in aid of the School of Mines.

Also, a petition from citizens of the same county, for a law authorizing the election of collectors of State and county taxes in said county.

Mr. PALMER, four remonstrances of citizens of the borough of Schuylkill Haven, Schuylkill county, against any further legislation relative to said borough.

Also, a petition of citizens of the same county, for an appropriation in aid of the School of Mines.

Also, a petition from citizens of Philadelphia, in favor of a supplement to the act incorporating the Green and Coates Streets passenger railroad company, authorizing said company to occupy Fourth and Eighth streets, in the city of Philadelphia.

Also, four petitions of citizens of Schuylkill county, for the passage of law for the better securing the payment of wages of labor in said county.

Also, a petition of citizens of the North Ward of the borough of Schuylkill Haven, for a change in the place of holding their elections.

Mr. FRANCIS, a petition of citizens of Philadelphia, praying for the passage of the supplement to the act incorporating the Green and Coates Streets passenger railway company.

Mr. NUNNEMACHER, ten petitions from citizens of the city of Reading, praying for the repeal of an act passed April 7th, 1858, relative to the boundary line between the township of Alsace and the said city.

Also, a petition of citizens of Berks county, praying for a law to prevent strangers and other persons from trespassing on their farms.

Also, two petitions from the citizens of the same county, for a law to abolish the office of sealer of weights and measures, so far as relates to said county.

Also, a remonstrance from citizens of the same county, against abolishing the said office.

Mr. BREWER, a petition of citizens of Philadelphia, in favor of the supplement to the act incorporating the Green and Coates Streets passenger railway company.

Mr. PARKER, a memorial of citizens of Philadelphia, in favor of the repeal of the tonnage duties on the trade between the east and west passing through Pennsylvania.

Also, a petition of citizens of the outer districts of Philadelphia, praying for the passage of the act securing to the people of Philadelphia the right of free travel on certain highways.

Mr. MARSELIS, two petitions of citizens of Philadelphia, in favor of the supplement to the act incorporating the Green and Coates Street passenger railway company.

Also, two memorials of citizens of the same city, for the repeal of the tonnage tax.

Also, a petition of citizens of the same, for an appropriation in aid of the School of Mines.

Mr. WRIGHT, two petitions of members of Evangelical churches of Frankford, against the passage of a law authorizing passenger railway companies running their cars on Sunday.

Also, two petitions of citizens of Philadelphia, praying for the passage of the supplement to the act incorporating the Green and Coates Street passenger railway company.

Mr. BELL, one from citizens of Philadelphia, of like import.

Also, a petition, signed by citizens of Phila-

delphia, praying for the repeal of the tonnage tax.

Also, a petition of citizens of Chester and Montgomery counties, praying for the passage of a law authorizing the construction of a bridge over the Schuylkill river at Buckwalter's falls.

Mr. YARDLEY, a petition of citizens of Philadelphia, in favor of the supplement to the act incorporating the Green and Coates Streets passenger railway company.

Also, two remonstrances of citizens of Bucks and Northampton counties, against the passage of an act incorporating the Delaware Division canal company.

Also, a petition of citizens of Bucks and Lehigh counties, in favor of an act to incorporate the Central Valley turnpike road company.

Also, a remonstrance of two hundred and nineteen citizens of the borough of Allentown, against any division of the wards of said borough.

Also, a petition of stockholders in the Quakertown and Spinnerstown turnpike road company, against free travel on said road.

Also, a remonstrance of citizens of the village of Attleboro, Bucks county, against the incorporation of said village into a borough.

Mr. GRAIG, a petition of citizens of Carbon county, in favor of a law erecting a new judicial district, to be composed of the counties of Carbon and Lehigh.

Mr. SCHINDEL, nine remonstrances of citizens of Northampton county, against an act to incorporate the Delaware Division canal company.

Also, a remonstrance of citizens of Lower Mount Bethel township, in the same county, of like import.

Also, a remonstrance of citizens of the same county, against the removal of the seat of justice in said county.

Mr. STEELE, a remonstrance of eighty-two citizens of Wilkesbarre township, Luzerne county, against any division of said township.

Mr. SCOFIELD, a remonstrance of sixty-seven voters of Spring Creek township, Warren county, against the erection of a new county, to be composed of parts of Warren, Venango and Crawford counties.

Mr. KELLER, a petition of the Penn asylum for indigent widows and single women, of Philadelphia, for an appropriation.

Also, a petition of citizens of Philadelphia, praying for the prompt passage of the supplement to the act incorporating the Green and Coates streets passenger railway company.

Also, a petition of citizens of Pennsylvania, for the repeal of the tonnage tax.

Mr. GREGG, a petition of citizens of Lycoming county, for the passage of a law requiring prompt payment on the part of insurance companies.

Also, a petition of citizens of Pennsylvania, for the repeal of the tonnage tax.

Mr. BALDWIN, a remonstrance of citizens of Lancaster county, against a law requiring the sheriff of said county, to sell real estate at or near the premises.

Also, a petition of citizens of Philadelphia, in favor of the repeal of the tonnage tax.

Mr. SHAEFFER, a remonstrance of the president judge and twenty-five members of the Lancaster bar, against the passage of a law authorizing parties to testify.

Also, a petition of citizens of Lancaster county, praying for the incorporation of a turnpike road from Marietta to Manheim.

Also, a petition of citizens of the same county, praying for the abolition of the office of sealer of weights and measures in said county.

Also, a petition of citizens of the same county, praying for an appropriation for the erection of a monument on the capital grounds.

Mr. COFFEY, a remonstrance of citizens of Indiana county, against the erection of a new county, to be called Pine.



Also, a remonstrance of citizens of Cambria county, against the same.

Also, a remonstrance of citizens of Freeport, Armstrong county, against the appointment of an auctioneer in said borough.

Also, a petition of citizens of Altoona, for the repeal of the tonnage tax.

Mr. GAZZAM, a petition of citizens of Pitt township, Allegheny county, praying for the passage of a law to repeal the second section of an act providing for the expenses of roads and poor in said township.

Mr. PENNEY, a petition of citizens of Pittsburgh, in favor of the act to incorporate the Pittsburgh and East Liberty passenger railway company.

Also, a petition of citizens of Philadelphia, in favor of the supplement to the act incorporating the Green and Coates Street passenger railway company.

Mr. HARRIS, a petition of numerous farmers and merchants of counties adjacent to the Pennsylvania railroad, praying for the repeal of the tonnage tax.

Mr. BLOOD, a petition of citizens of Clarion county, for an increase of the fees of commissioners and auditors in said county.

Also, a petition of citizens of Blair county, for an appropriation for the erection of a monument on the capitol grounds.

#### REPORTS OF COMMITTEES.

Mr. WRIGHT, (Corporations,) reported with amendment, "An Act to incorporate the East Danville iron company."

Also, (same,) with amendment, House bill No. 91, "An Act to incorporate the Iron-ton railroad and mining company in Lehigh county."

Mr. RANDALL, (Railroads,) as committed, "A supplement to an act incorporating the Middle Coalfield tunnel and railroad company."

Mr. COFFEY, (same,) with amendment, "A further supplement to an act incorporating the Danville railroad company."

Mr. STEELE, (same,) with amendment, "A further supplement to an act incorporating the Susquehanna railroad company."

Mr. WRIGHT, from the Committee appointed to Compare Bills, made a report.

#### BILLS IN PLACE.

Mr. GAZZAM read in his place and presented to the Chair, a bill, entitled "An Act to incorporate the Pittsburgh park association."

Mr. KELLER, "An Act for the relief of certain heirs of Conrad Weiser, deceased."

Also, "An Act increasing the fees of sheriff in Northumberland county."

Mr. GAZZAM offered a joint resolution, relative to the adjournment of the Senate and House of Representatives, until Wednesday next, at ten o'clock, A. M.; which, on motion, was taken up and considered.

And on the question,

Will the Senate agree to the same?

The yeas and nays were required by Mr. FINNEY and Mr. HARRIS, and were as follow, viz:

YEAS—Messrs. Coffey, Finney, Francis, Gazzam, Marselis, Miller, Parker, Penney and Shaeffer—9

NAYS—Messrs. Baldwin, Bell, Blood, Brewer, Craig, Fetter, Gregg, Harris, Keller, Nunnemacher, Palmer, Randall, Scofield, Schindel, Steele, Thompson, Welsh, Wright, Yardley and Cresswell, *Speaker*—20.

So the question was determined in the negative.

#### ORDERS OF THE DAY.

House amendments to Senate bill entitled "A supplement to an act to enable the county of Warren to effect certain compromises," came up in order.

Whereupon, Mr. SCOFIELD offered a substitute for the House amendments, which was adopted. It is as follows:

That the burgess and town council of the borough of Warren, shall have power to compromise with the Sunbury and Erie railroad company for the alleged subscription by said borough to the stock of said company, on such terms as may be agreed upon between the parties: *Provided*, That the amount which may be agreed to be paid by said borough, shall not exceed the sum of three thousand dollars, and that any contract of compromise shall be signed by at least seven members of said council.

For the purpose of paying any sum that may be agreed upon, under the provisions of this section, the said burgess and town council shall have power to lay annually, a special tax, not exceeding five mills, on each dollar of the assessed valuation of said borough, which shall be entirely devoted to discharge the principal and interest of the sum that may be agreed to be paid; which power shall cease when the whole amount shall be paid.

The bills on Senate file, numbered two, four, eight and one hundred and fourteen, lie over by request.

Mr. PARKER moved that the Judiciary Committee be discharged from the consideration of a bill, entitled "An Act authorizing the Germantown passenger railway company to lay a track on Fourth and Eighth streets," and that the Senate proceed to consider the same; which was agreed to.

The bill passed committee of the whole, and being on second reading,

Mr. BREWER moved to postpone further consideration for the present; on which

The yeas and nays were required by Mr. BREWER and Mr. PARKER, and were as follows, viz:

YEAS—Messrs. Brewer, Keller, Marselis, Penney, Wright and Yardley—6.

NAYS—Messrs. Baldwin, Coffey, Craig, Finney, Francis, Gregg, Harris, Miller, Nunnemacher, Palmer, Parker, Randall, Scofield, Shaeffer, Schindel, Steele and Cresswell, *Speaker*—17.

So the question was determined in the negative.

Mr. BELL paired off with Mr. SCHELL.

Mr. THOMPSON paired off with Mr. RUTHFORD.

Mr. WELSH paired off with Mr. MYER.

Mr. BLOOD paired off with Mr. TURNEY.

The question recurring upon the first section of the bill,

The yeas and nays were required by Mr. RANDALL and Mr. COFFEY, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Finney, Francis, Gazzam, Gregg, Harris, Miller, Nunnemacher, Parker, Randall, Scofield, Shaeffer, Schindel, Steele and Cresswell, *Speaker*—17.

NAYS—Messrs. Brewer, Keller, Marselis, Palmer, Penney, Wright and Yardley—7.

So the question was determined in the affirmative.

The remaining sections of the bill were agreed to.

When it was permitted to lie over on third reading.

On leave given, Mr. GAZZAM offered a resolution, as follows:

*Resolved*, That when the Senate adjourns, it adjourns to meet on Monday next, at 10 o'clock, A. M.

Mr. BREWER moved to amend by striking out 10 o'clock, A. M. and inserting 3 P. M., which was not agreed to.

The question recurring upon the resolution, The yeas and nays were required by Mr. GAZZAM and Mr. SHAEFFER, and were as follow, viz:

YEAS—Messrs. Bell, Coffey, Finney, Francis, Gazzam, Harris, Marselis, Miller, Parker, Penney, Scofield, Shaeffer, Schindel and Welsh—14.

NAYS—Messrs. Baldwin, Blood, Brewer, Craig, Fetter, Nunnemacher, Palmer, Steele, Thompson, Wright, Yardley and Cresswell, *Speaker*—12.

So the question was determined in the affirmative.

An extract from the Journal of the House of Representatives was received and read. It is as follows:

*Resolved*, If the Senate concur, that House bill No. 170, entitled "An Act to incorporate the Luzerne powder company," be requested to be returned by the Executive to the House of Representatives, in which it originated; and be amended, by striking out of the second section the words, "that the business of the said corporation," and insert in lieu thereof the following words, "that the said corporation shall be located in Luzerne county, and its business."

Said extract was read a second time, considered and concurred in.

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. NUNNEMACHER, House bill No. 72, "An Act to incorporate the Union cemetery association of the borough of Womelsdorf, Berks county."

On motion of Mr. PALMER, Senate bill No. 10, "An Act for the better securing the payment of the wages of labor in Schuylkill county."

The last section of this bill was amended, by adding the words, "so far as relates to Schuylkill county." Lies over on second reading.

On motion of Mr. WRIGHT, House bill No. 68, "An Act relating to the Leverington cemetery company."

On motion of Mr. SCHINDEL, House bill No. 91, "An Act to incorporate the Iron-ton railroad and mining company."

Mr. GREGG moved to re-consider the vote on the adoption of the resolution relative to adjournment until Monday next at 10 o'clock, A. M.; which was agreed to; and the resolution being again before the Senate, was amended by inserting 3 o'clock, P. M.; and, as amended, passed.

On motion of Mr. RANDALL, Senate bill No. 293, "An Act to incorporate the Quick silver mining company."

On motion of Mr. SCOFIELD, House bill No. 159, "An Act to incorporate the North-west Portage railroad company."

On motion of Mr. HARRIS, House bill No. 154, "An Act for the relief of Henry Bumgardner, an old soldier of the Indian war."

On motion of Mr. THOMPSON, Senate bill No. 224, "An Act relating to the Norristown academy."

This bill lies over on third reading.

On motion of Mr. WRIGHT, Senate bill No. 248, "An Act relative to the Northumberland improvement company."

On motion of Mr. YARDLEY, Senate bill No. 151, "An Act to incorporate the Newtown gas light company."

On motion of Mr. GREGG, House bill No. 90, "An Act authorizing the appointment of commissioners to run the boundary line between the counties of Clinton and Centre."

On motion of Mr. KELLER, Senate bill No. 282, "An Act to change the time of holding courts in Clearfield county."

On motion of Mr. STEELE, Senate bill No. 220, "A supplement to an act authorizing the appointment of an auctioneer in the borough and township of Wilkesbarre, Luzerne county."

On motion of Mr. PALMER, Senate bill No. 128, "An Act to authorize the citizens of Butler township, Schuylkill county, hereafter to elect but one supervisor."

On motion of Mr. BELL, Senate bill No. 138, "A supplement to an act in reference to running locomotive engines and cars on connecting railroads."

This bill lies over.

On motion of Mr. BELL, Senate bill No. 276,



"An Act in reference to certain mortgages therein stated."

The hour of one having arrived, the Senate adjourned until Monday next at 3 o'clock P. M.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, Feb. 18, 1859.

The House was called to order at 10 o'clock by the SPEAKER.

Prayer was offered by Rev. Mr. Castleman, of the Episcopal church.

Mr. WALBORN moved for a call of the House; which was agreed to.

The roll was then called, when the following named gentlemen answered to their names:

Messrs. Acker, Balliet, Barnsley, Barlow, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Campbell, Chase, Church, Custer, Dismant, Dodds, Durhoraw, Eckman, Evans, Fearon, Fisher, Glatz, Goepf, Good, Green, Gritman, Hamersly, Hill, Hottenstine, Irish, Jackson, Lawrence, (Washington,) Mann, Mahaffey, Matthews, Nill, Oaks, Palm, Pennell, Peirce, Pinkerton, Proudfoot, Pughe, Ramsdell, Shafer, Sheppard, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Taylor, Thoro, Walborn, Walker, Wigton, Williams, (Bedford,) Williams, (Berks,) Williston, Wilson, Wolf and Lawrence, *Speaker*—61.

A quorum being present,

The Clerk read the Journal of yesterday.

The SPEAKER laid before the House the annual report of the Bald Eagle and Spring Creek navigation company.

Mr. CHASE, on leave, moved that, for the purpose of receiving reports from committees and bills in place, the morning orders be suspended; which was agreed to.

Mr. SMEAD, on leave, offered a resolution that when this House adjourned, it do so to meet again on next Wednesday, at 10 o'clock; which was adopted.

Mr. GOEPP offered a resolution that fifteen hundred copies of the report of the Pennsylvania State agricultural society, of uniform edition of those heretofore published, and at the same price, be printed for the use of the House; which was adopted.

Mr. GRITMAN asked the unanimous consent of the House, so to amend the act to incorporate the Luzerne powder company as to fix its location in Luzerne county; which was granted.

#### REPORTS OF COMMITTEES.

Mr. GOEPP, (Judiciary,) with amendment, "An Act relative to void marriages."

Mr. CHASE, (same,) with a negative recommendation, "A supplement to the act regulating the rate of interest."

Mr. IRISH, (same,) as committed, "An Act relative to money due on certain judgments, and to enforce payment thereof."

Mr. NILL, (same,) as committed, "An Act relating to foreign insurance companies in Erie county."

Mr. GRATZ, (same,) "An Act relative to perpetuating testimony in certain cases."

Mr. OAKS, (Canals,) as committed, "An Act to incorporate the Bald Eagle boom company, in Clinton county."

Mr. NILL, (Education,) with a negative recommendation, "An Act to abolish the office of superintendent of common schools in Venango county."

Mr. FOSTER, (same,) as committed, "An Act annexing the borough of Leesburg, in Mercer county, to the township of Springfield, in said county, for school purposes."

Mr. GREEN, (Ways and Means,) as committed, "An Act for the relief of Geo. D. Bryson, former treasurer of Schuylkill county."

Mr. WALBORN, (same,) as committed, "An Act relative to taxing dogs in West Nottingham township, Chester county."

Mr. SMITH, (Berks,) (same,) as committed, "An Act to provide for the collection of additional taxes in the township of Bingham, in the county of Potter."

Mr. THORN, (same,) asked to be discharged from the further consideration of "An Act relative to the duties of port warden at Philadelphia;" granted. (Referred to the Judiciary Committee.)

Mr. CHASE, (same,) as committed, "An Act relative to State taxes," (originating in committee.)

Also, (same,) as committed, "An Act to provide a more speedy method to enforce the payment of taxes against corporations."

Mr. WIGTON, (same,) as committed, "An Act relative to cemetery companies."

Mr. LAWRENCE, (Washington,) (same,) as committed, "An Act to adjust the account of F. Knox Morton, late treasurer of the city of Philadelphia."

Mr. PUGHE, (Mines and Minerals,) as committed, "An Act to incorporate the Fallbrook coal and railroad company."

Mr. FEARON, (same,) as committed, "An Act to incorporate the Saucona iron company."

Mr. NEALL, (same,) as committed, "A further supplement to the several acts of Assembly, providing for the incorporation of manufacturing and improvement companies in this Commonwealth."

Mr. ECKMAN, (Election Districts,) with a negative recommendation, "An Act to prevent frauds at elections."

Mr. JACKSON, (same,) with a negative recommendation, "A supplement to an act to regulate elections."

Mr. BARNSELY, (same,) as committed, "An Act to divide the township of Wilkesbarre, in Luzerne county, into two wards."

Mr. KENEAGY, (same,) as committed, "A supplement to an act approved the 20th day of April, 1854, entitled 'An Act in relation to establishing and changing places for holding general elections throughout the Commonwealth.'"

Mr. LAWRENCE, (Washington,) (Banks,) with amendment, "A supplement to the act of 15th April, 1850, regulating banks."

Also, as committed, "A supplement to an act to incorporate the Milton savings bank."

Also, with a negative recommendation, "An Act for the gradual abolition of paper money of a less denomination of twenty dollars."

Mr. BARLOW, (same,) as committed, "An Act to incorporate the Media Bank."

Mr. MEHAFFEY, (same,) as committed, "A supplement to the act to incorporate the Mount Joy savings institution."

Mr. GLATZ, (Corporations,) as committed, "A supplement to an act to incorporate the Mutual fire insurance company of Sinking Springs, Berks county."

Mr. SMITH, (Berks,) (Railroads,) with amendment, "A supplement to the act to incorporate the Philadelphia and Reading railroad company."

Mr. WALBORN, (same,) as committed, "A supplement to the act incorporating the Fairmount and Arch Streets passenger railway company."

Mr. EVANS, (same,) "A supplement to the act incorporating the Philadelphia and Reading railroad."

Mr. HILL, at the request of the gentleman from Fayette county, Mr. (GALLEY,) moved that the act reducing the expenses of collecting taxes in Fayette county be printed; which was agreed to.

#### BILLS IN PLACE.

Mr. M'DOWELL read and presented "An Act to authorize the assessment and collection of damages on the North Branch canal." (Referred to the Committee on Judiciary.)

Mr. BARLOW, "An Act to change the place of holding elections in Houston township, Cen-

tre county;" which was taken up, passed and sent to the Senate for concurrence.

Mr. ACKER, "An Act relative to damages in certain cases." (Referred to Committee on Judiciary.)

Mr. FEARON, "An Act to encourage the destruction of foxes in Clinton county."

Also, "A further supplement to an act to encourage the manufacture of iron with coke or mineral coal, and for other purposes," &c.

Mr. STEPHENS, "A further supplement to the act regulating the sale of intoxicating drinks," &c.

Mr. NILL, one to annex part of Dublin township, Huntingdon county, to the county of Fulton.

Mr. BOYER, (Clearfield,) one to declare Pott's Run, in Clearfield county, a public highway; which was taken up and passed; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. PEARCE, one relating to public highways in East Bradford township, Chester county.

Mr. WIGTON, one authorizing the Auditor General to issue a certificate for the amount of the claim due Barbara Hillman's estate.

Also, one to run and define a part of the boundary line between the counties of Mifflin and Huntingdon.

Also, one to incorporate the Huntingdon County Bank.

Also, "An Act to change the place of holding elections in Jackson township, Huntingdon county;" which was taken up and passed.

Mr. PROUDFOOT read in his place and presented to the Chair, "An Act relating to the election of county treasurer in Cambria county."

Mr. CUSTER, one to incorporate the Philomathean institute of Union township, Berks county.

Also, one to incorporate the Douglasville and Yellow House turnpike road company.

Mr. PALM, "An Act to repeal all laws taxing money at interest in this Commonwealth."

Mr. DISMANT, "An Act for the relief of the estate of James Rogers, deceased."

Mr. HOTTENSTINE, "An Act to change the time of the meeting of auditors in Northumberland county."

Mr. PENNELL, "An Act divorcing James Eder Rosevelt from his wife, Catherine Rosevelt."

Mr. STUART, "An Act to refund a certain amount of money to James Hamilton, of Carlisle, Cumberland county, due him from the Commonwealth."

Mr. FISHER, on leave, called up the act relative to certain charitable corporations; which was passed finally, and sent to Senate for concurrence.

Mr. WOODRING, "An Act to provide for the payment of certain moneys by the school directors of Williams township, Northampton county."

Mr. NEALL, "A supplement to the act relative to gambling and lotteries, passed April 16, 1847."

Mr. GRATZ, "A supplement to the several acts of Assembly relative to the jurisdiction of justices of the peace and aldermen in Philadelphia."

Mr. FISHER, "An Act for the protection of real estate."

Mr. THORN, "An Act relative to the several courts of this Commonwealth."

Mr. EVANS, "A supplement to the act incorporating the city of Philadelphia."

Mr. HAMERSLY, "A further supplement to the act authorizing the Governor to incorporate the West Chester and Philadelphia railroad company."

Mr. STYER, "An Act to prohibit the im-



portation of fish at improper seasons in the city of Philadelphia."

Mr. BOYER, (Schuylkill,) "An Act relative to sheriff's advertisements in Schuylkill county."

Mr. CHASE, "A joint resolution relative to the repeal of the tonnage tax on the Pennsylvania railroad."

Mr. RAMSDELL, "A supplement to the act incorporating the Venango railroad company."

Also, "An Act authorizing the laying out of a State road from the mouth of Clarion river to the town of Franklin, Venango county."

Mr. LAWRENCE, (Washington,) "An Act relative to Estates tail."

Mr. WALBORN, "An Act relative to sales of real estate by order of the orphans' court of the city and county of Philadelphia."

Mr. SMITH, (Berks,) "An Act to prevent the destruction of partridges in the month of October in Berks county."

On motion of Messrs. HAMERSLY, SHAFER, WILLIAMS, (Bucks,) GOOD, the city of Philadelphia and counties of Chester, Bucks and Lehigh were embraced within the provisions of this act.

Mr. HILL moved that the bill be made general in its provisions.

And on the question,

Will the House agree to the same?

The yeas and nays were required by Mr. SMITH, (Berks,) and Mr. GLATZ, and were as follow, viz:

YEAS—Messrs. Acker, Bayard, Church, Durboraw, Fisher, Foster, Good, Gratz, Green, Hamersly, Hill, Irish, Lawrence, (Washington,) Mahaffey, Matthews, Neall, Peirce, Rouse, Shafer, Sheppard, Styer, Walborn, Woodring and Zoller—24.

NAYS—Messrs. Balliet, Barnsley, Barlow, Bertolot, Boyer, (Clearfield,) Custer, Dismant, Eckman, Glatz, Jackson, Mann, Nill, Palm, Proudfoot, Ramsdell, Shields, Smead, Smith, (Berks,) Stephens, Stoneback, Taylor, Walker, Williams, (Bedford,) Williams, (Bucks,) Wilson, Wolf and Lawrence, *Speaker*—27.

So the question was determined in the negative.

Said bill was then read and passed, and sent to the Senate for concurrence.

Mr. WIGTON moved that the vote by which Mr. SMEAD'S resolution of adjournment passed the House, be re-considered; which was agreed to.

Mr. SMEAD moved to amend the same, by adjourning until Tuesday at 3 o'clock.

Mr. CHURCH moved to amend the amendment, by meeting at seven o'clock on Tuesday evening, the 22d inst.; which was agreed to.

And the resolution being on final passage,

The yeas and nays were required by Mr. MANN and Mr. WOLF, and were as follow, viz:

YEAS—Messrs. Balliet, Barnsley, Bayard, Boyer, (Clearfield,) Chase, Church, Custer, Dismant, Fisher, Goepf, Good, Gratz, Gray, Green, Hill, Irish, Jackson, Matthews, McDowell, Nill, Palm, Pennell, Proudfoot, Ramsdell, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stoneback, Styer, Taylor, Thorn, Walborn, Wigton, Williams, (Bedford,) Wilson, Woodring, Zoller and Lawrence—*Speaker*—39.

NAYS—Messrs. Acker, Boyer, (Schuylkill,) Eckman, Evans, Glatz, Hamersly, Hottentstine, Lawrence, (Washington,) Mann, McClure, Neall, Peirce, Pinkerton, Sheppard, Stephens, Stuart, Walker, Williams, (Bucks,) Williston and Wolf—20.

So the question was determined in the affirmative.

Mr. MCCLURE, on leave, from the Committee on Judiciary, reported with amendment, "An Act relative to certain records in Union county."

Also, as committed "An Act to change the name of Prescott Packard Peok, to Daniel Pres-

cott Packard, and adopting him as the child of Daniel B. and Celeste Packard.

Mr. BOYER, of Schuylkill, moved that the rules be suspended and that the House proceed to the consideration of House bill No. 76, "An Act to authorize the Schuylkill Valley railroad company, in the county of Schuylkill, to extend their railroad from some suitable point near the town of Tuscarora, to connect with the Little Schuylkill railroad at or near Tamaqua;" which was agreed to.

Mr. BOYER moved to amend by requiring said company to complete the road within eighteen months from the passage of this act; which was agreed to.

And the bill was passed and sent to the Senate for concurrence.

#### LEAVE OF ABSENCE.

Leave of absence was severally granted to Messrs. ROHRER, WARDEN, ROSE, the assistant Sergeant-at-Arms, ABBOTT, GALLEY, LAIRD, WITHEROW, FLEMING, GOOD, WILEY, KINNEY, NEALL, BURLEY, QUIGLEY, SMEAD and BALLIET.

Mr. LAWRENCE, (Washington,) on leave, read and presented "An Act supplementary to an act to incorporate the Western transportation company."

Also, "An Act relative to supervisors in Somerset township, Washington county."

Mr. McDOWELL, on leave, reported as committed, "A further supplement to an act to incorporate the Allentown railroad company."

Mr. JACKSON moved that the House do now adjourn; which was not agreed to.

Mr. PINKERTON moved that the Committee on Corporations be discharged from the further consideration of House bill No. 92, "An Act to extend the charter of the Forest improvement company."

Mr. HAMERSLY hoped the motion would not prevail. The chairman of the Committee on Corporations was absent, and he requested him to let no bill be taken out of said committee, until his return.

Mr. PALM trusted that the motion to consider would be carried. From intimations which had recently come to his knowledge, he had reason to apprehend that the bill was in possession of some land sharks.

Mr. HAMERSLY inquired whether he wished to convey the allusion, that the bill was purposely withheld by the Corporation Committee.

Mr. PALM said he did not censure the committee at all. But he had seen letters intimating that money would be required to get the bill through.

Mr. HAMERSLY said he had in his possession a paper published at Pottsville, which contained an article hostile to the bill, and for this reason he did not desire to take action on the bill at present, and preferred to wait until the chairman of the committee was present.

Mr. PINKERTON said that if the gentleman from Philadelphia, (Mr. HAMERSLY,) had a paper, published in the county of Schuylkill, hostile to the bill, he would like if he would produce it, and asked him to produce it and have it read by the Clerk. He denied that any article was published in any of the Schuylkill county papers hostile to the bill, and said the Forest improvement company was one of the best companies in the county, and that he had heard of no opposition to the bill, except from one person; and this was the first time he heard it on the floor of the House.

The SPEAKER decided that with the absence of the chairman the motion could be of no effect, as he had possession of the bill.

Mr. HAMERSLY stated that in regard to the bill he was friendly to it, and thought he would vote for it, but he felt disinclined to force its consideration on the House at present.

Mr. PINKERTON withdrew his motion to discharge the committee.

Senate amendments to House bill relative to the pay of Thomas H. Porter, allowing him \$7 instead of \$5, as amended by the House, together with \$10 for stationery, were read.

And on the question,

Will the House concur?

The yeas and nays were required by Mr. SMITH, (Berks,) and Mr. GLATZ, and were as follow, viz:

YEAS—Messrs. Foster, Hill, Jackson, Proudfoot, Shields, Smith, (Berks,) Smith, (Philadelphia,) Thorn and Williston—9.

NAYS—Messrs. Acker, Barnsley, Barlow, Bayard, Bertolot, Boyer, (Schuylkill,) Campbell, Chase, Church, Custer, Dismant, Dodds, Eckman, Glatz, Gratz, Green, Hamersly, Hottentstine, Lawrence, (Washington,) Mann, Mahaffey, Matthews, McClure, McDowell, Neall, Palm, Peirce, Pinkerton, Ramsdell, Rouse, Shafer, Sheppard, Smead, Stoneback, Stuart, Styer, Taylor, Walborn, Walker, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson, Wolf and Zoller—45.

So the question was determined in the negative.

Mr. STUART called up the act relative to the Juniata Township election district, in Perry county; which was considered and passed finally.

#### SENATE AMENDMENTS

To the act to enable the county of Warren to effect certain compromises, were read and concurred in.

On motion of Mr. WALBORN, the SPEAKER adjourned the House until next Tuesday evening at 7 o'clock.

#### REMARKS OF MR. RAMSDELL,

*In the House of Representatives, on the 16th inst., on the final passage of an act to incorporate a Normal School in connection with Westminster College.*

I regret exceedingly the factious and persistent opposition made to this bill. I have, however, confidence that this bill will be decided upon its merits, and according to the principles of justice. The only offensive clause contained in it is the fourth section, which appropriates twelve hundred dollars annually to the institution. I propose to consider and answer the objections urged.

1. Has it been the policy of the State to encourage her colleges and academies? On this point there can be no cavil. The Philadelphia university has received a liberal endowment from the State, so had the Western university, at Allegheny. Lafayette college has received about fifty thousand dollars! The Lutheran college at Gettysburg has received liberal and ample appropriations. Dickinson college, at Carlisle, has received substantial appropriations. In my own county, (Venango,) are located a considerable body of rich and valuable lands which the State ceded to that institution. Old Jefferson college, at Canonsburg, and Washington college, in the same county, has received substantial encouragement from the State.—Marshall college, at Mercersburg, which was transferred to Lancaster and amalgamated with the Franklin college, as well as Allegheny college, had received material aid. These are facts. Gentlemen could not deny them. The State, from time to time, has encouraged the pioneers of literature in the eastern and central portions.

In the further support of this truth I will read from the late annual message of Governor Packer. He says:

"Up to the present time, Pennsylvania has appropriated about \$600,000 in aid of her colleges and academies, and this mainly in the hope of obtaining from them teachers for the common schools. Though the benefits of this munificence have been, in other respects, quite equal to the amount given, it will be asserted by



no one that the avowed object has been to any considerable extent effected. It would, therefore, appear to be time that the aid of the State should be brought directly to bear in favor of the great object so long contemplated."

I rest, then, my proposition upon the best evidence that could be adduced—the official message of the Governor of the Commonwealth.

2. I desire to call the attention of the members of this body to the fact, that the six hundred thousand dollars spoken of by the Governor, as having been disbursed to colleges and academies, has been almost entirely distributed to the eastern and central portions of the State.

The west has received nothing, because she has asked nothing. Whilst the State has poured her rich treasure into the lap of her wealthy eastern cities and counties, the west has been pioneering her own munificent enterprises, aided only by the resistless energy of her people. Westminster college up to the present hour has asked nothing. Through the sacrifice of its devoted friends, it has obtained an enviable standing amongst the learned institutions of the State. I can testify to this House, of the flourishing condition of the college, its thorough system of instruction, the superior learning of its professors, and the self-devoted, self-sacrificing efforts of its trustees.

3. I propose, Mr. Speaker, to notice the business-like proposition presented in this bill. Westminster college does not come here and ask for an endowment fund of fifty thousand, nor twenty thousand dollars. No, sir! It has a competence! It asks nothing as a matter of grace; it demands simply even-handed justice. Though other colleges in the State have received favors, *she does not beg*. If this bill passes, it will aid her, but it will aid the western counties more. For the sum of twelve hundred dollars, this institution proposes to educate, free of charge, annually, three hundred teachers in the normal department. The influence of these thoroughly educated teachers on the community and the cause of education will be marked and salutary.

I appeal to gentlemen to not forget the fact, that we of the west, have, in the way of appropriations, always been treated as step-children. Will this Legislature deny us the encouragement which the Governor, in his message, clearly indicates, and which the necessities of the people, and the cause of education imperiously demand?

Again, gentlemen, I appeal for the cause of education, and the justice of this bill, for its favorable consideration.

#### No. 307.—FILE OF THE HOUSE.

CHASE, Judiciary—Feb. 11, 1859.

AN ACT giving justices of the peace power with a jury of six, to hear and finally determine charges for crimes of a certain character within this Commonwealth, and to lessen the expenses in criminal proceedings.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That courts of special sessions of the peace in this Commonwealth, except in the city and county of Philadelphia, may be held by justices of the peace, and shall have power, subject to the provisions hereinafter contained, to hear and determine charges for crimes arising within their respective counties, as follows:*

I. Cases of assault and battery not charged as having been committed riotously or upon any public officer in the execution of his duties, or with intent to kill.

II. Charges for poisoning, killing, maiming, wounding or cruelly beating any animal.

III. Charges for maliciously removing, altering, defacing or cutting down monuments or marked trees, ornamental or fruit trees.

IV. Charges for unlawfully, wilfully and maliciously taking and carrying away fruit or vegetables, or for destroying the same.

SEC. 2. That when any person charged with any such offence, shall have been brought before the justice of the peace, issuing the warrant of arrest, said justice may proceed to hear and determine the case, provided the defendant shall agree thereto.

SEC. 3. That at the request of the defendant that the cause shall be tried by a jury, the justice shall issue a venire directed to the constable in attendance or a constable of the county, nearest to the place of the trial, commanding him to summon twelve good and lawful men, qualified to serve as jurors and not exempt from such service by law, and who shall be in no-wise of kin either to the complainant or defendant, at a time not more than five days from the date of venire, and at a place to be named therein, to make a jury for the trial of such offence.

SEC. 4. That the defendant shall be held in recognizance, or in the custody of the constable arresting him, or his deputy or deputies, as directed by the court, during the time that may elapse between arrest and the time of trial.

SEC. 5. That the officer to whom such venire shall be delivered, shall execute the same fairly and impartially, and shall not summon any person whom he shall suspect to be biased or prejudiced for or against the defendant; he shall summon the jurors personally, and shall make a list of the persons summoned, which he shall certify and annex to the venire and return with it to the court.

SEC. 6. That the names of the persons so returned, shall be respectively written on several and distinct pieces of paper, as nearly of one size as may be, and the officer by whom the venire was served, in the presence of the court, shall fold such pieces of paper as nearly as may be, in the same manner, and put them together in a box or other convenient thing.

SEC. 7. That the court shall then draw out six of such papers one after another, and if any of the persons whose names shall be drawn shall not appear, or appearing, shall be challenged and set aside, then such further number shall be drawn as will make up the number of six, after all legal causes of challenge shall have been allowed.

SEC. 8. That if a sufficient number of competent jurors shall not be drawn from the number returned by the venire, the court may direct the constable to summon any of the bystanders or others, who may be competent, and against whom no cause of challenge shall appear, to act as jurors in the case.

SEC. 9. That to each of the jurors the court shall administer the following oath or affirmation: You do swear in the presence of Almighty God, (or you do solemnly swear, as the case may be,) that you will well and truly try the case now before you, between the Commonwealth of Pennsylvania and defendant, and a true verdict give according to the evidence, unless discharged by the court.

SEC. 10. That the charge made against the defendant, as stated in the warrant of arrest, shall be distinctly read to such defendant, who shall be required to plead thereto; the court shall enter such plea in the minutes of their proceedings to be kept by them.

SEC. 11. That if the defendant plead not guilty, the jury shall sit together and hear the proofs and allegations in the case; which shall be delivered in public, and in the presence of the defendant.

SEC. 12. That after hearing such proofs and allegations, the jury shall be kept together in some convenient place, until they agree on a verdict, or are discharged by the court; and a constable shall be sworn to attend them in like

manner, as upon trials in courts of quarter sessions.

SEC. 13. That when the jurors shall have agreed on their verdict, they shall deliver the same to the court, which shall be entered in the minutes of proceedings.

SEC. 14. That whenever a defendant, tried under the preceding provisions of this statute, either by the court or by the jury, shall be convicted or shall plead guilty to the charges alleged, the court shall render judgment thereupon, and inflict such punishment by fine or imprisonment, or both, as the nature of the case may require; but such fine shall in no case exceed fifty dollars, nor such imprisonment three months.

SEC. 15. That whenever a defendant, tried under the preceding provisions of this statute, either by the courts or by the jury, shall be acquitted, he shall be immediately discharged; and if the court shall be of the opinion, from the evidence, that the complaint was wilful and malicious, and without probable cause, or if the jury shall return such by their verdict, and that they have acquitted the defendant, and order that the complainant shall pay the costs, the court shall forthwith sentence the complainant to pay all the costs of the proceedings, or give satisfactory security for their payment within thirty days, and to stand committed to the common jail of the county, till the sentence shall be complied with, the same as though the trial had been had in the court of quarter sessions, there to remain until the sentence shall be complied with, or until he shall be discharged by due course of law.

SEC. 16. That in case of the conviction of the defendant, the payment of the cost of the proceedings shall be included in the sentence of the court; which sentence shall be executed by the sheriff or a constable of the county or city and county in which such conviction shall be had, by virtue of a warrant under the hand and seal of the justice holding the court, directed to such officer, and specifying the particulars of such judgment and sentence.

SEC. 17. That all fines imposed by any such court, if paid before commitment, shall be received by the justice before whom the defendant was tried, and within thirty days after the receipt thereof, shall be paid by him to the treasurer of the school fund of the township in which such conviction shall be had, to be applied by the school directors of such township for common school purposes.

SEC. 18. That any and all fines received by a justice under the provisions of this act, in townships where the present school system has not been adopted, shall be paid by him, within thirty days after the receipt thereof, to the treasurer of the county in which such conviction was had, to be applied to the general purposes of the county.

SEC. 19. That after the defendant shall have been committed, payment of any fine imposed on him, may be made to the sheriff of the county, who shall, within thirty days thereafter, pay the same to the persons designated in the preceding sections, as entitled to receive it, deducting five per centum as his legal fees.

SEC. 20. That the court shall, in all cases of conviction, sentence the defendant to stand committed to the common jail of the county, till all fines and costs imposed by the sentence shall be paid; which sentence shall be of the same force and effect as though given by the court of quarter sessions.

SEC. 21. That from the judgment of a court of special sessions, there shall be no appeal, upon an allegation that the verdict of the jury was contrary to the evidence in the case, and not justified thereby.

SEC. 22. That after the sentence shall have been pronounced, the defendant may deliver



to the court, in writing, exceptions to the legality of the proceedings had; and if the court shall be of opinion that such exceptions, if sustained, would affect the justice of the case, upon good and sufficient security offered by the defendant for his appearance at the next court of quarter sessions of the county; such recognizance shall be taken in the usual form, and said justice shall make out a certified copy of the proceedings on the trial from his minutes, which, together with all the original papers in the case, and the bill of exceptions, he shall, within twenty days after the trial, cause to be filed in the office of the clerk of the court of quarter sessions of the county; and any neglect so to do shall be deemed a misdemeanor in office.

SEC. 23. That notice of the filing of such bill of exception shall be given to the district attorney by the defendant or his attorney, at least four days before the sitting of the next court of quarter sessions, at which time they shall be argued, unless said court shall otherwise direct; and if it shall appear that the defendant has wilfully neglected the above notice, or in any other way endeavored to embarrass or delay the argument of the case, the court may set aside the exceptions without hearing, and order the execution of the sentence.

SEC. 24. That after a full examination of the record of the justice and bill of exceptions, if it shall appear to the court that the proceedings were illegal, and that thereby the defendant has been unjustly convicted and sentenced, he shall be discharged; and the court may, on a review of the case, diminish the sentence of a court of special sessions, if it shall appear extraordinary and unjust.

SEC. 25. That if the defendant be committed in pursuance of a conviction in a court of special sessions, by making an affidavit, specifying the supposed errors in the proceedings on his trial before the clerk of the court of quarter sessions, and entering into recognizance with one or more sufficient sureties for his appearance before the next court of quarter sessions of the county, he may be discharged from commitment; whereupon he, or his attorney, shall give immediate notice to the district attorney of the county, who shall, as soon as practicable, notify the justice before whom the trial was had, to file a certified copy of the proceedings before him in the office of the clerk of the court of quarter sessions of the county as hereinbefore provided.

SEC. 26. That if the exceptions be overruled before the court of quarter sessions, said court shall direct the execution of the remainder of the sentence, unless the circumstances justify a diminution thereof.

SEC. 27. That the exceptions shall be taken to the proceedings, record or jurisdiction of the court, or the admission of evidence; and no court of quarter sessions shall try any allegation that the verdict of the jury before a court of special sessions was against evidence other than as to legal errors; the judgment of the court of special sessions shall be conclusive.

SEC. 28. That the magistrate before whom any cases shall be had under the provisions of this act, shall receive for his services the sum of one dollar; the jurymen sitting in the same, fifty cents each; the constable officiating shall receive the same compensation for serving the process, subpoenaing the witnesses and commitment on sentence, as is allowed by existing laws in criminal proceedings before justices of the peace, and seventy-five cents for summoning the jury; the witnesses shall each receive the same fees as are now allowed in like cases.

## No. 214.—FILE OF THE HOUSE.

NILL, Judiciary—Feb. 4.

AN ACT relating to the collection of taxes in the several counties of the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter it shall be the duty of the commissioners of every county of the State, in each and every year, immediately after the assessment of taxes for State and county purposes shall be completed in the manner prescribed by law, to cause their clerk to make fair duplicates thereof, in a convenient form, and deliver the same to the treasurer of the said county, together with a certificate under their hands, respectively, and attested by their clerk, certifying that the taxes charged in said duplicates have been duly assessed according to law.

SEC. 2. That it shall be the duty of the county treasurer of each county, after he shall receive the duplicates of assessment from the county commissioners as hereinbefore provided, to give at least thirty days' notice, by weekly publications in one or more newspapers printed in the county, for the purpose of collecting and receiving State and county taxes; and it shall be the duty of the said treasurer to attend at least two days in each township and borough in the county for the purpose aforesaid, previous to the twelfth day of July in each year; and he shall give receipts for taxes in all cases when required by the person paying the same: *Provided*, That if any person shall, on or before the twelfth day of July aforesaid, pay to such treasurer the amount of his or her taxes, such person shall be entitled to a deduction of five per centum on the amount thereof paid for State purposes, which shall be in lieu of the abatement of five per centum allowed the county by the forty-second section of the act to reduce the State debt, et cetera, passed the twenty-ninth day of April, one thousand eight hundred and forty-four.

SEC. 3. That in case any State or county tax assessed in any township or borough within any county shall remain unpaid for a period of thirty days from and after the twelfth day of July aforesaid, it shall be the duty of the treasurer to issue his warrant, under his hand, accompanied by a schedule of all such unpaid taxes and the names of the persons respectively to whom the same are charged in the proper duplicate, directed to the constable of the proper township or borough, whose duty it is hereby made to receive the same, authorizing and requiring him to demand and receive from the persons named in the schedule the sums with which they are therein charged respectively; and the said warrants shall further authorize and require such constable, in case any person named in the schedule thereto annexed shall fail to pay the amount with which such person is therein charged, within ten days after demand therefor made by such constable, to levy the same by distress and sale of the goods and chattels of such delinquent, giving ten days' public notice of such sale, by written or printed advertisements; and in such case the constable shall be entitled to retain out of the proceeds of such sale, after first deducting the taxes, the same fees as are now allowed to constables by law for levy and sale upon a writ of execution.

SEC. 4. That upon the delivery by the county treasurer of his warrant to any constable, according to the provisions of this act, he shall charge such constable with the whole amount of taxes contained in the schedule thereto annexed in a book, to be provided for the purpose, from which liability such constable and his sureties,

under the provisions of this act, shall only be discharged by payments of said amount, after deducting such exonerations as may be allowed to such constables and certified to the said treasurer by the county commissioners for mistakes, indigent persons, unseated lands and other cases wherein exonerations are now by law allowed to collectors of taxes.

SEC. 5. That it shall be the duty of the court of quarter sessions in and for the several counties of the Commonwealth, before they shall appoint constables to require from them a bond in the name of the Commonwealth, in such sum and with such sureties as shall be approved by the said court, conditioned for the faithful discharge of the duties imposed upon such constables by this act, and for the payment to the proper county treasurer of the full amount of taxes contained in any warrant and schedule, which shall be delivered to them, or any of them, by the county treasurer of said county, after deducting exonerations, within four months from and after the date of the delivery of any such warrant as aforesaid.

SEC. 6. That it shall be the duty of the constables, who shall receive warrants from the county treasurer of such counties, under the provisions of this act, to settle their accounts, obtain their exonerations and pay over to the treasurer of said county, all moneys collected by them, in pursuance of the said warrants, within four months from and after the day of delivery of such warrants to them respectively; which day shall be endorsed on each warrant by the treasurer issuing the same, and shall also be by him entered in a book, to be by him kept for that purpose, which book, verified by the oath or affirmation of such treasurer, or in case of his death, absence out of the State or other inability to appear and testify, by the oath or affirmation of any credible person proving the hand writing of such treasurer, shall be competent evidence to establish the fact of the delivery of any warrant or warrants, to any constable or constables as aforesaid, in any court of law in this Commonwealth.

SEC. 7. That in case any constable shall fail to make the settlement and payment required in the preceding section of this act, within the time aforesaid, it shall be the duty of the treasurer of said county to cause an action of debt in the name of this Commonwealth, to be brought upon the bond of such constable; and if, upon the commencement of any such suit, it shall appear that such constable has not complied with the provisions of this act, judgment shall be rendered against the defendants therein, for the amount for which such constable is delinquent, together with interest, at the rate of twelve per centum per annum, from and after the expiration of the aforesaid period of four months, and full costs of suit; and in all such cases there shall be no stay of execution or other stay, any law to the contrary notwithstanding; but it shall be the duty of the said treasurer to prosecute such judgment to execution and satisfaction without delay.

SEC. 8. That if any treasurer or constable, shall fail or refuse to perform any of the duties required of them respectively by this act, he or they shall, for every such offence, forfeit and pay a fine of fifty dollars, which shall be recoverable in the name of the Commonwealth, at the instance of any person who will sue therefor, in the same manner as debts of like amount are now by law recoverable with costs of suit; and one moiety thereof shall be paid to the treasurer of the Commonwealth, and the residue to the person suing for and recovering the same.

SEC. 9. That in lieu of the per centage now received by the treasurer of such counties, or State taxes by him paid into the treasury, he shall hereafter be entitled to deduct and retain out of the gross amount of moneys collected and



received by him, for the use of the Commonwealth, under the provisions of this act, the sum of six per centum on the amount accounted for and paid over by him to the State Treasurer; four per centum of which shall be passed by him to the credit of the county.

SEC. 10. That it shall be the duty of the commissioners of such counties to deliver the duplicates of assessment, for the present year, to the county treasurer, on or before the first day of May next, and to deliver the duplicates of assessments, for each succeeding year, on or before the first day of April.

SEC. 11. That so much of any law as requires the commissioners of the several counties of the State, to appoint collectors of taxes, and so much of any law as is hereby altered or supplied, is hereby repealed.

SEC. 12. That hereafter, the pay of assessors, in the several counties of the State, shall be two dollars per day for every day necessarily required to make the assessment for State and county purposes.

SEC. 13. That in all cases under the provisions of this act, in which constables shall receive taxes from tax-payers, without resorting to levy and sale of goods, they shall be entitled to demand and receive, from such tax-payers, the additional sum of five per centum on said taxes, to be retained by them as their compensation for such collections.

SEC. 14. That the assessors of the different townships, wards and boroughs, in the several counties of the State, in making the extra assessment provided for by the former acts of assembly, shall certify the name of the person applying to be assessed, with the amount of tax imposed both for State and county purposes, to the constable discharging the duties of collector, under the provisions of said act of the twenty-fifth of February, one thousand eight hundred and fifty-three; and the said constables shall receive and receipt for all such taxes; which receipt shall be as valid as receipts given by collectors in like cases under existing acts of Assembly.

SEC. 15. That the provisions of this act shall not be deemed or taken to apply to the county of Philadelphia.

#### No. 304.—FILE OF THE HOUSE.

LAWRENCE, (Washington,) Ways and Means—Feb. 11.

#### AN ACT to aid in establishing the School of Mines.

WHEREAS, The skillful and economical development of the mining and manufacturing resources of Pennsylvania demands that encouragement be given to institutions which educate youth in the scientific and practical knowledge of mining, and in the best methods of determining the value of mineral lands, and of analyzing and manufacturing mine products:

And whereas, The School of Mines organized in Philadelphia, under an act, entitled "An Act incorporating the Polytechnic college of the State of Pennsylvania, and for other purposes," approved fifth April, one thousand eight hundred and fifty-three, has, by the liberal contributions of citizens of this Commonwealth, been opened for the above educational purposes; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the sum of five thousand dollars be and the same is hereby appropriated to the trustees of the Polytechnic college of the State of Pennsylvania, to be paid out of any moneys in the treasury not otherwise appropriated: *Provided,* That the same shall be applied by the said trustees toward the establishment of the School of Mines, organized under the act incorporating said college.

SEC. 2. That there shall be established in connection with the institution, a cabinet of mining, geology and engineering, containing specimens of ores, minerals and mine products, samples of the most approved tools and implements used in mining and sections, and models illustrating the best methods of working mines, employed in the United States and foreign countries; to which cabinet the officers and members of mining companies and other citizens of this Commonwealth shall be admitted free of charge.

#### No. 277.—FILE OF THE SENATE.

BELL, Judiciary—Feb. 10.

AN ACT to extend the jurisdiction of the orphans' courts in case of testamentary trusts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the orphans' courts of the several counties of this Commonwealth shall have full power and authority in all cases of trusts derived under or created by any last will and testament, whether vested in executors, administrators with the will annexed, or any other trustee or trustees, to dismiss from such office or trust any and all such trustee or trustees as aforesaid, whenever such courts shall be satisfied that there has been waste or mismanagement in the administration of such trust; or whenever the said trustee or trustees shall fail or neglect to pay over the principal or income of the trust funds according to their duty under their several trusts, or fail or neglect to comply with any order or direction of the said courts made in relation to said trusts; and shall further have power to make all such orders for the surrender and delivery of the funds, securities, moneys, books, accounts and papers belonging or relating to said trusts, to such person or persons as such courts may appoint to receive the same; and to enforce obedience to such orders, by attachment, execution or otherwise, as to them shall seem necessary and proper, for the due protection of the rights and interests of any and all parties interested under such trusts.

#### No. 279.—FILE OF THE SENATE.

BREWER, Judiciary—Feb. 10.

AN ACT for the more effectual suppression of counterfeiting.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That upon the conviction of any person of having passed, uttered or delivered, or attempted to pass, utter or deliver, with intent to defraud, any counterfeit bill or note, purporting to be a bank note, it shall be the duty of the court, before which the trial was had, to certify under the seal thereof the person or persons by whom such convict was arrested; and upon the presentation of such certificate to the Auditor General, he shall draw his warrant upon the State Treasurer in favor of the person named therein, for the sum of twenty-five dollars which shall be paid as a reward for making such arrest; and in the case of a person convicted of making or having in his possession, with intent to use, any plate, die or other instrument used in making counterfeit bank notes, a certificate and warrant shall be drawn as aforesaid, in the sum of one hundred dollars in favor of the person by whom such convict was arrested.

SEC. 2. That whenever an altered or counterfeit bill or note, purporting to be a bank note, shall be offered in payment or for examination, at any bank or broker's office, it shall be the duty of the person to whom the note is offered, to stamp the word "counterfeit" upon

the face thereof, in plain black letters, with an instrument which shall be kept for that purpose.

#### No. 285.—FILE OF THE SENATE.

MILLER, Judiciary—Feb. 10.

AN ACT relative to brokers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, all stock brokers, bill brokers, exchange brokers and real estate brokers shall, on or before the first Monday in December in each year, make a return under oath to the city or county treasurer where the said stock, bill, exchange or real estate broker is located, of the amount of their receipts from commissions, discounts, abatements, allowances, or other profits arising from their business, for the year ending with the thirtieth of November next, preceding said day of return, and pay to the said city or county treasurer four per centum upon the same for the use of the Commonwealth; and the said city or county treasurer shall annually, upon the settlement of his account with the Auditor General, file in that department the said return so made, and pay the amount into the State Treasury.

SEC. 2. That the city or county treasurer is hereby authorized to allow deductions from the four per centum so paid by any such broker of the amount previously paid for his license: *Provided,* That no license shall be granted in the city of Philadelphia for less than one hundred dollars; in the city of Pittsburg for less than fifty dollars; and in any county in this Commonwealth for less than thirty dollars; and all laws incorporated into or inconsistent with this act are hereby repealed.

#### No. 218.—FILE OF THE HOUSE.

CHASE, Judiciary—Feb. 4.

AN ACT relating to townships.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of the acts of assembly, passed on the fourteenth day of March, one thousand eight hundred and fifty-seven, which require an election to be held in a township or townships, proposed to be divided upon the question of such division, shall not apply to cases in which the division had been reported to the court prior to the passage of said acts.

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# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 37.

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## SENATE.

MONDAY, Feb. 21, 1859.

Agreeably to order the Senate met and was called to order by the SPEAKER at three o'clock, P. M.

The reading of the Journal, on motion of Mr. COFFEY, was dispensed with.

Mr. RUTHERFORD appeared in his seat.

### LEAVE OF ABSENCE.

Mr. CRAIG asked and obtained leave for Mr. KELLER for to-day.

### REPORTS OF COMMITTEES.

Mr. PENNEY, (Education,) reported as committed, House bill No. 241, "An Act to establish a normal school in connection with Westminster college, Lawrence county."

### BILLS IN PLACE.

Mr. RANDALL read in his place and presented to the Chair, a bill, entitled "An Act to give the master warden of the city of Philadelphia, authority in certain cases to raise sunken vessels in the Delaware and Schuylkill rivers."

Also, "An Act to amend an act apportioning the city of Philadelphia into single Senatorial and Representative districts."

Mr. WRIGHT, "An Act authorizing the Chestnut Hill railroad company to sell certain real estate."

Mr. COFFEY, "A supplement to an act incorporating the Kittaning gas company."

Mr. PALMER, "An Act concerning the sale of the property of the Dauphin and Susquehanna coal company."

Also, "An Act to incorporate the Mahanoy and Broad Mountain railroad company."

Also, "An Act to extend the limits of the borough of Orwigsburg, Schuylkill county."

Mr. STEELE, "A supplement to an act incorporating the Paddy's Run bridge company."

On his motion, said bill was taken up, considered and passed finally.

Mr. BLOOD, "An Act to appoint a road commissioner to take charge of the Warren and Brookville, and the Warren and Strattansville State roads, in Forest county."

Also, "An Act to increase the fees of county commissioners and auditors in Clarion county."

## ORIGINAL RESOLUTION.

Mr. MILLER offered the following resolution, which lies over under the rule:

*Resolved*, That the Auditor General be requested to inform the Senate, whether the Pennsylvania railroad company have paid a State tax on their capital stock, as required of all corporations under the provisions of the thirty-third section of an act to reduce the State debt, and to incorporate the Pennsylvania canal and railroad company, approved April 29, 1844; what amount of tax is claimed to be due the Commonwealth from said company; what portion of the said tax has been paid, and at what period the said company commenced to pay the same; and further, what legislation, if any, is deemed necessary to equalize taxation upon the capital stock of the various corporations of this Commonwealth.

## ORDERS OF THE DAY.

Senate bill No. 224, entitled "An Act relating to the Norristown academy," came up in order on third reading, and passed finally.

## BILLS CONSIDERED AND PASSED.

On motion of Mr. FINNEY, House bill No. 119, "An Act to incorporate the Citizens' mutual safety insurance company."

On motion of Mr. RANDALL, Senate bill No. 307, "An Act to incorporate the Zoological society of Philadelphia."

On motion of Mr. COFFEY, House bill No. 186, "An Act to increase the pay of the county commissioners and auditors of Indiana county."

On motion of Mr. RUTHERFORD, Senate bill No. 219, "An Act supplementary to an act relating to orphans' courts, and for other purposes," approved October 13, 1840."

Also, Senate bill No. 299, "A supplement to an act incorporating the South Mountain railroad company, approved May 5, 1854."

On motion of Mr. PALMER, Senate bill No. 161, "A supplement to the act to incorporate the Greenwood cemetery company of the borough of Tamaqua."

On motion of Mr. MILLER, House bill No. 188, "An Act to confer on James Morrison, of Washington county, all the rights and privileges of a child born in lawful wedlock."

On motion of Mr. PARKER, House bill No. 103, "An Act to incorporate the international union of art and literature."

On motion of Mr. PENNEY, Senate bill No. 264, "An Act to incorporate the Birmingham insurance company."

On motion of Mr. RUTHERFORD, Senate bill No. 309, "A supplement to an act incorporating the Harrisburg female seminary."

On motion of Mr. PALMER, Senate bill No. 94, "An Act extending the time for the commencement and completion of the Schuylkill Haven and Lehigh River railroad."

On motion of Mr. SCOFIELD, House bill No. 64, "An Act relating to the navigation of Tionesta creek and its branches."

On motion of Mr. THOMPSON, Senate bill No. 155, "An Act to incorporate the Commercial trust company."

This bill lies over on second reading.

Mr. FINNEY moved to discharge the Committee on Education from the consideration of House bill No. 238, "An Act to incorporate the Union school directors of Wattsburg, in Erie county," and that the Senate proceed to its consideration; which was agreed to; and the bill, having passed committee of the whole, lies over.

On motion of Mr. PALMER, Senate bill No. 315, "A further supplement to the act incorporating the Minersville water company."

On motion of Mr. SCOFIELD, House bill No. 114, "An Act relating to the navigation of Pine creek, in Warren county."

On motion of Mr. RANDALL, House bill No. 125, "An Act to incorporate the Mutual fire insurance company of Philadelphia."

The first section of this bill was amended, and the second and third stricken out.

On motion of Mr. STEELE, Senate bill No. 13, "An Act to incorporate the Hollenback and Hanover turnpike road company."

A new section—the fourth—was added to this bill.

On motion, the Senate adjourned until tomorrow at 10 o'clock A. M.

## SENATE.

TUESDAY, Feb. 22, 1859.

A quorum of Senators being present, the SPEAKER called the Senate to order at the usual hour.

The Journal was read and approved.

### LEAVE OF ABSENCE.

Mr. WRIGHT asked and obtained leave of absence for Mr. SCHELL, for to-day.

Messrs. BELL and TURNEY appeared in their seats.

The SPEAKER presented four petitions of citizens of Carlisle, for an appropriation to aid in the erection of a monument to the memory of the Pennsylvanians who lost their lives during the war with Mexico.

Also, an abstract of the accounts of the Germantown and Perkiomen turnpike company.

Also, an abstract of the accounts of the Cheltenham and Willow Grove turnpike company.

Also, the annual report of the inspectors of the Eastern Penitentiary, and statement of expenses, &c., of the same, for the year 1858.

### PETITIONS, MEMORIALS, &c.

Mr. NUNNEMACHER presented a remonstrance of citizens of Bucks county, against the passage of an act now before the Legislature, relative to the Delaware Division canal company.

Mr. THOMPSON, a petition from citizens of Montgomery county, praying for the incorporation of the Whitemarsh and Cheltenham turnpike road company.

Also, two petitions from citizens of the same county, for a law requiring the commissioners of said county to appoint constables for collectors.

Also, a petition from the president and cashier of the Bank of Pottstown, for a law making it obligatory on banks to keep their notes at par in Philadelphia and Pittsburg.

Also, a petition from citizens of Philadelphia, in favor of the supplement to the act incorporating the Green and Coates Streets passenger railway company.

Mr. PALMER, one of like import.

Also, a petition of citizens of Schuylkill county, praying for a law for the better securing the wages of labor in said county.

Also, a petition of citizens of the same county, for a railroad connecting the Little Schuylkill railroad with the Schuylkill Valley railroad, in said county.

Mr. BALDWIN, two petitions from citizens of Lancaster county, praying for the repeal of



a law authorizing the appointment of sealer of weights and measures, so far as the same relates to said county.

Also, a remonstrance from citizens of the same county, against the passage of a law requiring the sheriff to sell real estate, on or near the premises.

Mr. BREWER, a petition of citizens of Philadelphia, in favor of the supplement to the act incorporating the Green and Coates street passenger railway company.

Mr. FETTER, a remonstrance of citizens of Juniata and Perry counties, against the construction of the Susquehanna and Juniata railroad.

Also, one in favor of the supplement to the Greene and Coates Street railway.

Mr. PENNEY, a petition of citizens of Indiana township, Allegheny county, praying for the passage of an act relating to roads in said township.

Also, a petition of citizens of Pittsburg, for the incorporation of the Pittsburg and East Liberty passenger railway company.

Also, a petition of citizens of Philadelphia, in favor of the supplement to the act incorporating the Green and Coates Streets passenger railway company.

Mr. FRANCIS, one of similar import.

Messrs. MARSELIS and WRIGHT, each two of like import.

Also, the memorial of O. C. Jones, the inventor of apparatus for the weighing of coal in carts; which, on motion, was read.

Mr. WRIGHT, a petition numerously signed by citizens of Bucks county, against the passage of any law authorizing the erection of dams in the river Delaware.

Also, a remonstrance of citizens of Attleboro, Bucks county, against the incorporation of said village into a borough.

Also, a petition signed by citizens of Frankford, members of Evangelical churches, against the passage of a law authorizing the Frankford and Southwark passenger railway company to run their cars on Sunday.

Also, a memorial of citizens of Philadelphia, praying for an appropriation to the Penn widow's asylum.

Also, a petition of merchants and others, of the city of Philadelphia, in favor of the repeal of the tonnage tax.

Mr. BELL, a petition of citizens of Philadelphia, in favor of "the supplement to the act incorporating the Green and Coates streets passenger railway company."

Mr. SCHINDEL, a petition of citizens of Northampton county, praying for the passage of a law authorizing the voters of said county, to vote upon the question of a removal of the seat of justice from Easton to Nazareth.

Mr. RUTHERFORD, a petition of citizens of Eastern Pennsylvania, praying for the repeal of the tonnage tax.

Mr. COFFEY, a petition of citizens of Blair county, praying for an appropriation to aid in the erection of a monument on the capitol grounds.

Also, two remonstrances of citizens of Kittanning, Armstrong county, against a law authorizing the paving of the streets in said borough.

Mr. TURNEY, a memorial of citizens of Philadelphia and others, for an appropriation to the Penn asylum for indigent widows and single women.

Also, a petition of citizens of Cambria county, praying for the passage of a law authorizing the voters of said county to vote upon the question of the removal of the seat of justice from Ebensburg to Wilmore.

Also, a petition of citizens of Union township, Westmoreland county, in favor of the abolition of the office of county superintendent of common schools.

Also, a petition of citizens of Westmoreland county, praying for the erection of a new county, to be called Ligonier.

Also, a petition of farmers and mechanics living in counties adjacent to the Pennsylvania railroad, in favor of the repeal of the tonnage tax, with a protest.

Mr. BLOOD, a petition of citizens of Philadelphia, in favor of the supplement to the act of incorporation of the Green and Coates Streets passenger railway company.

Also, a petition of citizens of Forest county, relative to a certain State road.

#### REPORTS OF COMMITTEES.

Mr. NUNNEMACHER, (Roads and Bridges,) reported as committed, House bill No. 251, entitled "An Act to incorporate the Richlandtown turnpike road company."

Also, (same,) as committed, House bill No. 253, "An Act to incorporate the Greencastle and Middleburg turnpike road company."

Mr. FETTER, (same,) as committed, "An Act to incorporate the Central Valley turnpike road company."

Also, (same,) as committed, "A supplement to the act incorporating the Philadelphia and Great Bend turnpike road company."

Mr. RUTHERFORD, (same,) as committed, "An Act relative to roads in Great Bend township, Susquehanna county."

Also, (same,) as committed, House bill No. 248, "An Act to incorporate the Uniontown and Virginia Line turnpike road company."

Mr. BALDWIN, (same,) as committed, House bill No. 252, "An Act declaring McMichael's creek, in Monroe county, a public highway and to prevent the destruction of fish."

Also, (same,) as committed, House bill No. 254, "An Act relative to the election of a supervisor in Salem township, Westmoreland county."

Mr. THOMPSON, (same,) as committed, House bill No. 250, "An Act to change the time for electing officers of the Susquehanna and Lehigh turnpike road company."

Also, (same,) as committed, House bill No. 247, "An Act to incorporate a company to erect a bridge over Clearfield creek, in Clearfield county, at Alexander's fording."

#### BILLS IN PLACE.

Mr. BREWER read in his place and presented to the Chair, a bill, entitled "An Act relative to the banks of this Commonwealth."

Mr. RUTHERFORD, "An Act authorizing the laying out of a public park in the borough of Harrisburg, to be called Harris' Park."

Mr. WELSH, "An Act requiring railroad companies to present to the Auditor General a uniform annual report."

Mr. MILLER, a joint resolution relative to the Mount Vernon fund association."

Mr. RANDALL, "A further supplement to an act incorporating the Cambria iron company."

Mr. FETTER, a joint resolution, relative to the bill before Congress, providing for the payment of the pensions of soldiers in the war of 1812."

#### ORIGINAL RESOLUTION.

Mr. BLOOD offered the following; which was twice read, considered and adopted:

*Resolved*, That Washington's Farewell Address be read by the Clerk, at 12 o'clock this day, and that after the reading of the same the Senate adjourns.

#### ORDERS OF THE DAY.

"An Act authorizing the Germantown passenger railroad company to lay a track on Fourth and Eighth streets," came up in order on third reading; and on motion of Mr. RANDALL, its consideration was postponed for the present.

Senate bill No. 2, "An Act relating to evidence," as proposed to be amended,

On motion of Mr. BELL, by substituting Senate bill No. 114, came up in order; whereupon,

Mr. BELL moved to postpone consideration for the present.

On which motion,

The yeas and nays were required by Mr. SCOFIELD and Mr. BELL, and were as follow, viz:

YEAS—Messrs. Bell, Brewer, Craig, Miller, Palmer, Penney, Steele, Thompson, Turney, Welsh and Cresswell, *Speaker*—11.

NAYS—Messrs. Coffey, Fetter, Finney, Harris, Marselis, Nunnemacher, Parker, Randall, Rutherford, Scofield, Schindel and Wright—12.

So the question was determined in the negative.

The first section of Senate bill No. 114, being under consideration,

Mr. PALMER moved to amend the same, by striking out all after the word "felony" in the sixth line, and inserting the words "that the record of said conviction may be given in evidence, as heretofore, to affect the credibility of said witness."

Mr. PALMER made a brief statement in explanation of his amendment.

Mr. BELL said he had no objection to the latter part of the amendment; but he asked that there should be a division of it; as he believed it was susceptible of division.

The SPEAKER decided that there could be no division of the subject—the simple motion being to strike out and insert.

Mr. PALMER was willing to modify his amendment, by striking out all after the word "felony."

Mr. COFFEY said the amendment was a very judicious one, and advocated it briefly.

Mr. BELL again stated that he had no objection to the amendment, except to a portion of it; but as the SPEAKER had decided that the subject was not susceptible of division, he should be compelled to vote against it, although he was sorry for it.

Mr. HARRIS briefly defined his position on the question, and gave the reasons which should influence his vote in opposition to the amendment as well as the bill, as a whole.

Messrs. MARSELIS and FINNEY expressed themselves in favor of the amendment.

The amendment was adopted.

Mr. PALMER moved to amend the second section by striking out all after the word "thereof" in the third line, and inserting the words "but may be examined as a witness in the manner hereinafter provided."

Mr. PALMER also made a statement in explanation of this second amendment.

Mr. BELL was of the opinion that, upon a brief examination of the bill, the amendment was a judicious one.

The amendment was agreed to.

Mr. PALMER moved to amend in the eighth line of the fourth section, by inserting the words "his own or" before the word "counter."

Mr. PALMER accompanied his amendment with a brief statement of its effect.

Mr. BELL said that, in considering the amendment of the Senator from Schuylkill, it might be well to look to the whole bill. There was, he thought, a provision made in the sixth section, which would answer the purpose of the amendment proposed.

Mr. PALMER had not failed to observe the provisions of the sixth section; but he did not think the full provision was made which was required.

Messrs. FINNEY and COFFEY favored the amendment, while Mr. BELL again rose to oppose it; but it being within a few minutes of the hour fixed for reading the farewell address of George Washington, he did not proceed.

On leave given, Mr. BALDWIN moved to recommit to the Committee on Finance, House bill No. 192; agreed to.

Mr. STEELE, on leave given, read in his place and presented to the Chair, "An Act to



divide the borough of Pittston, Luzerne county, into two wards."

#### FAREWELL ADDRESS.

The hour of twelve having arrived, the Farewell Address was read by the Clerk, as follows:  
*To the people of the United States:*

FRIENDS AND FELLOW CITIZENS:—The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction, that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me, as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more, for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviola-

ble attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which, not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guaranty of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it to my grave, as a strong incitement to unceasing vows, that Heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pain will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point of your political fortress, against which the batteries of internal and external enemies will be constantly and actively, (though often covertly and insidiously,) directed, it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right

to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits and political principles—you have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *South*, in the same intercourse, benefitting by the same agency of the *North*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and while it contributes in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *East*, in a like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water, will more and more, find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connexion with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionally greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries, not tied together by the same government; which their own rivalry alone would be sufficient to produce, but which opposite foreign alliances, attachments and intrigues, would stimulate and embitter. Hence, likewise, they will avoid the necessity, of those overgrown military establishments, which under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that



a proper organization of the whole, with the auxiliary agency of governments for the respective sub-divisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations—*northern* and *southern*—*Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart-burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country, have lately had a useful lesson on this head; they have seen, in the negotiation by the Executive, and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them, of a policy in the general government and in the Atlantic States, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them every thing they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren, and connect them with aliens?

To the efficacy and permanence of your union, a government for the whole is indispensable. No alliances, however strict, between the parts, can be an adequate substitute; they must inevitably experience the infractions and interruption which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation, and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish a government, pre-suppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted

authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country: that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty, is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which, in different ages and countries, has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors,

turns this disposition to the purpose of his own elevation, on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which, nevertheless, ought not to be entirely out of sight,) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself, through the channels of party passions. Thus, the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks, in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments, ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, Religion and Morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and cherish them. A volume could not trace all their connexions with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us, with caution,



indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule indeed extends, with more or less force, to every species of free government. Who, that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric?

Promote then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is, to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding, likewise, the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised, which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment, inseparable from the selection of the proper object, (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all.—Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! it is rendered impossible by its vices.

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that in place of them, just amicable feelings towards all should be cultivated.—The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.—Hence, frequent collisions, obstinate, even-

omed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts, through passion, what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another, produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, exists, and infusing into one the comities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens, who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding, with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good; the base or foolish compliances of ambition, corruption or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils? Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me, fellow-citizens,) the jealousy of a free people ought to be constantly awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defence against it. Excessive partiality for one foreign nation, and excessive dislike for another, cause those whom they actuate, to see danger only on one side, and serve to veil, and even second, the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith: Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation, invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyances;

when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own, to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking or granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary; and liable to be from time to time, abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that, by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations; but if I may even flatter myself that they may be productive of some partial benefit, some occasional good: that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct, must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22nd of April, 1793, is the index to my plan. Sanctioned by



your approving voice, and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct, will be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength and consistency, which is necessary to give it, humanely speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects, not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life, dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views it in the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectations, that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES, 17th September, 1796.

On motion of Mr. WRIGHT, one thousand copies of the Address were ordered to be printed.

Agreeably to order, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

TUESDAY, Feb. 22, 1859.

The House was called to order at 7 o'clock, by Mr. G. V. LAWRENCE, Speaker pro tem.

### ORIGINAL RESOLUTION.

Mr. WILCOX submitted the following resolution; which was twice read and unanimously adopted:

*Resolved*, That the Farewell Address of GEORGE WASHINGTON to the American People, be immediately read, and that the House adjourn immediately thereafter in honor to the memory of the Father of His Country.

The address was then read.

Mr. WILCOX offered a resolution that five

thousand copies of Washington's Farewell Address be printed for the use of the House.

Mr. SMITH, of Berks, moved to amend by printing two thousand of that number in the German language.

Mr. KENEAGY moved to amend the amendment by printing but one thousand of the above number in the German language; which was agreed to.

And the resolution as amended was adopted.

The SPEAKER then adjourned the House until to-morrow morning at 10 o'clock.

### No. 313.—FILE OF THE HOUSE.

CHASE, Ways and Means—Feb. 12, 1859.

AN ACT to provide for the ordinary expenses of the Government and other general and special appropriations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the following sums be, and the same are hereby specifically appropriated to the several objects hereinafter mentioned, for the year commencing on the first day of June, Anno Domini one thousand eight hundred and fifty-nine, to be paid out of any money in the treasury not otherwise appropriated.*

SEC. 2. For the salary of the Governor of the Commonwealth, four thousand dollars.

For the salary of the Secretary of the Commonwealth, inclusive of his compensation as commissioner of the sinking fund, two thousand dollars.

For the salary of the Deputy Secretary of the Commonwealth, one thousand four hundred dollars.

For the salary of the Auditor General, inclusive of his compensation as commissioner of the sinking fund, two thousand dollars.

For the salary of the Surveyor General, one thousand six hundred dollars.

For the salary of the Attorney General, three thousand dollars.

For the salary of the Adjutant General, six hundred dollars.

For the salary of the Superintendent of Common Schools, one thousand seven hundred dollars.

For the salary of the State Librarian, eight hundred dollars.

For the salary of the State Treasurer, inclusive of his compensation as commissioner of the sinking fund, one thousand seven hundred dollars: *Provided*, That the foregoing salaries shall be paid quarterly at the office of the State Treasurer.

SEC. 3. For clerk and messenger hire, in the Executive and State departments, six thousand dollars.

For contingent expenses in the Executive and State departments, as follows: postage and telegraphic dispatches, one thousand seven hundred dollars; stationery, four hundred and fifty dollars; fuel and lights, one hundred and twenty-five dollars; cleaning offices, one hundred dollars; blank books, fifty dollars; repairs, fifty dollars; geological survey, freights and packages, one hundred and fifty dollars; new carpets in Executive chamber, two hundred dollars; miscellaneous expenses, one hundred and fifty dollars.

For clerk and messenger hire in the Auditor General's office, eight thousand one hundred dollars.

For contingent expenses, as follows: postage and telegraphic dispatches, five hundred dollars; stationery, three hundred and fifty dollars; fuel, seventy-five dollars; miscellaneous, seventy-five dollars.

For clerk and message hire in the Surveyor General's office, eight thousand seven hundred dollars.

For contingent expenses, as follows: postage, four hundred dollars; stationery, two hundred dollars; fuel, seventy dollars; stove and repairs, sixty dollars; white-washing and scrubbing, fifty dollars; miscellaneous, fifty dollars.

For clerk hire in the Attorney General's office, eight hundred dollars; and hereafter the Attorney General shall be allowed eight hundred dollars annually for clerk hire.

For clerk and message hire in the school department, three thousand nine hundred dollars.

For contingent expenses, as follows: stationery and blank books, three hundred and fifty dollars; postage, including telegraphic dispatches, one thousand two hundred dollars; fuel, light, and cleaning office, sixty dollars; packing and distributing blank forms, laws and decisions, reports, et cetera, to the several districts, six hundred dollars; miscellaneous, fifty dollars.

For clerks, messenger, and night-watch in the Treasurer's office, five thousand four hundred and fifty dollars.

For contingent expenses, as follows: postage and telegraphic dispatches, four hundred and seventy-five dollars; express charges, one hundred dollars; stationery and blank books, two hundred and fifty dollars; fuel and light, seventy-five dollars; miscellaneous, one hundred and fifty dollars.

For miscellaneous expenses of the State Library as follows: repairing telescope, forty dollars; press for stamping, twenty-five dollars; making fires, sweeping, cleansing and white-washing, postage, freight, expenses of purchasing books, stationery, et cetera, three hundred dollars; miscellaneous books and newspapers, six hundred dollars; law books, English and Irish reports, elementary books and civil law, one thousand dollars; Pennsylvania Reports, for exchanges, three hundred and twenty dollars; binding, one hundred and fifty dollars; and assistant, one hundred and fifty dollars.

SEC. 4. For the payment of the expenses of the Legislature, including the pay and mileage of the members, clerks and officers thereof, and the amount authorized by law for stationery, newspapers and lights, the sum of one hundred and fifty thousand dollars.

SEC. 5. For packing and distributing the laws and journals of the Legislature, to be performed under the direction of the Secretary of the Commonwealth, seven hundred dollars.

SEC. 6. For the public printing, folding, stitching and binding, thirty thousand dollars, or so much thereof as may be necessary on the settlement of the account of the contractor under his contract entered into in pursuance of the act approved the ninth day of April, Anno Domini one thousand eight hundred and fifty-six, entitled "An Act in relation to public printing."

SEC. 7. For the payment to the borough of Harrisburg, for supplying the public buildings with water, as per act of twenty-eighth day of April, Anno Domini one thousand eight hundred and forty, six hundred dollars.

For payment to the Harrisburg gas company, for gas for public buildings and walks, two thousand dollars, or so much thereof as shall be found due by the Auditor General, under the contract with the company, in pursuance of the charter of said company and its supplement, to be paid on the warrant of the Governor.

SEC. 8. For miscellaneous expenses, to be accounted for in the usual manner, three thousand dollars.

SEC. 9. For the support of the common schools, to be paid on warrants drawn by the superintendent in favor of the several school districts of the Commonwealth, in proportion to the number of resident taxables therein, two hundred and eighty thousand dollars.

SEC. 10. For the payment of pensions and gratuities, ten thousand dollars.



SEC. 11. For the payment of the salaries and per diem allowance of the judges of the supreme court, eighteen thousand seven hundred dollars.

SEC. 12. For the payment of the salaries of the judges of the district court, and the president and associate law judges of the court of common pleas of the city of Philadelphia, sixteen thousand eight hundred dollars.

SEC. 13. For the payment of the salaries of the judges of the district court, and president judge of the court of common pleas of Allegheny county, eight thousand four hundred dollars.

SEC. 14. For the payment of the salaries and mileage of the president and associate law judges of the several courts of common pleas in this Commonwealth, except in the city of Philadelphia and the county of Allegheny, fifty-five thousand dollars.

SEC. 15. For the payment of the salaries and mileage of the associate judges of the several courts of this Commonwealth, twenty-five thousand dollars.

SEC. 16. For the payment of the interest on the funded debt of the Commonwealth, that will fall due on the first days of July and August next, and the first days of January and February, one thousand eight hundred and sixty, two millions of dollars, or so much thereof as may be necessary.

SEC. 17. For the payment of the guaranty of interest for the Danville and Pottsville railroad company, by the act of the eighth of April, one thousand eight hundred and thirty-four, and the act of twelfth April, one thousand eight hundred and fifty-one, eight thousand five hundred and seventeen dollars and fifty cents, being the interest in full, on said guaranty, up to the first day of August, Anno Domini one thousand eight hundred and fifty-nine; to the Bald Eagle and Spring Creek navigation company, by the act of seventh April, Anno Domini one thousand eight hundred and thirty-five, ten thousand dollars: *Provided however*, That said companies are hereby required to make it appear satisfactorily to the Attorney General that the said appropriations are due from the Commonwealth; and it shall be the duty of the Attorney General so to certify to the treasurer before any of the moneys herein appropriated are paid.

SEC. 18. For the payment of the salaries of the officers of the Western penitentiary, ten thousand one hundred and fifty dollars; also, for gratuities paid to discharged convicts for the year one thousand eight hundred and fifty-eight, agreeably to the eighth section of the act of twenty-second of April, one thousand eight hundred and twenty-nine, and the several supplements thereto, three hundred and eight dollars.

SEC. 19. For the payment of the salaries of the officers of the Eastern penitentiary, twelve thousand eight hundred and ninety-five dollars; which sum may be drawn from the treasury in equal quarterly portions, on or after the fifteenth day of the months of June, September and December of the present year, and March of next year.

SEC. 20. For the house of refuge of Philadelphia, the sum of twenty thousand dollars.

SEC. For the house of refuge of Western Pennsylvania, in the county of Allegheny, eighteen thousand and five hundred dollars, to be applied as follows: for the salaries of officers, eight thousand and five hundred dollars; additions and repairs, four thousand dollars; and for the payment of debts, six thousand dollars.

SEC. 22. For the Western Pennsylvania hospital, five thousand dollars; and for the purpose of erecting suitable buildings, the further sum of twenty thousand dollars, to be paid to said institution upon a bond being executed to the Commonwealth in said sum, with security to be approved by the Auditor General and State

Treasurer, conditioned for the full erection and completion of said buildings without further aid from the Commonwealth.

SEC. 23. For the Pennsylvania State lunatic hospital, the sum of twenty thousand dollars; to be applied to the payment of salaries, the support of the house, the renewal of furniture and fixtures, and to such repairs and improvements as may be required.

SEC. 24. For the Pennsylvania institution for the instruction of the blind, twenty-two thousand dollars.

SEC. 25. For the instruction of indigent pupils in the Pennsylvania institution for the instruction of the deaf and dumb, twenty-three thousand dollars: *Provided*, That the sums appropriated for the instruction of the blind, and deaf, and dumb, shall be paid to said institutions, in proportion to the number of indigent pupils received by each, from the several counties of this Commonwealth, at the rates prescribed by law; evidence of the number of pupils to be furnished to the State Treasurer.

SEC. 26. For the Pennsylvania training school for feeble minded children, such amount as said institution may be entitled to receive under the provisions of the sixth section of the act incorporating said school, approved the seventh of April, Anno Domini one thousand eight hundred and fifty-three; and for the purpose of completing the buildings now in progress, the further sum of twenty-five thousand dollars, to be paid to said institution upon a bond being executed to the Commonwealth in said sum, with security, to be approved by the Auditor General and State Treasurer, conditioned for the full completion of said buildings without further aid from the Commonwealth.

SEC. 27. For the Northern Home for friendless children, five thousand dollars.

SEC. 28. For the Penn Asylum for indigent widows and single women, five thousand dollars.

SEC. 29. For the Howard Institution, under the care of an association of women Friends of Philadelphia, one thousand dollars.

SEC. 30. For the salary of the superintendent of the public printing, eight hundred dollars.

SEC. 31. To Richard J. Haldeman, publisher of the *Legislative Record*, compensation at the rate of seven dollars per page, for the numbers published at the present session, the amount to be certified as due by the superintendent of public printing.

SEC. 32. To each of the fire companies of Harrisburg, now organized and in operation, one hundred dollars.

SEC. 33. For the preservation and repairs of the capitol, and improvement of the public grounds.

SEC. 34. That the State Treasurer is hereby authorized to pay John A. Small, for services rendered the House of Representatives, the same compensation now allowed by law for an assistant clerk.

SEC. 35. That the State Treasurer is hereby authorized to pay the clerks of the Senate and House of Representatives, the amounts necessary to pay the pages and folders employed during the present session, at the rate of one dollar per day each, for the time the Legislature is in session.

SEC. 36. That the State Treasurer is hereby authorized to pay George Manley, at the rate of one dollar per day, for services in cleansing and keeping in order the out-building of the two houses; the actual number of days employed, to be certified to by the Clerk of the House.

SEC. 37. That the State Treasurer is hereby authorized and directed to pay Alvin Day, nineteen dollars and twenty-five cents, being the amount of a check drawn by the State Treasurer on the Bank of Pennsylvania, in May, one thousand eight hundred and fifty-seven, and dishonored by said bank.

SEC. 38. For transcribing for committee of

ways and means, to be paid on the order of the chairman, twenty dollars.

SEC. 39. For postage and stationery used in the office of the late Attorney General, sixty-seven dollars and fifty-nine cents.

SEC. 40. That the State Treasurer is hereby authorized to pay the chief clerks of the Senate and House of Representatives, for the expense of indexing journals, one hundred and twenty-five dollars each.

SEC. 41. For the payment of salaries of tonnage agents in full to June first, one thousand eight hundred and fifty-nine, twelve hundred dollars.

#### No. 333.—FILE OF THE HOUSE.

MR. KENEAGY, Election Districts—Feb. 11.

#### AN ACT to prevent frauds at elections.

WHEREAS, The purity of the ballot-box is indispensable for the security of the rights and the free and full expression of the will of the people:

AND WHEREAS, Experience has clearly demonstrated that gross frauds are practiced at elections in this Commonwealth, destructive alike of the morals of our citizens and the stability of our institutions, therefore to suppress such alarming evils tending to the overthrow of free government; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That in elections by the citizens of this Commonwealth, no person shall be entitled to vote who having been an alien, has not been naturalized in conformity with the laws of the United States, at least six calendar months before the election at which he offers to vote, and who is not otherwise qualified according to the Constitution and laws of this Commonwealth.

SEC. 2. That as the only evidence that such alien has been naturalized as aforesaid, he shall produce a certificate thereof under the seal of the court where such naturalization took place, made out and dated at least six calendar months before the election at which he offers to vote, except such person shall have resided in the ward, district or township, for ten years or upwards, next preceding such application to vote; which residence must be known to at least one member of the board of election officers, in which case the oath of such applicant shall be *prima facie* evidence of such naturalization.

SEC. 3. That it shall be the duty of the inspectors of elections, on the production of such certificate, as aforesaid, to examine the same, and on the request of any qualified voter present, who is known as such, to require the evidence by the oath of a known qualified elector, that the applicant to vote is the identical person named in such certificate of naturalization, and to note the name of the person who makes such oath, on the list of voters.

SEC. 4. That the inspectors of elections shall not permit any person so naturalized, as aforesaid, to vote without the production of such certificate as evidence of his right to vote, save he has resided in the district ten years, in accordance with the provisions of section second, when they may receive evidence by oath as is therein provided.

SEC. 5. That it shall be the duty of the inspectors, on the production of such certificate, as aforesaid, and the examination thereof, carefully to retain and keep the same until twelve o'clock, meridian, of the next day succeeding such election, when, or as soon thereafter as it can be conveniently done, such certificate shall be restored to the owner thereof, unless in the meantime an affidavit should be made by a qualified elector before some alderman or justice of the peace, that there is just reason to suspect that such certificate of naturalization is forged,



or has been fraudulently obtained or used at such election; in which case it shall be the duty of the inspectors to retain the said certificate until an investigation can be made; or in case of a contested election or criminal prosecution in relation thereto, until the same can be produced in evidence therein.

SEC. 6. That no person otherwise duly qualified, shall be permitted to vote, unless he produce a receipt for the payment of State or county tax within two years, and give satisfactory proof by his own oath or that of another, that he has paid such tax; and if the said tax is a personal tax or assessed on personal property and paid within twenty days immediately preceding the election at which he offers to vote, he shall produce the receipt for the payment of the same, with such satisfactory evidence as aforesaid; on failure to produce a receipt in the case of a tax on real estate or paid more than twenty days before such election, he shall make oath to the payment thereof.

SEC. 7. That it shall be the duty of the inspectors on the production of the receipt, for such personal tax so paid, within twenty days immediately before such election, to examine and carefully keep the same until twelve o'clock, meridian, of the day next succeeding such election, when, or as soon thereafter as may be convenient, they shall return the same to its proper owner, unless in the meantime an affidavit should be made before an alderman or justice of the peace, that there is good ground to believe such receipt to be false, fraudulent or forged, or that the same was fraudulently used at such election; in which case it shall be the duty of the said inspectors to retain such receipt and produce it in evidence in case of contested election or criminal prosecution.

SEC. 8. That it shall be the duty of the collector of taxes, or other officer entitled by law to receive taxes, to whom a personal tax or tax on personal property is paid, which would entitle the person paying the same to vote at any election in this Commonwealth, to express on the face of his receipt for the same, when such tax is paid, within twenty days of the time of such election, the place of residence of the person so paying such tax; and if in a city, the name of the street or alley, and the number of the house; and if the house is not numbered, the name of the cross street nearest thereto, with the name of the township, ward, precinct or district in which he is entitled to vote; and it shall be the duty of such tax collector or officer, to keep a book or register, in which he shall enter such taxes so paid, the name of the person paying, and the district in which he is entitled to vote, with the name and number of his house, if he resides in a city; and he shall, on demand of any citizen, furnish a copy of any entry therein, on payment of the sum of one cent for every ten words therein contained; and no person who has paid such tax, being otherwise qualified, shall be entitled to vote in any other district or precinct than that so expressed in the said receipt, unless he has bona fide changed his residence to another election district or precinct, so as to have become entitled to vote therein under existing laws.

SEC. 9. That it shall be the duty of the inspectors of election in each and every ward of the city of Philadelphia, when they meet as is now provided by law, for the purpose of adding to the list of taxable inhabitants, prepared by the assessor, the names of such citizens as are constitutionally qualified to vote, carefully to inquire whether the person who asks to have his name so added to the said list, is constitutionally qualified to vote; and for that purpose they shall require the same evidence is herein required and as is required by existing laws, to prove at the general election that the person so applying is qualified to vote; and it shall furthermore be their duty when

they so add the name of a citizen, so constitutionally qualified, as aforesaid, to give him a certificate thereof, in which shall be stated the ward and precinct, the name of the street or alley, and the number of the house, if the house has such number, or in case the house has no number, the name of the nearest cross street to the house in which he resides; which certificate such citizen shall produce when he offers to vote on such extra assessment, and without which evidence his vote shall not be received at such election; and the said certificate shall, on being so produced, be retained and restored by the inspectors for the time, and in the manner as is provided for the receipt for the payment of personal tax as aforesaid.

SEC. 10. That it shall be the duty of the court of common pleas, or any judge thereof, upon the application of ten citizens, alleging, under the oath of one or more, that they are apprehensive of frauds in any election district, to select and authorize at least three persons to be present with the officers of the election, in such district, during the election, for which they shall be so selected, and at the preparation of the tally paper, and while the said officers are making out and signing the returns of such election; and the persons so selected shall keep a list of the voters voting thereat; noting thereon whether the voter was challenged or objected to or not; the reason of such challenge or objection, and the name of the witness examined; and it shall also be lawful for either of the persons selected, as any other citizen might do, to object to a person offering to vote, and to require the investigation of such objection; and the officers of such election in such election districts are required to afford to the persons so selected and authorized, every convenience and facility for the discharge of their duty; and if the said officers shall refuse to permit the persons selected and authorized as aforesaid, to be present and perform the duties aforesaid, such refusal shall be evidence of fraud in conducting said election in such district, and shall be sufficient to set aside the same; and the persons so selected shall be paid the same amount and in the same manner as is now provided for the payment of the judges and inspectors of elections.

SEC. 11. That if any officer or officers required to perform any duty or duties, by the provisions of this act, shall neglect or refuse to discharge the same, he or they so offending shall be deemed and adjudged guilty of a misdemeanor in office, and on conviction thereof, shall be fined any sum not exceeding one hundred dollars, and undergo an imprisonment in the discretion of the court, for a period of not less than thirty days, nor more than one year.

SEC. 12. That the provisions of this act shall be in addition to the existing laws for the regulation and conducting of elections, except where the same are herein altered or supplied.

#### No. 211.—FILE OF THE HOUSE.

NILL, Judiciary—Feb. 4.

AN ACT supplementary to the several acts, relative to the liens of mechanics and materialmen.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That when any master workman or contractor, shall on demand, refuse to pay any journeymen or laborer, employed in erecting or constructing, repairing or extending any building or property belonging, or adjacent thereunto, the wages due to him, it shall be the duty of such journeyman or laborer to give notice in writing to the owner or owners of such building, of such refusal, and of the amount due to him and so demanded; and the owner or owners of such build-

ing, shall thereupon be authorized to retain the amount so due, and claimed by any such journeyman or laborer out of the amount, owing by him or them to such master workman or contractor, giving him written notice of such claim and demand; and if the same be not paid or settled by said master workman or contractor, such owner or owners shall retain the amount claimed by said journeyman or laborer until a suit for the recovery of the same shall have been adjudicated by the proper authority; such journeyman or laborer for the same, judgment having first been obtained as aforesaid, shall entitle such owner or owners to any allowance thereof, in the settlement of accounts between him and such master workman or contractor, as so much paid on account: *Provided,* That the owner or owners of any building or buildings, against which such claim shall be made, shall not be required to pay the same until such journeyman or laborer shall have obtained final judgment against such contractor or contractors; and all costs shall be paid by such contractor or contractors; but if such contractor or contractors are unable to pay the costs, then and in that case, the costs to which the owner or owners may have been subjected, shall be deducted from the moneys coming to such journeyman, laborer or claimant, under the provisions of this act: *And it is further provided,* That such claimant or claimants, shall bring suit against such contractor or contractors, within one month after giving such notice; and if no suit is brought within said time, then the notice is to have no effect whatever.

#### No. 202.—FILE OF THE HOUSE.

Mr. THORN, Ways and Means—Feb. 4.

RESOLUTION relative to the payment of certain moneys into the State Treasury by the Manufacturers' and Mechanics' Bank of Philadelphia.

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That the Auditor General, in settling the per centage allowed by the act of twenty-second day of May, one thousand eight hundred and fifty-seven, on the increase of the capital of the Manufacturers' and Mechanics' Bank of the city and county of Philadelphia, he and is hereby directed to charge no per centage on the restoration of the capital of said bank, to the amount allowed by and for which it has already paid a per centage under the provisions of the act of twentieth day of May, one thousand eight hundred and thirty-six, but to charge only the per centage imposed by the act of one thousand eight hundred and fifty-seven, on such increase of capital beyond the amount allowed and already settled for under the act of one thousand eight hundred and thirty-six as may take place under the said act of one thousand eight hundred and fifty-seven.

#### No. 200.—FILE OF THE HOUSE.

SMITH, (Berks,) Ways and Means—Feb. 4.

AN ACT relative to the increase of State tax.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in any case in which the State Treasurer has failed to give the notice to the county commissioners, as required by the thirty-ninth section of the act of twenty-ninth April, one thousand eight hundred and forty-four, for the space of three months after the increase of the valuation of the assessable property of any county in this Commonwealth, any county or counties thus failed to be notified, shall be released from all liability in consequence of, or by virtue of any increase of valuation of the property thereof.



# LEGISLATIVE RECORD.

062

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 35

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## SENATE.

WEDNESDAY, Feb. 23, 1859.

The Senate met at 10 o'clock, A. M. The SPEAKER in the Chair. Prayer was offered by Rev. J. G. Martz. The Journal was read and approved.

The SPEAKER presented a communication from the State Treasurer, in reply to the resolution passed February 17th, calling upon him for information.

On motion of Mr. GREGG, the communication was ordered to be printed in the Record. It is as follows:

### TREASURY DEPARTMENT.

Harrisburg, Feb. 22, 1859.

Hon. JOHN CRESSWELL, JR.,  
Speaker of the Senate of Pennsylvania.

In obedience to the resolution of the Senate, passed on the 17th instant, and which is as follows:

"Resolved, That the State Treasurer be requested to inform the Senate whether any demand has been made by him on the Pennsylvania or any other railroad company or companies for the tonnage tax, due from said company to the Commonwealth under their charters; and if so, what amount and for what period of time; the said company or companies may be in arrears, and if they have refused to pay the same; and to communicate to the Senate all information and any correspondence which may have taken place on the subject."

I submit the following answer for the information of the Senate:

The tax on the tonnage, passing over the Pennsylvania railroad, is computed under the twenty-second section of their charter, from the 1st of December to the 20th of July, and from the 20th of July to the 1st of December, and is payable within ten days after those periods of time in each year. The amount due on the 20th of July, 1858, was paid at the proper time. The amount now due for the time intervening between that date and the 1st of December last, is the sum of \$87,375.22, the payment of which I demanded, in person, at the company's office in Philadelphia, on the 31st of January last. A

portion of this amount, to wit: the tax upon the "legal tonnage," being that portion which is carried between points on the road within the Commonwealth, the company's agents expressed a willingness and determination to pay so soon as the amount could be ascertained; the balance they refused to pay for the reasons set forth in the printed opinion of their counsel, a copy of which was handed to me, being the only paper received by me from the company on the subject, and which I herewith enclose.

It may be proper for me to add, that all the payments heretofore made by the company to me, were made under protest.

The Harrisburg, Portsmouth, Mount Joy and Lancaster railroad company owe the Commonwealth for tax upon the tonnage passing over the road from the 10th of March to the 1st of December, 1858, the sum of \$23,394.42; for which an account was settled on the 7th instant and a copy sent by mail to the office of the company in Philadelphia. I have since had a personal interview with the officers of the company, and learned from them that they intended shortly to pay the amount.

There was due by the Northern Central railroad company on the 30th of November, a balance of \$1,322.00 for taxes accruing up to that time. That balance still remains unpaid, notwithstanding an application by letter to the company has been made.

Very respectfully,

H. S. MAGRAW

State Treasurer.

### REPORTS OF COMMITTEES.

Mr. RANDALL (Finance,) reported with a negative recommendation, House bill No. 228, "An Act to regulate disbursements from the treasury of Allegheny county."

Also, (same,) as committed, House bill No. 184, "An Act to exonerate James T. Leonard, prothonotary of Clearfield county, from the payment of costs, taxes, &c., on his commission."

Mr. COFFEY, (same,) as committed, "A joint resolution relative to the pay of W. E. Frazer, late Canal Commissioner."

Also, (same,) as committed, "An Act to refund certain money to Wm. Coulter."

Mr. GREGG, (same,) as committed, House bill No. 197, "An Act relative to the assessment of damages in Thornbury township."

Mr. WELSH, (same,) with a negative recommendation, "A joint resolution relative to the purchase of P. W. Sheaffer's new map and statistics, &c."

Also, (same,) as committed, House bill No. 150, "An Act to provide for the expenses of a special election held in Luzerne county."

Also, (same,) with amendment, "An Act for the relief of Christopher Hollingsworth, a collector of militia taxes in Lancaster county."

Mr. TURNER, (same,) with amendment, "A joint resolution relative to clerk hire."

Also, (same,) with a negative recommendation, "An Act to pay the claim of Thomas Duncan, executor of Rebecca H. Duncan, deceased, and James M. Coy."

Mr. BELL, (Judiciary,) with amendment, "An Act relative to auctions in the borough of York."

Also, (same,) as committed, House bill No. 222, "An Act relating to the fees of aldermen and constables in criminal and penal cases in the city of Philadelphia, and to issuing process therein."

Also, (same,) as committed, House bill No. 227, "An Act declaring Eliza N. Kramer, an adopted daughter of Rev. James Gray of Sa-wickley."

Mr. MILLER, (same,) with a negative recommendation, House bill No. 208, "An Act authorizing the sheriff of Philadelphia to advertise sales of real estate in three daily papers."

Also, (same,) as committed, House bill No. 203, "An Act to increase the salaries of the judges of the district court and court of common pleas in Philadelphia."

Mr. BREWER, (same,) as committed, House bill, No. 224, "An Act to repeal an act regulating the manner of voting at the general election in the counties of Wayne and Schuylkill, so far as the said act relates to the county of Schuylkill."

Also, (same,) as committed, House bill, No. 298, "An Act to authorize the judges of the court of common pleas, of Beaver county, to make a tariff of costs in equity cases."

Also, (same,) with a negative recommendation, "A further supplement to an act encouraging the manufacture of iron with coke or mineral coal."

Mr. WELSH, (Estates and Escheats,) as committed, "A supplement to an act to amend certain defects of the law for the more safe and just transmission of real and personal estates."

Mr. PALMER, (same,) with a negative recommendation, "An Act authorizing the Chestnut Hill railroad company to sell certain real estate."

Mr. PENNEY, (same,) with a negative recommendation, "An Act relative to certain real estate of Christian Kneass."

Mr. CRAIG, (Railroads,) with amendment, "An Act to incorporate the Mahanoy railroad company."

Also, (same,) with amendment, "A supplement to an act incorporating the Quakake railroad company."

Mr. RANDALL, (same,) as committed, "An Act relative to passenger railway companies in Philadelphia."

Also, (same,) as committed, "An Act to incorporate the Mahanoy and Broad Mountain railroad company."

Mr. STEELE, (same,) as committed, "An Act requiring railroad companies to make uniform annual reports."

Mr. COFFEY, (same,) with amendment, "An Act to incorporate the Delaware County passenger railway company."

Mr. SCHINDEL, (Education,) as committed, "An Act to attach Blair county to the Eighth Normal District."

Mr. WELSH, (same,) with amendment, "A supplement to an act incorporating the University of Kittanning."

Mr. FETTER, (Agriculture and Domestic Manufactures,) as committed, "An Act relative to deer in Adams, Berks, Franklin and Fulton counties."

Mr. BREWER, (Militia,) as committed, "A joint resolution relative to the pension bill now before Congress."

Mr. NUNNEMACHER, (Roads and Bridges,) as committed, "An Act to appoint a road commissioner to take charge of a portion of the Warren and Brookville and of the Warren and Strattansville State roads in Forest county."

Mr. FETTER, (same,) with a negative recommendation, House bill No. 249, "An Act to repeal the act of May 16, 1857, authorizing the



location of a State road through parts of Washington and Greene counties."

Mr. THOMPSON, (same,) as committed, "An Act to repeal a part of the fourth section of an act to appoint road commissioners to take charge of a portion of the Warren and Ridgway turnpike road company, in Elk and Forest counties."

Mr. WRIGHT called for the reading of an extract from the Journal of the House.

The extract is as follows:

*Resolved*, That if the Senate concur, the Governor be requested to return House bill No. 126, "An Act to incorporate the Franklin market company."

On motion, the resolution was considered and concurred in.

#### BILLS IN PLACE.

Mr. WELSH read in his place and presented to the Chair, a bill, entitled "An Act for the relief of the heirs of James Rankin, deceased."

Mr. GREGG, "An Act relative to the borough elections of Jersey Shore, Lyeomg county."

Also, "A supplement to an act relative to the charter of the Lewisburg building association."

Mr. MYER, on leave given, presented the petition of citizens of Burlington borough, Bradford county, praying for the passage of a law regulating elections in said borough.

Also, "An Act regulating the time of opening and closing elections in said borough."

Also, "An Act relative to jurisdiction of courts."

Mr. BALDWIN, "An Act to annex parts of the land of Eli Lichtenberger, in Elizabeth township, to Penn township, Lancaster county."

Mr. PALMER, "An Act authorizing the erection of a lock-up house in Orwigsburg, Schuylkill county."

Also, "An Act to incorporate the borough of Middleport, Schuylkill county."

Mr. MILLER, "A supplement to an act regulating banks, approved April 16, 1850."

#### ORIGINAL RESOLUTIONS.

Mr. PALMER moved that the joint resolution relative to an appropriation to the Mount Vernon Fund Association, presented by Mr. MILLER, yesterday, be printed in the *Record*, which was agreed to.

It is as follows:

RESOLUTION relative to the Mount Vernon fund association.

WHEREAS, A number of our citizens, under the name of the "Mount Vernon fund association," are engaged in the patriotic and noble work of raising funds for the purpose of securing the possession of the "home and tomb of Washington," and of making them, like his fame and deeds, the common property of the whole country:

And whereas, A profound sense of gratitude for the inestimable principles of civil and religious freedom, secured to us and our posterity in the Federal Constitution, and achieved for us by the wisdom, virtue and patriotism of "Washington," has at all times, in the most solemn manner, been recognized by the citizens of this entire Commonwealth, and therefore impels us, as their representatives, to re-express their sentiment, and for them and in their behalf, at this time, to pay a becoming and substantial tribute to the memory of him with whose name is blended whatever belongs to the present, the liberty, the free institutions and the renown of our country; therefore

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the sum of two thousand dollars be and is hereby appropriated to "the Mount Vernon fund association," to be applied to the purpose for which that association was organized, and the State Treasurer be authorized to pay the same to the proper of-

ficers of the said association out of any moneys not otherwise appropriated.

Mr. RUTHERFORD, moved that the House of Representatives be requested by the Senate, to return House bill, No. 167, "An Act to amend the charter of the borough of North Lebanon, in Lebanon county;" which was twice read, considered and adopted.

#### ORDERS OF THE DAY.

The Senate resumed the consideration of the bill relating to evidence; the question being upon the amendment offered by Mr. PALMER, to the eighth line of the fourth section of Senate bill, No. 114, (offered as a substitute by Mr. BELL).

The amendment is to insert the words, "his own or," before the word "counter," in the place above designated.

Mr. BELL said, in substance, he regretted being again compelled to obtrude himself on the attention of the Senate. He trusted his apology would be found in the profoundly important character of the bills under consideration, and the nature of the amendment proposed by the learned Senator from Schuylkill, to the measure propounded by himself, as a substitute to the original bill, introduced by the Senator from Indiana. As the amendment of the former gentleman is of a character to destroy the principle on which the substitute is based, as distinguished from the bill originally introduced by him, in effect assimilating it to the latter measure, the whole subject seems to be re-opened, and calls for the renewed attention of the Senate. He regretted the result, the more particularly as his friend from Schuylkill had emphatically professed himself as the friend of the feature which distinguished his (the speaker's,) measure from that which proposed to admit, without restriction, parties to the record, and those for whose immediate benefit a legal proceeding was instituted, to testify in their own behalf. He felt almost certain his learned friend could not have regarded his amendment as producing this result, and consequently irreconcilable with the sentiments expressed by him during the debate of yesterday. He yet entertained the hope that on again examining it with his usual acumen, he would recognize the propriety of withdrawing it.

He need not reiterate to the Senate the importance of the distinction between the two bills now before it. Each proposed great changes in the law of evidence, in some of its most important features; but the proposition of the Senator from Indiana, in the particular in which it differed from his own, was so radical in its character, that it may be said to suggest to us an entire revolution in this branch of our judicial system. Properly to estimate its character and anticipate its probable effects, in practice, requires all the learning of which we may be possessed, and the utmost limit of observation which the largest experience can confer. We should bring to this subject deliberation without prejudice, inquiry without passion, and if possible secure a conclusion free of the disturbing influences flowing from the pride of preconceived opinions, and irrespective of the heat of debate.

He had, heretofore, taken occasion to advert to the distinguishing feature of the two bills. The subject has engaged judicial and professional attention in England and some of our sister States, and, to some extent, has been the subject of experiment. But the radical change contemplated by the original bill has not been tested, either in England or this country, sufficiently to afford reliable ground of action. In the country which enjoys the boast of being the mother of the common law, it is said the new system, as proposed by the Senator from Indiana, has been successfully tested for a few years. But of this we know nothing satisfactorily. We have no such evidence of this asser-

tion as would warrant us in adopting it as undeniable truth. In this country it is known the professional mind is much divided. In the great State of New York, it has been in operation for little more than a year, and yet, already there a formidable movement has been inaugurated for its repeal. Trial and experience can, therefore, afford us no reliable lights. We are necessarily compelled to examine the two projects submitted upon their abstract merits, and compelled to decide for ourselves whether the law of evidence calls for reformation in Pennsylvania; and, if so, to what extent?

The bill which he had the honor to submit to the Senate, had for its principal object to obliterate from our code of evidence every objection to ordinary witnesses, on the score of interest in the event of the action. That portion of it which relates to parties to the record, and those for whose immediate use the suit is instituted, is incidental and collateral. It may be omitted without interfering with the principal design. Of the propriety of that design, we seem to be agreed, at least so far as any open expression of sentiment has yet been made.—Among the profession of the law, and in the community at large, it cannot be denied there exists differences of opinion, as there will always be in respect to innovations, however apparently reasonable and acceptable. But for his communications, oral and by correspondence, he was strongly inclined to the belief that the time has arrived when the people of Pennsylvania are disposed to accept that modification of the law of evidence he had suggested, not as of his own invention, but as derived from the modified systems of other communities. He would not repeat the argument on this point. It had been lucidly laid before the Senate by those Senators who had addressed themselves to this point, and by none more clearly than the Senator from Indiana. For himself, he had been long satisfied that the rule of exclusion, applied to third parties, was more effective for mischief than for good. It proposed and operated to shut out from the jury box information from the most slightly suspicious source—every ray of light in the slightest degree discolored, lest it might, by possibility, mislead, instead of referring to the intelligence of the jury to distinguish between what was to be trusted and accepted, and what was unworthy and to be rejected.—But he had considered this point somewhat at length on a former occasion, and would not consume the time of the Senate by repetition. The question now is, whether we—whether the legal profession—whether the community at large, are ready to go yet further in the work of alteration—he would not denominate it a reform—and by an upheaving from the bottom of long settled and cherished opinions and practice, decree that hereafter the very actors upon the legal stage, the parties to the action itself, should be heard in their own behalf.

A day or two since, in the course of the debate, he was told by the Senators from Indiana and Crawford, that having conceded the unreasonableness of the rule of exclusion as applied to ordinary witnesses, it is illogical and unphilosophical to constitute an exception in the proposed reform against the parties to the record. That the principle of general admission to testify was of general application; it must be wholly right or wholly wrong; and, if right, no good reason could be given why it should not embrace parties to the action.

Sir, said Mr. BELL, let us not be misled by mere words. They are, it is true, things, when fitly applied, or addressed to the popular heart. The shout of "*Liberte, Egalite et Fraternite*," toppled down a mighty empire, and bathed a nation in its own blood. The rallying cry of, "God is God, and Mahomet is His Prophet," overturned prior governments and religions,



with Christianity itself, and established Mahomedanism as the government and faith of nearly half the world. But when misapplied or irresponsible to the pulsations of the public heart, mere words are worthless. With the utmost courtesy of intention he begged to say that the charge that the distinction presented by him between third interested persons and parties to the record, was "illogical and unphilosophical," must be ranked in the latter category, because of the error of their application. It is sought to give them application to the proposed substitute, because it is avowed there is no difference between the actual suitor, as a witness on the stand, and a third party, though interested. Is there not, asked Mr. B., a difference, and a very wide one too? Does not every Senator recognize the difference, broad and deep? The interested man outside the record may have his prejudices to sway him, but the litigant himself is under the dominion of a mightier power, his passions roused into action not only by the hope of pecuniary gain, but by the fierce and absorbing contest for victory. His personal pride is enlisted; hate of his adversary excited; his reputation, it may be, at stake; and above and beyond all, his mental vision distorted and misdirected by the heat of the contest. He sees through a peculiar medium, warped and discolored by the workings of his own passions. He may not desire to misstate or misrepresent while occupying the witness stand; but alas! such is the frailty of poor humanity, but too many men so situated are almost sure to deceive themselves and so deceive others. Will any professional Senator say this picture is too highly colored? Will not his professional experience teach him that even in the privacy of the professional sanctum, and even under the confidence of confidential communication, men are led to misstate their case, through the promptings of an overweening anxiety for success?

But, said Mr. B., there is another ground of objection to the voluntary introduction of a party as a witness. Men are differently constituted, mentally and physically. Some, quick of perception, ready of speech, adroit in the statement of a case, and skilful in making "the worst appear the better side." What chance would a slow intellect and a bungling speech have in a face-to-face contest with such odds against him? But he had before spoken to this point, and would not again elaborate. The vice of the proposed amendment of the Senator from Schuylkill is that it offers to do that indirectly which the Senator from Indiana, and those who support his scheme of evidence, proposes to effect openly and directly.

But there is yet another and, if possible, a still more decisive objection to the radical change suggested. The public mind is not yet ripe for it. Sir, said Mr. B., public opinion is everywhere, where it has free course, of commanding influence. In this country of republics, where the sovereignty resides in the masses, it is irresistible. The man who attempts to set himself in opposition to it, and any reform in religion, morals, politics or law that would outrun it, is sure to be repudiated and overwhelmed. He had said, he believed the people of the Commonwealth were ready to accept the restricted modification of our system of evidence proposed by his bill. He did not believe this could be said of the extreme measure which forms the distinctive feature of the original proposition. He felt assured of this, and if that proposition be adopted by this Legislature, the consequences of a premature movement will be inevitable. Besides, there is no present necessity for it. Let us try what has been denominated as "the half way measure" first. If this works well in practice—if the community, and especially, the legal profession, are satisfied with its prac-

tical operation, the other half step may be taken. There is no necessity for hurry.—In changing an existing system of law, in any of its branches, and more particularly when that system has furnished the men of action for ages, a jealous caution—a suspicious distrust, must always operate with wholesome effect. Let us act under this conservative influence now. Make the changes that apparently recommend themselves as safe, and leave further progress for the improved experience of future years. From this course, no immediate harm can ensue. From an opposite, much evil may result.

In conclusion, Mr. B. begged the Senate not to forget the magnitude of the subject, or the results which might flow from their conclusions. Satisfied that every member was so impressed, he was satisfied they would listen but to the suggestions of enlightened reason, and act solely in reference to the public good.

Mr. PALMER said he would not make what must be an unsuccessful attempt, if he were to undertake it, at an elucidation of the subject, such as had been given to the Senate by the learned and eloquent gentleman from Chester. He was as fully impressed, as the Senator himself, with the importance of the matter under consideration, but he had neither the time or ability to give to it that attention which had been bestowed upon it by the Senator who had just spoken. He should, however, briefly advert to the leading features of the bills under consideration, and the amendments proposed.

The first proposition submitted by both bills, is that the disqualification which has heretofore rested upon a witness, by reason of his conviction of a felony, is unjust, and ought to be removed. There was no difference between them on that point. All were agreed that that disqualification should be removed, and that the evidence should be submitted to the jury, and its credibility determined by them.

The next question is as to how far the disqualification of a witness, on the ground of interest, shall be removed. There is no difference between the Senator from Indiana and the Senator from Chester, except as to parties to the record. He then entered into an examination of the features of the two bills, after which he alluded to the effect of his own amendment. The proposition of the substitute of the Senator from Chester is, that a party to the record may be compelled, in the same manner, and subject to the same rules of examination as any other witness, to testify; but the party calling for such examination, shall not be concluded thereby, but may rebut it by counter testimony. The amendment only goes one step further, and allows the party calling the witness, to take the stand himself, for the purpose of rebutting the declarations of his antagonist, when it cannot be done by other counter testimony.

Mr. PALMER continued, somewhat further, to discuss the relative merits of the two bills, and in advocacy of his amendment.

Mr. BELL rose in explanation of the amendment, and its effects; and cited legal instances in illustration of its injurious operations.

Mr. BREWER said, this is a question of vast importance to the people of Pennsylvania. It is an important question, because it affects the administration of justice, the foundation upon which our whole system of society and government rests. It is an important question, because it involves the interests, the rights, the fortunes, and the reputation of our whole population. I desire to say a few words upon this question, in which I shall give the reasons that shall control my vote.

We have been told, sir, that this reform is necessary. I have long ceased to regard every innovation upon our law, and every change in our form of government, as either a reform in the one case, or an improvement in the other.

Progress, to be salutary, must move with slow and steady steps.

The gentlemen, who have advocated this bill with so much eloquence and power, have appealed to history for a vindication of their opinions. Sir, if experience is the lamp by which our feet are to be guided, in the solution of this question, its calm and steady light does not lead us to the conclusions at which they seem to have arrived. But a few years ago the people of Pennsylvania inaugurated a new and novel feature in the appointment of their judiciary. I allude to the election of the judges of our courts by a vote of the people—the source of all power in our republican form of government. That was then claimed as a most important reform, expressed the popular will, and was sustained by the popular heart. I shall not, now, enter upon a discussion of that change in our system. It is not involved in the question before the Senate. But I think it should be an argument—powerful and conclusive—to the Senator from Chester, who but a few days ago, said, in his place in this body, that that change was unwise, and that we must retrace our steps, and go back to the system which gave to the Executive the appointment of the judges of the courts of this Commonwealth. Had we not then better pause—pause long—before we pass this bill, making a change still more radical than the one alluded to, and which the experience of a few years, as in the case of the judiciary, if the opinion of that Senator is well founded, may prove to be unwise, unnecessary, and dangerous.

But is this change demanded? The profession, in our State, has not asked for this revolution in our time-honored system of jurisprudence. The people of Pennsylvania, as intelligent, as industrious, as honest, and as conservative a population as dwell in peace, contentment and prosperity, upon the broad bosom of the earth, so far from coming here to ask this change—this dangerous change—in our code of administrative justice, are opposed to the provisions of this bill, and believe its operations would bring with it a train of the most stupendous evils and unhappy consequences.

It has been alleged, by the able Senator from Indiana, that injustice is frequently done, and causes determined contrary to their merits, because parties to the record are excluded from the witness stand. Well, if this be so, will not a greater wrong be done by their admission? For who will believe that the man who makes an unjust claim, or defends against a righteous cause, will not, even under the solemnities of an oath, justify the one and vindicate the other? No system can be perfect. The imperfections of our present system are incidents common to all human law, and to all human institutions; and I would say, in the language of that great master of the human heart, quoted by the Senator from Chester, to-day:

"It is better to bear the ills we have  
Than to rush into those we know not of."

Mr. Speaker, we should hesitate long before we endorse the propositions of the present bill. Under our present system, which is vindicated by the wisdom of the past, and the lessons of experience, we have lived in happiness, and grown to greatness. Justice has been meted out with an equal and impartial hand, as the dews of heaven, to the rich and the poor, to the high and the low. Our courts have been open to every suitor; no matter what position birth may have assigned him, or station conferred upon him; and they have been open to protect the innocent; to guard the heritage of virtue; to shield the friendless, and to defend the little patrimony of orphanage.

What more can the patriot or citizen ask, than such an administration of justice? A people should be happy and contented, where



rights are protected and wrongs have their redress.

The gentlemen say, that this supposed reform is only a question of time—that it must come sooner or later. I am in favor of the later period, if it does come. I am in favor of delay upon this question. I am in favor of the maturest consideration. Delays are not always dangerous. The surest and the safest progress is often the most slow and the most cautious. Our own illustrious Washington, whose words of counsel and of affection, well listened to, yesterday, coming, as it were, from his venerated grave; he, who led our armies to victory and guided the councils of the nation to wisdom, was called the Fabius of America, because his great career was marked by the prudence, the caution and the delay, which made the noble Roman the most renowned and successful warrior of his age.

Would it not be the part of wisdom, as well as of patriotism, to imitate now the virtuous example of that great and good man? What reasons have been adduced in favor of the admissibility of parties to the record as witnesses? It has been alleged that the operation of the present rule excludes a man of respectability, and of information upon the subject, because he may be interested to the amount of six cents. But this is no argument against the rule. If an exclusive rule is necessary, upon the ground of interest, the rule must be general in its application. For it is impossible to define what extent or degree of interest shall incapacitate a witness; and as a necessary consequence of the principle, all must be excluded who are interested to any extent, whether that extent be great or small.

It is urged, again, that passion, pride or affection might bias the testimony of a witness, no less than interest. But this is no argument in favor of the exclusion of relations and friends. Where would you draw the line? If you would exclude a father or a son, you must exclude a sister or a brother; why not exclude one associated in life, or bound by the tender cords of friendship? Would it, then, be possible to define the degree of bias or influence which would render the witness incompetent? If not, then it would be unreasonable, as well as illogical, to assign an arbitrary limit not co-extensive with the principle itself.

As I asked before, what arguments substantiated by reason, and vindicated by experience, have been offered in favor of the passage of this bill? We have been pointed to England, and yet, the gentlemen propose to travel much faster than even England went in the direction of this reform. The propositions advocated by the able Senator from Chester, who so long, ornamented, by his vast learning, the Bench, were adopted in England long before the passage of Lord Campbell's bill, which goes the extent of the bill introduced by the Senator from Indiana. If we are to follow her example in anything, let us follow it in that of caution, of prudence, and of delay. Again, we are pointed to the Empire State of New York, where the bill, to which this amendment is offered, has only been in operation for twenty months. How stands the record there? The legislature of that great State, representing the profession all over its borders, and the vast population which have made it great and prosperous, reported, by their Committee on the Judiciary, a bill for the repeal of the law which permits parties to a suit to testify in their own behalf. But it is said that a portion of the Bar have remonstrated against the repeal of that statute. It is true they have. But on what grounds do they resist this repeal? It seems, mainly, because they desire farther time to test the operations of the law. It is said that a portion of the judges of that State have also remonstrated against the repeal. Well, upon

what ground do they place their opposition to the repeal of that law? That it "would be inexpedient, until a longer trial of it shall demonstrate that its evils exceed its benefits."

The able and learned Senator from Indiana, admits that the true question is, are the advantages resulting from the admission of all testimony, greater than the evils which follow the exclusion of that kind which is called interested? He argues that they are.

First, because the examination of parties will diminish the number of witnesses to be examined, and the fewer witnesses you have, the less chance there will be for perjury.

This, to my mind, is not correct in fact. Surely, no party to a suit, under the bill proposed by the Senator, would refuse to call any witness, who was important, and could testify to any fact material to the issue, because he, the party, could be a witness for himself. Then, as a necessary consequence, you would have at least two more witnesses in any cause tried under the provisions of this bill. Again, it is alleged, in the same point, that perjury is not confined to persons interested in the controversy. If, then, persons having no interest in the result of the trial, would consent to lay perjury on their souls, where would you find him whose whole estate, whose honor, whose standing in society, and whose reputation, were all dependent upon the issue? It is further said that men, who would carry a cause by foul means, would rather hire others to swear falsely, than to do so themselves. This, in many cases, may be true. But I would ask the Senator, whether those persons who could be purchased, by a pitance, to swear falsely for a stranger, would hesitate to swear, with triumphant infamy, to their own advantage, in cases where they had made themselves the party to the suit?

Second, it is argued that parties and interested witnesses know the facts better than others, for they have more reason to remember them than indifferent persons.

Does this prove the Senator's bill to be right? Does this establish the proposition that they should be admitted to testify in their own case? Why, surely, because a party may know the facts involved in a controversy with another, is no reason why he should be permitted, from his own mouth, to establish those facts; and it is no argument against the temptation that he would have to strengthen every point that bore in his favor, and weaken every circumstance that made in favor of his adversary. Parties never will remember the facts and circumstances, which are unfavorable to their own interests, as well as they remember those which make for them. It is not human nature; it is not the experience of courts.

Third, it is argued that interested witnesses, whether parties or not, will testify under the suspicion excited by their position, and that every one will receive their evidence with instinctive prejudice.

Now, I would ask whether such witnesses should be brought into a court of justice? Should cases, involving the dearest rights of man, and the best interests of society, be determined by suspicious testimony? Should a jury who, this point admits, will listen to this interested, evidenced with prejudice; be asked to render a verdict in accordance with that testimony? When verdicts, which, by their operation, shall sweep away a hard-earned fortune, blast the reputation of an honest citizen, desolate the home of virtue and of love; rob the orphan of his inheritance, are to be rendered upon suspicious testimony, and parried by the perilous oaths of dishonest men, there will be no security for anything that one holds nearest to his heart; there will be no shield left to guard innocence; there will be no power left to vindicate human right or human justice.

Then I think that this change does not contain the elements of progressive civilization—would not be followed with blessings to the people. I am in favor of anything, that would make my native State more happy and prosperous. I am in favor of progress; I am in favor of reform. No hand would be more ready, or more willing than mine, to push on the chariot-wheels of advancing civilization and progressive Republicanism. I would make the broad fields of Pennsylvania more fertile and fruitful; I would multiply the priceless treasures that slumber in the bowels of her majestic mountains; I would swell the hum of well rewarded toil; I would make the whole land vocal with the music of the reaper's song; I would make her broad plains and her fair landscapes one scene of beauty, of peace, of joy and of loveliness. I am in favor of progress, but it is that progress, alone, which springs from the bosom of eternal truth; which is cheered, in its onward march, by the voice of wisdom, and is guided, in its high mission, by the lamp of experience. I am in favor of reform, but it is that reform, alone, which will strengthen the bonds of society, ensure the contentment and swell the prosperity of the people; which will alleviate the sufferings and sorrows, and multiply the joys and the blessings of the human race.

The Secretary of the Commonwealth, being introduced, presented a message from the Governor, which was read, and is as follows:

EXECUTIVE CHAMBER,  
Harrisburg, Feb. 23, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following Acts of the General Assembly, viz:

"A supplement to an act, approved April 3, 1851, entitled 'An Act relating to boroughs,' so far as the same relates to Phoenixville."

"An Act to secure a stricter accountability of certain public officers in Schuylkill county."

"An Act relating to sheriffs' and prothonotaries' costs in Luzerne county."

"An Act to authorize the trustees of the Associate Reformed, now the United Presbyterian congregation in the city of Erie, to sell certain property, and to remove the bodies of persons interred therein."

"An Act for the relief of certain collectors of taxes, in Washington county."

"A supplement to an act incorporating the Railroad car spring company."

"An Act relative to distribution of the Geological Survey of the State."

"An Act to provide for the erection of a house, for the employment and support of the poor of the county of Susquehanna."

"An Act to change the name of the Pittsburg life, fire and marine insurance company."

"An Act to incorporate the Eastern Market company of the city of Philadelphia."

"An Act authorizing and requiring the commissioners of Union county to deliver to the commissioners of Snyder county, certain assessment books belonging to Snyder county."

"An Act relative to the Tipton township election district, in the county of Perry."

"An Act to incorporate the Fairview cemetery association, in Berks county."

"An Act to incorporate the Union mutual insurance company of Montgomery county."

"A supplement to an act to provide for the erection of a house for the employment and support of the poor, in Schuylkill county."

Joint resolution of thanks to Mr. L. H. Hackett.

Joint resolution relative to the pay of Theopiles Snyder, Sergeant-At-Arms of the Senate, for serving writs of election in the Thirteenth Senatorial district.

WM. F. PACKER.  
Mr. BALDWIN moved that the further consideration of the bill now before the Senate, be



postponed for the present; which was agreed to. Whereupon the same Senator moved to reconsider the vote on the final passage of House bill No. 167, "An Act to amend the charter of the borough of North Lebanon, in Lebanon county," which, in compliance with the request of the Senate, the House of Representatives had returned. The motion was agreed to, and the bill postponed for the present.

On motion of Mr. WRIGHT, the House amendment to "An Act to incorporate the Franklin market company," was concurred in. Mr. FRANCIS, from the Committee on Comparative Bills, made a report.

Mr. SCOFIELD moved that the Committee on Finance be discharged from the consideration of a joint resolution relative to the pay of Mr. L. Rogers, clerk to the committee on the contested election case of Matthews vs. McClain, and that the Senate proceed to consider the same, and agreed to.

The resolution being before the Senate, Mr. WRIGHT opposed, briefly, the allowance of mileage. By this resolution, Mr. Rogers receives twice as much mileage as he and other Senators from Philadelphia received. He was willing to allow him mileage to and from Philadelphia, and the regular per diem, but he was not willing to allow him mileage from McKean county. He requested that the subject might lie over, to give Senators an opportunity of investigating the matter.

Mr. SCOFIELD was willing that the matter should lie over until to-morrow; but he said the Senator from Philadelphia was mistaken as to the allowance of mileage to and from Philadelphia. The Senate had passed two bills this winter of the same import as this. He would vote against the allowance of mileage at all, unless a precedent had been established in those cases. He was desirous of putting Mr. Rogers upon the same footing as others.

Mr. SHAEFFER was glad to hear the explanation made by the Senator from Warren. He thought he could not have misapprehended the position taken by him in a similar case—that of the allowance to A. L. Linton. If the principle, however, was wrong, he should oppose it, no matter what was the precedent. The proposition is to give to Mr. Rogers mileage for some one hundred and fifty or two hundred miles, when, in reality, he had not been sent for, but had come here on business of his own. He was opposed to voting that amount of the people's money, in any case where the principle is not correct, no matter what had been the precedent established by the Legislature.

Mr. TURNEY remarked that in both the cases referred to by the Senator from Warren, the resolutions had been negatived by the Committee on Finance, so far as the item of mileage was concerned. But this bill proposes to go further than either of those. He had voted against them, and he should vote against this, because it allowed, in addition to the per diem and mileage, his expenses incurred whilst on his way to and from Philadelphia, and whilst in the city. He is not satisfied with what others receive, but his maw is so capacious, that he requires, in addition to what was allowed to the others, his expenses, about which we know nothing, and which may far exceed all our ideas of economy. He hoped the resolution would not pass, but that the Senate would do itself the justice to vote it down.

Mr. RANDALL suggested that the resolution should be allowed to go to the Committee on Finance. In his own position, as a member of that committee, was this. He had voted against the allowance of mileage in every case, but was willing to vote for a liberal compensation for services rendered. The only place where the claimant can be heard, is before the committee,

and he thought an opportunity should be afforded him.

Mr. WELSH hoped the matter would not be referred to the Committee on Finance. He was also a member of that committee, and when this matter was before it, this item of mileage was stricken out. He submitted an amendment that all after the word mileage be stricken out, as follows: "together with actual expenses while in Philadelphia."

Mr. FRANCIS did not know that he was in favor of that. He should vote for the bill in its present shape, for the reason that a precedent had been established in previous cases. The same rule should apply to all cases. It had been the uniform practice to pay mileage, and he cited a contested election case from Philadelphia, in 1837, the facts of which he had gleaned from the Auditor General's Report, in which the allowance of mileage had been made. He was opposed to selecting Mr. Rogers, or any one else, as a starting point now. If, hereafter, the Senate desires to establish a principle that they will refuse this grant of mileage, it would be well enough, and he should vote in favor of it.

The subject was further very briefly discussed by Messrs. RANDALL, SCOFIELD and TURNEY, after which Mr. RANDALL moved that resolution be referred to the Committee on Finance.

On which motion, The yeas and nays were required by Mr. WELSH and Mr. RANDALL, and were as follows, viz:

YEAS—Messrs. Baldwin, Bell, Blood, Coffey, Craig, Fetter, Francis, Miller, Nunnemacher, Palmer, Parker, Randall, Rutherford, Shaeffer, Steele, Thompson, Wright, Yardley and Cresswell, *Speaker*—19.

NAYS—Messrs. Brewer, Gregg, Harris, Marselis, Myer, Penney, Scofield, Schindel, Turney and Welsh—10.

So the question was determined in the affirmative.

Mr. MILLER moved that the Senate insist upon its amendments to "a joint resolution relative to the pay of Thomas H. Porter and J. H. Wells," and that the SPEAKER appoint a committee of conference; which was agreed to.

On motion, the Senate adjourned until 3 o'clock this afternoon.

AFTERNOON SESSION.

Agreeably to order, the Senate met at 3 o'clock.

BILLS CONSIDERED AND PASSED.

On motion of Mr. BALDWIN, "An Act for the relief of Christopher Hollingsworth, collector of military taxes for Lancaster county." On this bill,

The yeas and nays were required by Mr. TURNEY and Mr. BALDWIN, and were as follows, viz:

YEAS—Messrs. Baldwin, Bell, Coffey, Francis, Gregg, Harris, Miller, Myer, Palmer, Parker, Penney, Rutherford, Scofield, Schindel, Steele, Thompson and Yardley—17.

NAYS—Messrs. Brewer, Marselis, Nunnemacher, Randall, Turney, Welsh, Wright and Cresswell, *Speaker*—8.

So the question was determined in the affirmative.

On motion of Mr. BELL, House bill No. 112, "An Act relating to the opening and grading of new roads in Thornbury township, Delaware county."

On motion of Mr. BREWER, House bill No. 253, "An Act to incorporate the Greencastle and Middleburg turnpike road company."

On motion of Mr. RANDALL, House bill No. 222, "An Act relative to the fees of aldermen and constables in criminal and penal cases, in the city of Philadelphia, and to the issuing process therein."

On motion of Mr. FETTER, Senate bill No.

323, "An Act to incorporate the Juniata and Northumberland railroad company."

This bill lies over on second reading.

On motion of Mr. GREGG, "An Act relating to road and bridge viewers in Centre county."

On motion of Mr. RANDALL, Senate bill, No. 131, "An Act to incorporate the Union railroad company."

This bill having passed committee of the whole, Mr. MILLER moved to strike out the fifth section.

Mr. MARSELIS hoped the section would be retained. And even with the section, he could not vote for the bill. He considered it a very obnoxious thing.

Mr. RANDALL was willing, if the Senator did not understand it, to allow him any time he would require to examine it.

Mr. MARSELIS continued. He understood enough of it to know that it proposed a collection of all the railroads in the city. He had no desire, at present, to discuss the bill, but he had strong objections to it, and he hoped it would lie over.

The bill, by request, lies over.

On motion of Mr. COFFEY, (the Judiciary Committee having been discharged from its consideration,) House bill, No. 336, "An Act providing for the election of an additional constable in Brady's Bend, Armstrong county."

On motion of Mr. MYER, (the Committee on Election Districts having been discharged from its consideration,) "An Act regulating the election of borough officers in Burlington, Bradford county."

On motion of Mr. PALMER, House bill, No. 281, "An Act to repeal former acts relative to the borough of Schuylkill Haven, in Schuylkill county, and to apply the general provisions of an act relating to boroughs, passed April 24, 1851, to said borough."

Mr. PALMER proposed a new bill as a substitute for the above, which passed committee of the whole and second reading, when it was allowed to lie over.

On motion of Mr. WELSH, Senate bill No. 382, "An Act relating to auctions in the borough of York."

Mr. WELSH moved to re-insert the second section of this bill, which had been stricken out by the committee.

Mr. BELL, as chairman of the Judiciary Committee, said that when the bill was before it, the second section was stricken out, for reasons which were deemed sufficient by the committee. The Senator now proposes to restore that section, thus overriding the action of the committee. He hoped the bill would be allowed to lie over, as it was an important bill, so that there may be an opportunity afforded of examining it.

Mr. WELSH briefly advocated the propriety of restoring the section stricken out of the bill, and explained its object. It was intended to apply, simply, to the borough of York, and its object was to prevent the itinerant auctioneers of trashy books, who settle down in the borough for a few days, from flooding it with their publications. He hoped it would be disposed of to-day, one way or other.

Mr. BELL rejoined, that a proper respect to the Judiciary Committee would suggest that no such hurried legislation should be had as that desired by the Senator from York.

Mr. MILLER remarked, with reference to the section, that in committee it was considered very objectionable. He was opposed to the section, and hoped the Senate would vote it down. He was in favor of free trade in literature, and did not think the restrictions imposed by the section just and proper.

Mr. SCOFIELD hoped the Senator from Chester would withdraw his motion to postpone. The Senator from York had presented his amend-



mont, and he thought they understood it well enough to vote upon it to-day. He knew something of the feeling of the people of York, by that of other places, among jewellers, booksellers, &c., against persons coming from abroad, with worthless articles, and defrauding the people. But he should vote against the section, because, while he agreed as to its beneficial effects, he thought the passage of the bill, as amended, would be throwing around the borough of York a protection not extended to other places. He preferred, when the subject was under legislative consideration, that an act might be passed applying to all the counties of the State.

Mr. BELL withdrew his motion to postpone. On the question.

Will the Senate agree to the amendment proposed by Mr. WELSH?

The yeas and nays were required by Mr. BELL and Mr. WELSH, and were as follow, viz:

YEAS—Messrs. Blood, Craig, Fetter, Francis, Gregg, Harris, Marselis, Nunemacher, Palmer, Parker, Raudall, Rutherford, Schindel, Steele, Turacy, Welsh and Wright—17.

NAYS—Messrs. Bell, Miller, Myer, Penney, Scofield and Cresswell, *Speaker*—6.

So the question was determined in the affirmative.

And the bill passed as amended.

On motion of Mr. MILLER, (the Committee on Roads and Bridges having been discharged from its consideration,) "An Act to incorporate the Waynesburg turnpike road company."

On motion of Mr. FRANCIS, Senate bill No. 223, "An Act relative to auctions and auctioneers in Lawrence county."

On leave given, Mr. HARRIS read in his place and presented to the Chair, a bill, entitled "A supplement to an act to establish a land office, passed May 9, 1781."

On motion of Mr. PENNEY, House bill No. 227, "An Act declaring Eliza N. Kramer an adopted child of Rev. James Gray, of Sewickly."

On motion of Mr. TURNEY, Senate bill No. 335, "An Act authorizing Robert Given, of Westmoreland county, to build a dam across the Conemaugh river."

On motion of Mr. RUTHERFORD, the Senate resumed the consideration of House bill No. 167, "An Act to amend the charter of North Lebanon, in Lebanon county;" and, on his motion, the proviso to the last section (inserted by the Senate committee) was stricken out. The bill passed as amended.

On motion of Mr. SCOFIELD, "An Act declaring Knapp's creek, in M'Kean county, a public highway."

On motion of Mr. RUTHERFORD, House bill No. 143, "An Act relating to the borough of Lebanon."

The hour of five having arrived, the Senate adjourned until 10 o'clock to-morrow morning.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, Feb. 23, 1859.

The House was called to order at 10 o'clock, by Mr. S. B. CHASE, *Speaker pro tem*.

Prayer was offered by the Rev. C. A. Hay, of the English Lutheran church, Harrisburg, Pa.

The Clerk read the Journal of last evening.

Mr. M'CLURE rose to a question of privilege. He moved that the vote by which the resolution relative to the pay of Lucien Rogers, was passed, a few days since, be re-considered; which was agreed to.

And the question recurring, Shall the resolution pass?

Mr. M'CLURE moved to amend the same, by allowing the said Rogers three dollars per day for thirty-eight days, together with the usual mileage and his actual expenses while attending on the committee; which was adopted.

On motion of Mr. M'CLURE, the bill relative to the penalty of marrying minors was re-com-

mitted to the Committee on the Judiciary System.

#### ORIGINAL RESOLUTIONS.

Mr. NILL submitted a resolution that hereafter the House meet at nine o'clock, A. M.; which was read the second time.

Mr. HAMERSLY moved to amend the same, by making the time of meeting at nine and a-half o'clock; which was agreed to; and the resolution as amended was adopted—forty-two voting for and twenty against the same.

Mr. LAWRENCE, (Washington,) offered a resolution, that the Private Calendar be taken up as soon as the regular orders of the morning are gone through with; and that an afternoon session be held, if necessary, to complete the calendar.

Mr. FOSTER moved so to amend the resolution as to proceed to the consideration of public in lieu of private bills; which was not agreed to.

The question recurring, shall the resolution pass?

Mr. WALBORN called for a division of the same.

And on the question will the House agree to the first division—to proceed to the consideration of private bills immediately after the regular order? it was determined in the affirmative.

And on the question will the House agree to the second division—to have an afternoon session if necessary? it was also agreed to.

Mr. HARDING offered a resolution that the use of the Hall of the House be granted to Dr R. Sheltou Mackenzie, literary editor of *The Press*, for the purpose of delivering a lecture on next Thursday evening; which was adopted.

Mr. THORN offered a joint resolution requesting the Governor to return, for amendment, the act to incorporate the Franklin market company of Philadelphia; which was adopted.

Mr. WILSON offered a resolution that the report of the Canal Commissioners relative to the claim of the borough of Bridgewater and other citizens, for damages sustained by the construction of the Erie division of the Pennsylvania canal, be referred to the Committee on Claims; which was adopted.

Mr. HOTTENSTINE submitted the following joint resolution; which was read, and under the rules, laid over for one day:

*Resolved*, That the Attorney General be, and is hereby required to furnish this House with a full and complete statement, within six days hereafter, of the names, residence and amount of claims due the Commonwealth from defaulters; which were placed in his hands for collection, from January 1, 1858, to January 1, 1859. Also, a statement exhibiting the names and amount collected, and the names and amount collectable and uncollectable, of claims yet remaining in his hands.

*And further*, That the Auditor General be also required, within the above specified time, to furnish a complete and similar statement of all defaulters not yet placed in the hands of the Attorney General for collection.

Mr. WAGONSELLER asked and obtained leave to withdraw the petition and accompanying documents of Jacob Seabold, who applied at the last session of the Legislature for a divorce from his wife.

Mr. THORN asked and obtained leave of absence for James Williams, an officer of the House, for a few days from to-day.

#### REPORTS OF COMMITTEES.

Mr. KINNEY, (Education,) as committed, "An Act authorizing the school directors of Auburn, Schuylkill county, to borrow money."

Mr. KENEAGY, (Election Districts,) as committed, "A supplement to the act approved, April 20, 1854, relative to establishing and changing places of holding elections within this Commonwealth."

Mr. PRICE, (Railroads,) with a negative re-

commendation, "An Act to incorporate the Arch Street passenger railroad company."

Mr. BURLEY, (same,) with a negative recommendation, "An Act to incorporate the Citizens' passenger railway company of Pittsburg, Allegheny county."

Mr. FOSTER moved that the same be re-committed to the select committee composed of the Allegheny members.

Mr. BAYARD hoped the bill would not be re-committed.

Mr. FOSTER said that the only object contemplated by the re-committal, was a saving of time. Many amendments would no doubt be offered, and the consequent difficulties would be greatly lessened if the bills were referred to the special committee of members from Allegheny county.

Mr. IRISH did not see any object which would be attained by the re-committal, except the very one which the gentleman had deprecated, viz: a loss of time. The bill had been read in the early part of the session, and referred to an appropriate committee, by whom it had been reported. It should be allowed to come up in its due place for consideration. He hoped that the motion of the gentleman from Allegheny (Mr. FOSTER,) would not prevail.

Mr. McDOWELL opposed the motion of Mr. FOSTER.

And the question being taken, It was determined in the negative.

#### BILLS IN PLACE.

Mr. WILCOX read in his place, and presented to the Chair, "An Act relating to the collection of school taxes in McCalmont township, Jefferson county."

Mr. KINNEY, "An Act in relation to fences, in Franklin township, Bradford county."

Mr. WITHROW, one relative to the taxation of certain farms adjoining the borough of McVeytown, for school purposes.

Also, one for the relief of Theodore Franks, of Mifflin county.

Mr. HILL, "An Act to incorporate the Whitmarsh and Cheltenham turnpike road company, of Montgomery county."

Mr. GALLEY, "An Act to incorporate the Layton bridge company, in Fayette county, and to authorize the commissioners of said county to make a donation to said company;" which was taken up and passed, and sent to the Senate for concurrence.

Mr. PINKERTON, "An Act to incorporate the town of Middleport, Schuylkill county, into a borough."

Mr. BURLEY, "An Act to attach parts of Juniata township to Allegheny township, Blair county, for school purposes."

Mr. WOLF, "A supplement to an act to authorize Henry Wilton to construct a dam or breaker in the river Susquehanna," dated April 3d, 1851.

Mr. CHURCH, one to incorporate the Philadelphia and New Orleans steam navigation company.

Mr. KINNEY, "An Act repealing an act establishing a ferry over the Susquehanna river, at or near Ulster, Bradford county," approved 27th March, 1855, and the several supplements thereto.

Mr. ABBOTT, one relative to the sale and purchase of the Falls of Schuylkill bridge, Philadelphia; which was taken up and passed, and sent to Senate for concurrence.

Mr. M'CURDY, one to incorporate the Belles Lettres society of Dickinson college.

Mr. PROUDFOOT, one to incorporate the Ebensburg and Cresson railroad company.

Also, one to erect the town of Johnstown, Cambria county, into a borough.

Mr. HOTTENSTINE, a supplement to amend the fifth section of the militia law, passed 21st April, 1858.

Mr. NILL, one relating to railroads. (The



provisions of this bill compel the railroad companies of the State to keep their ticket offices open one hour previous to the departure of their passenger trains.)

Mr. FEARON, "A supplement to the act incorporating the Clinton county coal company; authorizing the bondholders to organize a company under the name, style and title of the Eagleton coal company."

Mr. WILSON, "An Act relative to the claim of the borough of Bridgewater, for damages sustained by the construction of the Erie division of the Pennsylvania canal."

Also, "An Act relative to the claim of Matilda R. Bitner, for damages sustained by the construction of the same canal."

Also, "An Act relative to the claim of Mary M. Hemphill, for damages sustained by the construction of same canal."

Also, "An Act relative to the claim of J. H. Wilson, trustee, for the use of Carolina Hemphill and children, for damages sustained by the construction of same canal."

Mr. WAGONSELLER, one relating to public roads in Snyder county.

Also, one relating to rate of interest.

Also, "An Act to incorporate the Evangelical Lutheran synod, of West Pennsylvania."

Mr. BOYER, (Schuylkill,) one to incorporate the Mohoning railroad company, and relating to the Lehigh Valley railroad company.

Mr. FOSTER, "An Act to extend the jurisdiction of district courts, in Allegheny county."

Mr. WHITMAN, one to lay out a public park in Harrisburg, to be called Harris' park.

Also, one to incorporate the Paxton railroad company.

Mr. PENNELL, one for the better protection of game and insectivorous birds.

Mr. KENEAGY, one to incorporate the Strasburg and Millport turnpike road company.

Mr. PRICE, one relative to the sale of real estate by assignees and trustees by an order of court, so that the sale so made be invested with the character of a judicial sale by divesting the liens.

Also, "Supplement to the act authorizing the Governor to appoint commissioners to investigate the Lancaster savings institution."

Mr. GRITMAN, the following; which were taken up and passed; and ordered that they be sent to the Senate for concurrence:

"An Act to establish a place for holding elections in the city of Carbondale, Luzerne county."

Also, "An Act to establish a place for holding elections in the township of Carbondale, county of Luzerne."

Mr. PUGHE, "A supplement to the act incorporating the city of Carbondale, Luzerne county, passed March 15, 1851."

Mr. WOODRING, "An Act relative to the time in which courts are required to file their charges and decide motions for new trials."

Mr. QUIGLEY, "An Act relative to Reed street, Philadelphia."

Also, one relative to the Scott Legion.

Also, "A supplement to the act for the better preservation of game."

Mr. HARDING, "An Act to incorporate the Delaware homestead and building association of Philadelphia."

Mr. ABBOTT, "A supplement to the act to incorporate the West Philadelphia mutual savings fund and trust company."

Mr. GLATZ, "An Act to incorporate the Wrightsville and Canadocholy turnpike road company."

Mr. CHURCH, on leave, from the Committee on Corporations, reported as committed, "An Act to incorporate the Philadelphia and New Orleans steam navigation company;" and on his motion, the rules being in this case dispensed with, said bill was taken up and considered.

Mr. HARDING moved that the further con-

sideration of the bill be postponed, and that the same be printed.

Mr. CHURCH opposed the motion. The object of the bill was to advance the commercial interests of Philadelphia, and he was astonished that any member of the Philadelphia delegation should oppose its immediate passage.

Mr. HARDING replied that he was unwilling to vote for a bill which he had not even seen.—It would be delayed but a few days—until it was printed—and he was of the opinion that the interests of Philadelphia would not be jeopardized in the least by the delay.

Mr. THORN spoke against the motion to postpone the bill. The object of the bill was to consolidate capital sufficient to build two steamships to ply between Philadelphia and New Orleans. Those interested were unwilling to act in the matter until an act of incorporation had first been secured.

Mr. WALBORN hoped the motion to postpone would be voted down.

Mr. PRICE did not understand the bill as read by the Clerk. He desired to have the bill printed, so that he could vote upon the bill understandingly. Other members, he apprehended, desired to have the same privilege.

Mr. NEALL could not see the propriety of postponing the further consideration of the bill at this time. It was fair and unexceptionable in its provisions, and urged its immediate passage.

Mr. CHURCH hoped the bill would not be delayed—least of all, by none representing Philadelphia. He would not press its immediate passage, if he did not think the importance of the measure demanded it. He would not ask the House to do anything which might be deemed improper. The bill was a fair one; and if the House pass the same they will promote the interests of Philadelphia.

Mr. HAMERSLY favored the immediate passage of the bill.

The question recurring,

Will the House agree to the motion to postpone?

It was determined in the negative.

Said bill was then read the second and third time, and passed; and ordered that the Clerk present the same to Senate for concurrence.

Mr. LAWRENCE, (Washington,) presented "An Act relative to the manner of payment of coupons."

Mr. PROUDFOOT, "A further supplement to the act to incorporate the Cambria iron company."

Extract from the Journal of the Senate relative to the borough of North Lebanon, was read and concurred in.

Mr. WILLISTON presented "An Act authorizing the Bostwick iron company to mine coal, &c."

Mr. HAMERSLY called up House bill No. 278, "Supplement to the act to repeal certain acts of Assembly upon non-payment of enrolment tax; which was passed and sent to Senate for concurrence."

Resolution relative to the final adjournment of the Legislature came up in order.

Mr. WALBORN moved that the further consideration of the same be postponed for the present; which was not agreed to.

On the question, will the House suspend the rule and read the resolution the third time by its title?

The yeas and nays were required Mr. WALBORN and Mr. GLATZ, and were as follow, viz:

YEAS—Messrs. Acker, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Bryson, Burley, Campbell, Chase, Custer, Dismant, Dodds, Eckman, Ellmaker, Galley, Glatz, Graham, Gratz, Green, Gritman, Hill, Hottenstine, Keneagy, Kinney, Lawrence, (Washington,) Mohaffey, McClure, M'Curdy, Nill, Oaks, Palm,

Patterson, Pennell, Peirce, Pinkerton, Proudfoot, Pughe, Quigley, Rohrer, Rouse, Shafer, Sheppard, Smith, (Berks,) Smith, (Philadelphia,) Stoneback, Taylor, Thompson, Thorn, Wagonseller, Walker, Warden, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Withrow, Wolf and Woodring—61.

NAYS—Messrs. Abbott, Boyer, (Schuylkill,) Evans, Fisher, Foster, Gray, Hamersly, Harding, Irish, M'Dowell, Neall, Prieo, Styer, Walborn and Wilson—16.

So the question was determined in the affirmative.

The question now recurring, shall the bill pass?

Mr. FISHER made a motion that the further consideration be postponed for the present, as many of the members were not in their seats; which was not agreed to.

And the question again recurring,

Shall the resolution pass?

It was determined in the affirmative.

The act incorporating the Franklin market company having been returned to the House, Mr. THORN asked the unanimous consent of the House to make an amendment to the same; which was granted, and the amendment was inserted.

On motion of Mr. LAWRENCE, (Washington,) the rules being dispensed with, Senate bill No. 363, "Supplement to an act to incorporate the Paddy's Run bridge company," was taken up and passed finally.

Mr. HAMERSLY gave notice that he would move a re-consideration of the vote, by which the resolution relative to the final adjournment of the Legislature passed the House this morning.

Agreeably to order, the House proceeded to the consideration of bills upon the Private Calendar.

The following were then taken up, and no objections being made, were laid aside for second reading:

No. 122. "An Act to incorporate the village of Corsica, in the county of Jefferson, into a borough."

No. 270. "An Act to incorporate the Council Ridge and White Haven railroad company."

No. 271. "An Act authorizing a change of the name, style and title of the Allegheny and Bald Eagle railroad, coal and iron company, in Centre county."

No. 273. "An Act to revive the charter of the Lancaster, Lebanon and Pine Grove railroad company."

No. 275. "An Act to incorporate the Newry railroad company, in Blair county."

No. 288. "An Act to incorporate the Dime savings institution of Pottsville."

No. 292. "An Act authorizing Asa Dimock, administrator of the estate of his son, Lafayette G. Dimock, late of Harrisburg, deceased, to sell and convey certain unimproved and unproductive lands belonging to said estate."

No. 293. "An Act to increase the pay of the supervisors of Tremont township, Schuylkill county."

No. 301. "A supplement to an act laying a tax on dogs in the borough of West Chester and certain townships in the county of Chester, and for other purposes, approved April 14, 1846."

Sen. 201. "An Act to authorize the Frankford and Oxford turnpike road company."

No. 310. "An Act authorizing the State Treasurer to pay the claim of Gonder and Burke, late contractors on the Allegheny Portage railroad."

No. 312. "An Act to change the lines of the borough of California, in the county of Washington."

No. 313. "Supplement to an act authorizing the Governor to incorporate the Norristown, Bridgeport and King of Prussia turnpike road company."



No. 314. "A supplement to the act to incorporate the Newtown Square and Paoli plank road company, approved the 9th day of January, 1853."

No. 316. "A supplement to the act incorporating the Tuckahoe and Mount Pleasant plank road company."

No. 317. "An Act to appoint road commissioners to take charge of a portion of the Milesburg and Smithport turnpike road, in the counties of Clearfield and Elk."

No. 318. "A supplement to an act to incorporate the Johnstown and Scalp Level turnpike road company."

No. 319. "An Act relating to the borough of Lebanon."

No. 320. "Supplement to the act incorporating the borough of Kittanning."

Sen. 158. "An Act to incorporate the Mount Olivet cemetery association, of York county."

Sen. 162. "An Act to extend the limits of the borough of Pottsville, in the county of Schuylkill."

No. 323. "An Act to incorporate Phoenix Homestead building association."

No. 325. "An Act to incorporate the Fairmount and Manayunk steamboat company."

No. 327. "An Act to change the name of Denuska gas company, of Allentown, Lehigh county."

Sen. 160. "Supplement to an act to incorporate the Johnstown woollen manufacturing company."

No. 330. "An Act to incorporate the Union cemetery association of the borough of Lebanon and its vicinity."

No. 332. "An Act to repeal an act in relation to the division of the borough of Uniontown, Fayette county."

No. 335. "A further supplement to the act incorporating the Marshall Savings institution of Philadelphia."

No. 339. "An Act to incorporate the Suffolk park association."

No. 340. "An Act to incorporate the Presque Isle dock company."

No. 341. "An Act relative to Whitney street, in the city of Philadelphia."

#### BILLS OBJECTED TO.

The following bills came up in order, and were objected to:

By Mr. TAYLOR, "An Act erecting the county of Pine, out of parts of the counties of Indiana, Jefferson, Cambria and Clearfield."

By Mr. SMITH, (Berks,) "An Act relative to passenger railway companies in Philadelphia."

By Mr. GALLEY, "An Act erecting parts of Washington, Fayette, Allegheny and Westmoreland counties into a new county, to be called Monongahela."

By Mr. BARNESLEY, "An Act incorporating the Fairmount market company."

By Mr. PRICE, "An Act to incorporate the Union market company, of Philadelphia."

By Mr. HARDING, "An Act to incorporate the Farmers' market company."

#### MESSAGE FROM THE GOVERNOR.

The Secretary of the Commonwealth being introduced, presented a message from the Governor, as follows:

EXECUTIVE CHAMBER,  
Harrisburg, Feb. 23, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following Acts of the General Assembly, viz:

On the 16th instant:

"A supplement to an act approved April 3d, 1851, entitled 'An Act regulating boroughs, so far as relates to the borough of Phoenixville.'"

On the 17th instant:

"An Act to secure a stricter accountability of certain public officers in Schuylkill county."

"An Act relating to sheriffs' and collectors' costs in Luzerne county."

"An Act to authorize the trustees of the Associate Reformed, now the United Presbyterian congregation, in the city of Erie, to sell certain property, and to remove the bodies of persons interred therein."

"An Act for the relief of certain collectors of taxes in Washington county."

"A supplement to an act incorporating the railroad car spring company, approved the 14th of April, A. D. 1858."

"An Act relative to the distribution of the geological survey of the State."

On the 18th instant:

"An Act to provide for the erection of a house for the employment and support of the poor of the county of Susquehanna."

"An Act to change the name of the Pittsburg life, fire and marine insurance company."

"An Act to incorporate the Easton market company of the city of Philadelphia."

"An Act authorizing and requiring the commissioners of Union county to deliver to the commissioners of Snyder county certain assessment books belonging to Snyder county."

On the 21st instant:

"An Act relative to the Juniata township election district in the county of Perry."

"An Act to incorporate the Fairview cemetery association in Berks county."

On the 22d instant:

"An Act to incorporate the Union mutual insurance company of Montgomery county."

"A supplement to an act to provide for the erecting of a house for the employment and support of the poor in the county of Schuylkill, passed the 4th of April, A. D. 1831."

"Joint resolution of thanks to Mr. L. Hacheffe."

"Joint resolution relative to the pay of Theophilus Snyder, Sergeant-at-Arms of the Senate, for serving writs of election in the Thirteenth Senatorial District."

WM. F. PACKER.

The hour of one having arrived, the SPEAKER adjourned the House until this afternoon, at three o'clock.

#### AFTERNOON SESSION.

The House met again at 3 o'clock, and was called to order by Mr. S. B. CHASE.

The House resumed the consideration of bills on the Private Calendar.

The following were read, and no objection being made, laid aside and prepared for second reading:

No. 342. "An Act to amend the road laws of Montgomery county."

No. 344. "An Act for the appointment of an additional notary public at Pittston, Luzerne county."

No. 346. "An Act to authorize the appointment of an additional notary public in the county of Chester."

No. 347. "An Act relative to the administration of justice in Mercer county."

No. 348. "An Act for the better regulation of billiard rooms, bowling-saloons and ten-pin alleys in the county of Chester."

Supplement to the act relating to liens of mechanics, &c.

No. 350. "An Act for the relief Rachel Robinson, widow of an old soldier of the Revolution."

No. 351. "An Act for the relief of Lewis Six, of Greene county, an old soldier in the Indian wars of 1792."

No. 352. "An Act for the relief of Mary Washington, widow of an old soldier."

No. 353. "An Act to authorize the payment of the claim of James Bell, Blair county."

No. 355. "An Act relative to the claim of William Porter, for damages sustained by the

construction of the Erie extension of the Pennsylvania canal, &c."

No. 356. "An Act for the relief of Stephen H. Lauchlin."

No. 358. "An Act authorizing the school directors of the borough of Uniontown, in Fayette county, to borrow money."

No. 360. "An Act abolishing the separate school district erected out of a portion of the township of Upper Merion, in the county of Philadelphia."

No. 367. "A supplement to an act incorporating the borough of Scranton."

No. 372. "An Act for the relief of Rachel George, widow of an old soldier."

No. 187. "An Act relative to the Delaware Division canal company of Pennsylvania."

No. 221. "An Act for the registration of births, marriages and deaths in the city of Philadelphia."

No. 223. "An Act to abolish the board of health of the city and port of Philadelphia, and to provide for the appointment of commissioners of health for said city and port."

No. 242. "An Act to incorporate the Missin County Bank."

No. 266. "A supplement to an act to incorporate the Big Mountain improvement company, approved April 12, 1851."

No. 268. "An Act to incorporate the Philadelphia theatre company."

"An Act to incorporate the Citizens' passenger railway company, in the city of Pittsburgh, came up in order, and was objected to by Mr. FOSTER, for the reason that the interests of the people of Pittsburgh were not sufficiently protected in the provisions of the bill."

Mr. HARDING withdrew his objections to the act incorporating the Farmers' Market company.

On motion of Mr. WILCOX, the House proceeded to the second reading and consideration of bills on Private Calendar. Whereupon, the following were taken up and passed; and ordered that the Clerk present the same to the Senate for concurrence.

No. 122. "An Act to incorporate the village of Corsica, in the county of Jefferson, into a borough."

No. 270. "An Act to incorporate the Council Ridge and White Haven railroad company."

No. 271. "An Act authorizing a change of the name, style and title of the Allegheny and Bald Eagle railroad, coal and iron company, in Centre county."

No. 273. "An Act to revive the charter of the Lancaster, Lebanon and Pine Grove railroad company."

No. 275. "An Act to incorporate the Newry railroad company, in Blair county."

No. 288. "An Act to incorporate the Dime savings institution of Pottsville."

No. 292. "An Act authorizing Asa Dimock, administrator of the estate of his son, Lafayette G. Dimock, late of Harrisburg, deceased, to sell and convey certain unimproved and unproductive lands belonging to said estate."

No. 293. "An Act to increase the pay of the supervisors of Tremont township, Schuylkill county."

No. 301. "A supplement to an act laying a tax on dogs in the borough of West Chester and certain townships in the county of Chester, and for other purposes, approved April 14, 1846."

Sen. 201. "An Act to authorize the Frankford and Oxford turnpike road company."

No. 312. "An Act to change the lines of the borough of California, in the county of Washington."

No. 313. "Supplement to an act authorizing the Governor to incorporate the Norris town, Bridgeport and King of Prussia turnpike road company."

No. 314. "A supplement to the act to incorporate the Newtown Square and Paoli plank



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 39.

road company, approved the 9th day of January, 1853."

No. 317. "An Act to appoint road commissioners to take charge of a portion of the Milesburg and Smethport turnpike road, in the counties of Clearfield and Elk."

No. 318. "A supplement to an act to incorporate the Johnstown and Scalp Level turnpike road company."

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Sen. 158. "An Act to incorporate the Mount Olivet cemetery association, of York county."

Sen. 162. "An Act to extend the limits of the borough of Pottsville, in the county of Schuylkill."

No. 323. "An Act to incorporate the Phoenix Homestead building association."

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No. 342. "An Act to amend the road laws of Montgomery county."

No. 344. "An Act for the appointment of an additional notary public at Pittston, Luzerne county."

No. 347. "An Act relative to the administration of justice in Mercer county."

Mr. PENNEL moved to include Delaware county; agreed to.

No. 350. "An Act for the relief of Rachel Robison, widow of an old soldier of the Revolution."

No. 351. "An Act for the relief of Lewis Six, of Green county, an old soldier in the Indian wars of 1792."

No. 352. "An Act for the relief of Mary Washington, widow of an old soldier."

"An Act authorizing the State Treasurer to pay the claim of Burke and Gonder, late contractors on the Allegheny Portage railroad," came up in order.

Mr. WILLISTON said that the parties had no valid claim to the amount of the bill, and that the House had been sufficiently liberal during the session.

Mr. LAWRENCE, (Washington,) said that the bill had been referred last session to a special committee. Their report was to be found on page 669 of the Journal, and indicated that the claim was a just one. It was certainly a large amount, but it was justly due. He would have the report of the committee read if any gentleman wished it.

Mr. WILLISTON inquired how long it had been since the work was done.

Mr. LAWRENCE, (Washington,) said that it was done in 1854.

Mr. THORN did not care how old a claim was, if it was a just one. But he was told that this was an old claim, which the Canal Board had rejected in 1856, and which the Legislature of 1858 had considered, but had taken no action on. This was a certain bill which required the State Treasury to pay these old contractors \$11,977 out of moneys not otherwise appropriated, and which did not state what the amount was for. He submitted to the gentlemen who had been on the committee, that this clause, or rather this act, was not explicit.

Mr. LAWRENCE, (Washington,) proposed as an amendment to the bill, that words should be inserted which would make the recompense in full for all claims of the contractors. Agreed to.

Mr. KINNEY moved to postpone for the present.

Mr. WILLISTON said that the bill might now very properly be disposed of.

Mr. KINNEY withdrew the motion.

It was renewed by Mr. IRISH.

Mr. M'CLURE moved to amend the motion by postponing indefinitely.

Mr. M'CLURE opposed the bill, and said that last session the members would not entertain it at all. If the State really owed these men, they could go to the accounting officers and have the matter adjusted. They had received pay according to the terms set forth by the State engineer. Last session the matter had been before the Committee of Claims, but their opportunities of investigation were not good. Let the men go to the Auditor General.

Mr. KENEAGY said that the House was as well prepared to act on the bill now, as at any other time. He had examined the claim and testimony, and believed that the demand was just. There was no reason to set it aside, because the Canal Board had rejected it. He called for the reading of the report of the committee of last year.

Mr. THORN had been a member of the Committee on Claims in 1857, to whom the matter had been referred. In 1858 a new bill was brought forward and was not acted on. Now this bill was brought forward. Let the bill go to the Auditor General.

Mr. WAGONSELLER said that the report of the special committee of 1858, had already been before the committee of this session. He hoped that it would not now be read.

Mr. M'CLURE wished to know who had charge of the bill.

Mr. WALBORN hoped that the House would not indefinitely postpone the bill, but would give the members an opportunity to examine it.

Mr. LAWRENCE said that he was opposed to the indefinite postponement.

Mr. M'CLURE said that as the gentlemen from Dauphin were both absent, and as they were interested in the bill, he would withdraw his motion to postpone indefinitely.

Mr. WILLIAMS, (Bucks,) said that the Committee on Claims had thought the bill right.

Mr. WILLISTON moved to amend the motion to postpone for the present, by postponing until next Saturday. Agreed to.

"An Act to incorporate the Farmers' market company," came up in order.

Mr. ACKER moved to amend the same, by striking out of the second section the words, "and such other articles as the board of managers may deem proper;" which was agreed to.

Mr. HAMERSLY moved further to amend, by giving said company the privilege to locate their house west of Eighth and north of Market street, Philadelphia."

Mr. HAMERSLY could not see the effect such an amendment would have. In his estimation, it amounted to nothing at all.

Mr. CHURCH did not desire to oppose the amendment—the house should have a locality. But in order to give him time to examine the bill, he moved the postponement of its further consideration; which he subsequently withdrew.

Mr. CHURCH moved to limit the commissioners in locating this house, to the district north of Vine, south of Spring Garden and east of Broad.

Mr. ACKER moved to modify the amendment, by making it north of Market, west of Eighth and east of Broad; which was accepted.

And on the question,

Will the House agree to the amendment?

It was negatived; and the bill was passed; and ordered to be sent to the Senate for concurrence.

Mr. WILLIAMS, (Bucks,) moved that the House do now adjourn; which was not agreed to.

"An Act to authorize the payment of the claim of James Bell, of Blair county," came up in order, was transcribed for a third reading, and laid over under the rule.

On motion of Mr. PEIRCE, House bill No. 346, "An Act to authorize the appointment of an additional notary public in Chester county," was amended so as to read *three* notaries instead of *one*, to be located at Coatesville, Phoenixville and Oxford; which was agreed to, and the bill as amended, passed the House.

On motion of Mr. PEIRCE, House bill No. 348, "An Act for the better regulation of billiard rooms, &c., in Chester county," was amended by the insertion of the word "knowingly" to come in after the word "allegedly" in the ninth line, so as to read "knowingly allowing."

And the bill as amended passed the House.

Mr. PEIRCE moved to amend bill No. 349, "A supplement to the act relating to the lien of mechanics, &c.," as follows:

*And provided also*, That no lien shall be acquired for such work or material, unless the same be done and furnished at the instance of the owner of such building or his authorized agent; which was agreed to, and the bill as amended, passed the House.

"An Act relative to the claim of William Porter, for damages sustained by the construction of the Erie extension of the Pennsylvania canal," came up in order; and on motion of Mr. M'CLURE, postponed for the present.

Mr. WALBORN moved that the House do now adjourn,

And on the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. WALBORN and Mr. HARDING, and were as follow, viz:

YEAS—Messrs. Abbott, Barlow, Boyer, (Schuylkill,) Bryson, Campbell, Chase, Dodds, Durboraw, Green, Harding, Keneagy, Mahaffey, Shafer, Walborn, Walker, Wiley and Wilson—17.

NAYS—Messrs. Acker, Barnsley, Boyer, (Clearfield,) Burley, Church, Custer, Dismant, Eckman, Evans, Foster, Galley, Glatz, Graham, Gratz, Gray, Gritman, Hamersly, Hill, Hot-



tenstine, Kinney, Lawrence, (Washington,) McDowell, Neall, Oaks, Peirce, Pinkerton, Quigley, Sheppard, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stoneback, Stuart, Taylor, Thompson, Warden, Williams, (Bedford,) Wolf and Woodring—39.

So the question was determined in the negative.

"An Act to vest the Girard schoolhouse, of Philadelphia," came up in order.

Mr. SMITH, (Philadelphia,) moved to amend the same, so as to devote the house exclusively to school purposes.

Mr. THORN said the bill had been carefully drawn up by the city solicitor, and thought the amendment might injure it.

Mr. CHURCH advocated the immediate passage of the bill. He saw no objection to the amendment offered by his colleague, but was of opinion that the bill ought to remain as it had been originally drawn.

Mr. SMITH, (Philadelphia,) spoke briefly in favor of the amendment proposed by himself.

Mr. KINNEY thought the amendment was fair, and would cheerfully vote for it. Pending the further consideration of the above, the hour of 6½ having arrived, Mr. McCLURE moved that the House do now adjourn; which was agreed to.

Whereupon the SPEAKER adjourned the House until to-morrow, at 9½ o'clock, A. M.

#### SENATE.

THURSDAY, Feb. 24, 1859.

The Senate met, and was called to order by the SPEAKER, at ten o'clock, A. M.

Prayer was offered by Rev. Dr. De Witt.

The Clerk read the Journal of yesterday's proceedings.

Messrs. GAZZAM and SCHELL appeared in their seats.

Messrs. MILLER, TURNEY and COFFEY, were appointed as a committee of conference on the differences between the two Houses, on the joint resolution relative to the pay of Thomas H. Porter and J. H. Wells.

#### REPORTS OF COMMITTEES.

Mr. FETTER, (Agriculture and Domestic Manufactures,) reported, as committed, House bill No. 410, "An Act to prevent the destruction of partridges in Berks county."

Mr. TURNEY, (Finance,) with amendment, "A joint resolution relative to the pay of L. Rogers, clerk to the committee on the contested election case of MATTHEWS vs. MCCLAIN."

On motion of Mr. SCOFIELD, the Senate proceeded to consider the same.

The same Senator moved to strike out the proviso inserted by the committee; which is as follows:

*Provided*, That the amount of said per diem and mileage shall not exceed the sum of one hundred and fifty dollars.

Mr. COFFEY said he was compelled to vote for the motion to strike out the proviso, because it makes a distinction between the present claimant and the cases of those which the Senate has already acted upon. That discrimination, he thought, was unfair, and he hoped the Senate would do itself the justice to strike it out.

Mr. HARRIS concurred in the views of the Senator from Indiana. A bill precisely similar to the present one, had already passed the Senate, and he thought it unfair that any distinction should be now made. There was no established law, it had been alleged, giving mileage to clerks in cases of this character—nothing but precedent to warrant it. But the Senate had heretofore been governed by that precedent, and it is unjust to make the distinction here. If the principle of allowing mileage is wrong, let us pass a resolution or law, fixing the compensation which clerks shall receive, but let us not depart from the established usage

in this case. He would vote in favor of the payment of mileage to the claimant, upon grounds of consistency.

Mr. WELSH remarked that the Senator from Butler, had advocated the payment of mileage to Mr. Rogers upon the grounds of consistency. Upon the same ground he would be compelled to oppose it.

Mr. TURNEY said, that in all conscience, one hundred and fifty dollars was ample compensation for the services rendered. If Mr. Rogers is to be paid in accordance with the bill sent in, he will receive some three hundred dollars for thirty-eight days labor. He did not wish to make a distinction between this and other cases, but by looking at the matter, it will be seen that Mr. Rogers, if this amount is allowed, will receive better pay than any Senator on this floor. He considered the sum exorbitant, and would vote against its allowance.

Mr. SCOFIELD explained, that the mileage from that district has been considerably reduced—about one-half, he should think—from what it had been previously. Mail matter used to reach here by way of New York and Philadelphia; but since the opening of the Northern Central route and its connections, the distance of travel has been greatly reduced. He put this case upon the same ground that others had occupied; he considered it just that the party should ask per diem pay and mileage, and he should vote for its allowance.

Mr. WRIGHT agreed with the remarks of the Senator from Lancaster, made yesterday. If the allowance of this claim is wrong in principle, no precedent can warrant it. No man can advocate or justify a wrong, because others did it before him; and no Senator here, he thought, would attempt to defend the payment of some three hundred dollars in this case, upon the principle of right. They may say it is in accordance with precedent, but that is no argument in favor of it. Neither the law, nor the Gospel, would recognize the justice of the claim. The amount proposed to be paid was ample for the services rendered, and he hoped the amendment would not be carried.

Mr. HARRIS said, Mr. Rogers was employed by the committee, and gave his services, in good faith; and after he has performed his duty faithfully and honestly, he comes here and asked that he may be allowed the compensation usual in such cases. It was but fair to allow it.

Mr. GAZZAM said that if Mr. Rogers had failed to discharge his duty in any way, there might be some justice in refusing to allow him the compensation usual; but it was going further than justice to say, notwithstanding there has been no objection to the manner in which these services were rendered, that he shall not be paid as others have been, and as he had a reason to expect he should be. The Senate, he thought, had better be occupied in attending to some things involving larger amounts, than in wasting its time in discussing these trifling matters.

On the question,

Will the Senate agree to the motion, to strike out the proviso?

The yeas and nays were required by Mr. SCOFIELD and Mr. TURNEY, and were as follows, viz:

YEAS—Messrs. Baldwin, Coffey, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penney, Rutherford, Scofield and Thompson—13.

NAYS—Messrs. Bell, Blood, Brewer, Craig, Fetter, Marselis, Miller, Nunnemacher, Randall, Schell, Shaeffer, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—17.

So the question was determined in the negative.

Mr. PARKER moved to strike out the words, "one hundred and fifty," and insert in lieu thereof the words, "two hundred."

On which motion,

The yeas and nays were required by Mr. PARKER and Mr. SCOFIELD, and were as follows, viz:

YEAS—Messrs. Baldwin, Coffey, Francis, Gazzam, Harris, Myer, Palmer, Parker, Penney, Rutherford, Scofield and Thompson—12.

NAYS—Messrs. Bell, Blood, Brewer, Craig, Fetter, Marselis, Miller, Nunnemacher, Randall, Schell, Shaeffer, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—17.

So the question was determined in the negative, and the resolution passed.

#### BILLS IN PLACE

Mr. TURNEY read in his place and presented to the Chair, a bill, entitled "An Act for the relief of Cookman & Brother, of Philadelphia."

Mr. RANDALL, "An Act authorizing the Auditor General and State Treasurer to open and re-settle the accounts of the Franklin insurance company."

Mr. RUTHERFORD, "An Act for the relief of R. J. Fleming."

Mr. SCHINDEL, "An Act authorizing the Auditor General and State Treasurer to re-audit the accounts between the Commonwealth and the Northampton bridge company."

#### ORIGINAL RESOLUTION.

On motion of Mr. RUTHERFORD, Senate bill No. 394, "An Act to pay the claim of Thomas Duncan, executor of Rebecca H. Duncan, dec'd, and James M'Coy," negatived by the committee, was re-committed to the Committee on Finance.

#### ORDERS OF THE DAY.

House bill No. 281, "An Act to repeal former acts relative to the borough of Schuylkill Haven, in Schuylkill county; and to apply the general provisions of an act relating to boroughs, passed April 24, 1851, to said borough," came up in order on third reading; and, on motion, its consideration was postponed for the present.

Senate bills No. 2 and 18, were permitted to lie over.

On motion of Mr. COFFEY, the Senate resumed the consideration of the bill relating to evidence; the question being upon the amendment offered by Mr. PALMER to the fourth section.

On this amendment,

The yeas and nays were required by Mr. BELL and Mr. PALMER, and were as follows, viz:

YEAS—Messrs. Coffey, Gazzam, Marselis, Miller, Palmer, Parker, Randall, Scofield and Wright—9.

NAYS—Messrs. Bell, Blood, Brewer, Craig, Fetter, Gregg, Harris, Myer, Nunnemacher, Penney, Rutherford, Schell, Shaeffer, Schindel, Thompson, Turney, Welsh, Yardley and Cresswell, *Speaker*—19.

So the question was determined in the negative.

Mr. PALMER moved to amend the fifth section by adding the following, at the end of said section:

"And the testimony thus taken shall be read in evidence on the trial of the cause, if required by either party, subject to the legal rules relating to the admission of depositions."

Mr. PALMER made a brief statement in explanation of his amendment, as affecting the section.

Mr. BELL did not think the provision made by the amendment necessary. If there was, however, the slightest doubt as to the matter, he should make no objection to its adoption.

Mr. MARSELIS was surprised at the vote of the Senate this morning. The change proposed by the bill, in our system of evidence, was one which had been asked for by almost the entire profession, and one which was demanded by the interests of the whole people. However much persons may differ as to details, all agree that it is necessary to throw overboard some-



thing pertaining to our system, which has long been a dead weight upon our system of jurisprudence. And yet, we say to those who come here and ask of us this salutary change, no! you shall not have this reform, but must remain where you are, and where you were two hundred years ago. He advocated the change contemplated by the original bill, and expressed the firm belief that, although it may not be made now, its ultimate adoption was certain.

Reforms never travel backwards, and whether we adopt it now, or defeat it, the united bench and bar, backed by the people, will demand it.

Mr. SCOFIELD had but two or three words to say upon the subject, and he was not quite certain that they would be applicable to the amendment under consideration.

The SPEAKER desired the Senator to confine his remarks to the subject before the Senate.

The amendment was adopted, and the question recurring upon the adoption of the substitute proposed by Mr. BELL.

Mr. PENNEY said, if this question were a question of modes and forms merely, I would not trouble the Senate with any remarks upon it. But I apprehend it to be a question of principle, far-reaching in its consequences; it proposes to change some of the fundamental principles of the common law system of jurisprudence—a system that has stood for ages, as the guard and defence of individual right and personal liberty, against the attacks of moneyed power, whether supported by a tyrannical government, or a corrupt and rapacious church. And the question now before the Senate is, shall we break down all the barriers of this defence, and throw away all the safeguards which this venerated system has thrown around the administration of justice? Has this age, of all others, become so pure, and gold so far lost its power to corrupt and pervert the streams of justice, that we can safely risk the change proposed?

Who asks for this change? Has there any voice come up from our constituents, or from the Bench or Bar, demanding it? Members of the profession, upon the floor of the Senate, have introduced these bills for our consideration; but I have yet to learn that either the Bar or the Bench of the State has asked for the change.

The reasons given for the support of this bill, are the alleged inconveniences arising from the defects of the present system. And it is true, that inconveniences do, sometimes, occur in the administration of justice, arising from the exclusion of parties as witnesses; but I appeal to my professional brethren to say, whether their experience affords any instances of great loss or substantial injustice, arising from the operation of the present rule of evidence. Shall we sacrifice a great principle, affecting the rights and liberties of the people, on account of slight inconveniences?

The Senator from Indiana urged, as a reason for supporting his bill, that the common law principle, excluding parties to the record from testifying, was both unphilosophical and illogical. Mr. SPEAKER, I undertake to say, that if the philosophy of the Senator is correct, then the bill he has introduced is both unphilosophical and illogical. I understand his philosophy to be this: that, because a judicial trial has for its object the discovery of truth, therefore the parties, who are often best acquainted with the facts and circumstances, should be admitted to testify as witnesses; that every ray of light that could illumine the subject ought to be admitted. I think I have stated his position correctly.

Let us apply this philosophy to the Senator's bill. Suppose the case put by the Senator—a party seated in the privacy of his own room, and his neighbor enters and demands payment of a note. The money is paid, but the note

retained. No other eyes have seen the transaction. The dishonest neighbor brings his action upon the note, and the Senator says it is unphilosophical to exclude the defendant from testifying as a witness upon the stand, to the payment of the money, because he is the party best acquainted with the facts, and therefore ought to be allowed to speak. Let us apply this to the Senator's bill.

Take another case. Suppose the same transaction, and no one present but the defendant's wife. She has seen the money paid; knows all the facts, and can describe them as well as her husband; and yet, if the dishonest plaintiff brings his action to recover the money again, the Senator's bill will not allow her to testify; although able to explain the whole transaction, her mouth is sealed; that ray of light is shut out. I know it is said by the Senator, that this exclusion rests upon a different principle, and I admit it. But what is that principle? It is this: that there are intimate and confidential relations existing between the husband and wife, which are too sacred for even judicial investigation to expose. But is the bill consistent here? While the wife of the party defendant is excluded, upon this principle, the husband himself may be called to the stand in the same case; it matters not what the exposure of private and domestic relations, he is compelled to answer, as a witness. Is this consistent with the reason given for excluding the wife? Why should the wife be excluded to protect the sacredness of domestic relations, while the husband, to whom they are equally dear, is liable to be compelled to expose them all?

Let us suppose another case. A man, in the retracy of his own home, alone with his wife; when an assassin enters, strikes her dead by his side, and escapes. No eye has seen the deed of blood, but the husband's, and he is left there with the guilty evidences of circumstances surrounding him; the false accusation is made, and he is put upon his trial for the murder of his wife. He is surrounded by a network of circumstances, which would seem to be conclusive of his guilt. Even the blood is upon his skirts. He is put upon his trial. Now, surely, the philosophy of the Senator will apply. If there is any case where this new rule of boasted reform will apply, it is this, where the fortune, the character, and the life of the party are involved in the trial. Apply your philosophy—let in every ray of light—let him speak, who knows the facts, for it is a question of life, and more important than all the questions of dollars and cents. But what says the Senator's bill? His mouth shall be sealed—he shall not utter the truth, though he is the only man present who can do it. Hence, I say, if the philosophy be true, then this bill is unphilosophical.

But, Mr. SPEAKER, the Senator's philosophy is unsound. It is not true that the principle which excludes a party from testifying is the same as that which excludes an interested witness. He is not excluded, solely, upon the ground of interest, or because of the temptation to perjury. There is a question of personal right involved in the rule. It is but an extension of the maxim, and the presumption of law, in favor of innocence. Every man is presumed to be innocent until he is proved to be guilty. So every man who is brought into court, at the suit of his neighbor, upon a charge that he has acted dishonestly, has a right to assume the same position, and claim the protection of the same rule, and say, I am innocent of the wrong—prove what you charge. It is a personal right that even judicial investigations ought not to be allowed to invade. It is a right recognized by the Constitution of our State, in criminal proceedings. If a man be indicted for the most trivial assault and battery, he has a right to wrap himself up in his own individuality, and say, to his accuser, prove your accusations;

and the bill of rights protects him in his position. But according to the Senator's philosophy, if he be prosecuted for an attack upon his neighbor's character, and charged as the slanderer of his neighbor's fame, although his reputation, and his whole fortune may be involved in the suit, he must be called to the stand, and a confession extorted from his own lips, to condemn himself.

Mr. SPEAKER, I think the world's history has given one instance of the practical workings of a disregard of this rule of the common law, which protects personal rights and personal feelings. There is one chapter of experience upon this subject, which the advocates of this pretended reform would do well to study. A corrupt church, of former ages, in her judicial proceedings, struck down this barrier of defence—took away this shield of the common law, and in her pretended search after truth, compelled the unwilling party to the stand, and the thumb-screw and the rack became the instruments of her investigation; and the strength of the tortured nerves was the test of the truthfulness of the testimony.

How much better is the system, now proposed, when the innocent and unsophisticated, and it may be ignorant defendant, at the bidding of a cunning and unscrupulous plaintiff, who has carefully prepared his case, and guarded every avenue to detection, may be dragged before the court, put upon the stand, and subjected to the mental torture of an harassing examination, conducted by shrewd and unscrupulous counsel; and perhaps, from the very sensitiveness of his nature, abashed and disgraced before court and jury, while his polished and smooth tongued antagonist is proclaimed the victor, and carries off his ill-gotten spoils?

Is the Senate prepared for this radical change? Are we ready to abandon all these rights, because of the slight inconveniences in the application of a principle that lies at the bottom of our system of jurisprudence? Senators talk of reform. For myself, I believe in the maxim that change is not always reform. In matters of principle, Sir, there can be no reform. The principle may be abandoned or disregarded; but if it be true it cannot be reformed. If it is true, it is eternal; and every abandonment of it is a step backward, instead of progress.

Mr. SPEAKER, I will not stand in the way of reform. If you would reform your practice, well; but touch not the principles on which the whole system is based. If I may be allowed to assume so much, I would warn Senators to beware, lest while they are lopping off the excrescences of our system of jurisprudence, while they are polishing the columns of the temple, and ornamenting its cornices and dome with the gilded tinsel of their pretended reform, they be found to have sapped the very foundations of the structure, and left it to totter and fall, crushing with it the precious treasures which it was intended to guard.

Mr. GAZZAM was deeply impressed with the importance of the bill. If he were not, he should not trouble the Senate with a single word upon it, after the able and learned discussion which had taken place. He proceeded, briefly, to answer some of the objections which had been urged against the bill, and instanced several cases in illustration of the inconveniences and embarrassments which had been suffered under the present system of evidence. It was but just, he thought, that these inconveniences and embarrassments should be removed; and the better bill to go for was that which goes furthest towards the needed reform, for, as was alleged by the Senator from Schuylkill, if the reform goes too far, it may produce a reaction, and the people may ask for a repeal. He was willing to trust to the same conservative power that had checked its repeal in New York. If the reform passes in Pennsylvania,



he was willing to trust the people in determining as to its benefits or evils.

Mr. COFFEY remarked that it was not worth while, at this time, to enter into a further discussion of the principles involved in the bill and the substitute proposed. He was satisfied that the bill, and most probably the substitute, will fail, at this session, to become a law. He should not feel much disappointed, however much he hoped to see the principle adopted. He was aware that reform proceeds slowly. It may be that Pennsylvania, always cautious—perhaps more so than many of her sister States—will not adopt the reform proposed until she has seen, still further, the beneficial operations of the system. But, although the bill may be defeated, he could not allow the occasion to pass, without noticing some of the singular objections urged against the bill by the Senator from Allegheny. Those objections were founded upon a misapprehension of the principles of the bill. He proceeded to answer the arguments of Mr. PENNEY, in a brief manner, after which he said, after all, experience was the best light by which to be guided. No reform has better experience to sustain its beneficial operations than has been furnished by neighboring States, as well as England, in support of the one now proposed. In New York, where an attempt was made to repeal the system, it met with the protest of all classes of people, from the bench and bar to the private citizen. The supreme bench of our own State, he said, were unanimous in favor of its adoption, to sustain which he said he had letters from the five judges composing it, besides one from ex chief justice Lewis, and many prominent and distinguished members of the bar, extracts from several of which he read.

It was a mistake to suppose that the profession were not prepared for this change. There might be some doubts as to its practical workings; but no reform was ever yet made that did not meet with doubts, and even opposition. But prejudice will gradually give way, and this proposed reform will not stop until it has been adopted by the people, and works the salutary change in our system of jurisprudence which it is designed to accomplish. The bill will not pass this session, but discussion and agitation will keep the subject before the attention of the people, and prepare them for the adoption of the measure which it proposes. We may not be here, he said, to see success of it, but those who come after us, to represent the wishes and interests of the people of the State, will lend their sanction to it, and consummate it for the general good.

Mr. BELL made a few remarks in reply to the Senator from Allegheny, (Mr. PENNEY,) and in defence of the propositions submitted by him in his substitute to the bill.

Mr. HARRIS said—

Mr. SPEAKER: I desire to say a few words before the vote is taken on the amendment, in support of the vote I am about to give, and define my position in reference to it.

I have listened with attention, and I may say with as much interest, to the argument of the learned Senator from the county of Indiana, in support of his bill relative to the law of evidence, and also to the talented and learned Senator from Chester, in support of the amendment he has submitted for the consideration of the Senate. And after all the elaborate argument on the original proposition, submitted by the Senator from Indiana, as well as the amendment proposed by the Senator from Chester, I have my misgivings, and my serious doubts, about so great an innovation on the common law.

This bill will certainly be such, on the well-established and well-known rules of evidence. I am opposed to that spirit of modern progress which is always striving to cut away the ancient landmarks of the law. It opens a wide

door to litigation, perjury and fraud, and I fear would be productive of serious evils.

I have always thought the guards thrown around the law of evidence by common law were good and wholesome, and that they should be cautiously removed. There is not a Senator on this floor but knows the fact that it is often the case that witnesses called to the stand, who are entirely disinterested, become so much prejudiced in favor of the party calling them there, that it is almost impossible to get an unprejudiced statement. Now, how much more would it be the case, if interested witnesses are permitted to testify as parties on record?

I think, Sir, it would be a dangerous experiment, to say the least of it: and would be holding out an inducement to men who are governed by strong prejudices to swerve from truth and rectitude.

I admit, Sir, there is a saving clause in the original bill, and that is when either party on record is dead, the opposite party cannot, in that case, testify; but this clause will not reach a portion of our fellow-citizens, who are disabled from giving evidence on account of their religious belief. There was a bill introduced, by the Senator from Warren, at the two last sessions of our Legislature, removing that disability, but it failed to become a law. And the Senator from Crawford gave us notice, a few days ago, that he would introduce a clause in this bill to that effect. But I would deprecate the passage of such an amendment.

I shall vote for the amendment of the Senator from Chester, and then against the whole bill.

Mr. SCOFIELD moved to postpone further consideration of the bill, together with the amendment, indefinitely.

Mr. SCOFIELD, on the motion to postpone indefinitely, said that there was but one principle involved in the bill and the substitute, and there might as well be one vote upon it instead of going on, and adding amendment after amendment, and entering upon a discussion of each. This might be indulged in for two or three days longer, and be voted down at last.

Mr. RANDALL hoped the motion to postpone indefinitely would not prevail. It was an important question. He had taken no part in the discussion, but had left it to the professional gentlemen of the Senate. He thought, however, that every Senator should be afforded an opportunity for giving his reasons for his vote upon the bill. He was in favor of getting at all the truth possible; and, upon the principle that men tell more truth than falsehood, he would listen to every man, for we can afford to do so. He had confidence in the ability of the jury to judge of the weight and credence which should attach to it.

On this motion, the yeas and nays were required by Mr. SCOFIELD and Mr. WRIGHT, and were as follow, viz:

YEAS.—Messrs. Baldwin, Brewer, Craig, Fetter, Francis, Gregg, Harris, Myer, Nunnemacher, Rutherford, Scofield, Shaeffer, Steele and Cresswell.—*Speaker*—14.

NAYS.—Messrs. Bell, Blood, Coffey, Gazzam, Marselis, Miller, Palmer, Parker, Penney, Randall, Schell, Schindel, Thompson, Turney, Welsh, Wright and Yardley.—17.

So the question was determined in the negative.

On the question,

Will the Senate agree to the substitute offered by Mr. BELL?

The yeas and nays were required by Mr. BELL and Mr. COFFEY and were as follow, viz:

YEAS.—Messrs. Bell, Fetter, Francis, Gregg, Harris, Myer, Palmer, Rutherford, Schell, Schindel, Thompson and Yardley.—12.

NAYS.—Messrs. Blood, Coffey, Craig, Gazzam, Marselis, Miller, Nunnemacher, Parker, Pen-

ney, Randall, Scofield, Shaeffer, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—17.

So the question was determined in the negative.

Mr. COFFEY moved to postpone the consideration of the original bill for the present.

On which,

The yeas and nays were required by Mr. TURNEY and Mr. COFFEY, and were as follow, viz:

YEAS.—Messrs. Baldwin, Bell, Coffey, Francis, Gazzam, Harris, Marselis, Miller, Palmer, Randall, Rutherford, Schell, Scofield, Thompson and Wright.—15.

NAYS.—Messrs. Blood, Brewer, Craig, Fetter, Gregg, Myer, Nunnemacher, Parker, Penney, Shaeffer, Schindel, Steele, Turney, Welsh, Yardley and Cresswell, *Speaker*—16.

So the question was determined in the negative.

On the question,

Will the Senate agree to first section of the bill?

The yeas and nays were required by Mr. TURNEY and Mr. SHAEFFER, and were as follow, viz:

YEAS.—Messrs. Coffey, Gazzam, Marselis, Miller, Palmer, Parker, Randall, Schell, Thompson and Wright.—10.

NAYS.—Messrs. Baldwin, Bell, Blood, Brewer, Craig, Fetter, Francis, Gregg, Harris, Myer, Nunnemacher, Penney, Rutherford, Scofield, Shaeffer, Schindel, Steele, Turney, Welsh, Yardley and Cresswell, *Speaker*—21.

So the question was determined in the negative, and the bill fell.

Mr. RANDALL moved that when the Senate adjourns it adjourn to meet this afternoon at 4 o'clock. Agreed to.

On motion of Mr. BELL, House amendments to "A supplement to an act to incorporate the Newtown Square and Paoli plank road company," were postponed for the present.

On motion of Mr. RUTHERFORD, House amendments to Senate bill No. 51, "An Act authorizing Asa Dimock, administrator of the estate of Lafayette G. Dimock, deceased, to sell and convey certain unimproved lands belonging to said estate," were read, considered and concurred in.

The hour of one having arrived, the Senate adjourned until 4 o'clock this afternoon.

#### AFTERNOON SESSION.

Agreeably to order, the Senate met at 4 o'clock.

Mr. WRIGHT offered the following preamble and resolutions:

WHEREAS, The Senate has heard with unfeigned sorrow of the death of GEORGE W. WOOD, a member of the House of Representatives from the Ninth representative district of Philadelphia: And whereas, The deceased had endeared himself to the members of this body by his correct deportment, his manliness of character, his strict integrity, his kindly and genial disposition and uniform courtesy to all with whom he had intercourse; therefore be it

*Resolved*, That the Senate join the family and friends of the deceased in sorrowing with those who were near and dear to him over the early death of one who by nature and education gave promise of a bright future, and in whose departure from the scene of active usefulness, Philadelphia loses one of her purest and brightest ornaments.

*Resolved*, That as a further token of esteem and sorrow for the memory of the deceased, the Senate do now adjourn.

Mr. WRIGHT remarked, that in the preamble and resolutions just read by the Clerk, a feeble tribute of respect was paid to the memory of a departed brother, who, until this morning, held the position of a member of the other branch of the Legislature.



Though it was not his good fortune to have made the personal acquaintance of Mr. WOOD, until after his election as a member of a co-ordinate branch of the Legislature, he knew him by character, and was prepared, in advance of an introduction, to recognize in him those endearing traits which have since found an abiding place in his memory. Their intercourse and frequent interchange of sentiment, as representatives of a common constituency, had always been to him of the most agreeable character. Though a very young man—probably the youngest member of the House of Representatives—he had already secured the esteem and confidence of all who came within his circle, giving evidence of a maturity of judgment beyond his years, and a rectitude of purpose and propriety of behavior worthy of all commendation. A few days ago he appeared among us in the bloom of youth, possessed of a vigorous constitution, and more likely to reach an old age of usefulness and honor than any member of either body I now he sleeps with his father, and soon the clods of the valley will cover all that was mortal of his remains. When the bearer of the telegraphic dispatch, announcing his demise, communicated the intelligence to him, he was overpowered by conflicting emotions, and to this moment had not been able to realize fully that death had been in our midst, and that the spirit of a highly beloved friend had gone to its reward. He had often heard the deceased speak in the most affectionate terms of his parents, especially of his mother; now that mother, and those of his kindred whom he loved so fondly, are filled with anguish at their sudden bereavement, and drop the silent tear over the lifeless form of one in whom they delighted.

Mr. WRIGHT concluded, by expressing his inability to do full justice to the merits of his deceased friend; and would leave it to others better qualified, and having more self-command on so solemn an occasion, to speak of his virtues and worth to the Senate.

Gen. SHAEFFER, of Lancaster, proposed an amendment, to the effect that a committee of five Senators be appointed to attend the funeral obsequies of the deceased, in connection with a similar committee of the House. It was, he said, due to the co-ordinate branch of the Legislature, of which the deceased was a member, that this body should not be wanting in this token of respect; and while upon the floor to second, as well as amend the resolutions, he remarked that, as this was the only occasion upon which, during four or five years' service in either branch of the Legislature, he had been called upon to give expression to the bereavement resulting from the loss of one associated with him in the duties of legislation, he might be pardoned for giving utterance to his own feelings.

The deceased member, Mr. WOOD, was, perhaps, the youngest member of the House. I met him, said Gen. SHAEFFER, for the first time at the commencement of the session.—Lodging with him at the same house, I extended to him the hospitalities of my own room, which are ever open and free, and where friends may indulge in the unreserved social pleasures which characterize the intercourse of friends, indeed. I soon became interested in his character. I found him at once generous and frank; the very attributes of his nature were the highest sense of honor, coupled with an unwavering integrity. His brief career here afforded to him no opportunity to carve his name upon the niche of fame; indeed, but little to cement those growing friendships which his social qualities, moral tone and gentlemanly bearing were so eminently calculated to inspire. I felt disposed to cultivate his acquaintance, for there was much in the circumstances attendant upon his appearance here, calculated to attract me towards him. I had entered public life at about his

own age, and at once became interested in the man.

With the highest social qualities, which were calculated to win for him friends, and make his society sought after, there was blended that high moral feeling which never forgot, even amid the most captivating enjoyments of life, the higher duties of the man. The seductive and fascinating allurements of capital life, amid which too many fall, seemed to have no power in winning him from the strict line of rectitude and duty.

Thus highly impressed with his character, he was one among the few who were invited by me to accompany to Lancaster, the gifted Senator from York, upon the occasion of his recent lecture, by invitation of my own constituents, and, in company with the honorable SPEAKER of the House, and other distinguished members of the Senate and House, to share the hospitalities of my own household. Whether in the parlor of that home, receiving the attentions of distinguished citizens, who did us the honor to call upon us, at the festive board, the same modest, yet courteous and dignified demeanor characterized him, as that which distinguished him in the more secluded walks of life.

But, Mr. SPEAKER, allow me to call the attention of Senators to one fact, which may perhaps have escaped the attention of those who were present on that occasion, but which will be familiar to them when I advert to it. Among those who were present on that occasion, the happy coterie embraced the oldest members of the Senate, as well as the youngest member of the House. That oldest Senator (pointing to Senator GREGG, of Centre,) still towers among us "like some tall cliff," to remind us that the honored name is still associated with deeds of usefulness to the country, and bidding fair to add to his career many more days of service in behalf of his native State. The other, Mr. SPEAKER, who was just entering upon the verge of manhood, strong in the buoyancy and hope of youth and health, now lies silent and cold in death. A mind even less prone than my own to draw from this sad bereavement lessons of profit, and inducements to good, cannot fail to be impressed with this truth, that "while the old must, the young may die."

I now see in his seat, the Senator from Philadelphia, (Mr. RANDALL,) who is better calculated to pay the proper and deserving tribute to the virtues of the deceased; and I leave to him the task which would have been a pleasing and happy one to me, were I sufficiently gifted to perform it with more becoming grace.

The amendment of Mr. SHAEFFER was accepted by Mr. WRIGHT.

Mr. RANDALL said that the truth of the expression, "death seeks a shining mark," had never been so clearly revealed to his mind, as in the decease of Mr. GEORGE W. WOOD. Just on the verge of manhood, ambitious and active, a token of promise, he was removed from the scenes and stir of State and Nation, to which he would have been an honor and credit.

As a friend, he had been true and faithful; as a legislator, upright and efficient; as a son and brother, dutiful and affectionate; a source of comfort and hope, to all to whom he was endeared.

This stroke, he said, came with peculiar force as an admonition. Our friend and fellow representative has passed from earth to the Bar of God, there to render his account. Solemn thought! Solemn event!

Much as we may lament the departure of one who had shown incipient seeds of usefulness, which we had hoped would have ripened into the fruits of glorious deeds, we must submit to this act of Providence. With emotions of sadness, he joined in the tribute of respect to the memory of the deceased.

Mr. WELSH said—

Mr. SPEAKER: I did not intend to say a single word upon the solemn occasion which has brought us together; but the feeling and eloquent manner in which my friend, the Senator from Lancaster, alluded to a scene in which he, and I, and our departed brother, were humble actors, has forced me to unseal the lips that, under other circumstances, I would have preferred should have remained entirely unopened. With the exception of the immediate Representatives from Philadelphia, I was, perhaps, better acquainted with the deceased, than any other Senator upon this floor; and I will therefore be pardoned, if I occupy a brief moment of your time in strewing upon his open grave a few of the sweet and imperishable flowers of memory.

It was my good fortune, Sir, to make his acquaintance at an early day in the present session. It was not in the discharge of any legislative duties, all of which he fulfilled so well and worthily, that we first met in friendly intercourse. Accidentally thrown in his way, I did not hesitate to improve the occasion, which seemed to me to be the budding of a closer friendship. I know not why it is, Sir, nor will I attempt to explain the acute philosophy that controls it, but there is in the character of some men a secret, subtle magnetism, which instinctively attracts the admiration and respect of all who come within the circle of their influence. He whose sudden death we are this day called upon to mourn, seemed to possess this inborn quality in a high and eminent degree. Young in years, gay in heart, frank in disposition, manly in bearing, and blooming in health, he appeared to be made of finer mould than that which ordinarily constitutes the frame of frail humanity. Just entering upon a career of usefulness to his native Commonwealth, he blended together a strict integrity with a loyal devotion to duty; uniting in his person the accomplished gentleman and the honest, upright legislator; and I feel, Sir, that I am not saying too much, when I accord to him qualities, which in his early youth gave earnest of a bright manhood, had he been spared by the fatal arrow of the "insatiate archer."

Sir, I have not risen to pronounce his eulogy. I will leave that sad office to others who knew him better, and who can more fittingly perform the solemn service. But if this melancholy bereavement should have the effect of causing any one amongst us to pause in his career through life and seriously reflect upon its stern vicissitudes and vanities—if it should arrest the earnest attention of any who may be heedless and regardless of the pressing dangers which surround them in the great battle of life—if it should induce a single human being to put on the impenetrable armor of faith and truth, in his unequal contest with the powers of evil—he who has just died will not have lived in vain! And although there may be no deeds of glory associated with his spotless name; although no "storied urn" nor "animated bust" may mark the spot where his sleeping form shall await the breaking dawn of "the great Easter of the universe," there are quiet, unobtrusive virtues scattered along the pages of his young life's history, now closed forever, which entitle him to the love and respect and fond remembrance of all who called him friend, and which will make his name a household word in the stricken hearts of those who, "like Rachel for her children crying, will not be comforted!"

On the adoption of the resolution,

The yeas and nays were required by Mr. PARKER and Mr. WELSH, and were as follows, viz:

YEAS.—Messrs. Baldwin, Bell, Blood, Brewer, Coffey, Craig, Fetter, Francis, Gizzard, Gregg, Harris, Marselis, Miller, Myer, Nunnemacher, Palmer, Parker, Penney, Randall, Schell, Scofield, Shaeffer, Schindel, Steele,



Thompson, Turney, Welsh, Wright, Vardley and Cresswell—*Speaker*—30.

*NAYS*—none.

The *SPEAKER*, in accordance with the resolution, appointed Messrs. WRIGHT, SHAEFFER, MARSELIS, VARDLEY and PENNEY, said committee.

On motion, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

THURSDAY, February 21, 1859.

The House was called to order at 9½ o'clock. The *SPEAKER* in the Chair.

Prayer was offered by the Rev. Dr. Bartine.

The Clerk read the Journal of yesterday.

The *SPEAKER* laid before the House the annual report of the officers of the House of Refuge.

Also, the report of the inspectors of the Eastern penitentiary.

The Clerk of the Senate being introduced, informed the House that the Senate insisted upon its amendments to the bill relative to the pay of T. H. Porter; and that they had appointed a committee of conference.

On motion of Mr. WILLISTON, a similar committee was appointed on the part of the House.

### PETITIONS, &c.

Mr. PROUDFOOT, read in his place, and presented to the Chair, a petition from citizens of Cambria county, in favor of the repeal of the tonnage tax.

Also, a remonstrance from citizens of Cone-maugh, against the annexation of any part of said borough to the borough of Johnstown.

Also, twelve remonstrances of citizens of Cambria county, against the removal of the seat of justice of said county.

Mr. QUIGLEY, one from citizens of Philadelphia, in favor of Reed street, in said city.

Mr. WILCOX, one from citizens of McCallmont township, county of Jefferson, for the passage of "An Act authorizing Thomas Hopkins, collector of school taxes for the year 1857, to return unseated lands to commissioners."

Mr. KINNEY, one from citizens of Sheshequin township, Bradford county, for the repeal of the act of March 27, 1855, establishing a ferry over the Susquehanna river at that place.

Also, two from citizens of Bradford county, for a law compelling the Williamsport and Elmira railroad company to fence their road.

Mr. OAKS, one from the officers of the Bank of Danville, for the repeal of "An Act providing for the resumption of specie payment by the banks, and for the relief of debtors, approved October 14, 1857."

Also, a remonstrance from citizens of Northampton county, against the passage of House bill, No. 187, relative to the Delaware division canal company.

Mr. ECKMAN, a petition from fifty citizens of Myerstown, Lebanon county, for an alteration in the license law.

Also, one from thirty-five citizens of North Lebanon borough, against annexing any portion of said borough to North Lebanon township.

Also, two from one hundred and forty-five citizens of North Lebanon township, of like import.

Mr. SHAEFFER, one from James V. Mitler, of Warwick township, Chester county, for a divorce from his wife Mary.

Mr. BOYER, (Clearfield,) one from citizens of Elk county, in favor of raising the compensation of supervisors in Spring Creek township, Elk county.

Mr. WILLIAMS, (Bedford,) two from citizens of Bedford, for the abolishment of the office of county school superintendent.

Also, two from same for the appointment of commissioners to sell the present poorhouse in

said county, and purchase a site for the re-erection of a new one.

Mr. WALKER, three remonstrances numerous signed by citizens of Somerset county, against the erection of a new county, to be called Ligonier.

Mr. CAMPBELL, two petitions from citizens of Girard, Erie county, for the passage of an act to establish an independent school district, by annexing a portion of the township of Girard to the borough of Girard for school purposes.

Also, one from same, remonstrating against the same.

Mr. PENNELL, one from James Eder Rosevelt, praying for a divorce from his wife Catharine.

Mr. PUGHE, eight petitions from several hundred citizens of Blakely township, Luzerne county, for the passage of an act removing the place of holding general, State and township elections in said township.

Mr. CUSTER, two from citizens of Douglasville, Amity and Oley townships, Berks county, for a charter for the Douglasville and Yellow-house turnpike road company.

Also, two from citizens of Reading, for an act authorizing a survey of said city.

Also, four petitions from citizens of Reading, for the repeal of the act fixing the dividing line between Reading and Alsace township.

Mr. ROHREK, two from citizens of the borough of Kittanning, asking for a supplement to their charter to compel the paving of certain sidewalks in certain streets in said borough.

Also, two remonstrances against the same.

Mr. DISMANT, one from the trustees of the First Methodist Episcopal church in Norristown, in the county of Montgomery, for an act to authorize them to exchange the Kupler burying-ground or lot for a lot in the Norris cemetery company, and remove the dead therefrom.

Also, one from one hundred and fifty-two citizens of Montgomery county, for an act requiring the commissioners of said county to appoint constables collectors of State and county taxes in the several boroughs and townships in said county.

Also, one from a number of citizens of same county, for an appropriation to aid in establishing a School of Mines.

Mr. BERTOLET, nine petitions from citizens of Reading, Berks county, for the repeal of an act fixing the dividing line between that city and Alsace township, same county, passed April 7, 1858.

Mr. WOODRING, six remonstrances from citizens of Northampton against the act relative to the Delaware Division canal company.

Mr. WILCOX, one of like import.

Mr. OAKS, one of like import.

Mr. SMITH, (Berks,) one of like import.

Mr. STEPHENS, one of like import.

Mr. HILL, one from citizens of Montgomery county, for the incorporation of the Whitemarsh and Cheltenham turnpike road company.

Also, a remonstrance from citizens of Pottstown, Montgomery county, against any change in their borough charter.

Also, a petition from the officers of the Bank of Pottstown, for an act making it obligatory on the several banks of the Commonwealth to keep their notes at par in Philadelphia and Pittsburg.

Also, one from citizens of Montgomery county, praying that the collectors of taxes in said county be elected.

Mr. MEHAFFEY, one from citizens of Lycoming county, for the passage of an act to secure more effectually the prompt payment on the part of insurance companies.

Mr. PALM, one from citizens of Middleport, in favor of erecting the town of Middleport into a borough.

Mr. BOYER, (Schuylkill,) one of similar import.

Mr. DURBORAW, one from citizens of Adams county, for the repeal of the office of sealer of weights and measures, so far as relates to the county of Adams.

Mr. IRISH, one from citizens of Allegheny county, to prevent the rendition of fugitive slaves.

Mr. WIGTON, one very numerous signed by citizens of Huntingdon county, in relation to the collection of State and county taxes in said county.

Also, five remonstrances against the same.

Mr. WILLIAMS, (Bucks,) a petition from citizens of Bucks county, in favor of an appropriation to aid in establishing a School of Mines in the Polytechnic college, Philadelphia.

Mr. NILL, one from a large number of citizens of the county of Franklin, praying that the office of county school superintendent should be abolished.

Also, one from sundry citizens of the same county, that there may be no law passed taxing dogs in said county.

Also, one from same, praying that a law may be passed to give the tonnage tax to the Sherman's Valley railroad company, for a period of ten years, in exchange for Sherman's Valley and Broad Top railroad bonds.

Mr. WILSON, one from numerous citizens of Beaver county, for the repeal of the law creating the office of school superintendent.

Also, one from numerous citizens of Beaver county, for the passage of an act requiring the Cleveland and Pittsburg railroad company to fence part of their road.

Mr. BBODHEAD, one of Jacob Ergood, of Pike county, praying to be divorced from the bonds of matrimony from his wife Mary.

Mr. HOTTENSTINE, petition of citizens of Northumberland county, praying for the repeal of the law establishing county superintendents of the common schools.

Also, a remonstrance against the passage of the bill reported in the House of Representatives, House file No. 187, relative to the Delaware Division canal company of Pa.

Also, three petitions from citizens of Northumberland county, praying for the passage of a law, annexing a part of Northumberland to Union county.

Mr. ROSE, a petition of citizens of Mercer county, praying for the passage of an act prohibiting exhibitions, shows, circuses, and the selling of intoxicating drinks within one mile of the fair grounds of the Mercer County agricultural society, on the days on which the annual fairs are held, unless by permit from the officers of said society.

Mr. PINKERTON, presented a petition numerous signed from citizens of the town of Middleport, Schuylkill county, asking a law incorporating said town into a borough.

Also, two from citizens of Schuylkill county, asking a law for the better securing the wages of labor in Schuylkill county.

Mr. GALLEY, a remonstrance from one hundred citizens of Fayette county, against the erection of the new county of Monongahela.

Also, one other of like import.

Also, a petition from thirty-eight citizens of Fayette county, for the repeal of the law allowing county officers to pay a premium on scalps, and for the repeal of a law increasing the pay of county officers.

Mr. STEPHENS, a petition of one hundred and six citizens of Wayne, remonstrating against the passage of an act, entitled "An Act relative to the Delaware Division canal company, of Pennsylvania."

Also, a petition of one hundred citizens of Wayne county, of like import.

Also, a petition of the citizens of Northampton county, numerous signed, of like import.



Also, a petition of Paul S. Preston and others, of Wayne county, of like import.

Also, a petition of Charles S. Minor and others, of Wayne county, praying for the repeal of the Lenox road laws, so far as Wayne county is concerned.

Also, a petition of the citizens of Dyberry township, Wayne county, numerous signed, remonstrating against the repeal of the Lenox road laws.

Mr. TAYLOR, a petition from citizens of Indiana county, for the abolition of the office of county school superintendent.

Also, a remonstrance from citizens of Indiana county, against the erection of the new counties of Pine and Liognier.

Also, a petition from citizens of Indiana, Clearfield and Cambria counties, for the erection of Pine county.

Also, a remonstrance from citizens of Cambria county, against the removal of the county seat from Ebensburg.

Mr. DODDS, a petition from citizens of Middlesex township, asking for an independent school district.

Also, one from same, for the abolition of the office of county school superintendent in Butler county.

Also, two remonstrances from citizens of Franklin township and Muncy Creek township, Butler county, against the passage of House bill 214, changing the mode of collecting taxes.

Also, a remonstrance against the Penn steam engine, steamboat and steamship company.

Mr. FOSTER, one from sixty-three citizens of Indiana county, for a change in the road laws in said township.

Also, one from thirty-two citizens of Pittsburgh, in favor of the new county, to be called Monongahela.

Mr. BAYARD, one from sixty-two citizens of Pittsburgh and vicinity, praying for the incorporation of a passenger railway from Pittsburgh to East Liberty via Pennsylvania avenue.

Mr. WOLF, a letter and petition from female tax payers of the borough of Logansville, York county, for a supplement to their borough law, authorizing the opening of certain roads and alleys in said borough.

Mr. BARNESLEY, the petition of Anna Stackfous, widow of an old soldier, asking for a pension.

Also, two petitions from seventy-eight citizens of Bucks county, against the passage of the act now before the Legislature, relative to the Delaware Division canal company; which was read and ordered to be printed in the *Record*.

Mr. WILLIAMS, (Bucks,) two petitions from citizens of Bucks county, against the erection of dams or other obstructions in the Delaware river.

Mr. PEARCE, one from forty citizens of West Marlboro township, Chester county, in favor of the alteration of their road laws.

On motion of Mr. PENNEL, one hundred copies of the petition of James Eder Roosevelt, was ordered to be printed for the use of the House.

Mr. WARDEN, two petitions from citizens of Westmoreland county, for the passage of a law abolishing the office of county school superintendent.

Also, a remonstrance from one hundred and forty citizens of South Huntingdon township, same county, against the erection of a new county, to be called Monongahela.

Mr. ROUSE, a petition from Daniel Lott, a citizen of Warren county, asking that the exemption law of April 9, 1849, be amended or repealed; which was read; and, on motion of Mr. WILLISTON referred to a special committee of three.

Mr. SMITH, (Berks,) a remonstrance from citizens of Northampton county, against the passage of House bill No. 187, relative to the Del-

aware Division canal company; which was read and ordered to be printed in the *Record*.

Also eight petitions from citizens of Reading, for the repeal of an act fixing the dividing line between that city and Alsace township, approved April 7, 1858.

Mr. BURLEY, one from citizens of Blair county, asking for an additional appropriation for the erection of a monument on the capital grounds, in honor of the citizen soldiers of Pennsylvania in the war with Mexico.

Also, one from one hundred and twenty-five citizens of same county, asking the passage of an act for the protection of the wages of laborers in Blair county.

Mr. SMITH, (Berks,) a remonstrance from citizens of Hereford township, Berks county, and parts adjacent, against the passage of any law exempting forge and furnace teams from paying tolls on bridges and turnpikes.

Mr. GRITMAN, one of like import.

Also, a remonstrance of citizens of Wilkesbarre township, Luzerne county, against the passage of an act dividing said township.

Mr. GRAY, one from citizens of Greene county, in favor of the erection of an almshouse in said county.

Mr. GALLEY, one from Elizabeth Fisher, widow of an old soldier, for relief.

Mr. MCCLURE, one from citizens of Franklin county, for the passage of an act imposing a license on stallions.

Also one from two hundred and ten citizens of same county, against the passage of a law imposing a tax on dogs.

Mr. PRICE, one from one hundred and nineteen citizens of Earl township, Lancaster county, to give the collection of taxes to assessors, as heretofore.

Also, a remonstrance from seventy-two citizens of Lancaster county, against the passage of an act authorizing the construction of a State road in Berks and Lancaster counties.

Also, a petition from citizens of same county, in favor of the abolition of the office of sealer of weights and measures in said county.

Also, one in favor of the repeal of the tonnage tax.

Also, one from attorneys of the Lancaster Bar, relative to the sale of real estate by assignees and trustees, &c.

Mr. KENEAGY, one from sixty citizens of West Calm township, Chester county, authorizing a majority of the commissioners appointed under a certain act to levy and collect a tax to construct a State road, in Lancaster and Chester counties.

Mr. GOOD, three remonstrances from citizens of Lehigh and Berks counties, against exempting forge and furnace teams from paying tolls on bridges, &c.

Also, a petition from citizens of the borough of Allentown, in favor of the division of said borough into wards.

Mr. WILEY, a petition in favor of the repeal of the tonnage tax.

Also, a remonstrance against the running of cars on the Frankford and Southwark passenger railway on the Sabbath.

Mr. HAMERSLY, the remonstrance of Chas. T. Jones, J. P. Sanderson, and other citizens of Roxbury township, against any change in the mode of electing overseers of the poor in said township.

Also, one from citizens of Philadelphia, prohibiting negroes from coming into the State with the view of making it their residence.

Mr. HAMERSLY informed the House that the above petition was not from his district.

He also presented a memorial from citizens of Philadelphia, in favor of an appropriation to aid in establishing a School of Mines, in Polytechnic college, Philadelphia.

Mr. MATTHEWS, a memorial from citizens

of Philadelphia, in favor of a modification of the auction laws in said city.

Mr. CHASE, a petition from citizens of Susquehanna county, in favor of the erection of a county almshouse.

Also, two from citizens of Susquehanna county, in favor of giving justices of the peace power with a jury of six to try and determine certain criminal cases, &c.

Mr. GRAHAM, a remonstrance from citizens of Washington county, against the erection of the proposed new county, to be called Monongahela.

Also, one in favor of extending to Washington county the act of 11th March, 1852, relative to elections.

Mr. LAWRENCE, (Washington,) one of like import.

Mr. SHIELDS, one from citizens of Indiana county, in favor of the proposed new county, to be called Ligonier.

Also, another of like import.

Also, a remonstrance from citizens of Bucks county, against the passage of the act now before the Legislature, relative to the Delaware Division canal company.

Mr. EVANS, one in favor of the repeal of the tonnage tax.

Mr. WILSON, one from ninety-four citizens of Beaver county, in favor of the repeal of the act of 19th January, 1853, relative to the collection of taxes in said county.

Mr. ABBOTT, a memorial of citizens of Philadelphia, in favor of the repeal of the tonnage tax.

Messrs. BURLEY and WAGONSELLER moved that the House re-consider the vote by which House bill No. 331, "An Act to incorporate the Farmers' market company," passed the House yesterday.

And on the question,

Will the House agree to the motion?

Messrs. ACKER and PEIRCE spoke against the motion to re-consider.

Mr. LAWRENCE, (Washington,) favored re-consideration, because he understood the gentleman from Philadelphia, (Mr. CHURCH,) wished to introduce some amendments to the bill.

Mr. CHURCH said that he asked a re-consideration in order to locate the market. It was at present an open charter.

Mr. HAMERSLY said that the matter was up yesterday, and the gentleman had then had every opportunity to make an amendment.

Mr. CHURCH said that he did not think the House knew what it was voting on yesterday, when it killed his amendment.

Mr. HAMERSLY said that he presumed the House generally knew what questions it was voting on.

The question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. CHURCH and Mr. STUART, and were as follows, viz:

YEAS—Messrs. Bertolet, Burley, Church, Custer, Ellmaker, Fisher, Kinney, Oaks, Palm, Pinkerton, Price, Proudfoot, Rohrer, Smead, Smith, (Berks,) Stuart, Styer, Taylor, Wilcox, Williams, (Bucks,) Wilson and Lawrence, *Speaker*—22.

NAYS—Messrs. Abbott, Ackers, Balliet, Barnesley, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Campbell, Chase, Dismant, Dodds, Durbin, Eckman, Evans, Fearon, Fleming, Foster, Galley, Glatz, Good, Graham, Gray, Green, Gritman, Hamersly, Harding, Hill, Hottenstine, Irish, Keneagy, Matthews, McClure, McCurdy, McDowell, Neall, Nill, Pennell, Peirce, Pugh, Quigley, Rose, Shaffer, Shields, Smith, (Philadelphia,) Stonehack, Thorn, Wagonseller, Walker, Warden, Wigton, Wiley, Williams, (Bedford,) Williston, Wolf, Woodring and Zoller—57.



So the question was determined in the negative.

Mr. IRISH, on leave, read in his place and presented to the Chair, "An Act to alter the districts of the supreme court and regulate proceedings therein."

Also, "A further supplement to an act regulating banks."

Also, "An Act supplementary to an act for the limitation of actions to be brought, for the inheritance or possession of real property or upon penal acts of Assembly, passed March 26, 1785."

Mr. WAGONSELLER, "An Act to incorporate the Dimes' saving institution of Harrisburg."

Mr. GRITMAN, "An Act to provide for the assessment of claims on the Upper North Branch of the canal."

#### APPROPRIATION BILL.

On motion of Mr. CHASE, the House resolved itself into committee of the whole, (Mr. LAWRENCE, of Washington, in the chair,) on House bill No. 343, "An Act to provide for the ordinary expenses of the Government and other ordinary and special appropriations."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the following sums be, and the same are hereby specifically appropriated to the several objects hereinafter mentioned, for the year commencing on the first day of June, Anno Domini one thousand eight hundred and fifty-nine, to be paid out of any money in the treasury not otherwise appropriated.*

SEC 2. For the salary of the Governor of the Commonwealth, four thousand dollars.

For the salary of the Secretary of the Commonwealth, inclusive of his compensation as commissioner of the sinking fund, two thousand dollars.

For the salary of the Deputy Secretary of the Commonwealth, one thousand four hundred dollars.

For the salary of the Auditor General, inclusive of his compensation as commissioner of the sinking fund, two thousand dollars.

For the salary of the Surveyor General, one thousand six hundred dollars.

For the salary of the Attorney General, three thousand dollars.

For the salary of the Adjutant General, six hundred dollars.

For the salary of the Superintendent of Common Schools, one thousand seven hundred dollars.

For the salary of the State Librarian, eight hundred dollars.

For the salary of the State Treasurer, inclusive of his compensation as commissioner of the sinking fund, one thousand seven hundred dollars: *Provided*, That the foregoing salaries shall be paid quarterly at the office of the State Treasurer.

SEC 3. For clerk and messenger hire, in the Executive and State departments, six thousand dollars.

For contingent expenses in the Executive and State departments, as follows: postage and telegraphic dispatches, one thousand seven hundred dollars; stationery, four hundred and fifty dollars; fuel and lights, one hundred and twenty-five dollars; cleaning offices, one hundred dollars; blank books, fifty dollars; repairs, fifty dollars; geological survey, freights and packages, one hundred and fifty dollars; new carpets in Executive chamber, two hundred dollars; miscellaneous expenses, one hundred and fifty dollars.

For clerk and messenger hire in the Auditor General's office, eight thousand one hundred dollars.

For contingent expenses, as follows: postage

and telegraphic dispatches, five hundred dollars; stationery, three hundred and fifty dollars; fuel, seventy-five dollars; miscellaneous, seventy-five dollars.

For clerk and messenger hire in the Surveyor General's office, eight thousand seven hundred dollars.

For contingent expenses, as follows: postage, four hundred dollars; stationery, two hundred dollars; fuel, seventy dollars; stove and repairs, sixty dollars; white-washing and scrubbing, fifty dollars; miscellaneous, fifty dollars.

For clerk hire in the Attorney General's office, eight hundred dollars; and hereafter the Attorney General shall be allowed eight hundred dollars annually for clerk hire.

For clerk and messenger hire in the school department, three thousand nine hundred dollars.

For contingent expenses, as follows: stationery and blank books, three hundred and fifty dollars; postage, including telegraphic dispatches, one thousand two hundred dollars; fuel, light, and cleaning office, sixty dollars; packing and distributing blank forms, laws and decisions, reports, et cetera, to the several districts, six hundred dollars; miscellaneous, fifty dollars.

For clerks, messenger, and night-watch in the Treasurer's office, five thousand four hundred and fifty dollars.

For contingent expenses, as follows: postage and telegraphic dispatches, four hundred and seventy-five dollars; express charges, one hundred dollars; stationery and blank books, two hundred and fifty dollars; fuel and light, seventy-five dollars; miscellaneous, one hundred and fifty dollars.

For miscellaneous expenses of the State Library as follows: repairing telescope, forty dollars; press for stamping, twenty-five dollars; making fires, sweeping, cleansing and white washing, postage, freight, expenses of purchasing books, stationery, et cetera, three hundred dollars; miscellaneous books and newspapers, six hundred dollars; law books, English and Irish reports, elementary books and civil law, one thousand dollars; Pennsylvania Reports, for exchanges, three hundred and twenty dollars; binding, one hundred and fifty dollars; and assistant, one hundred and fifty dollars.

SEC 4. For the payment of the expenses of the Legislature, including the pay and mileage of the members, clerks and officers thereof, and the amount authorized by law for stationery, newspapers and lights, the sum of one hundred and fifty thousand dollars.

SEC 5. For packing and distributing the laws and journals of the Legislature, to be performed under the direction of the Secretary of the Commonwealth, seven hundred dollars.

SEC 6. For the public printing, folding, stitching and binding, thirty thousand dollars, or so much thereof as may be necessary on the settlement of the account of the contractor under his contract entered into in pursuance of the act approved the ninth day of April, Anno Domini one thousand eight hundred and fifty-six, entitled "An Act in relation to public printing."

SEC 7. For the payment to the borough of Harrisburg, for supplying the public buildings with water, as per act of twenty-eighth day of April, Anno Domini one thousand eight hundred and forty, six hundred dollars.

For payment to the Harrisburg gas company, for gas for public buildings and walks, two thousand dollars, or so much thereof as shall be found due by the Auditor General, under the contract with the company, in pursuance of the charter of said company and its supplement, to be paid on the warrant of the Governor.

SEC 8. For miscellaneous expenses, to be accounted for in the usual manner, three thousand dollars.

SEC 9. For the support of the common schools,

to be paid on warrants drawn by the superintendent in favor of the several school districts of the Commonwealth, in proportion to the number of resident taxables therein, two hundred and eighty thousand dollars.

SEC 10. For the payment of pensions and gratuities, ten thousand dollars.

SEC 11. For the payment of the salaries and per diem allowance of the judges of the supreme court, eighteen thousand seven hundred dollars.

SEC 12. For the payment of the salaries of the judges of the district court, and the president and associate law judges of the court of common pleas of the city of Philadelphia, sixteen thousand eight hundred dollars.

SEC 13. For the payment of the salaries of the judges of the district court, and president judge of the court of common pleas of Allegheny county, eight thousand four hundred dollars.

SEC 14. For the payment of the salaries and mileage of the president and associate law judges of the several courts of common pleas in this Commonwealth, except in the city of Philadelphia and the county of Allegheny, fifty-five thousand dollars.

SEC 15. For the payment of the salaries and mileage of the associate judges of the several courts of this Commonwealth, twenty-five thousand dollars.

SEC 16. For the payment of the interest on the funded debt of the Commonwealth, that will fall due on the first days of July and August next, and the first days of January and February, one thousand eight hundred and sixty, two millions of dollars, or so much thereof as may be necessary.

SEC 17. For the payment of the guaranty of interest for the Danville and Pottsville railroad company, by the act of the eighth of April, one thousand eight hundred and thirty-four, and the act of twelfth April, one thousand eight hundred and fifty-one, eight thousand five hundred and seventeen dollars and fifty cents, being the interest in full, on said guaranty, up to the first day of August, Anno Domini one thousand eight hundred and fifty-nine; to the Bald Eagle and Spring Creek navigation company, by the act of seventh April, Anno Domini one thousand eight hundred and thirty-five, ten thousand dollars: *Provided however*, That said companies are hereby required to make it appear satisfactorily to the Attorney General that the said appropriations are due from the Commonwealth; and it shall be the duty of the Attorney General so to certify to the treasurer before any of the moneys herein appropriated are paid.

SEC 18. For the payment of the salaries of the officers of the Western penitentiary, ten thousand one hundred and fifty dollars; also, for gratuities paid to discharged convicts for the year one thousand eight hundred and fifty-eight, agreeably to the eighth section of the act of twenty-second of April, one thousand eight hundred and twenty-nine, and the several supplements thereto, three hundred and eight dollars.

SEC 19. For the payment of the salaries of the officers of the Eastern penitentiary, twelve thousand eight hundred and ninety-five dollars; which sum may be drawn from the treasury in equal quarterly portions, on or after the fifteenth day of the months of June, September and December of the present year, and March of next year.

SEC 20. For the house of refuge of Philadelphia, the sum of twenty thousand dollars.

SEC. For the house of refuge of Western Pennsylvania, in the county of Allegheny, eighteen thousand and five hundred dollars, to be applied as follows: for the salaries of officers, eight thousand and five hundred dollars; additions and repairs, four thousand dollars; and for the payment of debts, six thousand dollars.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 40.

SEC. 22. For the Western Pennsylvania hospital, five thousand dollars; and for the purpose of erecting suitable buildings, the further sum of twenty thousand dollars, to be paid to said institution upon a bond being executed to the Commonwealth in said sum, with security to be approved by the Auditor General and State Treasurer, conditioned for the full erection and completion of said buildings without further aid from the Commonwealth.

SEC. 23. For the Pennsylvania State lunatic hospital, the sum of twenty thousand dollars; to be applied to the payment of salaries, the support of the house, the renewal of furniture and fixtures, and to such repairs and improvements as may be required.

SEC. 24. For the Pennsylvania institution for the instruction of the blind, twenty-two thousand dollars.

SEC. 25. For the instruction of indigent pupils in the Pennsylvania institution for the instruction of the deaf and dumb, twenty-three thousand dollars: *Provided*, That the sums appropriated for the instruction of the blind, and deaf, and dumb, shall be paid to said institutions, in proportion to the number of indigent pupils received by each, from the several counties of this Commonwealth, at the rates prescribed by law; evidence of the number of pupils to be furnished to the State Treasurer.

SEC. 26. For the Pennsylvania training school for feeble minded children, such amount as said institution may be entitled to receive under the provisions of the sixth section of the act incorporating said school, approved the seventh of April, Anno Domini one thousand eight hundred and fifty-three; and for the purpose of completing the buildings now in progress, the further sum of twenty-five thousand dollars, to be paid to said institution upon a bond being executed to the Commonwealth in said sum, with security, to be approved by the Auditor General and State Treasurer, conditioned for the full completion of said buildings without further aid from the Commonwealth.

SEC. 27. For the Northern Home for friendless children, five thousand dollars.

SEC. 28. For the Penn Asylum for indigent widows and single women, five thousand dollars.

SEC. 29. For the Howard Institution, under the care of an association of women Friends of Philadelphia, one thousand dollars.

SEC. 30. For the salary of the superintendent of the public printing, eight hundred dollars.

SEC. 31. To Richard J. Haldeman, publisher of the *Legislative Record*, compensation at the rate of seven dollars per page, for the numbers published at the present session, the amount to be certified as due by the superintendent of public printing.

SEC. 32. To each of the fire companies of Harrisburg, now organized and in operation, one hundred dollars.

SEC. 33. For the preservation and repairs of the capitol, and improvement of the public grounds.

SEC. 34. That the State Treasurer is hereby authorized to pay John A. Small, for services rendered the House of Representatives, the same compensation now allowed by law for an assistant clerk.

SEC. 35. That the State Treasurer is hereby authorized to pay the clerks of the Senate and House of Representatives, the amounts necessary to pay the pages and folders employed during the present session, at the rate of one dollar per

day each, for the time the Legislature is in session.

SEC. 36. That the State Treasurer is hereby authorized to pay George Manley, at the rate of one dollar per day, for services in cleansing and keeping in order the out-building of the two houses; the actual number of days employed, to be certified to by the Clerk of the House.

SEC. 37. That the State Treasurer is hereby authorized and directed to pay Alvin Day, nineteen dollars and twenty-five cents, being the amount of a check drawn by the State Treasurer on the Bank of Pennsylvania, in May, one thousand eight hundred and fifty-seven, and dishonored by said bank.

SEC. 38. For transcribing for committee of ways and means, to be paid on the order of the chairman, twenty dollars.

SEC. 39. For postage and stationery used in the office of the late Attorney General, sixty-seven dollars and fifty-nine cents.

SEC. 40. That the State Treasurer is hereby authorized to pay the chief clerks of the Senate and House of Representatives, for the expense of indexing journals, one hundred and twenty-five dollars each.

SEC. 41. For the payment of salaries of tonnage agents in full to June first, one thousand eight hundred and fifty-nine, twelve hundred dollars.

The first section being before the committee, Mr. HAMERSLY moved that the committee rise, report progress and ask leave to sit again; and,

After some discussion the motion was withdrawn.

The first section was then read and agreed to. Second section was read.

Section was agreed to.

Third section was read.

Mr. HAMERSLY wished to know whether these were the usual appropriations.

Mr. CHASE said that in the aggregate they were the same.

The third section was agreed to.

The fourth section was read and agreed to.

The fifth section was read and agreed to.

The sixth section was read and agreed to.

The seventh section was read and agreed to.

The eighth section was read and agreed to.

The ninth section was read and agreed to.

The tenth section was read and agreed to.

The eleventh section was read and agreed to.

The twelfth section was read and agreed to.

The thirteenth section was read and agreed to.

The fourteenth section was read and agreed to.

The fifteenth section was read and agreed to.

The sixteenth section was read and agreed to.

The seventeenth section was read and agreed to.

The eighteenth section was read.

Mr. CHASE offered an amendment providing that \$3,118 extra be appropriated for expenses incurred for paving, under the compulsory paving laws of Allegheny city.

Mr. CHASE said that the amendment had originated with one of the inspectors. He desired an explanation from some of the gentlemen from Allegheny.

Messrs. M'DOWELL and FOSTER explained that the laws of Allegheny city were compulsory upon property holders to pave.

Mr. THORN wished to know whether the street had been paved.

Mr. M'DOWELL said that it had been done last summer, and never paid for.

Mr. HAMERSLY said that in this case it was just for them to have the money.

Mr. FOSTER explained further.

The amendment was agreed to.

The section as amended was then agreed to.

The nineteenth section was read and agreed to.

The twentieth section was read and agreed to.

The twenty-first section was read and agreed to.

The twenty-second section was read.

Mr. ROHRER offered an amendment to appropriate to Pittsburg hospital, twenty-five hundred dollars, and to Passavant's infirmary, twenty-five hundred dollars.

Mr. CHASE desired an explanation.

Mr. IRISH said that the appropriations were necessary; the institutions had been supported by voluntary subscriptions for a long time.

The amendment was withdrawn.

Debate ensued on the section, between Messrs. CHASE and THORN.

Mr. WARDEN offered an amendment, that the charges should first be certified to by the Auditor General.

Mr. CHASE opposed this. The Auditor General had enough duties to perform at present.

Mr. WARDEN said that the Auditor General had told him that some not very creditable bills had been presented from the institution, viz: one for fifty tons of hay for fast horses which had been kept.

Mr. KINNEY wished to inquire what become of the surplus fund if the appropriation should exceed the necessary expenses.

Mr. CHASE said that an excess could not be drawn.

Mr. HAMERSLY suggested that a section should be introduced giving the managers power to collect in different counties.

The section, as amended, was agreed to.

The twenty-fourth section was read and agreed to.

The twenty-fifth section was read and agreed to.

The twenty-sixth section was read and agreed to.

The twenty-seventh section was read.

Mr. CHASE offered an amendment, that the Home should be subject to certain regulations incorporated in an act relative to the House of Refuge.

Mr. THOMPSON offered an amendment to the amendment, viz: to appropriate one thousand dollars to the Northern Home of Bradford county. He defended his project. The last amendment was withdrawn.

The amendment of Mr. CHASE was agreed to; and the section, as amended, was agreed to.

The twenty-eighth section was read.

Mr. KINNEY moved to strike out all after the words twenty-eighth section.

Mr. WALBORN would like to have some reasons.

Mr. KINNEY thought that Philadelphia should support its own poor.

Mr. WALBORN said that Philadelphia did support its own poor, and also assisted to support the poor in other sections of the State.—The institution took in persons from every county. It was now in straightened circumstances. It was not an ordinary poor house. It was one



appealing to the sympathy and heart of every member.

Mr. KINNEY said that the country supported its poor better than the city. He was opposed to making the State pay for the support of a certain class of poor in Philadelphia.

Mr. WILLIAMS hoped that the section would not be stricken out. The institution was useful. An admission fee of \$60 would give widows a home for life.

Mr. THORN opposed the remarks of Mr. KINNEY, who said that the people of the country took better care of their poor than those of the city. He doubted this, and hoped that the measure would pass as a simple act of justice. He spoke eloquently in the defence of the institution, which was sustained solely by women, who mutually agreed to take care of each other. He appealed not to the sympathy of the House, but to its honor and philanthropy.

Mr. KINNEY read from the Constitution that the institution was the Penn widow's asylum of Kensington. It was, therefore, local in its character. He further spoke in opposition to the appropriation.

Mr. THORN said there were many reasons why this appropriation should be made to a Philadelphia institution. The poor house of that city supports an immense number of people from every part of the State.

Mr. KINNEY said that Mr. THORN seemed to think that everybody lived in Philadelphia.

The amendment was lost and the section was agreed to.

The twenty-ninth section was read and agreed to.

The amendments previously offered by Mr. ROHRER and withdrawn, were again offered. They appropriated \$5000 to two Pittsburg institutions.

Mr. WILSON advocated these amendments, and spoke particularly of Passavant's infirmary, and of its founder, whom he highly eulogized. This institution, some eight or ten years old, had done incalculable good, and certainly deserved an appropriation of this small amount, viz., \$2,500.

Mr. IRISH said that there were no salaried officers in the institution, and every cent of money went to the benefit of the inmates.

Mr. HAMERSLY hoped that the two institutions, by whom aid was desired, would be allowed to go hand in hand. One was Catholic and one was Protestant.

Mr. CHURCH hoped not, and would not vote for them when together.

Mr. ROHRER defended the Mercy Hospital.

Mr. NILL favored the union of the two institutions in the appropriation bill.

Mr. HAMERSLY further favored the union.

The section, as amended, was adopted.

Mr. THOMPSON offered the thirty-first section, appropriating \$1000 to the Orphan's Home of Zelenople.

Agreed to.

Mr. LAWRENCE, (Washington,) offered a section appropriating twenty-four thousand dollars to erect a monument in honor of the soldiers who perished in Mexico.

This was withdrawn for the present.

Section 32 was read and agreed to.

Section 33 was read.

Mr. CHASE offered an amendment to strike out "Superintendent of Public Printing," and insert "Committee of Printing of both Houses."

The amendment was agreed to.

Mr. CHASE, also offered the following amendment: that the fortieth section of an act of appropriation of 1858, relative to the continuance of the publication of the *Record* by R. J. Haldeman, be repealed.

Mr. CHASE said that the design of this amendment was not to affect the contract for this session, and modified his amendment so

that it shall not effect the contract for the present session.

Mr. HAMERSLY was opposed to the modification.

Mr. ABBOTT thought that the present publication of the *Record* was without law or authority, and that the Constitutional privileges of the House had been invaded by the act of 1858.

Mr. WILSON said that he thought the contract would terminate at the end of this session.

Mr. CHASE moved that the committee of the whole rise, report progress, and ask leave to sit again. Agreed to.

Leave was given to the committee to sit again to-morrow morning.

The hour of one having arrived, the House adjourned until 3 o'clock this afternoon.

#### AFTERNOON SESSION.

The House met again at 3 o'clock.

Mr. HAMERSLY moved that the Committee on Corporations be discharged from the further consideration of the supplement to the act incorporating the town of Sunbury, Northumberland county, into a borough, and that the House proceed to the consideration of the same; which was agreed to.

Mr. HAMERSLY moved to amend the first section as follows:

The town council shall have the authority to regulate the roads, streets, lanes, alleys, courts, common sewers, public squares, common grounds, foot-walks, pavements, gutters, culverts, and the heights, grades, widths, slopes, and forms thereof, and they shall have other needful jurisdiction over the same; which was agreed to, and the bill passed the House; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. THOMPSON, on leave, read in his place and presented to the Chair, the following:

"A supplement to the act abolishing a land office, &c."

Also, "An Act to incorporate the United Presbyterian congregation of Unity church, of Venango township, Butler county."

Mr. GRATZ said: It becomes my painful duty to announce to this House the death of one of its members, my late colleague, Mr. WOOD. A few months since and he had entered the threshold of manhood, buoyant with that hope which animates the young, and had come here in obedience to the voice of the people of his district, who, in the full confidence of his integrity and ability, had selected him, young as he was, as their representative upon this floor. Conscious of the importance of the duties committed to him, he strove honorably to acquit himself by a careful and constant attention to all matters involving either the interests of his district or those of his native city. How well he succeeded, during the short time he was among us, we all know.

Of the qualities of his heart, I must speak; for I knew him well—I may say intimately; and I, and all of us, can bear truthful testimony to his kind affection, his uniform courtesy, his obliging disposition, and his modest and unobtrusive deportment, which endeared him to his friends and companions. But the inscrutable decree of an all-wise Providence has ordained that he should part from us, and from all that was dear to him on earth, to exchange mortality for immortality—and to that decree we must all bow in submission. True, sir, that sad memories of the departed will linger around his vacant chair; true that when we turn our eyes to his accustomed seat, and see him not, mournful recollections will fill our minds. But why should we sorrow? He is the gainer. The readiness is all. And I believe that he was prepared to meet the stern messenger, and is now, in another and a better world, gathering

the inestimable gains of a short, but well-spent life.

Mr. EVANS offered the following preamble and resolutions:

WHEREAS, This House has learned with deep sorrow, the announcement of the death of its late member, GEO. W. WOOD;

Resolved, That as a mark of our respect for the memory of the deceased, we will wear the usual badge of mourning for the space of thirty days.

Resolved, That a committee of five be appointed from this body, to attend the funeral of the deceased; and to convey to his family the assurances of our sincere condolence with them in the affliction which they have sustained.

Resolved, That the SPEAKER be requested to communicate to the family of the deceased; the proceedings had thereon by this House.

Which were read the second time.

And on the question,

Shall the same pass?

The yeas and nays were required by Mr. THORN and Mr. M'DOWELL, and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Foster, Galley, Glatz, Good, Graham, Gratz, Gray, Green, Gritman, Hamersly, Harding, Hill, Hottenstine, Irish, Keneagy, Kinney, Laird, Lawrence, (Washington,) Mehaffey, Matthews, M'Clure, M'Curdy, M'Dowell, Neall, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Price, Proudfoot, Pugh, Quigley, Ramsdell, Rohrer, Rose, Ronse, Shafer, Sheppard, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Styer, Taylor, Thompson, Thorn, Wagonseller, Walborn, Walker, Warden, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wiliston, Wilson, Witherow, Wolf, Woodring Zoller and Lawrence, *Speaker*—92

NAYS—None.

Mr. EVANS said—

Mr. SPEAKER: It becomes my unpleasant duty to announce to this House the death of GEO. W. WOOD, late member from the city.

It is a melancholy occasion which calls upon us to pay a last and well merited tribute of respect to the dead. We realize that we have been visited by a most solemn and peculiar admonition in this dispensation of Providence, when one so young, so fresh, in the first bloom of manhood, falls, and when death enters the household of the Commonwealth, and deprives it of one of its most useful and active members. His death is full of useful instruction, and should be to us a most solemn admonition of the uncertainty of life. It was my pleasure to form the acquaintance of the deceased shortly before the Legislature convened, since which time our associations in and out of this Hall have been almost daily, and of a familiar character, resulting in a most intimate friendship. I have invariably found him courteous, frank and generous. He was strong in his impulses, which proceeded from a warm and generous heart. But it is not our task to pass a eulogy upon his character. We are here to join in condolence our sympathies with the feelings of his friends and relatives. He is gone, and we trust to that better world where the soul lives immortal and knows no pangs of sorrow. To us he can only be held in memory. We shall delight to think of him as he was and as we knew him. And although his life has flitted across our horizon as bright and sudden as a shooting star, its course is marked by those fond recollections, which nothing but the chill hand of death can have power to obscure. We know that he will live in the memories of those of us who knew



him but as a fond associate, a useful member, and a valued friend.

Mr. HAMERSLY said—

Mr. SPEAKER: I can scarcely find language to give utterance to the feelings which crowd upon the heart at the announcement of the death of my late friend and colleague, Mr. WOOD; and yet I feel as though I ought not to permit the occasion, sad and mournful as it is, to pass without bearing my feeble testimony to the many virtues of him whose sudden decease we are now called upon to deplore.— Though a resident of the same city, my acquaintance with Mr. WOOD was confined to the last few months. I first met him when, with all the ardor and energy of youth, he entered upon the canvass which ended in placing him in the seat from which he has been so suddenly called away, and which has left me, far more unworthy, to remain and weep over his loss.— Yet brief as was my intercourse with him, it was long enough to enable me to learn the many high and ennobling qualities of his heart; to feel and appreciate his sterling worth. Though with a modesty, which is always the characteristic of true genius and merit, he refrained from an active participation in the proceedings of the House, he was keenly alive to the duties and responsibilities of his position, and his highest ambition was to discharge those duties honestly and faithfully to the constituency who sent him here, and to prepare himself for future usefulness.

To our limited vision, Mr. SPEAKER, there may seem something strange and inscrutable in the summons that has called him, in the full flower of his youth, from our midst; yet it becomes us to bow without murmuring to the decree of Him who orders all things wisely, and whose ways are not as our ways. It may be a subject of wonder to us that he who but a few days ago stood among us, the youngest member of us all—who, to all human appearances, would be the last one to be summoned from our midst—should, in the silent providence of God, be suddenly snatched away; yet it is better, Mr. SPEAKER, that he should have been taken from hence before intercourse with the world had corrupted the pure feelings of his youth—before he entered into battle with the stern realities of life, which are so well calculated to destroy the warmest and most refined sensibilities of our nature. It was well, sir, “that the light cloud should fade away with the morning sun, rather than travel on through the weary day, to gather in darkness and end in storm.” In leaving us thus early, he has escaped the thousand ills that “come to all, and must have come to him;” and it should be to us a matter of rejoicing, that the flower has been torn from its stem while all its beauty and fragrance remained, instead of being left to wither and fade away, to be scattered at last by the rude winds.

There is a lesson in all this, Mr. SPEAKER, sad and harrowing as it may be, which I trust will not be lost upon those of us who are yet permitted to remain. And if it shall be the means of recalling us to a just sense of our duties and obligations to those who sent us here; if it shall soften down the bitterness and asperities of debate; if it shall induce us to feel more kindly and charitably towards the faults and frailties of each other; if it shall banish from these Halls the angry and excited feelings which recent events have engendered here, and induce us to feel as man ought to feel towards his fellow man; then, Sir, will this lesson, severe and heart-rending as it is, not have been taught in vain, and we shall go from here the wiser and better for it. Let us lay these things closely to heart, Sir, so that when the dread summons shall come to us, it may find us ready to meet it, armed with the consciousness of a life well spent; of a trust well kept; of duties honestly and faithfully discharged; and this,

Mr. SPEAKER, is all that is worth contending for. What, after all, are the triumphs of the forum; the honors and emoluments of power and place, compared with an approving conscience in the last hours of life?

Mr. WILEY said—

Mr. SPEAKER: This House has learned with feelings of the deepest regret and sorrow, of the decease of one of its members. Again are we warned, by this sad intelligence, of the uncertainty of life, and the certainty of death.— Again are we brought to feel, yea, made to feel, that even the bloom and vigor of youth cannot resist the fell destroyer, Death, when he lays his ruthless arm upon frail man. A short time since, and our friend and brother—the lamented dead—was here in our midst—here in the strength of manhood—here with prospects of a long and useful life before him—here to aid and assist with his councils in the important and responsible duties of legislation; but today, alas, his seat is vacant, death has removed him from among us. Sir, he is gone. The places that have known him, shall know him no more forever; and we, in humbly bowing to the decrees of an all-wise Providence, can but mourn the loss of one, whom to know was to love. It was my privilege, during the commencement of the illness of Mr. WOOD, before he left for his home in Philadelphia, to administer to his comfort. He talked of his duties here—his duties to his constituency—and anxiously expressed a wish that he might soon be restored to health, in order, faithfully, to serve them. But that constituency, for whose just interests he felt so deeply, have lost the services of one whose intelligence, impartiality and uprightness in the discharge of his duties, both as a man and as a representative, has so tenderly endeared him to all. In this House, his death will be sensibly felt. We have, Representatives, lost a friend and a colleague, of whom it can be justly said, that, “the good and generous qualities of our nature, were blended in his character.”

“— and the elements  
So mixed in him, that nature might stand up  
And say to all the world—this was a man.”

Mr. THORN said—

Mr. SPEAKER:—In rising to offer my humble but sincere tribute to the memory of my late colleague, I can hardly hope to add any thing to what has already been so appropriately and eloquently said. The lightning's flash that this morning informed us of the death of GEORGE W. WOOD, cast a gloom over this House, and very forcibly reminded us “that in the midst of life, we are in death.”

A few months since, an intelligent constituency sought, and found in him whose death we now mourn, a representative. Full of youth, health and hope, he took his seat in this House, and commenced, as we all hoped, a career of responsibility and usefulness; but a wise Providence decreed that soon his wordly labors should cease, and ere time was given to develop the energies of his nature, he was called to “that bourne, whence no traveler returns.”

Of the public career of our deceased brother, I will not speak. He was a very young man—having little more than reached his majority; but of his private worth and social qualities, we who have been associated with him can fully appreciate. He had a heart warm at the centre, and his life was devoted to truth, justice and integrity. Mr. SPEAKER, the deceased and myself lodged at the same hotel, and our intercourse was free and cordial. His manly form; his honest and frank countenance, we will not again see; nor will we be delighted by his presence, in our social or official circles, but his virtues will be cherished while memory retains her seat. The youngest member of our body is no more; let us so deport ourselves that when we are summoned, we, like the departed, may be ready.

Mr. SMITH, (Berks,) said—

Were I to regard it as but an accustomed formality, I might easily refrain from any public expression of grief on this sad occasion. But the claims of the dead are more imperious than the mandates of the most arbitrary custom, and heart and intellect yield them at once to the overpowering outburst of genuine feeling.

“The good die first, while they whose hearts  
Are dry as summer's dust, burn to their sockets.”

Strange truth! how art thou here realized!

GEORGE WOOD was, with but one exception, the youngest member of this body. Attracted towards him, first by congenial years, a very brief acquaintance sufficed to lodge him firmly in that esteem and friendship which we inevitably and spontaneously accord to a fine and generous nature.

Young as he was in years, he had but entered the vestibule of public life; he was still younger as a legislator. Hope itself, scarce had time to point to his youth's vision golden-hued promise hereafter, when he was bid to cease to hope forever here. This very day his first public essay ends abruptly unfinished; its sequel, were it wanting to realize his promise to the future, is at least not required to rescue the past.

In so brief a career as a popular representative as his has been, it was not to be expected that his performance should have been suddenly conspicuous or his fame established.

But, sir, it was long enough to fulfil those hopes and expectations which the young are wont to inspire. Though of an age peculiarly liable to the vain-glorious conceits incident to premature and marked success, he showed himself capable of hearing with grace the honors that oftentimes stagger the equanimity of a sterner manhood than his. He was self-reliant, yet modest; advocating the right with inflexible determination, he yet spurned no proffered help in avoiding what was wrong. Superior experience exacted and received his respectful attention, yet he was too high-toned and conscientious not to be fearless and uncompromising in maintaining his settled convictions. GEORGE WOOD, thus constituted, could never have been other than a faithful public servant. He was more than this, he was at the same time a true man.

Transferred so early to a scene of exciting pleasures, confessedly dangerous to the young, temptation itself saved him the necessity of combatting its power, for it fell prostrate before the dignity of his virtue.

So much, sir, during a brief acquaintance I have known and seen of our departed brother; for this much I love and shall cherish his memory, and for this I have felt myself called upon to pay the tribute of my unaffected sincerity to his worth.

Adjourned.

SENATE.

FRIDAY, Feb. 25, 1859.

The Senate met at 10 o'clock, the SPEAKER in the chair.

Prayer was offered by Rev. Dr. DeWitt.

The Journal was read and approved.

Mr. KELLER appeared in his seat.

The SPEAKER presented a remonstrance of citizens of Indiana county, against any increase of the fees of commissioners and auditors in said county.

PETITIONS, MEMORIALS, &c.

Mr. SCHELL presented ten remonstrances of citizens of Huntingdon county, against any change in the manner of collecting the taxes in said county, and against extending the term of the county treasurer.

Also, the petition of citizens of Bedford county, praying for the repeal of the act of 10th April, 1849, which prohibits fishing at certain seasons in Yellow creek, in said county.



Also, the petition of citizens of Huntingdon county, praying for an appropriation to the "Polytechnic college of Pennsylvania."

Also, the memorial of citizens of Blair county, praying for an additional appropriation to aid in the erection of a monument on the capitol grounds.

Also, three remonstrances signed by two hundred and eighty-five citizens of Bedford county, against the annexation of Middle Woodbury township to Blair county.

Mr. THOMPSON, a petition from citizens of Norristown, Montgomery county, for an act to permit them to remove the remains of the dead from a burial ground, as within mentioned, to another cemetery.

Also, a remonstrance of citizens of Philadelphia, against granting the Germantown passenger railway company any additional privileges, and for the repeal of the present charter.

Also, a remonstrance of citizens of Montgomery county, against the same, and in favor of the repeal of their charter.

Mr. TURNEY, a remonstrance of citizens of Rostraver township, Westmoreland county, against the formation of the new county of Monongahela.

Also, a petition of citizens of Penn township, in the same county, asking the passage of a law authorizing them to determine by a vote whether or not the present school system shall continue in said township.

Mr. BREWER, a petition of citizens of Philadelphia, in favor of the supplement to the act incorporating the Green and Coates Streets passenger railway company.

Mr. GAZZAM, two petitions of citizens of Pittsburg and vicinity, praying for the passage of an act incorporating the Pittsburg and East Liberty passenger railway company.

Mr. PENNEY, a petition of citizens and taxpayers of Pittsburg, in favor of a law abolishing the high school in said city.

Also, the petition of sundry inhabitants of Pennsylvania, in favor of a law prohibiting the surrender of any person claimed as a slave on the soil of Pennsylvania.

Also, a petition of the school directors of the city of Pittsburg, in favor of an act regulating common schools in said city.

Mr. YARDLEY, three petitions of citizens of Philadelphia, praying for the passage of the supplement to the Green and Coates Streets passenger railroad company.

Also, three remonstrances of citizens of Bucks county, against the passage of House bill No. 187, "An Act to incorporate the Delaware Division canal company."

Also, a petition of citizens of the same county, asking for the appropriation in aid of the School of Mines.

Mr. BALDWIN, a remonstrance from citizens of Lancaster county, against the passage of an act authorizing the construction of a State road in Berks and Lancaster counties.

Mr. FRANCIS, a petition of two hundred and fifty-five citizens of Mercer county, praying for the repeal of the law creating the office of county superintendent of common schools.

Also, two remonstrances of citizens of Philadelphia, against the supplement to the Germantown passenger railroad company.

Mr. PALMER, one of like import.

Also, three petitions signed by one hundred and seventy-seven citizens of Middleport, Schuylkill county, for an act incorporating said town into a borough.

Also, a petition of citizens of Philadelphia, in favor of the supplement to the Green and Coates Streets passenger railway company.

Also, a petition of officers, directors and clerks of the Miners' Bank of Pottsville, for a law requiring the several banks of this Commonwealth to keep their notes at par or forfeit

two per cent. on the average amount of their annual circulation.

Also, a petition of citizens of Schuylkill county, in favor of an appropriation for the support of the School of Mines.

Also, a petition of citizens of the same county, for a law for the better securing the payment of the wages of labor in said county.

Also, eight petitions of citizens of the same county, for a railroad connecting the Little Schuylkill railroad with the Schuylkill Valley railroad, in said county.

Mr. WRIGHT, two remonstrances of members of Evangelical churches in Frankford, against the running of cars on railways on Sundays.

Also, a remonstrance of citizens of the Twenty-Third ward, in the city of Philadelphia, interested in the fisheries, against the erection of a dam in the Delaware river.

Also, four remonstrances numerous signed by citizens of Philadelphia, against the Germantown passenger railway supplement, and for the repeal of their charter.

Messrs. PARKER and MARSELIS each, three of like import.

Messrs. FETTER, BLOOD, KELLER and MYER, remonstrances of similar import.

Mr. WRIGHT, three petitions of citizens of Philadelphia, praying for the passage of the supplement to the act incorporating the Green and Coates Streets passenger railway company.

Messrs. FETTER, MYER and BELL, petitions of like import.

Mr. PARKER, two remonstrances against the same.

Mr. WRIGHT, a petition of citizens of Roxborough, in the Twenty-Third ward of Philadelphia, praying for the passage of a law authorizing the election of additional guardians of the poor.

Also, a remonstrance against the same.

Mr. MARSELIS, a petition of citizens of Philadelphia, in favor of the modification of the auction laws.

Mr. SCHINDEL, a petition of citizens of Northampton county, in favor of the submission to the vote of the people of the question of the removal of the seat of justice in said county.

Also, a petition of the Farmers' and Mechanics' Bank, of Easton, in favor of a law requiring banks to keep their notes at par in Philadelphia and Pittsburg.

Also, a petition from the Easton Bank, of like import.

Mr. CRAIG, a remonstrance of citizens of Monroe county, against the repeal of the tonnage tax.

Mr. SCOFIELD, a petition of forty citizens of Otto township, M'Kean county, for a law declaring Knapp's creek a public highway.

Mr. GREGG, a remonstrance of citizens of Muncy, Lycoming county, against the construction of a State road from Shoemaker's mills to Muncy borough.

Also, a petition of citizens of Lycoming county, for a law to secure more prompt payment on the part of insurance companies.

Mr. SHAEFFER, a petition of citizens of Lancaster county, in favor of the abolition of the office of sealer of weights and measures.

Mr. COFFEY, a petition of citizens of Cambria county, in favor of the repeal of the tonnage tax.

Mr. BLOOD, a petition of the school directors and citizens of Porter township, Jefferson county, for a law to authorize the re-examining of certain school accounts.

Also, a petition of citizens of the same township, for a law to appoint the place of holding elections in said township.

Mr. MYER, a petition of citizens of Ulster township, Bradford county, for the repeal of an act establishing a ferry across the Susquehanna river, in said township.

Also, (with a desire that he shall not be re-

garded as committed on this subject,) a petition of persons living along the line of the Pennsylvania railroad, in favor of the repeal of the tonnage tax.

Mr. BELL, a petition of citizens of Chester county, relative to fencing the Chester Valley railroad.

#### REPORTS OF COMMITTEES.

Mr. TURNEY, (Finance,) reported with a negative recommendation, "An Act to pay the salary and mileage of Wm. F. Small, Senator in 1847."

Also, (same,) with a negative recommendation, "A supplement to an act to incorporate the Pennsylvania railroad company."

Mr. COFFEY, (same,) with a negative recommendation, "A resolution relative to the Mt. Vernon fund association."

Mr. RANDALL, (same,) as committed, "An Act authorizing the Auditor General and State Treasurer to open and re-settle the accounts of the Franklin fire insurance company."

Mr. WELSH, (same,) with a negative recommendation, "An Act for the relief of George D. Boyer, of Schuylkill county."

Mr. GREGG, (same,) as committed, "An Act authorizing the Auditor General and State Treasurer to re-audit the accounts between the Commonwealth and the Northampton County bridge company."

Also, (same,) as committed, "A joint resolution, instructing our Senators and Representatives in Congress to vote against any increase of the present rates of postage."

Also, (same,) with a negative recommendation, House bill No. 278, "A supplement to an act to repeal certain acts relative to the non-payment of the enrolment tax."

Mr. BELL, (Judiciary,) as committed, "An Act authorizing the erection of a lock-up house in Orwigshurg, Schuylkill county."

Also, (same,) as committed, "An Act providing for the recording of certain papers in Schuylkill county."

Mr. BREWER, (same,) as committed, "An Act relative to Edith T. Greeno, of Canton, Bradford county."

Also, (same,) as committed, "An Act authorizing the commissioners of Bedford county, to sell certain property occupied by the poor of said county."

Mr. MILLER, (same,) as committed, "A supplement to an act providing for the erection of a house of employment and support for the poor in Lehigh county."

Also, (same,) as committed, "An Act increasing the pay of commissioners and auditors in Clarion county."

Mr. SCOFIELD, with a negative recommendation, "An Act increasing the fees of sheriff in Northumberland county."

Also, (same,) with a negative recommendation, "An Act to restrict sales by auction in Northampton and Lehigh counties."

Mr. WRIGHT, (Corporations,) with a negative recommendation, "A supplement to an act incorporating the St. Paul's church, of Philadelphia."

On motion of the same Senator, this bill was re-committed to the Committee on Corporations.

Also, (same,) with a negative recommendation, "An Act to incorporate the village of Attleboro into a borough."

Also, (same,) as committed, "An Act to incorporate Harris' Park, in Harrisburg."

Also, (same,) as committed, House bill, 312, "An Act to change the lines of the borough of California, Washington county."

Also, (same,) with amendment, House bill, No. 263, "An Act to incorporate the Olivet Methodist Episcopal church, in the borough of Coatesville, Chester county."

Also, returned House bill No. 419, "An Act to incorporate the Layton bridge company, in Fayette county, and to authorize the commis-



sioners of said county to make a donation to said company," and asked that it be referred to the Committee on Roads and Bridges; which was agreed to.

Mr. STEELE, (same,) as committed, House bill No. 423, "An Act to incorporate the Philadelphia and New Orleans steam navigation company."

Also, (same,) as committed, House bill No. 260, "An Act to incorporate the People's insurance company."

Also, (same,) as committed, "An Act to extend the limits of Orwigsburg, Schuylkill county."

Also, (same,) with amendment, House bill No. 323, "An Act to incorporate the Phoenix homestead building association."

Mr. GAZZAM, (same,) as committed, "An Act to incorporate the Union Evangelical Lutheran congregation of York."

Also, (same,) as committed, "A supplement to the act incorporating the Lewisburg building association."

Also, (same,) as committed, "An Act incorporating Pitt park association."

Also, (same,) as committed, "A supplement to the act incorporating the Odd Fellows' hall association."

Mr. SCHELL, (same,) as committed, "An Act to incorporate the Northwestern coal and iron company."

Also, (same,) as committed, "A supplement to the act incorporating the Kittanning gas company."

Also, (same,) as committed, "An Act to reduce the number of directors in the American mutual insurance company."

Also, (same,) with amendment, "An Act to incorporate the Mont Alto iron company."

Mr. SHAEFFER, (same,) as committed, "An Act to incorporate the borough of Middleport, Schuylkill county."

Also, (same,) as committed, "A further supplement to the act incorporating the Cambria iron company."

Also, (same,) with amendment, "An Act to incorporate the Clearfield gas company."

Also, (same,) as committed, "A supplement to an act incorporating the Schuylkill and Delaware basin company."

Also, (same,) as committed, "An Act to incorporate the California seminary in Washington county."

Mr. MARSELLIS, (Banks,) as committed, "An Act relative to banks."

Mr. GAZZAM, (same,) with a negative recommendation, "A supplement to the general banking law."

Mr. MYER, (same,) with a negative recommendation, "A supplement to an act regulating banks, passed April 16, 1850."

Mr. SCOFIELD, (Election Districts,) as committed, "An Act establishing a place of holding elections in Carbondale, Luzerne county."

Also, (same,) with a negative recommendation, "An Act fixing the place of holding elections in Franconia township, Montgomery county."

Mr. MYER, (same,) as committed, "An Act establishing a place of holding elections in the First ward of the city of Carbondale, Luzerne county."

Also, (same,) with a negative recommendation, "An Act changing the place of holding elections in Upper Paxton township, Dauphin county."

Mr. THOMPSON, (same,) as committed, "An Act relative to borough elections in Jersey Shore, Lycoming county."

Also, (same,) with a negative recommendation, "An Act changing the place of holding elections in Huston township, Centre county."

Mr. MARSELLIS, (same,) with a negative recommendation, "An Act appointing a place

for holding elections in Foster township, Schuylkill county."

Also, (same,) as committed, "An Act to change the place of holding elections in Jackson township, Huntingdon county."

Mr. FETTER, (Agriculture and Domestic Manufactures,) "A supplement to an act laying a tax on dogs in West Chester, and for other purposes."

Mr. YARDLEY, (Compare Bills,) made a report."

Mr. FINNEY, (Railroads,) as committed, House bill No. 158, "An Act to incorporate the Port Kennedy railroad company, of Montgomery county."

Mr. SCHELL, (Private Claims and Damages,) with amendment, "A supplement to an act relative to the claim of Daniel A. Bardwell."

Mr. RUTHERFORD, (same,) as committed, House bill No. 233, "An Act authorizing the State Treasurer to pay Nathaniel White for damages sustained by him."

Mr. SHAEFFER, (same,) as committed, House bill No. 236, "An Act to pay A. K. and A. L. Witmer, for loss sustained in consequence of a collision on the Columbia and Philadelphia railroad."

Mr. MILLER, from the Committee of Conference, on the differences between the two Houses on "A joint resolution relative to the pay of Thomas H. Porter and J. H. Wells," made a report; which was adopted.

(The House receded from its non-concurrence in Senate amendments.)

#### BILLS IN PLACE.

Mr. BELL read in his place and presented to the Chair, a bill, entitled "An Act to regulate the practice and fees of sheriffs in cases of attachment."

Mr. THOMPSON, "An Act to incorporate the Belmont Avenue and plank road company."

Mr. YARDLEY, "An Act relative to the collection of State and county taxes in Bucks county."

Also, "A supplement to an act incorporating the Hartsville and Centreville turnpike road company."

Mr. PENNEY, "An Act for the regulation and continuance of education by common schools in the city of Pittsburgh."

Mr. FETTER, "An Act to repeal a supplement to an act incorporating the borough of Newport, Perry county."

Mr. MYER, "A supplement to an act incorporating the Bradford railroad company."

Mr. PALMER, "An Act relative to the claim of James Malone, against the Philadelphia and Sunbury railroad company."

Mr. SCHELL, "An Act relative to the claim of Jackson Fee."

Also, "An Act to repeal an act to prevent the destruction of fish in Yellow creek, Bedford county."

Mr. BELL, "An Act supplemental to an act approved February 16, 1859, entitled 'A supplement to an act passed April 3, 1851, entitled 'An Act regulating boroughs.'"

Mr. BREWER, "An Act attaching the farm of Samuel Gladfelter, in Taylor township, Fulton county, to Clay township school district, in Huntingdon county."

Mr. PENNEY, "An Act to incorporate the Boatmen's insurance company."

Mr. FETTER, "An Act to authorize the school directors of Tyrone township, Perry county, to sell a certain school house and lot of ground."

#### ORIGINAL RESOLUTION.

Mr. WRIGHT offered the following resolution:

*Resolved*, That when the Senate adjourns this afternoon, it adjourn to meet on Monday at the usual hour.

The yeas and nays were required by Mr.

SCOFIELD and Mr. WRIGHT, and were as follows, viz:

YEAS—Messrs. Baldwin, Bell, Blood, Coffey, Finney, Francis, Gazzam, Keller, Marselis, Miller, Myer, Nunnemacher, Palmer, Parker, Penney, Randall, Schell, Shaeffer Schindel, Steele, Wright, Yardley and Cresswell, *Speaker*—23.

NAYS—Messrs. Fetter, Gregg, Harris, Scofield, Thompson, Turney and Welsh—7.

So the question was determined in the affirmative.

Mr. FINNEY asked and obtained leave to record his vote on the bill relating to evidence, offered by Mr. COFFEY.

He voted "yea."

Mr. KELLER asked and obtained the unanimous consent of the Senate to proceed to the consideration of House bill No. 426, "A further supplement to an act to erect the town of Sunbury, in Northumberland county, into a borough."

Said bill having gone through its various readings, passed finally.

#### ORDERS OF THE DAY.

The resolution presented by Mr. MILLER, (on Monday last,) calling upon the Auditor General for information, came up in order.

It is as follows:

*Resolved*, That the Auditor General be requested to inform the Senate, whether the Pennsylvania railroad company have paid a State tax on their capital stock, as required of all corporations under the provisions of the thirty-third section of an act to reduce the State debt, and to incorporate the Pennsylvania canal and railroad company, approved April 29, 1844; what amount of tax is claimed to be due the Commonwealth from said company; what portion of the said tax has been paid, and at what period the said company commenced to pay the same; and further, what legislation, if any, is deemed necessary to equalize taxation upon the capital stock of the various corporations of this Commonwealth.

This resolution was twice read, considered and adopted.

On motion of Mr. GREGG, the Senate proceeded to consider "A joint resolution providing for the pay W. E. Frazer, late Canal Commissioner;" which was twice read, considered and adopted.

Senate bill No. 18, "An Act to establish a general banking law," came up in order on second reading.

Mr. BELL remarked that the general principles of the bill, within the last few days, had been subjected to pretty severe criticism. A bill which strikes out a new system, as this does, cannot be expected to meet with the approbation of all. While the general principles meet with the approbation of the people, there is yet in its details much which requires amendment. In submitting the amendment which he was about to do, he had the concurrence of the Senator having the bill in charge; and at the head of the special committee to which he wished to refer this bill, he would suggest that the Senator from Philadelphia, (Mr. RANDALL,) should be placed.

He then moved that the bill be referred to a special committee of seven.

Mr. RANDALL was much obliged to the Senator from Chester for the kind mention which had been made by him of himself. He agreed with him that this bill, in its details, requires amendment, and he believed the best means of arriving at the perfection of it which was necessary, was to refer it to a special committee. With the discussion which had been heard upon it, Senators may have gleaned something which will enable them to act upon it with the proper understanding of its merits.

The motion of Mr. BELL was agreed to.

Senate bill No. 10, "An Act for the better se



ensuring the payment of wages of labor in Schuylkill county," came up in order.

Mr. TURNEY advocated the application of the principles of the bill, so as to embrace all the counties of this Commonwealth.

Mr. PALMER had no objection to making the bill a general one, if its provisions were deemed salutary and applicable, provided the intention was not to send it to the other branch with such amendments as will kill it in that branch. If it is to be killed, he hoped it would be done openly, and not by any indirection.

Mr. BELL opposed the amendment. While he would readily vote to extend its beneficent provisions to the miners of Schuylkill county, he was not desirous of extending the operations of the bill to the counties of Chester and Delaware. If the bill is made a general one, he would be constrained to vote against it.

Mr. PENNEY also protested against making the act a general one, and proceeded to present his reasons for his position.

Mr. SCHELL was in favor of both the bill and the amendment. If any class of people deserve or require protection, it is that class to which the provisions of the bill are extended. The law he considered a wholesome one, and should be passed.

Mr. TURNEY explained that he had no disposition to embarrass the bill of the Senator from Schuylkill. He was friendly to it, believed it beneficial to miners, and just in its general provisions. He entered into an explanation of the effects of the bill, and gave the reasons why he desired to have them extended to the county of Westmoreland.

Mr. PENNEY agreed with the Senator from Chester in his views of the bill, and entered into an explanation of its legal effects, which he considered objectionable.

Mr. FINNEY desired to define his position on the bill. The objections which had been made against it by Senators were theoretical, not practical. They talked as if it was proposed to legislate for the protection of property, while it was a bill for the protection of labor. He also replied to the legal arguments made against the bill.

Mr. GAZZAM said if the bill had the effect of embarrassing the transfer of property, as the Senators from Allegheny and Chester had alleged, it was objectionable. He thought it should be amended, in some particulars, after which he would have no objection to having it made general. He merely wished to throw out the suggestions.

Mr. PALMER said—

Mr. SPEAKER:—I need not say to those Senators who observed the movements of parties in the county of Schuylkill during the last political canvass, that the principles of the bill now under consideration met the approval of the whole people of that county, without regard to political differences. Upon the congressional and county tickets there were three distinct organizations, each vying with the other in their assurances to the people, that a law for the better securing the payment of the wages of labor of our miners and laborers at collieries, should be earnestly pressed upon the attention of the Legislature, by the representatives who should be elected, and its passage secured if possible. There were over eleven thousand votes cast in Schuylkill county at the last October election, and every one of our citizens by whom those votes were cast, knew that the candidates for the Legislature for whom they voted, were pledged to sustain a law similar to the one which I have had the honor to present to the consideration of the Senate, and which is now to be voted on. After the bill was favorably reported by the able and learned Committee on the Judiciary System, over three weeks ago, I caused it to be published in the newspapers of the county to which it applies,

and its details are fully understood and have been generally discussed by all the people whom I represent. I am happy to be able to say to the Senate, that up to this time, there has been no voice of opposition, remonstrance or complaint, against its provisions; but on the contrary, the Senate has received a multitude of petitions in its favor, signed by many hundreds of citizens, and all my private letters and advices upon the same subject, are of congratulation, approval and thankfulness to the Judiciary Committee and to the Senate, for their thus far favorable action.

I can hardly suppose that a bill which is purely local to my own county in its operation, and which has been thus unanimously called for by my numerous and intelligent constituency, after having passed the ordeal of an able, learned and laborious committee, will meet with opposition in the Senate, distinguished as its members are in courtesy towards each other in all matters of a purely local nature, which the immediate representatives of the people of the locality to be affected may be presumed to understand, and of which they are willing to take the responsibility; but it appeared to me proper, in vindication of the wisdom of the proposed measure, to call the attention of the Senate to the importance of the enactment.

The county of Schuylkill, so called because the source of the river bearing the same name is found within its boundaries, contains an area of 476,800 acres of land, and was organized in 1811, out of the most mountainous, uninhabited, and almost uninhabited portions of the old counties of Berks and Northampton. With the exception of a small area of arable lands in the valleys in the southern part of the county, and a few still smaller valleys upon the north, adjoining Northumberland, Columbia and Luzerne counties, the territory was almost entirely covered by the immense original forests, and traversed by vast ranges of lofty mountains, amid which the deer roamed unmolested, while the trout and other fish filled the pure mountain streams. A few lumbermen, shingle-splitters and charcoal manufacturers composed its sparse and primitive population, and there was probably no part of Pennsylvania that held out less invitation to settlers, or less promise of importance. But under the rugged and forbidding surface there were hidden by the bountiful hand of Nature, and only waiting the proper time for their development, mines of wealth, exceeding in vastness and value the gems of Golconda or the gold of ancient Ophir and modern California.

In 1812, a citizen of Pottsville, Col. George Shoemaker, sent to Philadelphia from Schuylkill county, a few loads of anthracite coal.—Those to whom it was distributed, with one or two exceptions, found it impossible to make use of it, for want of knowledge how to kindle it into combustion, and the bulk of the coal was thrown aside as useless.

In 1820, the Lehigh Coal and Navigation company sent 365 tons of anthracite coal to market. In 1825, anthracite coal was used for the generation of steam; and in 1829, my own father and uncle were attracted to Schuylkill county, among a vast emigration of men from all parts of the country, by the growing importance and value of the new discovery.

From that time to the present, Schuylkill county has increased with great rapidity in all the elements of population, business, wealth and commercial importance. Her population, which, by the census of 1850, exceeded sixty thousand, is now probably upward of one hundred thousand. The value of the real and personal estate of the county, according to the assessment of 1857, was nearly eleven millions of dollars. The coal product of Schuylkill in the year 1858, marked as it was by unexampled business depression, was nearly three million tons. The total product from 1823 to 1858 in-

clusive, was over thirty-seven million five hundred thousand tons. The highways upon which this great product has found its way to the markets of the country, are on a scale of corresponding vastness. The Philadelphia and Reading railroad, with its terminus at Pottsville, cost over nineteen millions of dollars. The Schuylkill canal, nearly eleven millions of dollars. Other coal bearing roads, within the county, represent a capital of over five millions of dollars.—All through the mountains and valleys of the coal region, when relieved from the pressure of the baneful free trade financial system of the General Government, the hum of machinery, the whistle of the locomotive engine, and the rush of loaded coal trains, evince the activity and business enterprise of capitalists and the prosperity of labor. The markets of the coal region are also sources of wealth for the agriculturists and producers of the necessities of life in many of the counties of the Commonwealth. Millions of money are annually distributed into the different channels of trade and commerce. Owners of coal lands in Schuylkill county, resident in Philadelphia, New York and elsewhere, realize in the returns from their rents the revenues of dukedoms—and no poor words of mine can properly express the incalculable benefits conferred upon the masses of our Pennsylvania population everywhere, by the plentiful and cheap fuel thus furnished for their use and comfort. I am informed by gentlemen who have taken the trouble to investigate the subject, that there are more steam engines in operation in the county of Schuylkill than in the whole empire of France. Schuylkill county constitutes a separate judicial and Senatorial district. She sends three members of the House of Representatives, and as her crowning glory, she is now represented in the Senate and House of Representatives of Pennsylvania, and, in connection with Northumberland county, will be represented in the next Congress of the United States, by an united delegation of American-Republicans.

These grand commercial results are brought about, as similar results are everywhere, by the active co-operation of labor with capital. I do not deny that capital has performed its full and indispensable share, but it rests upon the strong arms of the skilful and industrious miner and laborer, and without him it would be powerless. It is to the pick and the shovel, the drill and the bar, wielded by skilful strong arms, that Pennsylvania stands indebted for these immense additions to her wealth. No business has suffered so much from bad government at Washington, financial revulsions and depressions, as the coal business—no class of men have more reason to look forward with anxiety for a change in the tariff policy of the country, than our miners and laborers. They gave the country some token of their changed views by their votes in October last, and they are now anxiously watching the results of that expression of their opinion. In the meantime, they have turned to the Legislature of their own State, the State for which they have done so much, and they are asking, through me, only for common justice; that we shall legislate so far as we reasonably may, for the protection, and securing to them, of the payment of their hard earned wages.

I need not occupy the time of the Senate by describing to them the arduous, painful and dangerous avocation of these thousands of workers in the bowels of the earth. Every miner knows when he leaves his home, his wife and children, to proceed to his daily labor, that his life is liable to be buried, drowned or crushed out of him before he returns to them, and that no amount of skill and prudence may avail to render him entirely secure for a single day. But his family look to him for support; and there are, however mysterious and unex-



plainable, pleasures and fascinations connected with the pursuit of the business of a practical miner. Scores of them are annually disfigured, maimed or destroyed, but the stout hearts of survivors do not fail them, and the work goes on. It is only when, by the failure of their employer to pay them their wages, their families and themselves are thrown helpless and poverty stricken upon the charities of the world; that their souls sink within them, and in some individual cases, grow reckless, desperate and dangerous, in our community. Strikes, riots, burnings, and other outrages are committed; the strong arm of the law is invoked; the military are called out, and the disorderly are crushed into obedience. But think you that these men do not feel a sense of the injustice which compels themselves, their wives and children to look famine in the face, and feel the pinching pangs of hunger, while they are able and willing to work, and ask only for the money they have honestly and hardily earned? That "the laborer is worthy of his hire," is the voice of humanity, as well as the voice of eternal truth, and I am not certain that any of us would endure similar wrongs more patiently, or more meekly than do these hardy miners.

Besides, these men know that the Legislature have power to do them good, without injustice, and they only ask that a small portion of our time and attention shall be directed from legislating in favor of capital, to legislate briefly and effectually in favor of labor. In 1849, the Legislature passed a law, which is still upon our statute books, having the same object in view which it is proposed by the present bill to accomplish, entitled "An Act for the protection of miners, mechanics and laborers in certain counties," and under the operation of that law and its supplements, as construed and practiced upon by our court of common pleas, the wages of labor in Schuylkill county enjoyed considerable protection. Thousands of dollars were distributed under the beneficent operations of that enactment to those who had honestly earned and were justly entitled to the money, and much good was done; but after a few years trial of the law, during which it had commanded the approval in its main scope, object and operation, of our whole community, an appeal was taken by some landlords, to the distribution of some money in court, to miners and laborers, which the appellants claimed for rent, and by a decision of the supreme court upon that appeal, the law was virtually rendered nugatory.

What I now ask the Senate is to re-enact that law, in words that cannot be mistaken nor explained away, with such modifications and additions as have been suggested by experience, and which I have embodied in the bill now under consideration. It is a proposition not only of common justice, but of great commercial importance to Pennsylvania; for if we refuse justice to these hardy sons of toil, they will leave an ungrateful State, in which their rights and interests are disregarded, and seek homes elsewhere. Among the gold diggings of California and of Kansas, they can find employment, and not be dependent upon the caprice or the ability of an employer to pay them their wages. There their strong arms can turn over the rocks, gravels and soils, in search of the precious metals, and their own pockets receive the results of their labor. Thus themselves and their families may be rendered comfortably independent of tariffs and commercial revulsions, but Pennsylvania will then find reason to regret that her coal regions have been deprived of their services. Already Schuylkill county has suffered, and is still suffering, in being shorn of her strength by emigration of her best miners and laborers, and in this the Commonwealth suffers with her. I cannot believe that the Senate will hesitate for a moment to do all in their power to prevent the continuance of this drain

upon the labor of our State, by the passage of the bill before them—wise, just and righteous as I hold its provisions to be.

Messrs. TURNEY and COFFEY withdrew their amendments, not wishing to embarrass the bill.

On motion, the counties of Northumberland, Luzerne, Bedford, Huntingdon and Somerset, were added to the bill.

On the question,

Will the Senate agree to the bill as amended?

The yeas and nays were required by Mr. WRIGHT and Mr. PALMER, and were as follows, viz:

YEAS—Messrs. Bell, Coffey, Craig, Fetter, Finney, Francis, Gazzam, Gregg, Harris, Keller, Miller, Myer, Palmer, Parker, Penney, Randall, Rutherford, Schell, Scofield, Schindel, Steele, Thompson, Turney, Wright, Yardley and Cresswell, *Speaker*—26.

NAYS—Messrs. Brewer, Marselis and Nunnemacher—3.

So the question was determined in the affirmative.

Mr. TURNEY moved that the Senate insist upon its amendment to 'A joint resolution relative to the pay of L. Rogers, clerk to the committee on the contested election case of Matthews vs. McClain,' and that a Committee of Conference be appointed; agreed to.

On motion of Mr. COFFEY, the Senate receded from its amendment to House bill No. 336, "An Act relating to the election of an additional constable in Brady's Bend, Armstrong county."

Mr. SCHINDEL moved that the Senate insist upon its amendment to House bill No. 91, "An Act to incorporate the Ironton Mining and railroad company, in which the House of Representatives has refused to concur, and that a Committee of Conference be appointed on the difference between the two Houses on the same; agreed to.

Senate bill, No. 133, "A supplement to an act in reference to the running of locomotive engines and cars on connecting railroads, approved March 13, 1847," came up in order on third reading, and passed.

House bill, No. 238, "An Act to incorporate the Union school directors of Wattsburg, in Erie county," came up on third reading, and passed finally.

The bills entitled as follows were permitted to lie over:

"An Act to incorporate the Commercial trust company."

"An Act to incorporate the Northumberland and Juniata railroad company."

#### BILLS CONSIDERED.

On motion of Mr. MARSELIS, the Senate proceeded to consider Senate bill No. 267, "An Act relative to the banks of this Commonwealth, and to prevent frauds by bank officers," which, having passed committee of the whole, lies over on second reading.

Mr. RANDALL moved that the Senate proceed to consider Senate bill No. 274, "An Act to make decrees for the payment of money in equity proceedings, liens upon real estate with the right to revive or continue the liens of the same by writ of *scire facias*," which was agreed to; and the bill passed finally.

On motion of Mr. BELL, Senate bill No. 113, "An Act relating to testamentary trusts," was taken up and considered in committee of the whole. After some discussion,

Mr. COFFEY moved that the committee rise, report progress, and ask leave to sit again; which was agreed to.

And on the question,

Shall the committee have leave?

It was decided in the negative.

The hour of one having arrived, the SPEAKER adjourned the Senate until three o'clock, this afternoon.

#### AFTERNOON SESSION.

Agreeably to order, the Senate met at three o'clock, P. M.

On motion of Mr. GREGG, House bill No. 278, "A supplement to an act to repeal certain acts upon the non-payment of the enrolment tax," was re-committed to the Committee on Finance.

On leave given, Mr. WELSH read in his place and presented to the Chair, "An Act relative the limits of the borough of Wrightsville, York county."

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. SCHELL, House bill, No. 280, "An Act relative to elections in Somerset county."

On motion of Mr. RANDALL, House bill, No. 369, "A supplement to an act incorporating the Delaware and Schuylkill basin company."

On motion of Mr. FRANCIS, House bill, No. 241, "An Act to establish a Normal school in connection with Westminster college, New Wilmington, Lawrence county," was taken up.

This bill passed committee of the whole, and being upon second reading, the first, second and third sections were agreed to.

Mr. BELL moved to amend the fourth section by adding the following:

And the same annual sums shall be appropriated and paid out of the public treasury in support of the Normal schools established at West Chester, in the county of Chester, under the direction of Dr. Franklin Taylor, to be paid under the same stipulations and conditions as are prescribed by this act.

Mr. TURNEY moved to amend the amendment by adding the following:

*Provided*, That the appropriation made in this section shall not be paid until it shall have been made to appear satisfactorily to the Attorney General, that the said institution has in all things, complied with the provisions of the sixth section of an act to provide for the due training of teachers for the common schools of the State, approved May 20, 1857.

Upon the fourth section of the bill and the amendments, there was a prolonged discussion between Messrs. FRANCIS, COFFEY, HARRIS, GAZZAM and BELL, in favor of the appropriation, and Messrs. TURNEY and MILLER, in opposition.

Mr. WELSH moved to postpone the subject under consideration for the present; which was agreed to; whereupon, he offered the following resolution; which was twice read, considered and adopted:

*Resolved*, That the Governor be requested to return Senate bill No. 97, "An Act for the protection of dogs in York county."

On motion of the same Senator, the consideration of the bill just postponed was resumed, and while pending, on motion of Mr. RANDALL, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, Feb. 25, 1859.

The SPEAKER called the House to order at 10 o'clock, A. M.

The Journal of yesterday was read.

Mr. KENEAGY asked leave to make a statement, and called up Senate bill No. 88, in which there was an error which he wished to correct. The House gave its unanimous assent to the correction.

Mr. IRISH moved the suspension of the orders until committees could report. Agreed to.

Mr. THOMPSON offered a joint resolution appropriating seven dollars per diem to D. R. McClain during the time he officiated as a member of the House.

On the final passage,

The yeas and nays were required by Mr.



PATTERSON and Mr. FOSTER, and were as follow, viz:

YEAS—Messrs. Abbott, Boyer, (Clearfield,) Brodhead, Church, Fearon, Fisher, Fleming, Foster, Good, Gratz, Gray, Hamersly, Harding, Jackson, Kinney, Laird, Matthews, Oaks, Palm, Pinkerton, Proudfoot, Ramsdell, Rohrer, Rouse, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Walborn, Warden, Wilcox, Wiley and Woodring.—23.

NAYS—Messrs. Acker, Balliet, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Custer, Dismant, Dodds, Durboraw, Eckman, Galley, Glatz, Graham, Hottenstine, Keneagy, Neall, Nill, Patterson, Pierce, Shafer, Smead, Stoneback, Stuart, Styer, Taylor, Thompson, Wagonseller, Walker, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf and Lawrence, *Speaker*—39.

So the question was determined in the negative.

Mr. BRODHEAD offered a bill authorizing the election of two supervisors in Monroe county, and moved that the rules be suspended and the bill considered; which was agreed to. The bill passed.

Mr. WILCOX offered a resolution, that when the House adjourns, it do so to meet on Monday next at 10 A. M.

Mr. W. said that he offered the resolution out of respect to the city members, who desired to attend the funeral of their late colleague.

Mr. HAMERSLY was opposed to the resolution, and, while he thanked Mr. WILCOX for the courtesy, did not wish to adjourn. The members would have ample time to attend the funeral without the adjournment.

Mr. HAMERSLY offered to amend by making the House meet this afternoon at 3 o'clock.

The resolution as amended was agreed to.

Mr. WALKER, presented a remonstrance from Bedford county, against the dismemberment of any portion of said county.

Mr. LAIRD, "An Act to authorize the appointment of an additional notary public in the county of Erie."

Mr. WILLISTON, a report from a committee of conference, to whom was referred the differences between the two Houses relative to the amendment of Senate bill No. 277.

The report was accepted.

Mr. HAMERSLY offered the following: That when this House adjourn this afternoon, it do so to meet at three P. M. on Monday.

On the motion to proceed to second reading, the yeas and nays were called by Mr. BARLOW.

Mr. SMITH, (Berks,) sincerely hoped that the House would allow the adjournment. It was probable that if they did not, a quorum would not be present on Saturday morning.

Mr. WALBORN made some very appropriate remarks, and appealed to the members of the House to allow the Philadelphia delegation and himself to pay the last tribute to the remains of their departed friend.

Mr. BARLOW withdrew the call for the yeas and nays, which he had previously made.

The bill passed to the second reading.

Mr. THOMPSON offered an amendment, stating that the adjournment was to allow the members an opportunity to attend the funeral of their late member, GEO. W. WOOD.

The amendment was agreed to; and the resolution, as amended, was then agreed to.

#### REPORTS OF COMMITTEES.

Mr. MCCLURE, (Judiciary,) with a negative recommendation, "An Act relating to the rate of interest."

Also, (same,) as committed, "An Act to authorize A. H. McHenry, guardian of the minor children of the late Thomas Babb, to invest certain moneys belonging to such minor children, in real estate."

Also, (same,) as committed, "An Act to pro-

vide for the recording of a plot in the town of Ridgway, Elk county."

Also, (same,) as committed, "An Act relative to the township of Croyle, in the county of Cambria."

Also, (same,) "A supplement to the act relating to orphans' courts, and for other purposes;" approved 12th day of October, 1840.

Also, (same,) with a negative recommendation, "An Act to abolish the office of sealer of weights and measures in Clearfield county."

Also, (same,) with a negative recommendation, "An Act relating to the election of county treasurer in the county of Cambria."

Mr. IRISH, (same,) as committed, "A further supplement to an act regulating banks."

Also, (same,) as committed, "An Act repealing an act relative to licenses on vehicles in the cities of Pittsburg and Allegheny, and the boroughs adjoining thereto."

Also, (same,) as committed, "An Act to alter the districts of the supreme court, and to regulate the proceedings therein."

Also, (same,) as committed, "An Act for the better securing of personal liberty; to prohibit the use of the jails and prisons of the Commonwealth in the re-capture of fugitive slaves, and to prevent persons holding office under authority of the State, from engaging or assisting therein."

Also, (same,) as committed, "A supplement to the act relating to counties and townships and county and township officers."

Also, (same,) with a negative recommendation, "An Act exempting boats, barges and rafts from toll on the Yonghiogheny river."

Mr. THOMPSON, (same,) as committed, "An Act to change the name of C. C. Sweney to C. C. McLaughlin."

Also, (same,) as committed, "An Act to authorize the election of two additional supervisors in Washington and Rockhill townships, in Greene county."

Also, (same,) as committed, "An Act to extend the powers of the high constables of the borough of Media."

Also, (same,) as committed, "An Act conferring upon Sarah Ann Melissa, Warren B., Nancy, Ellen and Nicholas D. Evans, minor children of Daniel D. Evans, deceased, and Catharine Evans, all the rights of children born in lawful wedlock."

Also, (same,) as committed, "A further supplement to the act establishing a land office and for other purposes, passed 8th April, 1781."

Also, (same,) as committed, "A further supplement to the act relative to the borough of Scranton."

Also, (same,) as committed, "A supplement to the act to incorporate the city of Carbon-dale."

Mr. GRATZ, (same,) as committed, "An Act in reference to promissory notes, bills of exchange, &c."

Also, (same,) as committed, "A further supplement to an act consolidating the city of Philadelphia."

Also, (same,) as committed, "An Act to authorize the citizens of Butler township, Schuylkill county, hereafter to elect but one supervisor."

Also, (same,) as committed, "An Act relating to the Trustees of the Farmers' High School of Pennsylvania."

Also, (same,) with amendment, "An Act relative to the time in which courts are required to file their charges and decide motions of order."

Mr. CHASE, (same,) as committed, "An Act in reference to certain mortgages therein stated."

Mr. NILL, (same,) as committed, "A supplement to an act relating to executors and administrators," approved February 24, 1834.

Also, (same,) as committed, "An Act to

change the time of holding the courts of Clearfield county."

Also, (same,) as committed, "An Act to repeal an act entitled 'A supplement to an act relative to a burial ground in the borough of Pottsville,'" approved April 21, 1856.

Also, (same,) as committed, "A supplement to an act authorizing the appointment of an auctioneer in the borough of Wilkesbarre, Luzerne county," approved March 5, 1858.

Mr. GRITMAN, (same,) as committed, "An Act extending the provisions of the fifteenth section of the act of April 2d, 1853, to Wyoming county."

Also, (same,) as committed, "An Act to authorize Wm. Hull, of Blakely township, Luzerne county, to sell certain real estate."

Also, (same,) as committed, "An Act for the sale of the real estate of Wm. H. Richter, deceased."

Also, (same,) as committed, "A further supplement to an act to incorporate the borough of Reading, Berks county."

Mr. WAGONSELLER, (Claims,) as committed, "An Act authorizing the Auditor General to issue a certificate for the amount of the claim due to Barbara Heilman's estate."

Mr. WOLF, (same,) with amendment, "An Act to pay the claim of Joseph Danfield."

Mr. LAIRD, (same,) with amendment, "An Act to authorize the State Treasurer, to pay the treasurer of the Towanda bridge company, the balance due them in pursuance of a contract with the Canal Commissioners."

Mr. WILLIAMS, (Bucks,) (same,) with amendment, "An Act to authorize the appointment of commissioners to examine and adjust certain claims."

Mr. ABBOTT, (same,) as committed, "An Act to refund a certain amount of money to James Hamilton, due him from the Commonwealth."

Mr. WITHROW, (same,) as committed, "An Act to authorize the State Treasurer to pay the claim of Jacob Karick."

Mr. GRAHAM, (Education,) as committed, "An Act to incorporate the Philomathean institute of Union township, Berks county."

Mr. HILL, (same,) as committed, Senate bill No. 224, "An Act relating to the Norristown academy."

Mr. ROHRER, (Militia System,) as committed, "A supplement to the act regulating the militia of this Commonwealth;" and on his motion, the rules being in this case dispensed with, said bill was taken up and considered.

And on the question, shall the bill be transcribed for a third reading?

The yeas and nays were required by Mr. WILLIAMS, (Bedford,) and Mr. PATTERSON, and were as follow, viz:

YEAS—Messrs. Foster, Good, Green, Hamersly, Harding, McClure, Ramsdell, Rohrer, Styer, Walborn, Wilson and Lawrence, *Speaker*—12.

NAYS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Fearon, Fisher, Fleming, Galley, Glatz, Graham, Gratz, Gray, Hill, Hottenstine, Jackson, Keneagy, Kinney, Laird, Mehaffey, Matthews, McCurdy, Neall, Nill, Oaks, Palm, Patterson, Peirce, Price, Proudfoot, Pughe, Rose, Shafer, Sheppard, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Taylor, Thompson, Wagonseller, Walker, Warden, Wigton, Wilcox, Wiley Williams, (Bedford,) Williams, (Bucks,) Withrow, Wolf and Zoller—69.

So the question was determined in the negative.

Mr. WILCOX, (Mines and Minerals,) as committed, "A further supplement to an act to en-



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courage the manufacture of iron with coke and mineral coal, and for other purposes, passed June 16, 1836."

Mr. HILL, (same,) as committed, "An Act to incorporate the Bethlehem mining company."

Mr. LAWRENCE, (Washington.) (Banks,) as committed, "An Act to incorporate the Huntingdon County Bank."

Mr. TAYLOR, (Estates and Escheats,) as committed, "An Act appropriating locks, No. 8 and 10, on the French Creek and Franklin division of the Pennsylvania canal to the use of Venango county."

Also, as committed, "An Act to empower Sabina R. Sloan, to sell certain real estate."

Mr. SMEAD, (same,) "An Act confirming the sale of a German school house and lot of ground in Myerstown, Lebanon county," with a negative recommendation.

Mr. WALKER, (Roads and Bridges,) as committed, "An Act to view and lay out a State road from the borough of Lock Haven, Clinton county, to Snow Shoe, in Centre county."

Mr. QUIGLEY, (same,) as committed, "An Act relative to Reed street, Philadelphia."

Mr. STUART, (same,) as committed, "An Act to incorporate the Hilltown turnpike road company."

Also, (same,) as committed, "An Act to incorporate the Chartiers and Robinson Township turnpike road company, in Allegheny county."

Mr. PENNELL, (same,) with a negative recommendation, "An Act to lay out a public road from Shoemaker's mill to the borough of Muncy, Lycoming county."

Also, (same,) as committed, "An Act to incorporate the Douglassville and Yellow House turnpike company in Bucks county."

Mr. DURBORAW, (same,) as committed, "An Act to incorporate the Pennsylvania and Maryland line turnpike road company."

Also, (same,) as committed, "An Act in reference to supervisors in Somerset township, Washington county."

Also, (same,) as committed, "An Act to authorize the citizens of Hamilton township, Monroe county, to elect additional supervisors."

Mr. HOTIENSTINE, (same,) as committed, "A further supplement to an act to appoint commissioners to view and lay out a State road in Lancaster and Chester counties, &c."

Mr. CAMPBELL, (same,) as committed, "An Act to compel the supervisors of roads in the township of Crawford, county of Clinton, to give security."

Also, (same,) as committed, "A supplement to an act to incorporate the Lock Haven and Flemington plank road and turnpike company."

Also, (same,) as committed, "An Act to revise and extend the act incorporating the Zieglerstown and Kutztown railroad company."

Also, (same,) as committed, "A supplement to the act incorporating the Patterson, Johnstown, Penn Mills and Concord plank road company."

Also, (same,) as committed, "An Act relative to the making and repairing of the public roads in Norwegian township, Schuylkill county."

Also, (same,) as committed, "An Act authorizing the laying out of a State road from the mouth of Clarion river to Franklin, in Venango county."

Mr. WALKER, (same,) as committed, "A supplement to the act incorporating the Perrysville, East Waterford and Cookstown plank road company."

Mr. PENNELL, (same,) with amendment, "An Act for the laying out of a State road from Schroyer's Gap to McCall's mills."

On motion of Mr. PENNELL, said committee was discharged from the further consideration of an act to repeal the act repealing the seventh, eighth and ninth sections of the act of April 5, 1849, entitled "An Act to vacate Long Lane, &c." Referred to Committee on Judiciary.

Also, (same,) as committed, "An Act to incorporate the Wrightsville and Canondockly turnpike road company."

Mr. LAWRENCE, (Washington.) (Railroads,) as committed, "A further supplement to the act authorizing the government to incorporate the Bear Mountain railroad company."

Mr. WILCOX, (same,) with amendment, "An Act to incorporate the Towanda and Wappinger railroad company."

Mr. WALBORN, (same,) as committed, "A supplement to an act incorporating the Phoenix iron company, asking for railroad privileges."

Also, as committed, "A supplement to an act to incorporate the Quakake railroad company."

Mr. PATTERSON, (same,) as committed, "A further supplement to an act to incorporate the Lewisburg, Centre and Spruce Creek railroad company."

Mr. CHURCH, (same,) as amended, "Supplement to the act incorporating the Plymouth railroad company."

Mr. SMITH, (Berks,) (same,) with amendment, "A further supplement to the act incorporating the Navigation railroad company, approved April 20, 1854."

Mr. EVANS, (same,) as committed, "An Act for the president and managers of the Mount Carbon railroad company to extend their railroad from some suitable point west of the borough of Pottsville, Schuylkill county, so as to intersect with the Miue Hill and Schuylkill Haven railroad at or near Miue Hill Gap, in said county."

Mr. STYER, (same,) as committed, Senate bill No. 299, "A supplement to an act to incorporate the South Mountain railroad company, approved 5th day of May, 1854."

Mr. PRICE, (same,) as committed, "A further supplement to the act to incorporate the Meadville railroad company."

Mr. M'DOWELL, (same,) with amendment, "An Act to provide for the fencing of the Cleveland and Pittsburg railroad, and for the protection of property in the county of Beaver."

Also, as committed "An Act to incorporate the Mercer and New Castle railroad company."

Mr. BURLEY, (same,) as committed, Senate bill No. 185 "An Act to incorporate the Johnstown and Ashtola tramroad and railroad company."

On motion of Mr. FOSTER, the Committee on Corporations was discharged from the further consideration of Senate bill No. 127, "An Act to authorize Peter Martin and other trustees to sell a certain school house in Clay township, Lancaster county."

"An Act to empower Peter Kleck and Peter Keeny, trustees of a certain house and lot, in Pine Grove, Schuylkill county, to sell same," &c.

"An Act authorizing the Trustees of Aaronburg school to sell a certain house and lot in said town," and the same were referred to the Committee on Estates and Escheats.

Mr. PALM, (New County and County Seats,) as committed, "An Act to erect a new county

out of parts of Crawford, Warren and Venango, to be called Marion."

Mr. SHAFER, (same,) as committed, "An Act to run and define parts of the boundary line between Mifflin and Huntingdon counties."

Mr. SHEPPARD, from the Committee appointed to Compare Bills, and present them to the Governor for his approbation, made report, which was read as follows, viz:

That in conjunction with a similar committee from the Senate, they have compared, and on yesterday presented to the Governor for his approbation, the bills as follow, to wit:

"An Act supplementary to an act to enable the commissioners of the county of Warren to effect certain compromises," approved the 27th day of January, A. D. 1859.

"A supplement to the act to incorporate the Padly's Run bridge company."

"An Act to incorporate the Citizens' Mutual safety insurance company."

"An Act authorizing the appointment of commissioners to run the boundary lines between the counties of Clinton and Centre."

"An Act relating to strays in Venango county."

"An Act to incorporate the Grove cemetery of New Brighton, Beaver county."

"An Act to confer on James Morrison, of Washington county, all the rights and privileges of a child born in lawful wedlock."

"An Act to increase the pay of the county commissioners and auditors of Indianacounty."

"An Act for the relief of Henry Bumgardner, a soldier of the Indian war of A. D. 1794."

"An Act relating to the navigation of Pine creek, in Warren county."

"An Act relating to the navigation of Tionesta creek and its branches."

"An Act relating to the Leverington cemetery company."

"An Act to repeal an act to change the place of holding elections in Porter township, Schuylkill county," approved the 9th day of February, A. D. 1859.

Mr. PEIRCE, from the Committee appointed to Compare Bills, and present them to the Governor for his approbation, made report, which was read as follows, viz:

That in conjunction with a similar committee from the Senate, they have compared, and on yesterday presented to the Governor for his approbation, the bills as follow, to wit:

"A supplement to an act to provide for the erection of a house for the employment and support of the poor in the county of Schuylkill, passed the 4th day of April, 1831."

"An Act to authorize the school directors of the borough of Bedford to borrow money, and for other purposes."

"An Act for protection of dogs in York county."

"An Act to prevent the destruction of fish in M'Michael's creek, Monroe county."

"Joint resolution relative to the pay of Theophilus Snyder, Sergeant-at-Arms of the Senate, for serving writs of election in the Thirtieth Senatorial district."

"Joint resolution of thanks to Mr. L. Hachtel."

"An Act incorporating the First Presbyterian church and cemetery in the borough of Strasburg."

"An Act to incorporate the Southwark soup society of Philadelphia."



"An Act to incorporate the Union mutual fire insurance company of Montgomery county."

"An Act to appoint commissioners to re-survey and establish the lines of the main road running through a part of Wilkesbarre township, in the county of Luzerne."

"An Act relating to certain charitable corporations."

"An Act to incorporate the City building association."

"An Act to incorporate the International Union of art and literature."

"An Act to incorporate the Security fire insurance company, to be located in the city of Philadelphia."

"An Act relative to pawnbrokers in the city of Philadelphia."

"An Act to incorporate the Franklin market company of Philadelphia."

On the 19th instant:

"An Act relative to the Juniata township election district, in the county of Perry."

Mr. WARDEN, (Canals and Inland Navigation,) as committed, "An Act to erect a sheer boom at the mouth of the Loyalsock creek, in Lycoming county."

Mr. JACKSON moved that the bill be re-committed. He had been absent when the bill was before the committee, and he desired to be heard before it.

Mr. WILLISTON said his constituents felt some interest in this measure, and favored its immediate passage. He hoped the bill would not be re-committed.

Messrs. RAMSDELL and WARDEN favored re-committal.

Mr. PATTERSON thought the bill had been long enough in committee, and it was time it should be passed. He trusted the motion to re-commit would not prevail. The motion to re-commit was then put, and carried.

Mr. BAYARD, (same,) as committed, "A further supplement to the act to incorporate the West Branch boom company."

Mr. ELLMAKER, (same,) as committed, "An Act to repeal an act abolishing a ferry across the Susquehanna river, at Ulster, Bradford county."

Mr. KENEAGY, (same,) as committed, "A supplement to the act authorizing Henry Milton to construct a dam or breaker in the Susquehanna river."

Mr. WALBORN called up Senate bill No. 335, "An Act authorizing Robert Given, of Westmoreland county, to construct a dam across the Conemaugh river;" which was passed finally.

Mr. ZOLLER, on leave, read in his place and presented to the Chair, "An Act to incorporate the Boatman's insurance company."

Mr. HAMERSLY, "A further supplement to the act incorporating the North Philadelphia plank road company."

Mr. CHURCH, "An Act to incorporate the Industrial home for girls, in Philadelphia."

Mr. PINKERTON made an effort to call up Senate bill No. 39, "An Act to extend the Forest improvement company," when the orders of the day were called by Mr. CHASE.

#### SENATE AMENDMENTS

To House bill No. 291, "An Act to incorporate the Ironston railroad and mining company," were read and non-concurred in.

To "An Act for the relief of Christian Hollingsworth," were read and concurred in.

To "An Act electing an additional constable in Brady's Bend, Armstrong county," were read and non-concurred in.

To "Joint resolution relative to the pay of Lucius Rogers," were read and non-concurred in.

Mr. PRICE moved that the Committee on Corporations be discharged from the further consideration of "An Act to incorporate the Conestoga gas company of Lancaster city."

Mr. HAMERSLY opposed the motion, on the

ground that there was considerable opposition to the bill.

Mr. PRICE said that the people of Lancaster were in favor of the bill. He did not know why the gentleman from Philadelphia opposed the bill. He further believed that the object was to strike a blow at him.

Mr. HAMERSLY replied, by saying that he did not believe the people of Lancaster wished the passage of the bill.

Mr. PRICE replied at length, and said that he certainly understood the wishes of his own constituents. He charged that favoritism was shown to certain members of the committee.

Mr. HAMERSLY said that he cared nothing about the bill, and was not interested in it.

Mr. PRICE replied that then he had nothing to do with it, and should not oppose. The gentleman from Philadelphia had received many favors from the House during the session, by calling up market and other bills.

Mr. HAMERSLY hoped that the gentleman would confine himself to the truth.

Mr. KENEAGY advocated the discharge of the committee.

Mr. WILLIAMS, (Bucks,) should vote for the discharge of the committee. He said that bills were often locked up in committees for special purposes.

Mr. HAMERSLY said that until this morning the two members from Lancaster had been opposed as to the propriety of taking the bill out of the hands of the committee. This was the fact of the case.

Mr. THORN wanted to know who Mr. WILLIAMS, (Bucks,) had referred to, by saying that bills were held in the hands of committees.

Further rambling debate took place between Messrs. ACKER, THORN, THOMPSON, PINKERTON and HAMERSLY.

The question being taken, the committee was discharged.

Mr. NILL moved that the regular orders be suspended, and bills in place be received; which was agreed to.

Mr. ROSE read in his place and presented to the Chair, "An Act for the better regulation of the Mercer County and Shenango Valley agricultural society."

Mr. GRAY, one for the relief of Elizabeth Roberts, widow of an old soldier of the war of 1788 and 1792.

Mr. PATTERSON, one to incorporate the Lost Creek iron company.

Mr. WILSON, "An Act to vacate certain lanes and alleys, &c., in Beaver borough."

Also, one in relation to the collection of taxes on unseated lands in New Brighton, Beaver county.

Mr. THOMPSON, one to erect, out of parts of Middlesex township, Butler county, an independent school district.

Mr. BURLEY, "A further supplement to the act incorporating the Allegheny railroad coal company."

Mr. SHAFER, "An Act to annul the marriage contract between James V. Miller and Mary his wife."

Mr. BOYER, (Clearfield,) one to raise the compensation of supervisors in Spring Creek township, Elk county.

Mr. NILL, one to extend the power of courts of equity within the Commonwealth.

Also, one to divide the township of Quincy, county of Franklin, into three districts for the election of supervisors.

Mr. GREEN, one to give the collection of taxes in East Donegal township, Lancaster county, to the lowest bidder.

Mr. JACKSON, "An Act to authorize the laying out of a State road from Dushore, Sullivan county, to the North Branch of the Susquehanna river, at or near Wells' Ferry, in Bradford county."

Also, "An Act to enable Catharine Sickles to

sell and convey certain real estate in Cherry township, Sullivan county."

Mr. WILLISTON, "An Act relative to service of process on corporations."

Also, "An Act relative to collectors in the county of Tioga;" which was taken up, and passed; and ordered that the Clerk present the same to Senate for concurrence.

Mr. RAMSDELL, "A supplement to the act relating to roads, highways and bridges in the counties of Warren, Venango and McKean," passed April 9, 1844.

Mr. MEHAFFEY, one to provide for the fencing of railroads in Lycoming county."

Also, "An Act to incorporate the Williamsport library association."

Mr. HOTTENSTINE, one to incorporate the Sunbury gas company, of Northumberland county; and on his motion, the rules being in this case dispensed with, said bill was taken up and passed, and ordered to be sent to the Senate for concurrence.

Mr. PALM, "An Act to incorporate the Boatmen's live stock, fire, life insurance, annuity and trust company, of Schuylkill Haven."

Mr. PINKERTON, "An Act to incorporate the Patterson coal company."

Also, "An Act to change the venue of certain actions from Schuylkill county to Lebanon county."

Mr. GLATZ, "An Act to make George W. Eshleman, an heir of J. Middleton Whitehill and his wife Elizabeth S., and to confer on him the name of G. William Whitehill."

On motion of Mr. McDOWELL, the Committee on Corporations was discharged from the further consideration of the act to incorporate the Boatman's insurance company; and the same was ordered to be placed upon Private Calendar for next Tuesday.

Mr. WAGONSELLER called up the act for the sale of the real estate of Wm. Richter; which was passed and sent to the Senate for concurrence.

Mr. NEALL read an act to increase the revenues of the Commonwealth.

Mr. BERTOLET, "A supplement to the act regulating the fees of ten pin alleys."

Mr. JACKSON, on leave, withdrew petition, &c., of Catharine Sickles.

#### APPROPRIATION BILL.

The House resolved itself into a committee of the whole, and resumed the consideration of the appropriation bill.

Section number thirty one appropriating to R. J. Haldeman, \$7 per page for the publication of the *Legislative Record*, was taken up.

The amendment of Mr. CHASE was first in order, viz., providing for the repeal of the fortieth section of the act of 1858.

The amendment was agreed to.

The section as amended was agreed to.

The thirty-second section was read.

Mr. ROSE called for an explanation.

Mr. LAWRENCE (Danphin,) said that it had been customary for years past to appropriate sums of money to the Harrisburg fire companies. The papers of the capitol were not safe, and were only to be protected by the exertions of the able, efficient, and energetic firemen.

He eulogized the Harrisburg fire department highly.

Mr. HILL inquired whether the Capital buildings were insured.

Mr. LAWRENCE, (Danphin,) said that they were not.

The section was agreed to.

The thirty-third section was read.

Mr. CHASE said that the blank relative to expenses had not been filled, because the committee had no data. He moved to amend by inserting three thousand dollars; the charges to be certified to by the Auditor General.

The thirty-fourth section was read.



Mr. WALKER offered an amendment, which was withdrawn for the present.

Mr. CHASE offered an amendment, appropriating three hundred dollars to John Smull, for services during recess.

The section as amended was agreed to.

The thirty-fifth section was read.

Mr. CHASE offered an amendment, that ten dollars extra be paid to pages and folders.

The section as amended was agreed to.

Mr. WALKER offered a new section, giving to two Assistant Doorkeepers one hundred dollars each, for night services.

The thirty-sixth section was read.

Mr. PINKERTON moved to amend, by inserting two dollars per diem.

Mr. HAMERSLY moved to amend the amendment, by making it one dollar and fifty cents.

The section as thus amended was agreed to.

The thirty-seventh section was read and agreed to.

The thirty-eighth section was read and agreed to.

The thirty-ninth section was read and agreed to.

The fortieth section was read.

Mr. SMITH, (Berks,) offered an amendment giving one hundred and twenty-five dollars to the late clerk, Jacob Zeigler, for indexing the Journal of 1858.

The section, as amended, was agreed to.

The forty-first section was read and agreed to.

Mr. ZOLLER offered a section, appropriating fifteen hundred dollars, to pay for a town clock in the cupola of the capitol at Harrisburg.

Mr. HAMERSLY said that the people of Harrisburg ought to be able to pay for clocks for their own use.

Mr. ZOLLER said that the present clock was useless and shabby.

Mr. LAWRENCE, (Dauphin,) thought that the measure was eminently proper. The present clock was worth nothing, the hands sometimes actually going twelve hours in about five minutes. If a new clock was to be had, a good one should be procured. He had heard a good one could be obtained for fifteen hundred dollars.

Mr. THOMPSON offered a substitute, that the Clerks of the House and Senate should be authorized to sell the present clock, and repair the cupola with the proceeds.

Mr. THORN said that fifteen hundred dollars would be insufficient to erect a suitable clock.

Mr. HILL thought that the present clock could be repaired.

Mr. LAWRENCE, (Dauphin,) said that it was not worth repairing. As far as the proceeds of the present clock would go, (being perhaps some five or eight dollars,) the cupola could not be repaired. W. O. Hickok, he understood, would furnish a new one for fifteen hundred dollars.

Mr. THOMPSON opposed the purchase, and said that no one needed it, and that it would be neither ornamental or useful.

Mr. KETCHUM said that no new clock was wanted or needed. The old one did not mar the beauty of the capitol; and he had thought that the time-piece was a good one until just now notified of the fact. If the clock has injured any one, he would move to appoint a committee of investigation.

Mr. CHASE wished to know whether if a person having business in Philadelphia was misled and lost some \$20,000 on that account, would the State be liable for the loss.

Further rambling debate of an amusing character, relative to the old clock, took place between Messrs. LAWRENCE, (Dauphin,) THORN, CHASE and HILL. It was suggested that it be turned into a windmill, and that a committee of two be appointed to arrange the matter and report to the Governor after the adjournment.

The amendment of Mr. THOMPSON was

lost.

The section of Mr. ZOLLER was lost.

Mr. LAWRENCE, (Washington,) offered a new section appropriating \$24,000 to erect a monument in honor of soldiers from Pennsylvania who perished in the war with Mexico.

Mr. FLEMING offered an amendment that the said monument be constructed of Pennsylvania material. This was accepted.

Mr. NEALL offered an amendment that the contractor should be a Pennsylvanian. This was also accepted.

Mr. WARDEN offered an amendment that it should be also in memory of Revolutionary soldiers and those of the war of 1812 and that the cost of erection should not exceed \$30,000.

Two or three other important amendments were offered and withdrawn.

Mr. LAWRENCE, (Dauphin,) condemned a certain tone of levity which had characterized the remarks of many of the gentlemen. He thought that it evinced neither patriotism or a true appreciation of the great undertaking. He reverted to the time when the project was first broached, in the days of Governor Johnston, and expressed his disapproval of the amendment which had been offered, and which proposed that the monument should be in memory of the soldiers of the Revolution, and of the war of 1812, as well as those who perished in Mexico. The men of the Revolution had been honored throughout the length and breadth of the land, and the Pennsylvanians who were in the war of 1812, had performed no feats which rendered a tribute necessary. Not a single volunteer company from Pennsylvania had seen service in that war, and no one could forget the discreditable scenes of Bladensburg.

He eulogized the soldiers and officers of the Mexican war, and dwelt upon the homage which this and other nations had rendered to the worth and ability of Generals Taylor and Scott. Yet the American people with a careless disregard, had failed to erect any substantial testimonial in honor of those who gave their lives to their country, and had only rewarded their wives and orphans by a pittance of one hundred and sixty acres of land.

The actual number of Pennsylvanians who had perished in Mexico, was not generally known. He then gave data showing that between five and six thousand natives of the Keystone State, participated in the struggles of Mexico. Before he had concluded,

Mr. WILCOX moved that as the hour of one had arrived, the committee rise, report progress and ask leave to sit again; which was agreed to; and the committee determined to sit in the afternoon.

The SPEAKER then adjourned the House until 3 o'clock P. M.

#### AFTERNOON SESSION.

The House was called to order at 3 o'clock by the SPEAKER.

Mr. PENNELL, on leave, read in his place and presented to the Chair, "An Act to incorporate the Chester steamboat company;" and on his motion, the rules being in this case dispensed with, said bill was taken up and passed; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. WILLISTON, on leave, one repealing certain supplements to the act to incorporate the Wellsboro and Tioga plank road company; which was taken up and passed, and sent to Senate for concurrence.

Mr. M'DOWELL, one relating to the weighing of coal in Allegheny county; which was taken up and passed; and sent to Senate for concurrence.

Mr. WILLISTON, on leave, presented the following bills:

"An Act declaring Jame's run a public highway."

"An Act in relation to writs of estrepment."

Mr. PINKERTON moved that the following section, stricken out by committee, be re-instated in Senate bill No. 39, "A further supplement to an act relating to a burial ground and school lot in the borough of Pottsville."

SECTION 4. That the said bond or bonds, mortgage or mortgages shall be exempt from the taxation directed by the act of Assembly of April 29, 1844, providing among other things for the taxing of money at interest on bonds and mortgages.

Some opposition was made to the amendment.

Mr. PINKERTON hoped that the amendment would be agreed to. It had received the assent of the Senate, but had been stricken out by the committee of the House, probably because they did not understand the matter. The bill was one authorizing the school directors of Pottsville to borrow money to build a school house, and the directors truly said that if they were obliged to pay tax on bonds and mortgages, it would be impossible for them to obtain the funds. Thousands of dollars were annually appropriated to school purposes, and the imposition of this tax would be exactly the same in effect as taking so much money out of the school appropriation.—He again hoped that the amendment would be allowed to pass.

Messrs. FOSTER and HAMERSLY thought that no member would vote against the bill if be carefully read it.

The question recurring, will the House agree to the amendment?

Mr. LAWRENCE, (Washington,) suggested that the bill, together with the amendment, had better be postponed so that members could examine the same. He was anxious to vote for the bill, but wanted time to look at the amendment.

Whereupon Mr. FLEMING moved that the question be postponed until next Tuesday; which was agreed to.

Mr. CHASE, on leave, offered a resolution that the Clerk of the House be instructed to furnish Messrs. PROUDFOOT and MATTHEWS with Purdon's Digest, a copy of Ziegler's Legislative Manual, &c.; which was adopted.

Mr. FOSTER submitted the following resolution; which was twice read and adopted:

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Committee on Public Printing be instructed to report to this House what provision has been made for the protection of the public buildings, library and records at the seat of government from destruction by fire, and what action, if any, is necessary to secure their proper protection.*

Mr. OAKS, on leave, presented "An Act to change the place of holding elections in Liberty township, Montour county;" and, on his motion, said bill was taken up and passed; and ordered to be sent to the Senate for concurrence."

#### THE APPROPRIATION BILL.

The House resolved itself into committee of the whole, (Mr. LAWRENCE, Washington, in the Chair.)

Mr. LAWRENCE, (Dauphin,) resumed his remarks, in hope, as he said, of convincing the House of the utility of the monument appropriation. He reviewed his speech of the morning, and reverted to the comparison which he had then drawn between soldiers of the war of the Revolution, of 1812, and of the Mexican war. He stated the high positions to which the survivors of the last war had been elevated.

He then referred to the alacrity with which the Pennsylvanians had volunteered; and that, too, in the face of conflicting opinions as to the propriety of the contest. When President Polk issued his requisition for ten regiments, 10,000 men offered from the Keystone State within a week. Out of those ten, but one was received. On



a second requisition twenty-five thousand Pennsylvanians offered themselves, and here again but one regiment was accepted. He reverted to the time when a portion of this lusty body left Harrisburg, their native place, and pictured an affecting scene at the pitting of a mother and son; that son now buried upon the plains of Mexico, and that mother in her grave upon yonder hillside. One hundred and sixty-seven men were enrolled from this town, and now not twelve of those remain upon the face of the earth. These survivors now ask that some tribute shall be rendered to the memory of their dead associates.

He detailed the various portions of Pennsylvania from which the members of the different companies had been obtained, and repeated his assertion, that in the war not less than five or six thousand natives of the Keystone State were active. And in the fields of Mexico, when there was a deadly fight to be fought, Pennsylvanians were in the van. At Puebla they were foremost. For twenty-eight days, some hundreds of them sustained a siege against eighty thousand men.

It was impossible to detail the various feats of the brave men of this State during the whole campaign, and he could only give a sketch. Nerved to the utmost, the Pennsylvanians, under the glorious stars and stripes, were the first to enter the city of Mexico.

Wellington, the hero of Europe, had pronounced the Mexican war, a war of miracles.

He pictured the hardships of climate against which the Americans fought, and the deadly hostility which they encountered. He recapitulated their gallant feats in glowing terms.

The gentleman from Westmoreland county, (Mr. WARDEN,) sought to embarrass the bill by adding an amendment to it, and yet that county had sent as brave men to the war as any. When this same bill was up last session, two gentlemen from Westmoreland had voted against it, and the consequence was that neither of them had been returned to the Legislature.

He should enter his earnest protest against any opposition to the measure.

He drew a vivid outline of the sufferings of the Americans in Mexico. Out of nearly two hundred men who left this place, only thirty-five returned. Twenty-five of these were soon buried, and the remaining ten now asked for the testimonial.

In regard to monuments, the soldiers of the Revolution had received them—the soldiers of the war of 1812 had not been forgotten, but those of the Mexican struggle had been passed by. New York and North Carolina had been more generous.

He noticed an extraordinary case of heroism. A regular captain, when the war first opened, applied for a position—none could be had, and he enlisted as a private soldier, in Harrisburg. Through the whole campaign he served in this capacity, and died at last on the plains. Was the memory of such a man as this to be cast into oblivion, and were his bones to lie there forgotten? Did the patriot's career end in the grave? Or did the people of the land owe him a tribute?

Mr. LAWRENCE concluded with an eloquent and powerful imaginative effort. He pictured the hardy soldier passing from this earth, and escorted by the winged messenger of another sphere, claiming and receiving an entrance at the gates of Paradise.

Mr. NEALL, setting aside the eloquence and power of the address of the gentleman from Dauphin, (Mr. LAWRENCE,) felt called upon to reply to some of the arguments which had been advanced in support of the proposition. He admitted that upon the plains of Mexico the bones of many Pennsylvanians lie bleaching—that throughout the Commonwealth there are many mourning hearts for those brave men who

gave their lives for their country's honor, and that the surviving heroes of the war had attained high positions since their return.

But the gentleman from Dauphin had said, but to the widows and orphans of the fallen the government had given but a pittance of 160 acres of land, and that this would not buy them bread. Why then, he would ask, when these widows and children were crying for food, should the Commonwealth of Pennsylvania give \$30,000 to buy them a stone—to erect them a monument? Could they find shelter under its height? And the gentleman from Dauphin had pictured the sufferings of the heroes, and told of the numbers slain. If he had extended this record back to the beginning of time, would it be any argument why the Legislature should give to the widows and fatherless, a stone—a mockery? And the gentleman had decried the efforts of the soldiers of the war of 1812. Why had he not first examined the record, and there found that at Lundy's Lane, General Miller, and Pennsylvanians, had acted a prominent and worthy part.

Mr. LAWRENCE, (Dauphin,) wished to correct the gentleman. He had not denied that there were particular instances of worth and bravery in the war of 1812, but he had said that no volunteer company from Pennsylvania saw service in that war. Five had gone from Harrisburg alone, and not one was engaged.

Mr. FOSTER thought the gentleman from Dauphin, (Mr. LAWRENCE,) was mistaken. He was very confident that two companies from Pennsylvania did see service.

Mr. NEALL continued. It might be well enough for the gentleman to urge the erection of a memorial in the town which he represented, but why, in his devotion to the soldiers of Mexico, did he oppose the amendment of the member from Westmoreland, and overlook the fact that Pennsylvanians were in other struggles, and deserved eponyms? Let him glance, for example, at the battle of Lake Erie. Certainly the amendment which had been proposed was a proper one, for it rendered a just tribute to men who had participated in conflicts as creditable as those of the Mexican war. Why had the gentleman not discussed the merits of the case, and stated the fact that the design from which it was proposed to erect the testimonial, was a mutilated copy of one which had been originally made by a poor orphan boy of Pennsylvania, whose existence the committee had very magnanimously ignored? Why had this not been said?

Mr. LAWRENCE, (Dauphin,) explained. He had already accepted two amendments, one of which provided that the builder of the monument should be a Pennsylvanian, and the other, that it should be Pennsylvania material. This certainly evinced sufficient State pride.

Mr. NEALL did not deny but that the gentleman had accepted both amendments, but this did not affect the assertion that the design which had been accepted was a mutilated copy of one prepared by a lad, and an orphan. Yet to carry out this mutilated design, the Legislature was asked to give thirty thousand dollars.

He held that the sentiment of the people of the State was, that no monument was necessary, and that enough already had been done in honor of the soldiers of Mexico. He believed, with them, that the best monument was that which existed in the hearts of the people, and that the feeling of gratitude and respect was not to be increased by the erection of a towering pile of stone, even if it reached the skies.

He had a word more to say in vindication of the soldiers of 1812. He wished to refer the gentleman from Dauphin to one of the officers of the House, who had served in that struggle and had honorably acquitted himself.

Mr. ROSE said that the gentleman from Dauphin, (Mr. LAWRENCE,) had been so eloquent

that at one time he had almost been disposed to vote for the appropriation, but a sober second thought induced a change of opinion. He claimed to have as much patriotism as the speaker, but did not imagine that it was to be exhibited by a monument of stone which would crumble into dust. There was another and more enduring method, and that was by a retention in the hearts of the people of the eminent worth and services of the heroes of the war with Mexico. Did any one allege that the statue of Washington produced stronger impressions or awakened deeper emotions in the breasts of those by whom it was observed, than the recollection of the deeds of the illustrious "Father of his Country?"

He was surprised at the reflections which had been cast upon the soldiers of the war of 1812, and at the intimations of their cowardice. No better men ever shouldered the musket. Why, now by his side was the gentleman from Elk, (Mr. WILCOX,) who had been an active participant, and to whom an intelligent community rendered the just praise of bravery and patriotism. At the time of that war, this country was nearly a wilderness, and in the face of hardships, the husbands and fathers went forth from their firesides to meet the enemy. It had been said there were no companies from Pennsylvania engaged in actual service, but he desired to call attention to the "Washington Blues," of Allegheny county. More than that, let the gentlemen cast their eyes to an old gray-haired officer of this House, who was lieutenant, and ask where his wounds had been received. In another part of the capitol was still another veteran.

Mr. LAWRENCE, (Dauphin,) Did I understand the gentleman to allude to an old, gray-haired man, who was an officer of the House—who had been a lieutenant, and who bore wounds?

Mr. ROSE replied in the affirmative.

Mr. LAWRENCE, (Dauphin,) Then, sir, I have only to remark that instead of being a lieutenant, he was a butcher.

Mr. ROSE. Then if he did not receive wounds, he certainly gave them; which is of course equally meritorious.

Mr. FOSTER. No one one can deny but that he shed blood.

Mr. ROSE continued. The gentleman from Dauphin, (Mr. LAWRENCE,) had referred to the spirits of departed warriors which were hovering around the House, and had pointed to the lobby. If those spirits hovered around that place, they deserved no respect; but if they were there by any accident, they would not ask for a stone to commemorate their deeds, but rather for money to support their widows and orphans. Was it natural to suppose that departed spirits in another world wanted a monument in this one? The picture which had been drawn by Mr. LAWRENCE, of the entry of the old soldier into Paradise, was very fine, but he could not appreciate its force.

He would willingly vote to benefit the children of any who fell in the Mexican war. As far as the survivors were concerned, who were alleged to be asking for this monument, he did not believe that one of them could be found who would not rather have a thousand dollars than the stone. He would ask the gentleman from Dauphin, (Mr. LAWRENCE,) whether this was not the fact?

Mr. LAWRENCE, (Dauphin,) replied that the constituents of the gentleman from Mercer, (Mr. ROSE,) might make such a choice, but his own would not.

Mr. ROSE said that he was well aware that his constituents were of a different class from those of Mr. LAWRENCE. His asked for money to educate the orphans, and relieve the widows, but those of the gentleman from Dauphin asked for a monument of stone.



The first proposition had been to erect a monument of Italian marble for thirty thousand dollars. Now an amendment had been accepted to construct it of Pennsylvania material.—This could be done for about one-fifth less.

Mr. LAWRENCE said that the knowledge of marble of the gentleman from Mercer, was but limited. He knew that it could not be done for one-fifth of that sum.

Mr. ROSE said that he had only based his estimate on the relative costs of Italian and American material, but he did not believe that a structure such as was proposed, could be erected of foreign marble for one hundred thousand dollars.

Mr. NILL said that he had voted for an appropriation of six thousand dollars last year, with the understanding that it would be all that was required. After the adjournment of the Legislature, however, the gentlemen having the matter in charge held a meeting, and said that they could not proceed without the additional sum of thirty thousand dollars. Now what security was there, that if this amount was given, the next Legislature would not be asked for more, until the expenditure became enormous?

Mr. LAWRENCE, (Dauphin,) said that the terms of the contract were such, that the parties bound themselves to complete it for the sum named, and gave ample securities.

Mr. NILL might perhaps vote for the appropriation, if he had any assurance that it would be the last. As for the securities, they might be all very good, or might be worth nothing, and the contractors might or might not perform the work. But in refusing to acquiesce in this measure, it would not do for the gentleman from Dauphin, (Mr. LAWRENCE,) to charge him with any want of patriotism, for that quality was not to be measured, by a proposition to put a few dollars in a monument at Harrisburg.

As for the alacrity with which the Pennsylvanians had volunteered in the Mexican war, it was undeniable. In his own town a company had recruited. The survivors, it was equally true, had many of them attained high positions, as the SPEAKER had remarked, but many of them should have been pensioned, and he could only regret that the General Government had not taken action to provide for the sick and infirm, by the establishment of an institution, similar to that of the Hotel D'Invalides at Paris. But did all this justify the Legislature in making an appropriation?

True, there were many reasons under the administration of President Polk, to be proud of the results of the Mexican war, but did that justify the appropriation? True, territory was acquired, as is attested by auriferous California. As a nation, there was reason to rejoice at this, but with all, he could not support the appropriation.

But the gentleman from Dauphin certainly fell into an error he thought, when he said that the soldiers of the Revolution had been amply rewarded. They were not rewarded according to their merits.

Who was there that did not know that the United States, after paying its debts in a certain currency, repudiated that currency, and that one result which followed was that soldiers of the Revolution were reduced to poverty, and almost, if not quite, beggary? And it had been but a very few years since pensions were given.

The gentleman from Dauphin had said that from the time of Cain (a murderer,) there had been no greater generals than those of the Mexican war. The bare idea of calling Cain a general was ridiculous.

Mr. LAWRENCE, (Dauphin,) wished to ask a question. If the colleague of the gentleman considered a butcher a warrior, he (Mr. LAWRENCE,) was certainly entitled to consider a murderer a general.

Mr. NILL said that he would not be accountable for the slaughtering propensities of his colleague, the gentleman from Mercer, (Mr. ROSE.) But Mr. LAWRENCE had said that in the war of 1812, no volunteers had distinguished themselves. Why, in his own district, a regiment had been raised which had served.

Mr. LAWRENCE, (Dauphin,) desired again to explain. He had said that no volunteer companies from Pennsylvania had seen service.—Perhaps the gentleman means to say that his regiment served in the unshot War.

Mr. NILL. Perhaps; and perhaps that will be an additional reason for the gentleman to urge the erection of a monument at Harrisburg, to commemorate that event.

But the statement that history furnished no greater generals than those of the Mexican struggle, was wrong. They could not be placed on a level with Bonaparte. And the allegation that the soldiers of 1812 did nothing worthy of commemoration, was equally erroneous, as was attested by the fact that medals and testimonials had been bestowed upon them since their return. Even some of the participants at Bladensburg, who had been so unhandsofly referred to, had since been rewarded by Congress. The gentleman from Dauphin seemed to think but little of that war, but he must have forgotten that Scott, Brown and others, there first rose to distinction.

But the end of the speech of Mr. LAWRENCE had been worthy of note. He had spoken eloquently of the last hour, and ascent to heaven of a hero soldier. Evidently the idea was modeled after that of Byron, who in his vision of judgment leaves George III at the gate. So the old soldier was left, and it was questionable whether he would not progress in the course of time to the music of Yankee Doodle and Hail Britannia. The gentleman from Dauphin should have taken him further, and not left him in such an unpleasant predicament.

Before the appropriation was made it was to be hoped that it would be definitely ascertained whether the monument was to cost eighty thousand dollars or one hundred thousand dollars, but if it was to cost five times that amount, he did not believe that it would assuage the widows' grief. He felt satisfied that the affair would be like that of the North Branch canal, to which appropriations were made almost annually, without any adequate return.

Mr. WARREN denied the allegation that he had offered the amendment for the purpose of embarrassing the bill. It was done in good faith, and to meet the objection that the bill by referring only to one class of soldiers was partial. Pennsylvanians, he hoped, had hearts large enough to take in all those heroes who had rendered service. He had been forced into an unpleasant position, for he was obliged to stand half way between the gentleman from Dauphin and the opponents of the bill. He joined issue with the former relative to the worth of the men of 1812, and yet favored the appropriation. As a Westmorelander, he would stand up and say that at least one company, with Capt. Markle, did good service, and he was sorry for the credit of the SPEAKER that the bravery and utility of the soldiers had been questioned.

He cited other examples of men who had received unanimous marks of approval for the course which they had pursued, and among them, named Gen. Miller, of Fayette county, Capt. Cooper, of Westmoreland, and the renowned Drum. Of a whole company, who went from Westmoreland, perhaps only one-third of its members had returned, and what was more, they had acquitted themselves, as Pennsylvanians always do, with bravery. He did not believe that there had been a single native of the Keystone State at Bladensburg.

Continuing further, he vindicated the honor

of the soldiers of 1812, and urged an appropriation to the monument.

Mr. LAWRENCE, (Dauphin,) regretted that the gentleman from Westmoreland, (Mr. WARREN,) had understood him as having reflected on the soldiers from that county, or of the war of 1812. To the latter, he had paid a just tribute, by acknowledging certain instances of bravery and heroism, and had merely said, as he had now twice been called upon to repeat, that no volunteer companies from Pennsylvania saw service, nor had this as yet been refuted upon the floor of the House. The gentleman from Franklin, (Mr. NILL,) had made an allusion to two men from Cumberland Valley, who rendered good service as volunteers in the war of 1812. He had just been informed by a person who was a cousin of both of these men, that neither of them were volunteers, but were in the regular army.

Mr. NILL. The person must have been remarkably prolific in cousins.

Mr. LAWRENCE, (Dauphin,) I therefore feel positive in re-asserting that no volunteer company from Pennsylvania saw service in that war.

Mr. NILL declared this to be incorrect.

Mr. LAWRENCE, (Dauphin,) would then refer the gentleman to the record of the war of 1812, as prepared by Ingersoll. But it did not matter particularly, whether the men were regulars or volunteers. The facts would not be affected.

He continued further to repel arguments which had been advanced against the appropriation.

There was an evident dissimilarity between Byron's Vision of Judgment, and the picture which he had drawn in his first speech. Byron took George III to the gate, and left him there, after he had been refused admission by St. Peter, who did not know "who the devil George III was," but the old soldier, after he knocked, was immediately admitted, and went at once into one of the upper seats.

Mr. RAMSDELL called the gentleman to order.

The Chairman said that theological discussions were out of order. The gentlemen must confine themselves to facts.

Mr. LAWRENCE, (Dauphin,) said that he only retorted to the gentleman from Franklin, (Mr. NILL.)

Mr. NILL replied that the gentleman from Dauphin, (Mr. LAWRENCE,) had first set the example.

Mr. LAWRENCE, (Dauphin,) The gentleman from Franklin, (Mr. NILL,) had stated that some of the soldiers of 1812 had received medals. This was true, but when were medals given to those who fought in Mexico? As for the repudiation of money which had affected, among others, the soldiers of the Revolution, this was nothing particularly new, for did we not see even now some of the western counties of our State adopting the doctrine? If Mr. NILL voted for the appropriation of six thousand dollars last year, in the belief that it was all that would be required, he voted under a mistake. It was generally understood at that time that that was but the prelude. The intimations that the securities of the contractors would be worthless were unfounded, for they were entered into by men worth two hundred thousand dollars. He could not see that the appropriation of thirty thousand dollars would be an entering wedge for any further application. The sum was petty, and not to be considered in a land teeming with riches like that of ours. The comparison with the North Branch canal was not a fair one.

He concluded with an earnest appeal to the members to bestow upon the illustrious dead the last honor of a monument.

Mr. NILL further opposed the appropriation, and alleged that Mr. LAWRENCE had begged



the question, and gone out of the record. He concluded by a defence of the position which he had assumed relative to the North Branch canal, and hoped that the vote would be taken before the adjournment on the appropriation.

Mr. RAMSDELL moved that the committee rise, report progress, and ask leave to sit again. The motion was withdrawn.

The question being then taken on the amendment of Mr. WARDEN, it was agreed to.

The question recurring upon the original resolution as amended,

1 was lost.

Mr. RAMSDELL offered a new section to the appropriation bill, bestowing upon certain officers of the House and Senate additional compensation, as follows:

Chief and Assistant Clerks, one hundred dollars.

Other clerks, seventy-five dollars.

Sergeant at-Arms, Messenger, Post Master, &c., fifty dollars.

Mr. THOMPSON moved to insert one hundred dollars to the Post Master. Not agreed to. The section was then agreed to.

The committee then rose.

Mr. CHASE gave notice that he would not call up the appropriation bill until Tuesday morning next.

Mr. NILL moved that two hundred copies of the bill, as amended, be printed; agreed to.

Mr. BARNESLEY, from the committee appointed to compare bills, offered a report.

The Clerk read an extract from the Journal of the Senate, requesting the House to return Senate bill, relative to the protection of dogs in York county.

On motion, agreed to.

A message from the Governor was read.

The hour of 5 having arrived, the SPEAKER adjourned the House until Monday afternoon, at 3 P. M.

*To the Honorable the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

The undersigned citizens of the county of Northampton, in said Commonwealth, respectfully but urgently remonstrate against the passage of the bill reported in the House of Representatives, House File No. 187, entitled "An Act relative to the Delaware Division Canal company of Pennsylvania."

The privileges therein proposed to be granted are extraordinary, unusual and dangerous to the rights of the citizen. The tribunal proposed to be erected for the settlement and assessment of damages, from whose decision there is no appeal, and whose action would be without control or supervision of the legal tribunals, would place the individuals injured or aggrieved at the mercy of this corporation. There is no good reason why this company should have a special tribunal to pass upon claims against them different from the tribunals of the State erected for the settlement of litigated disputes among its citizens. The right of trial by jury should be always secured the citizen in such cases. This company having made the purchase of the Delaware Division of the Pennsylvania canal at a very low rate upon the understanding as provided for in the bill passed at the last session of the Legislature for regulating the sale of the State canals, that they would settle and pay the claims for damages or other demands against the Commonwealth in relation to the location, construction, repair, management or use of the Delaware Division, ought not to have special legislation to free them from these liabilities which entered into their purchase. This bill if passed would give to this company an improper control over the navigation of the Delaware river, allowing them to interfere therewith to the serious injury of those using it, with no

other guard than the loose provisions of a proviso which would be of little protection against a wealthy, powerful company as this bill would make this corporation. The bill is in many other particulars objectionable, and might lead to injustice and oppression upon the part of this corporation, who are only thereby seeking the aggrandizement of the corporators, regardless of the right of the citizen.

They therefore respectfully remonstrate against the said bill becoming a law.

*To the Honorable the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met:*

The subscribers, citizens of the county of Bucks, respectfully remonstrate against the passage of the bill now before your Honorable Bodies, for the incorporation of the Delaware canal company, in its present form. The objectionable parts of the bill, are:

FIRST.—The privilege to dam the Delaware and control the waters of said river in like manner as the Lehigh Coal and Navigation company do the Lehigh river. Such a privilege ought not to be granted, in the opinion of the remonstrants, to any company of this enlightened age. The privilege asked for by the company, will destroy the shad fisheries on said river, and give them unlimited control of its waters.

SECOND.—The restricting clause in said bill to bar all damages to private property sustained by individuals six years previous to the passage of the act for the sale of the State canals. This clause is certainly in violation of the seventh section of the act to sell the State canals. If the time is limited to six years prior to the sale, many individuals will lose in the aggregate a large amount of money.

THIRD.—The clause allowing the company to charge as much toll on their canal as the Lehigh Coal and Navigation company do. We believe it to be very unfair, for the following reasons: The construction of one mile of the Lehigh canal cost more than the making, in several places, of ten miles of the Delaware Division. High tolls tax the citizens residing on the canal by increasing the price of coal consumed by the poor as well as the rich. We desire a clause put in the bill requiring the company in the reconstruction of their canal, to build and keep in repair pivot bridges, at all the roads where bridges are now built; and to keep in good repair all bridges that have been built on public roads for the passage of waste water. And your remonstrants will ever pray, &c.

#### NO. 275.—FILE OF THE SENATE.

BELL, Judiciary—Feb. 10.

AN ACT to authorize execution of process in certain cases in equity concerning property within the jurisdiction of the court on defendants not resident or found therein.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall be lawful for any court of this Commonwealth, having equity jurisdiction, upon special motion of the plaintiff or plaintiffs, in any suit in equity which has been or shall be instituted therein, concerning goods, chattels, lands, tenements or hereditaments situate or being within the jurisdiction of such court, or concerning any charge, lien, judgment, mortgage or incumbrance thereon, to order and direct that any subpoena, subpoena or other process to be had in such suit, be served upon any defendant or defendants therein then residing or being out of the jurisdiction of such court, wherever he, she or they may reside or be found; and upon affidavit of*

such service had, to proceed as fully and effectually as if the same had been made within the jurisdiction of such court: *Provided, That it shall appear to such court by affidavit, affidavits or other documents applicable for the purpose before making such order, in what place or county such defendant or defendants reside or are, or probably may be found; and if such place be without the United States, whether there are any officers of the United States residing thereat or near thereto, and by what means such service may be authenticated: And provided, That such order limit a time depending on the place where such process is to be served, after the service thereof, within which compliance with the requirements thereof, must be made by such defendant or defendants, such process to be returnable at such time after the service thereof as such court shall by special order direct: And further provided, That when such process shall be served, such defendant or defendants shall also be served with a copy of the order authorizing the service thereof; and a copy of the bill or petition, if such process be a subpoena thereon, but if not, a statement of the substance and object of the proceeding whereon the same is founded: And provided also, That the affidavit of such service of process and copies or statements aforesaid, if such service be had within the United States, may be made and taken before any officer of the United States or of any of the States or Territories thereof, authorized to administer an oath, and if such service be had without the United States, the same shall be authenticated as such court shall by special order direct.*

SEC. 2. *That whenever it shall appear to the satisfaction of such court by affidavit, affidavits or other documents applicable for the purpose, that any defendant or defendants, in any such suit as hereinbefore mentioned, cannot, upon diligent enquiry, be found so as to be personally served with any process to be had therein, it shall be lawful for such court, upon special motion, to make an order upon such defendant or defendants, similar to the requirements of such process, specifying the time when compliance therewith must be made; and upon the expiration of such specified time, to proceed as fully and effectually as if such process had been duly served within the jurisdiction of such court: *Provided, That a statement of the substance and object of the bill, petition or other proceeding, whereon such order is founded, and a copy of such order be published in such one or more newspapers, and at such times as such court shall by special order direct.**

SEC. 3. *That no order or process of contempt shall be made or issued under this act, and nothing herein shall make it compulsory on the plaintiff or plaintiffs, in any such suit as hereinbefore mentioned, to serve with process or bring before such court or proceed against any party or parties, person or persons, further or otherwise than such plaintiff or plaintiffs are now by law or the practice of such court, required to do.*

#### NO. 267.—FILE OF THE SENATE.

MARSHALL, Banks—Feb. 9.

AN ACT relative to the banks of this Commonwealth, and to prevent frauds by bank officers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That after the passage of this act, no bank within this Commonwealth, or any officer thereof, shall make any loan or discount, directly or indirectly, unless said loan or discount shall have been allowed or directed by the board of directors of said bank, at a regular meeting of said*



board; and a majority of the whole number of directors of said bank, shall be necessary to constitute a quorum for the transaction of loan or discount business.

SEC. 2. The said board shall keep regular and full minutes of each meeting of said board, on which shall be entered all loans made at that meeting, and all discounts allowed; and no loan made, or bill or note discounted, shall be recoverable by law, unless said loan, bill or note shall be regularly entered as allowed on the minutes of the meeting at which said loan was made, or such bill or note was discounted: *Provided*, That if any board of directors of any bank, shall deem it expedient to allow the president, between the meetings of the board, to make temporary loans, or allow discounts, in case of exigency, they shall have the power to appropriate a certain sum to be used by him for that purpose: *Provided further*, That at such meeting of the board of directors, the president shall make an accurate report in detail to the board of all such loans made by him, or discounts allowed since the last preceding meeting of the board, showing each loan or discount, to whom lent or allowed, what amount, upon what time and upon what security, which said loans or discounts shall be entered upon the minutes of the board; and no loan made, or bill or note discounted, shall be recoverable by law, unless the same be entered regularly upon the said minutes, at the next succeeding meeting of the board, after such loan made, or discount allowed. *And provided further*, That in no case, shall the president use for temporary loan or discount, a greater amount than that previously appropriated by the board, and no appropriation shall extend beyond the next meeting of the board: *And provided further*, That the board of directors shall meet at least once in every two weeks.

SEC. 3. No money or funds of the bank shall be used or expended for any purpose whatsoever, unless the same shall have been previously appropriated at a regular meeting of the board of directors.

SEC. 4. It shall be the duty of the president and cashier of every bank within this Commonwealth, to present to the board of directors of said bank, at every meeting of said board, a true and accurate account in detail, prepared by themselves, or under their supervision, of all expenditures of money of said bank since the last preceding meeting of said board; which said account shall be verified by the oaths or affirmations of said president or cashier, (taken before any alderman or justice of the peace of the city or county where such bank is located,) if required by any three of said directors.

SEC. 5. If any president, cashier, director, or any other officer of any bank within this Commonwealth, shall violate or neglect to comply with the provisions of this act, he or they shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of quarter sessions of this Commonwealth, shall be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment at labor in the proper county jail, for any period not exceeding one year, at the discretion of the court.

SEC. 6. If any president, cashier, director, or other officer, or clerk, or employee of any bank within this Commonwealth, shall fraudulently appropriate to his own use, or the use of any other person or persons, any money or other property belonging to said bank, or left with the same, as a special deposit or otherwise, he or they, upon conviction thereof, shall be fined in any amount not less than the sum so fraudulently appropriated, and sentenced to undergo imprisonment in the proper State penitentiary, to be kept in separate and solitary confinement at hard labor, for any term not exceeding five years; and it is hereby expressly provided, that

bank notes, bills of exchange or credit, promissory notes, or coin may be laid in the bill of indictment, charging the offence against which this section is intended to provide under the general designation of money, and the property therein shall be sufficiently laid, if averred to be property of the said bank, whether the same be the absolute property of said bank, or have been left with the same as a special deposit or otherwise.

#### No. 292.—FILE OF THE SENATE.

SCOFIELD, Judiciary—Feb. 10.

AN ACT relating to the fees of county surveyors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the several county surveyors of this Commonwealth, shall be and are hereby authorized to charge and receive for the services hereinafter mentioned, the following fees, and no more, to wit:

For receiving warrant and giving receipt for the same, if required, twenty five cents.

For executing warrants not exceeding one hundred acres, four dollars and fifty cents.

For each additional one hundred acres on same warrant, seventy-five cents.

For return of survey to Surveyor General's office, one dollar.

For draft thereof to the warrantee, twenty-five cents.

For executing order of re-survey and making return thereof, same fees as for like service on original survey.

For certifying survey made by deputy, fifty-cents.

For each mile necessarily traveled in going to and returning from land, ten cents.

SEC. 2. That if any county surveyor shall take greater or other fees than is hereinbefore expressed and limited for the service designated, he shall be subject to all the penalties and liabilities prescribed by the twenty-sixth section of the act of the twenty-eighth of March, one thousand eight hundred and fourteen, entitled "An Act establishing a fee bill."

SEC. 3. That all laws or parts of laws relating to the fees of surveyors, inconsistent herewith, be and the same are hereby repealed.

#### No. 281.—FILE OF THE SENATE.

BREWER, Judiciary—Feb. 10, 1859.

A FURTHER SUPPLEMENT to an act entitled "An Act relating to counties and townships and county and township officers," approved April fifteenth, one thousand eight hundred and thirty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That upon application by petition to any court of quarter sessions of this Commonwealth, setting forth that by reason of the small size, the sparseness, or small number of the population in any township, or that the citizens thereof have neglected and omitted to elect the necessary officers to maintain and keep up the organization of the township, and praying that said township organization may be abolished, it shall be lawful for the said court to appoint three impartial citizens, of the proper county, as commissioners, to determine as to the propriety of granting the prayer of the petitioners; and should a majority of said commissioners determine that it is advisable to abolish the political organization of said township, they shall also decide to what other township or townships the territory, comprising such abolished

township, shall be attached; and if to more than one township, the proportion or parts thereof, which shall be attached to each; and in that case, shall cause to be surveyed and distinctly marked, (unless designated by natural boundaries) the parts that shall be attached to each township; reporting a draft setting forth the lines by courses and distances of said respective parts, and shall make report of their proceedings to the next court of quarter sessions after their appointment; and if said report shall be approved and confirmed by the court, the said township shall, from thenceforth be abolished, and cease to exist, and the territory thereof shall become part of the township or townships to which it shall be so attached and said commissioners shall give the same; notice of the time they intend to act in the premises; take the same oaths and affirmations, and be entitled to the same compensation that is provided by law in the case of views to lay out or divide townships; and the parties desiring a review, shall, on petition, be in like manner entitled to the same: *Provided*, That all the officers of the said township shall, in case of its being abolished, continue to exercise the duties of their offices until the legal expiration thereof.

#### No. 291.—FILE OF THE SENATE.

SCOFIELD, Judiciary—Feb. 10.

AN ACT to preserve the lien of mortgages in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That where the lien of a mortgage upon real estate is or shall be prior to all other liens upon the same property, except other mortgages, ground rents, or the purchase money due to the Commonwealth, the lien of such mortgage shall not be destroyed, or in any way affected by any sale made under or by virtue of the order or decree of any court of this Commonwealth, unless such court shall so expressly order, upon petition of any creditor or party interested, after due notice to the holder of such mortgage, being the mortgagee, his executors or administrators, of any assignee thereof by assignment duly recorded.

SEC. 2. That the notice required by the first section of this act shall be by citation served upon the holder of such mortgage as aforesaid, whether he shall reside within the jurisdiction of such court or otherwise, or if he shall not reside within the jurisdiction aforesaid; also, upon any agent or attorney by him appointed to receive the interest upon such mortgage in such manner as the court shall direct; and no order for the discharge of the lien of any mortgage shall be made as aforesaid, until due proof shall be made to the satisfaction of the court that such service has been made as directed.

SEC. 3. That where any such order for the discharge of the lien of a mortgage shall be made as aforesaid, it shall be the duty of the party obtaining such order, within ten days thereafter, to have a duly certified copy thereof recorded in the office of the recorder of deeds for the proper county, which shall be indexed by the recorder, under the name of the original mortgagor; which being done, no person, after such sale shall have been confirmed, shall be thenceforth heard to question the validity of such order, or the fact of due service of the notice above required having been made.

SEC. 4. That the estate, lien or charge of the widow of a decedent under the intestate laws of the Commonwealth, or upon proceedings in partition of an intestate's estate shall not be deemed and taken to be a prior lien to any mortgage within the meaning of this or any other act of Assembly of this Commonwealth, so as to cause



the discharge of such mortgage by any judicial sale where the lien thereof would otherwise be preserved thereby.

#### No. 86.—FILE OF THE SENATE.

STEELE, Corporations—Jan. 26.

AN ACT to incorporate the Carolina steam navigation company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That That Stilwell S. Bishop, Charles C. Wolf, Richard Wright, N. P. Murphy, Henry Simons, William V. McGrath, Edward T. Smith, and their associates, and all persons who may associate themselves with them, and become now or hereafter, may be holders of the stock hereinafter mentioned, shall be and they are hereby declared to be constituted a body politic or corporate, by the style of the Carolina steam navigation company; to have perpetual succession, to be capable in law of suing and being sued, in all courts whatsoever; to have a common seal, and to purchase, own, employ, charter, contract for building, equip, furnish, and fit out steamships, with their appurtenances proper, for the propulsion and navigation thereof, to be sailed and navigated upon the Atlantic or other oceans, and upon all public navigable tide waters, to or from any port in Pennsylvania, or from any port in the United States or elsewhere, to any port in the United States or elsewhere, for the purpose and object of carrying and transporting merchandize and conveying passengers and mails, by means of such steamships; and to hold and use all necessary rights and powers for loading and unloading, receiving and delivering, merchandize transported, or to be transported, in said steamships; and the said steamships, or any of them, or their appurtenances or any part thereof, when in the opinion of the directors of said company it may be proper so to do, to sell or dispose of; and further, to have all such other rights and powers as are or may be properly incident to a corporation, having for its object the transportation of goods, wares and merchandize, and the conveyance of passengers and mails, by means of steamships.

SECTION 2. That the capital stock of said corporation shall not exceed two hundred thousand dollars, divided into four hundred shares of five hundred dollars each; and that it shall be held as personal property, and as such be transferred, under such regulations as the corporation shall judge convenient.

SECTION 3. That the office of the company shall be in the city of Philadelphia, in the State of Pennsylvania.

SECTION 4. That a general meeting of the corporators and stockholders shall be annually held on the first Tuesday of June, for the election of five directors, and the transaction of other business; but if such meeting or election shall not then take place, the corporation shall not for that cause be dissolved, but such meeting or election shall take place as soon thereafter as may be, two weeks' public notice thereof being first given in at least two daily newspapers in the city of Philadelphia for each and every corporate meeting or election.

SECTION 5. That the election of directors shall be by ballot from among the stockholders; and that in the enactment of by-laws for the government of the corporation and its officers, and in the decision of all questions, the corporators present, either in person or by proxy, shall severally have one vote for each share of stock held by them.

SECTION 6. That the directors shall continue in office until their successors be elected; shall elect a president from among themselves; shall supply vacancies in their number, whether oc-

casioned by death, resignation, or refusal to act, and shall have the general and entire control of the affairs and interests of the company, except so far as may be otherwise provided by the corporators; and three members shall be a quorum.

SECTION 7. That until other officers shall be duly elected, the persons named in the first section of this act shall be held to be directors of the said corporation, and shall have power and authority as such to receive subscriptions to the stock of said company, in such manner as they may direct and provide.

#### No. 208.—FILE OF THE SENATE.

BREWER, Militia—Feb. 11.

A SUPPLEMENT to an act, entitled "An Act for the regulation of the militia of this Commonwealth," approved April twenty first, one thousand eight hundred and fifty eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the several county treasurers of this Commonwealth, to prepare annually a statement of the receipts and expenditures of the military fund of their respective counties, setting forth the amount received from each collector separately, and the amount paid each person to whom money may be due; which statement, after being examined and passed by the county auditors, shall be published in the same manner that the other accounts of the said county treasurer are by law directed to be published; the expenses whereof to be paid out of the military fund of said county, and a statement of the same forwarded by the county treasurers to the State Treasurer of this Commonwealth, on or before the first day of February in each and every year.

SEC. 2. That the State Treasurer is hereby authorized and required to pay out of the aggregate military fund, now accumulated or that may hereafter accumulate, to the several county treasurers, any deficiencies of the county military expenses wherein statements have been duly transmitted agreeably to the first section of this supplement.

SEC. 3. That so much of the fourteenth section of this act, to which this is a supplement, as prohibits the paying any money out of the general military fund, except for the salary of the Adjutant General, his assistant and clerk, be and the same is hereby repealed.

#### No. 169.—FILE OF THE SENATE.

BELL, Judiciary—Feb. 3.

AN ACT in reference to the commissions of justices of the peace and aldermen.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That every person hereafter elected to the office of justice of the peace or alderman shall, within thirty days after the election, if he intends to accept said office, give notice thereof, in writing, to the prothonotary of the common pleas of the proper county, who shall immediately inform the Secretary of the Commonwealth of said acceptance, and no commission shall issue until the Secretary of the Commonwealth has received the notice aforesaid.

SEC. 2. That so much of an act of Assembly as requires constables to send copies of the returns of the election of aldermen and justices of the peace to the Governor of the Commonwealth is hereby repealed.

SEC. 3. That whenever any person elected to the office of alderman or justice of the peace shall fail to give the notice of acceptance

as provided for in the first section of this act, within thirty days after said election, the office shall be considered vacant, and shall be filled as vacancies are now filled by law.

#### No. 311.—FILE OF THE HOUSE.

FEARON, Agriculture—Feb. 11.

AN ACT to prevent the destruction of fish

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter it shall be unlawful for any person in any year between the first day of April and the first day of September, to take, catch, injure, shoot, kill or destroy designedly, by means of any net, seine, hook, box, dam, device or instrument whatever, any fish, or the nests or eggs thereof, in any waters of this Commonwealth, except the owners of fish ponds made and built for private use: *Provided,* That angling with rod and line shall not be hereby prohibited.

SEC. 2. That every person violating this act shall forfeit and pay for every such offence the sum of two dollars for every fish so taken, caught, injured, shot, killed or destroyed; or for every such injury to or destruction of eggs or nests, to be recovered by action of debt, as sums of like amount are recoverable, one-half whereof shall go to the prosecutor, the other half to the public schools of the district in which such suit shall be brought; and possession of any fresh fish within said period shall be *prima facie* evidence of a violation of this act.

#### No. 210.—FILE OF THE SENATE.

BELL, Judiciary—Feb. 5.

AN ACT regulating the weighing of anthracite, bituminous and semi bituminous coal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That on and after the first day of September, one thousand eight hundred and fifty nine, all anthracite, bituminous and semi-bituminous coal, delivered for consumption in the several cities and incorporated boroughs of this Commonwealth, shall be conveyed or carried in such cart or other vehicle, as shall be provided, with a duly attested and sealed scale, of sufficient size or power to weigh correctly said load of anthracite, bituminous or semi-bituminous coal, at the place of delivery, when demanded by the purchaser or purchasers, or the agent of said purchaser or purchasers.

SEC. 2. That any cart, or other vehicle, not so provided with sealed scales as aforesaid, in which anthracite, bituminous, or semi bituminous coal shall be hauled or delivered as aforesaid, shall be deemed illegal, and the owner thereof shall be liable to be fined in the sum of five dollars for each load of coal sold or delivered, on complaint being made by any person or persons aggrieved, to any alderman or justice of the peace of the proper city or borough in which the offence is committed; which fine shall be sued for in the name of the Commonwealth, and shall be recovered as debts of like amount are now recoverable by law; one-half thereof to be paid to the party prosecuting, and the other half to be paid to the proper authorities for the use of the poor, by the magistrate before whom the said suit shall be brought, to be distributed as out-door relief: *Provided,* That the foregoing provisions of this act shall not apply to such persons as haul coal purchased by themselves, or those in their employ, purchased for their own use.



# LEGISLATIVE RECORD.

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FOR THE SESSION OF 1859.

No. 42.

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## SENATE.

MONDAY, Feb. 28, 1859.

The Senate met, and was called to order by the SPEAKER, at 3 o'clock, p. m.

The Journal of Friday was read and approved.

The SPEAKER presented the thirty-first annual report of the House of Refuge.

Also, the fifth annual report of the Northern Home for friendless children.

Also, the annual report of the Lykens Valley railroad company.

Also, the annual report of the Lykens Valley coal company.

## MESSAGE FROM THE GOVERNOR.

A message from the Governor was read, and is as follows:

EXECUTIVE CHAMBER,  
Harrisburg, Feb. 25, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following Acts of the General Assembly, viz:

"An Act to incorporate the Franklin market company of Philadelphia."

"An Act relative to pawnbrokers in the city of Philadelphia."

"An Act to incorporate the Southwark soup society of Philadelphia."

"An Act to incorporate the Security fire insurance company, to be located in the city of Philadelphia."

"An Act to authorize the school directors of the borough of Bedford to borrow money, and for other purposes."

"An Act to prevent the destruction of fish in McMichael's creek, Monroe county."

"An Act to appoint commissioners to re-survey and establish the lines of the main road running through a part of Wilkesbarre township, Luzerne county."

"An Act relating to certain charitable corporations."

"A supplement to the act to incorporate the Paddy's Run bridge company."

"An Act relating to strays in Venango county."

"An Act to repeal an act to change the place of holding elections in Porter township, Schuylkill county, approved February 9, 1858."

"An Act relating to the navigation of Tionesta creek and its branches."

"An Act relating to the navigation of Pine creek, in Warren county."

"An Act relating to the Leverington cemetery company."

"An Act supplementary to an act to enable the commissioners of Warren county to effect certain compromises, approved January 27, 1859."

"An Act to incorporate the Citizens' mutual safety insurance company."

"An Act to increase the pay of the county commissioners and auditors of Indiana county."

"An Act for the relief of Henry Bumgardner, a soldier of the Indian war of 1791."

"An Act authorizing the appointment of commissioners to run the boundary lines between the counties of Clinton and Centre."

"An Act to incorporate the Luzerne powder company."

"Resolution to pay Thomas H. Porter, late a member from Cambria county, and J. H. Wells, clerk of the contested election committee."

WM. F. PACKER.

## LEAVE OF ABSENCE.

Mr. THOMPSON asked and obtained leave of absence for Mr. BELL, for a few days from to-day.

## REPORTS OF COMMITTEES.

Mr. KELLER, (Banks,) reported as committed, "A supplement to an act incorporating the Hanover saving fund society, of York county."

Mr. WRIGHT, (Accounts,) the following, which was read, considered and adopted:

The Committee on Accounts, to which was referred a resolution of the Senate, relative to certain charges against the Clerks of the Senate and House of Representatives, of abuses in the use of the franking privilege report:

That after a careful examination of the accounts of the postmaster, and hearing the testimony of persons from whom information could be obtained relative thereto, they fully exonerate the Clerks of the Senate and House of Representatives from all censure; no evidence implicating these officers having been discovered against them. While your committee fully exonerates the officers named in the resolution, a critical examination of the accounts of the postmaster, convinced them that the franking privilege has not only been used with great freedom by the members of the respective Houses, but by their subordinate officers; and, in many instances, by parties having little or no connection with either body.

With a view to the correction of one form of abuse, your committee, immediately on entering upon the discharge of its duties, directed the postmaster at Harrisburg to discontinue the practice introduced by his predecessors of giving postage stamps and envelopes to the members and officers of the Legislature when in session, or during the recess; which order he promptly and cheerfully enforced.

Your committee was also impressed with the belief that an additional check against the abuse of the franking privilege might with safety be made in the passage of an act providing that all letters and documents under the frank of members or officers of the Legislature, should be stamped by

officers of each House, appointed for that purpose, by not received in the post-office, or transmitted and mail at the expense of the Commonwealth, unless such letter or document bore the stamp of the officers of the House, from which it came. The appointment of such officers would be attended with but little expense, and be productive of a great reduction of the post-office expenses of the two Houses.

In conclusion, your committee submit the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject. (Signed.)

RICHARDSON L. WRIGHT,  
HENRY FETTER,  
JACOB TURNEY,  
E. D. GAZZAM,  
ROBERT BALDWIN.

Mr. KELLER, from the Committee to Compare Bills, made a report.

Mr. STEELE, (Private Claims and Damages,) as committed, House bill No. 234, "An Act for the relief of W. O. Hickok."

## BILLS IN PLACE.

Mr. FINNEY read in his place and presented to the Chair, a bill, entitled "An Act relative to orphans' courts."

On his motion, (the rule being suspended,) the Committee on Judiciary was discharged from the consideration of this bill; and the Senate proceeded to consider the same.

Mr. MARSELIS moved a proviso, excepting the city of Philadelphia from the operations of the bill.

After some explanation as to the design of the act and discussion of its merits, the proviso was adopted, and the bill passed finally.

Mr. WELSH, "An Act to incorporate the Hanover gas light company."

Mr. SHAEFFER, "An Act incorporating the Lancaster and Sun Hill turnpike road company."

Mr. RUTHERFORD, "An Act to amend the charter of the Chestnut Hill iron ore company."

Mr. STEELE, "A supplement to an act incorporating the Plymouth canal company."

Mr. SCOFIELD, "An Act authorizing the commissioners of Sheffield township, Warren county, to levy additional road tax."

Also, "An Act relative to the publication of the opinions of the supreme court in certain cases."

Also, "An Act relative to the election of district attorneys."

Mr. TURNEY, "An Act relative to challenging jurors in civil cases."

Also, "An Act to annul the marriage contract between William Barnard and Eliza his wife."

Mr. YARDLEY, "An Act to incorporate the Huntingdon Valley railroad company."

Mr. PENNEY, "An Act exempting certain real estate in Allegheny county, from paying collateral inheritance tax."

Mr. TURNEY, "A further supplement to the act providing for the regulation and continuance of a system of education by common schools."

## ORIGINAL RESOLUTION.

Mr. COFFEY offered the following resolution, which was twice read, considered and adopted:

Resolved, That the House of Representatives be requested to return House bill No. 336, "An Act relating to the election of an additional constable at Brady's Bend, Armstrong county."

House amendments to Senate bill No. 335, "An Act authorizing Robert Given, of West-



moreland county, to build a dam across the Conemaugh river," were, on motion, concurred in.

#### ORDERS OF THE DAY.

House bill No. 241, "An Act to establish a Normal school in connection with Westminster college, New Wilmington, Lawrence county," came up in order; the question being upon the amendment to the amendment to the fourth section offered by Mr. TURNEY.

Mr. FRANCIS hoped the amendment would not be insisted upon by the Senator from Westmoreland. As he had stated, on Friday, when this bill was under consideration, the bill was merely intended to supply an existing necessity, which was felt all over the State. He did not pretend to say that the institution was possessed of all the requisites under the law. There was no Normal school in the State of Pennsylvania, organized under that law, which was possessed of those requisites—but all would fall far short of it. He would not oppose the establishment of schools under the provisions of the law. If over they go into operation, under the full requirements of that law, it would be a glorious thing for Pennsylvania. It was a gigantic system, but would require time for its perfect development.

The institution, for which this appropriation was asked, was simply able to do what it proposed to do in the bill; and they only ask the State to aid them for five years, by giving them twelve hundred dollars per year, in return for which they agree to teach, without charge to the State, from fifty to three hundred pupils. He honestly believed that the State of Pennsylvania never made as good an appropriation as the one asked for; and if eleven other institutions would come up and propose to do the same thing, six hundred students would be educated at this trifling cost. He hoped the amendment would not prevail. If the bill was to be killed, he hoped it might be met upon its merits, and not killed in this indirect and cowardly way.

Mr. TURNEY had moved his amendment, in conscientious discharge of his duty, deeming it eminently just and proper. He trusted it would carry, for if this appropriation is made to the institution, it should be brought within the purview of a Normal school, which it claims to be.

Mr. HARRIS said—

Mr. SPEAKER:—This is a bill asking the Legislature to appropriate twelve hundred dollars annually to the Westminster college for five years. Westminster college is situated in Lawrence county, and I would say here, that geographically, that section of the State has claims. No appropriation of the kind asked for has ever been made to that section of the State. Legislation, to be just, must be equal. Such, however, it cannot be, if the claims of this district are disregarded. This institution is not an organization having a problematical existence. Westminster college is a fixed fact, doing such business as but few colleges in any of the States did until within a quarter of a century of this time; and if ever individual effort deserves to be encouraged by a generous public spirit, the individual effort put forth to make Westminster what it is, deserves that encouragement.

The common school system, which has been so wisely projected and so generally put in operation, is dependent partly on schools of a higher grade. To talk about Normal schools separate from our colleges, is to talk about nonsense. Who can tell what course of life, or what profession, his son, brother or nephew will pursue, until he has attained some education, and after trial ascertained what his talents are best adapted to?

Who ever thinks of having one class of schools for the study of grammar, and another for the

study of geography? Just as unreasonable is it to erect schools for preparing professional teachers, and then schools for training men for other professions.

Now, sir, situated as this college is, they can do more for accomplishing the end proposed by Normal schools, with an appropriation of twenty thousand dollars, than the State can do with one hundred thousand dollars. When I say this, I am not speaking at random. They have the building, lighted and heated; they have the classes organized, actually performing the work; but they need more funds to enable them to work more efficiently; and I trust this Senate will concur with the liberality of the other branch of the Legislature in this matter, when they take into consideration that the west has received nothing from the State for educational purposes, whilst the eastern cities and counties have received largely. It has been the policy of the State to encourage her colleges and academies; on this point there can be no doubt—The Philadelphia University has received liberally. So also has the Western University at Allegheny; Lafayette college has received about \$5000; the Lutheran college, at Gettysburg, has received liberally. Dickinson college, at Carlisle, also Jefferson college, in Washington county, and Washington college, in the same county; Marshall college at Mercersburg, which was transferred to Lancaster, and amalgamated with the Franklin college, as well as Allegheny college, have all received aid from the State.

The State has, from time to time, been encouraging the different institutions of learning in the central and eastern portions of the State.

And in support of this laudible enterprise, we have the encouragement of Governor Packer in his late message.

He says, up to the present time, Pennsylvania has appropriated about \$600,000 in aid of her colleges and academies, and this mainly in the hope of obtaining from them teachers for the common schools. Though the benefits of this munificence have been, in other respects, quite equal to the amount given, it will be asserted by no one, that the avowed object has been, to any considerable extent, effected. It would, therefore, appear to be time that the aid of the State should be brought directly to bear in favor of the great object so long contemplated.

Now, sir, this institution proposes to educate, free of charge, annually, three hundred teachers in the Normal school department. The influence of these thoroughly educated teachers, on the community, and the cause of education, will be marked and salutary. You will perceive here, that this institution does not come asking an endowment. It presents itself in the position of a party to a contract, and binds itself to teach three hundred scholars annually, for five years, for the small pittance of \$1200, making fifteen hundred scholars that will be trained and taught in the Normal school department, and prepared for teachers in the common schools.

Now, sir, there are twelve Normal school districts in the State; and if the State would appropriate this amount to each of those institutions, and abolish the office of county superintendent, she would save a large amount of money, and have better teachers. The State now appropriates over \$36000 annually to county superintendents, and \$1200 annually to twelve Normal schools would only amount to \$144,00; only about one-third the amount paid out to county superintendents; and we would have better teachers coming out of these schools with their certificates or diplomas, thus doing away with the necessity of county superintendents, which is becoming so unpopular throughout the State.

On the question, will the Senate agree to the amendment to the amendment?

The yeas and nays were required by Mr. TURNEY and Mr. FRANCIS, and were as follows, viz:

YEAS—Messrs. Brewer, Keller, Marselis, Nunnemacher, Shaeffer, Steele, Turney, Wright and Cresswell, *Speaker*—9.

NAYS—Messrs. Coffey, Finney, Francis, Gregg, Harris, Myer, Palmer, Parker, Penney, Randall, Rutherford, Scofield, Schindel, Thompson and Yardley—16.

So the question was determined in the negative.

The question recurring upon the amendment offered by Mr. BELL,

The yeas and nays were required by Mr. WRIGHT and Mr. FRANCIS, and were as follows, viz:

YEAS—None.

NAYS—Messrs. Brewer, Coffey, Finney, Francis, Gregg, Harris, Marselis, Nunnemacher, Palmer, Parker, Penney, Randall, Rutherford, Shaeffer, Schindel, Steele, Thompson, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—22.

So the question was determined in the negative.

On the question, will the Senate agree to the fourth section? it was determined in the affirmative; whereupon,

Mr. FINNEY moved a re-consideration of the vote on the adoption of the first, second, third and fourth sections; which being agreed to, he offered the following as a substitute for the same:

That in order to provide for the education of a certain number of competent common school teachers, male and female, in all the branches of English literature and science, and in the art of teaching and government, there is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, the sum of \$1200, annually, to be paid semi annually for the term of five years, to the payment of the salaries of the professors of Westminster college, in the village of New Wilmington, Lawrence county.

The substitute was adopted.

The fifth section was amended, on motion on Mr. FINNEY, by inserting after the word "institution," in the second line, the words "under the provisions of this act;" and as amended was agreed to, as also the sixth. The seventh, on motion of Mr. FINNEY, was amended by adding after the words "county superintendents," the words "and common school directors."

The section, as amended, passed.

The eighth, ninth, tenth and eleventh were agreed to.

The twelfth was amended, on motion of Mr. FINNEY, by inserting the words "shall remain as heretofore, and Warren county shall be included, in the twelfth Normal district;" and as amended, passed.

The title was amended, so as to read, "An Act to provide for the education of certain common school teachers," &c.

On the question,

Will the Senate agree to suspend the rule, which prohibits the reading of bills more than twice the same day?

The yeas and nays were required by Mr. TURNEY and Mr. FRANCIS, and were as follows, viz:

YEAS—Messrs. Coffey, Finney, Francis, Gregg, Harris, Myer, Palmer, Parker, Penney, Randall, Rutherford, Scofield, Schindel, Steele and Thompson—15.

NAYS—Messrs. Blood, Brewer, Keller, Marselis, Nunnemacher, Turney, Welsh, Wright and Cresswell, *Speaker*—9.

So the question was determined in the negative; and the bill lies over.

Bills entitled as follows, lie over:

"An Act to incorporate the Commercial



trust company," and "An Act to incorporate the Northumberland and Juniata railroad company."

On motion of Mr. WELSH, the Senate reconsidered the vote on the final passage of "An Act for the protection of dogs in York county," and the bill being again before the Senate, was slightly amended and passed.

#### BILLS CONSIDERED.

On motion of Mr. STEELE, Senate bill, No. 357, "A further supplement to an act incorporating the Danville railroad company," was taken up, and after being amended, passed committee of the whole; lies over, and ordered to be printed.

An extract from the Journal of the House was received and read. It is as follows:

*Resolved*, That if the Senate concur, Senate bill No. 88, "An Act incorporating the First Presbyterian church and Cemetery in the borough of Strasburg," be amended, by striking from the seventh section the words, "and the said cemetery and church property shall hereafter forever, be exempted from all taxation."

Said extract was twice read, considered and concurred in.

On motion of Mr. THOMPSON, House bill No. 158, "An Act to incorporate the Port Kennedy railroad company of Montgomery county," was taken up, and after passing committee of the whole, was read a second and third time and passed.

On leave given, Mr. WRIGHT offered the following resolution; which was twice read, considered and adopted:

*Resolved*, That if the House of Representatives concur, the Governor be requested to return "An Act authorizing the Frankford and Oxford turnpike road company, to borrow money."

On motion of Mr. RANDALL, the Senate proceeded to consider House bill No. 338, "A supplement to the act incorporating the American mutual insurance company," which passed finally.

On motion of Mr. WELSH, the bill, entitled "A supplement to an act incorporating the Hanover saving fund society," was taken up and duly considered.

On its final passage,

The yeas and nays were required by Mr. WRIGHT and Mr. WELSH, and were as follows, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Fetter, Finney, Francis, Gregg, Harris, Palmer, Parker, Penney, Rutherford, Shaeffer, Schudel, Steele, Thompson, Turney, Welsh, Yardley and Cresswell, *Speaker*—20.

NAYS—Messrs. Blood, Keller, Marselis, Nuncmacher and Wright—5.

So the question was determined in the affirmative.

A message from the Governor was received, and read, as follows:

EXECUTIVE CHAMBER, }  
Harrisburg, Feb. 28, 1859, }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

Gentlemen—I have approved and signed the following acts of the General Assembly, viz:

"An Act to confer on James Morrison, of Washington county, all the rights and privileges of a child born in lawful wedlock."

"An Act to extend the limits of the borough of Pottsville, Schuylkill county."

"A supplement to an act authorizing the Governor to incorporate the Norristown and King of Prussia turnpike road company."

WM. F. PACKER.

The hour of five having arrived, the SPEAKER adjourned the Senate until ten o'clock tomorrow morning.

#### HOUSE OF REPRESENTATIVES.

MONDAY, Feb. 28, 1859.

The House met at 3 o'clock, and was called to order by the SPEAKER.

The Clerk proceeded to read the Journal of Friday; when, on motion of Mr. ROSE, the further reading of the same was dispensed with. PETITIONS, &c., PRESENTED.

Mr. FLEMING read in his place and presented to the Chair, a petition for vacating a view of a State road in Foley township, Clarion county.

Also, three from one hundred and forty-two citizens of Licking and Beaver townships, Clarion county, for a new township.

Also, three from citizens of Clarion county, for a law submitting the continuance of the present school system to a vote of the people.

Mr. WALKER, one from citizens of Yennes township, Somerset county, for an act authorizing the election of an additional supervisor of public roads in said township.

Also, a remonstrance from citizens of Somerset county, against the erection of the new county, to be called Ligonier.

Mr. BAYARD, one from the citizens of Pittsburgh, for the abolition of the Pittsburgh high school.

Mr. FOSTER, one of similar import, from thirty-one citizens of Pittsburgh.

Mr. IRISH, one of similar import, from thirty-four citizens of Pittsburgh.

Mr. M'DOWELL, one from forty-seven citizens of Pittsburgh, for the abolition of the high school.

Also, a remonstrance from the councils of Allegheny city, against the repeal of the tonnage tax.

Mr. WILLIAMS, (Bedford,) four remonstrances signed by four hundred and forty-eight citizens of Bedford county, against the annexation of any part of said county to Blair county."

Also, a petition from citizens of Bedford county, for an additional appropriation to aid in erecting a monument in honor of the brave Pennsylvanians who lost their lives in the Mexican war.

Mr. GALLEY, a petition from citizens of Fayette county for the repeal of laws allowing premiums on scalps.

Also, for the repeal of a law increasing the pay of commissioners, jurors, and witnesses in said county.

Also, one from same, praying for a bank in the borough of Connelssville.

Mr. KETCHUM, one from citizens of Luzerne county, for the repeal of the common school superintendency in said county.

Also, two remonstrances from citizens of Blakeley township, same county, against the removal of the place of holding elections in said county.

Mr. GRITMAN, one of like import.

Mr. STEPHENS, one from citizens of Wayne county, praying that the Delaware be not dammed by the Delaware canal company.

Mr. MEHAFFEY, one from citizens of Lycoming county, for an act fixing the place for holding the general and township elections, in Lycoming township, said county.

Mr. LAWRENCE, (Washington,) one from citizens of Washington county, praying that William Greenfield, of said county, may be released from costs.

Mr. DODDS, one from James Stevenson and Daniel Shower, administrators of Alexander Stevenson, deceased, for the passage of an act appropriating money to the heirs of Alexander Stevenson.

Mr. ROHRER, two from citizens of Armstrong county, for an act to establish a public ferry over the Allegheny river, in said county.

Also, one from citizens of the borough of Apollo, Armstrong county, for the extension of their boundary.

Mr. LAIRD, a memorial from Mary Wilson, widow of Thomas Wilson.

Mr. WITMAN, one from Schem Thomas, of Harrisburg, asking relief for damages sustained on the Pennsylvania canal.

Mr. GRAHAM, one from citizens of Washington county, for an act granting justices of the peace jurisdiction in certain cases.

Mr. PENNELL, one from the officers of the Bank of Delaware County, for an act making it obligatory on the several banks of this Commonwealth, to keep their notes at par in the cities of Philadelphia and Pittsburgh.

Mr. BARNESLEY, one from citizens of Bucks county, remonstrating against the provisions contained in House bill No. 187, relative to the Delaware Division canal company.

Mr. EVANS, three from citizens of Philadelphia, remonstrating against the passage of the bill for the incorporation of the Delaware Division canal company in its present form.

Mr. BARLOW, one from citizens of Huntingdon county, for the passage of a supplement to the act laying a duty on retailers of foreign merchandize, and authorizing a lower class of rates of license.

Mr. NILL, two from citizens of Franklin county, against the passage of a law taxing dogs in said county.

Mr. DURBORAW, one from citizens of Adams county, for authority to sell the county buildings and old court house.

Also, one from citizens of Adams and York counties, for an act to incorporate the East Berlin railroad company.

Mr. MANN, one from citizens of Potter county, for an alteration in the law regulating the collection of poor tax.

Also, one from same, for a change in the road laws in said county.

Also, one from same, asking that the act, approved May 8, 1854, authorizing the school directors of the counties of Chester and Delaware to select sites for schools, be extended to the county of Potter.

Also, one from same, asking for the repeal of the act, approved April 20, 1858, regulating the sale of intoxicating liquors.

Mr. HOTTENSTINE, one from citizens of Northumberland county, praying to repeal the law establishing county superintendent of common schools.

Mr. CUSTER, two petitions numerously signed by citizens of Douglassville, Amity and Oley townships, in Berks county, praying for a charter for the Douglassville and Yellow House turnpike road company.

Also, one from citizens of Berks county, for the passage of an act to authorize and require the treasurer of the city of Reading, to pay certain fees and costs in reference to arrests, &c., in said city.

Mr. JACKSON, the petition of Catharine Sickie, of Sullivan county, praying for the passage of an act enabling her to sell and convey certain real estate.

Also, four petitions from citizens of Sullivan county, asking for the passage of an act to prevent the hunting of deer with dogs in Sullivan county.

Also, one petition of citizens of Forks township, Sullivan county, asking that said township may not be included in the bill preventing hunting deer with dogs in said county.

Also, petition of citizens of Bradford and Sullivan counties, asking for the passage of an act authorizing the location of a State road from Dushore, Sullivan county, to Wells' Ferry, Bradford county.

Also, remonstrance of one hundred and eight citizens, living along the waters of Loyalsock creek, in Lycoming and Sullivan counties, against the erection of booms in said creek.

Also, petition of citizens of Laceyville,



Wyoming county, for a wire rope ferry at that place.

Also, petition of citizens of Clinton township, Wyoming county, asking for the repeal of the present school laws.

Mr. CHASE, one from citizens of Susquehanna county, for a law giving justices of the peace, with a jury of six, power to hear and determine certain criminal cases.

Mr. GOOD, one from citizens of Bucks, Lehigh and Berks counties, for a charter for the Spinnerstown and Hoscensack turnpike railroad company.

Mr. GRITMAN, one from citizens of Wilkesbarro township, Luzerne county, against the proposed division of said township.

Mr. THOMPSON, a petition from citizens of Middlesex township, for an independent school district.

Mr. GREEN, one from citizens of East Donegal township, Lancaster county, for the passage of an act giving the collection of taxes to the lowest bidder.

Mr. FOSTER, one from thirty-six citizens of Indiana township, Allegheny county, praying a change in the road laws of said township.

Also, a remonstrance from seventy citizens of Pittsburg, against any change in the school laws of said city.

Also, one from two hundred and twenty-seven citizens of Birmingham, Allegheny county, against the passage of a supplement to an act incorporating the borough of South Pittsburg.

Mr. BRYSON, four petitions from eighty-three citizens of Lawrence county, for an act to abolish the office of county school superintendent; and to reinstate as much of the act of 1849, as gives the citizens of each school district a right to choose their own teachers.

Mr. ROSE, one from citizens of Mercer county, relative to the rendition of fugitive slaves; which was read.

Also, one from citizens of Mercer county, for the passage of an act vacating so much of the Emlenton and Mercer State road as is located between the west end of William Howard's farm, in Findlay township, said county, and the borough of Mercer.

Also, one from one hundred and eighteen citizens of Pine township, Mercer county, in favor of the abolition of the office of county school superintendent.

Also, one from Oliver Merrill, for the passage of an act dissolving the marriage contract between him and his wife Lydia Merrill.

Mr. CAMPBELL, a petition from the school directors of Girard township, Erie county, praying for the passage of an act allowing them to locate sites for school houses.

Mr. WIGTON, four remonstrances from citizens of Cromwell township, Huntingdon county, against any change in the law for collecting State and county taxes in said county.

Also, a petition from citizens of Alexandria, same county, asking for the repeal of an act passed in 1846, termed the three hundred dollar law.

Also, one from citizens adjacent to the Pennsylvania railroad, for the repeal of the tonnage tax.

Mr. PEIRCE, one from sixty-four citizens of Mt. Calm township, Chester county, for a change in the place of holding elections in said township.

Also, one from sixty-seven citizens of New London, same county, for an alteration in their road laws.

Mr. PINKERTON, one from citizens of Pottsville, Schuylkill county, asking for a law making it obligatory on the several banks of this Commonwealth to keep their notes at par in the cities of Philadelphia and Pittsburg.

Mr. NEALL, one from citizens of Philadelphia, remonstrating against the Green and Coates Street passenger railway supplement.

Mr. STYER, a remonstrance against the supplement to the act incorporating the Germantown passenger railroad company.

Mr. PALM, two from citizens of Schuylkill Haven, praying to have the place for holding elections changed to the South ward of said borough.

Mr. PRICE, two from citizens of Lancaster county, in favor of abolishing the office of scaler of weights and measures in said county.

Mr. PROUDFOOT, one from citizens of Cambria county, for the removal of the seat of justice from the borough of Ebensburg to the borough of Wilmore.

Also, one from ninety-six citizens of Cambria county, for a law to prevent selling and giving liquor on election days by extending the act of 1855, to include all days of election as well as Sunday.

Mr. ACKER, one from citizens of Chester county, relative to fencing the Pennsylvania and Chester Valley railroad.

Also, one from same, asking that the standard weight of oats be reduced to 28 pounds.

Also, one from citizens of West Calm and Sadsbury townships, Chester county, asking the repeal of an act to view and lay out a State road in Lancaster and Chester counties.

Also, one from citizens of West Calm township, Chester county, asking the repeal of a law laying a tax on dogs in said township.

Mr. WARDEN, one numerously signed by citizens of Franklin township, Westmoreland county, in favor of the repeal of all laws relating to the office of county school superintendent.

Mr. McDOWELL presented the following; which was read:

"Resolved, That we are unequivocally opposed to any repeal of the tonnage tax, and our Representatives and Senators at Harrisburg, are hereby requested to use all legal and honorable means to prevent any interference with the tonnage tax, as it now exists, that would have any tendency to increase the already heavily burdened tax-payers."

CITY OF ARLEGHENY, }  
Wednesday, Feb. 23, 1859. }

SIR:—I hereby certify that the foregoing is a true copy of the resolution passed by the select and common councils at their meeting held on Tuesday the twenty-second inst.

Yours respectfully,

D. MACFERRON,

Clerk of the Select Council.

Mr. BERTOLET, one from citizens of Alsace township, Berks county, remonstrating against the repeal of the act passed April 7, 1858.

Also, two from citizens of Berks county, signed by one hundred and seventy citizens, requiring the city of Reading to pay the costs of arresting vagrants in said city.

Mr. THOMPSON, one for the vacation of a part of a certain State road.

Mr. GOEPP, one from citizens of Northampton county, for the removal of the county seat from Easton to Nazareth.

Also, a remonstrance against the same.

Also, a petition from the officers of the Eastern Bank, that country banks may be compelled to keep their notes at par in Philadelphia and Pittsburg.

Mr. ROUSE, one from citizens of Limestone township, Warren county, in favor of the new county of Marion.

Mr. HARDING, one from citizens of Frankford, against the entrance of free negroes into this Commonwealth.

Also, one against the Germantown railroad supplement.

Mr. HAMERSLY, one from citizens of seventh and eighth precincts of the Twenty-first ward of Philadelphia, against any change in the manner of selecting overseers of the poor in said precincts.

Mr. THORN, one from citizens of Philadel-

phia, for a law to prohibit the introduction of negroes and mulattoes into this State.

Mr. BOYER, (Schuylkill,) one from citizens of Schuylkill county, to regulate the height of fences in said county.

Mr. WALKER, on leave, "An Act relative to supervisors in Jenner township, Somerset county."

Mr. WAGONSELLER, three petitions from citizens of Hartley, Lewis and West Buffalo townships, Union county, relative to road views in said townships.

Also, a remonstrance, from citizens of Union county, against the passage of a law to prevent fishing with seines and nets in Buffalo creek, said county.

Mr. RAMSDELL, two from citizens of Venango county, for the laying out of a State road from the mouth of Clarion river to Franklin.—(Referred to the Committee on Roads and Bridges.)

Also, five praying for a law to limit and restrict the school directors in assessing tax for school and building purposes. (Referred to the Committee on Education.)

Also, one praying for the abolishment of the office of county school superintendent. (Referred to the Committee on Education.)

Also, one praying for a change in the manner of collecting taxes in Venango county.

Mr. WAGONSELLER, one remonstrating against the passage of a law to prevent fishing with seines in Buffalo creek, Union county.

Mr. SMITH, (Philadelphia,) one against the passage of any supplement to the act incorporating the Green and Coates Streets railroad company.

Mr. HAMERSLY, the proceedings of a public meeting of citizens of the rural districts of Philadelphia, in favor of the passage of the bill to secure to the people of said city the right of free travel over certain highways.

Mr. CHURCH, on leave, from the Committee on Corporations, reported as committed, "A supplement to the act to consolidate the city of Philadelphia;" which, on motion of Mr. EVANS, was ordered to be placed on the Private Calendar for to-morrow.

Mr. MILLER moved that the supplement to the act to incorporate the Meadville railroad company be placed on the Private Calendar for to-morrow; which was agreed to.

Mr. WILSON, one from citizens of Beaver county, for the passage of a law to appropriate the tax assessed by the State on the capital stock of the Darlington Canal coal railroad company, to the trustees of the Darlington academy, for the purpose of erecting a new building for said institution.

#### ORIGINAL RESOLUTIONS.

Mr. HAMERSLY submitted the following; which was twice read and agreed to:

Resolved, That the Committee on Banks be instructed to inquire whether the Camden (N. J.) banks, which have agencies in Philadelphia, pay to the Commonwealth any tax on their dividends and capital stock; and if not, to report such a bill as will protect the interests of the State, and deprive said banks of any advantages over our own institutions.

Mr. GLATZ offered a resolution granting the use of the Hall of the House to Dr. Pepper, of York, for the purpose of delivering a public lecture, on Wednesday evening, March 9th.

The House refused to proceed to the second reading of the same.

Messrs. LAWRENCE (Washington,) and THOMPSON, moved that the House reconsider the vote by which House bill No. 312, "An Act to change the lines of the borough of California," was passed.

And on the question,

Will the House agree to the motion?

A motion was made that the further consid-



eration of the question be postponed for the present; which was agreed to.

#### REPORTS OF COMMITTEES.

Mr. CHASE, as committed, Senate bill 33, "An Act to refund to the West Chester gas company, the amount of tax overpaid by them to the State Treasury."

Mr. BERTOLET, (Agriculture,) as committed, "An Act to repeal an act for the protection of sheep and taxing of dogs in the county of Blair."

Also, (same,) as committed, "A supplement to the act for the better preservation of game, &c."

Mr. GALLEY, (same,) with amendment, "An Act to prevent the destruction of trout during spawning season in Lycoming creek, Sullivan county."

Mr. WILLIAMS, (Bedford,) (same,) as committed, "An Act relative to fences in Franklin township, Bradford county."

Mr. BRYSON, (same,) as committed, "An Act to prevent the destruction of fish in the Swatara river and its tributaries."

Mr. FEARON, (same,) as committed, "An Act to prevent the fishing with seines, &c., in the Conococheague creek, on the property of the Holywell papermills."

Also, (same,) as committed, "An Act to encourage the destruction of Foxes in Clinton county."

Mr. SHAEFFER, (same,) with amendment, "An Act to prevent hunting of deer with dogs in Sullivan county."

Mr. BURBORAW, (Roads and Bridges,) as committed, "An Act authorizing the Frankford and Bristol turnpike road company to reduce the width of said road between certain points."

Also, as committed, "An Act for the appointment of a sequester on the Washington and Pittsburg turnpike road."

Mr. STUART, (same,) as committed, "An Act relating to roads and bridges in Washington county."

Also, as committed, "An Act for the vacating of certain streets in Philadelphia."

Also, as committed, "An Act to repeal the road laws in Jackson township, Huntingdon county."

Mr. PENNELL, (same,) as committed, "An Act to incorporate the Strasburg and Millport turnpike road company."

Also, (same,) as committed, "A supplement to an act to incorporate the Allegheny and Buffalo Run plank road company."

Also, (same,) as committed, "An Act relating to public roads in Snyder county."

Mr. DURBORAW, (same,) as committed, "An Act concerning plank road and bridge companies."

Mr. WALKER, (same,) as committed, "An Act relating to public highways in East Bradford township, Chester county."

Also, (same,) as committed, "An Act to incorporate the Anderson Creek public road and navigation company."

Also, (same,) as committed, "An Act to incorporate the White Marsh and Cheltenham turnpike road company of Montgomery county."

Mr. HOTTENSTINE, (same,) as committed, "An Act to require the Pennsylvania railroad company to change a certain road."

Also, (same,) as committed, "A supplement to an act to incorporate the Erie and Waterford plank road company."

Mr. CAMPBELL, (same,) as committed, "An Act to incorporate the Parryville bridge company."

Mr. PRICE, (Corporations,) as committed, "An Act to improve the navigation of the river Lackawaxen;" which, on motion of Mr. GRITMAN, was ordered to be placed on the Calendar for to-morrow.

Mr. WARDEN, (Canals and Inland Naviga-

tion,) as committed, "An Act to erect a sheer boom at the mouth of the Loyalsock creek."

Mr. THORN, (Railroads,) as committed, "A supplement to the act to incorporate the Venango railroad company;" which, on motion of Mr. RAMSDELL, was taken up and passed, and sent to the Senate for concurrence.

#### BILLS IN PLACE.

Mr. FLEMING read in place, and presented to the Chair, "A supplement to the act relative to a State road in Clarion and Venango counties;" which, on his motion, was taken up and passed.

Also, "An Act relating to a new township in Clarion county."

Mr. LAIRD, one for the payment of the claim of Mary Wilson, widow of Thomas Wilson.

Mr. DURBORAW, one to incorporate the East Berlin railroad company.

Also, one authorizing the commissioners of Adams county, to sell and convey certain real estate.

Mr. ROHRER, one attaching lands of Elisha Robinson, of Perry township, Armstrong county, for school purposes.

Also, "A supplement to the act incorporating the borough of Apollo; also declaring a bridge between the counties of Armstrong and Clarion, a county bridge."

Also, one establishing a ferry across the Allegheny river, in Armstrong county; and, on his motion, said bill was taken up and passed, and sent to the Senate for concurrence.

Mr. WILSON, one to reduce the State tax on real estate and personal estate to two mills on the dollar.

Also, one to encourage the destruction of foxes in Beaver county; on motion placed on Private Calendar for to-morrow.

Mr. MEHAFFEY, one fixing the place for holding general and township elections in Lycoming township, Lycoming county; which, on his motion, was taken up and passed, and sent to the Senate for concurrence.

Mr. FEARON, "A supplement to an act to incorporate the Watsonstown bridge company, approved May 9, 1854."

Mr. GRATZ, "An Act relating to the East Mahanoy railroad company."

Mr. GALLEY, "An Act to authorize the establishment of the Farmers' and Miners' Bank, in the borough of Connellsville, Fayette county."

Also, one to prevent non-residents from peddling and selling tin and copperware in the county of Fayette.

Also, "An Act for the relief of Nancy Seering, widow of a soldier of the Indian war of 1793."

Also, one for the relief of Elizabeth Fisher, widow of an old soldier.

Also, one to repeal "An Act to prevent the destruction of rabbits in Fayette, Greene and Westmoreland counties;" which was taken up and passed.

Also, one authorizing the State Treasurer to pay Andrew McClelland, grandson of John McClelland, a balance of money due said John McClelland, for services rendered in the Indian war of 1782.

Also, one repealing an act to increase the pay of commissioners, jurors and witnesses, in the county of Fayette.

Mr. JACKSON, "An Act to incorporate the Pennsylvania annual conference of the Methodist Protestant church."

Also, "An Act to establish a ferry over the river Suquehanna, at Laceyville, in Wyoming county."

Also, "An Act for the appointment of auditors for the borough of Tunkhannock, in the county of Wyoming, and changing the time of holding the borough elections."

On motion, the last two were ordered to be placed on Private Calendar.

Mr. FOSTER, "An Act to establish a house of reformation and industry, in Allegheny county; which, on motion, was ordered to be placed on Private Calendar for to-morrow."

"An Act requiring treasurers of corporations to retain and pay the State tax on bonds issued thereby, when paying the interest thereon."

Mr. M'DOWELL, "An Act to exempt certain real estate from the payment of the collateral inheritance tax."

Mr. SMITH, (Berks,) "A further supplement to the act regulating auctions in the city of Lancaster, &c.;" which, on his motion, was ordered to be placed on Private Calendar.

Mr. SMEAD, "An Act to incorporate the Towanda library association."

Mr. PROUDFOOT, "An Act to annex a part of Allegheny township to Loretto school district for school purposes."

Mr. HAMERSLY, on leave, from the Committee on Corporations, reported, as committed, "An Act to incorporate the Newtown gaslight company;" which, on motion of Mr. BARNSELEY, was placed on Private Calendar for to-morrow.

Mr. KEENEAGY moved that the act to incorporate the Conestoga gaslight company be placed on to-morrow's Calendar; which was agreed to.

On motion of Mr. THORN, it was ordered that the consideration of the unfinished Calendar of last Tuesday be made the special order for to-morrow, immediately after the reading of the Journal.

Mr. WITMAN presented a supplement to the Harrisburg borough charter.

Also, two acts to confer on Edward E. & H. G. Lutz the rights and privileges of children born in lawful wedlock.

On motion of Mr. WILCOX, Senate bill No. 54, "An Act relating to certain school taxes in the county of Jefferson" was ordered to be placed on the Private Calendar to-morrow.

Mr. WIGTON presented "An Act to prevent the killing of wild turkeys in Huntingdon county."

Mr. PRICE, "An Act for the relief of Augustus J. Koons, of Lancaster county, a soldier of the war of 1812."

Mr. GOOD, "An Act to incorporate the Spinnerstown and Hosensack turnpike road company."

Also, "An Act concerning the appointment of road viewers and road damages in Lehigh county."

Mr. ROSE, "A supplement to the act authorizing the laying out of a State road from the west end of Emleaton, Venango county, to Mercer, Mercer county."

Mr. THORN, "An Act to incorporate the Hope manufacturing company."

Also, "A supplement to the act to incorporate the Philadelphia ice company, and for other purposes."

Also, "A supplement to the act to incorporate the Six-penny savings fund of Philadelphia, approved April 5, 1854."

Mr. HAMERSLY, one to incorporate the Bell Isle salt company."

Also, "An Act to authorize the Chestnut Hill railroad company to sell and dispose of certain real estate."

Mr. MANN, "An Act to authorize the school directors of Potter county to select sites for school houses."

Mr. PINKERTON, "An Act to extend the provisions of an act relative to orphans' court, &c.;" and, on his motion, the same was ordered to be placed on the Private Calendar.

Mr. WAGONSELLER, "A further supplement to the act incorporating the Lewisburg and Youngmanstown turnpike road company."

Also, "An Act relative to distribution of proceeds of sales of real estate sold by the sheriff."

Also, "An Act relative to road views in cer-



tain townships in Union county;" which, on his motion, was taken up and passed; and sent to the Senate for concurrence.

Also, "An Act relative to the ferry over the Shamokin dam." (Referred to Committee on Canals and Inland Navigation.)

Mr. CHASE, "An Act to extend a certain act relative to mutual saving fund, loan and building associations, to Susquehanna county."

Mr. WILLISTON, "An Act to prevent hunting with dogs in Morris township, Tioga county;" which, on his motion, was ordered to be placed on the Private Calendar for to-morrow.

Mr. ROUSE, "An Act authorizing the supervisor of Whetmore township, Warren county, to lay out and build a certain road."

Mr. GRAHAM, "An Act to provide for the election of supervisors in Cross Creek township, Washington county;" which, on his motion, was taken up and passed, and sent to the Senate for concurrence.

Mr. LAWRENCE, (Washington,) "An Act authorizing the commissioners of Washington county to pay certain moneys to Wm. Greenfield, of said county;" which, on his motion, was taken up and passed, and sent to the Senate for concurrence.

Mr. MILLER moved that House bill No. 291, "An Act to erect a new county out of parts of Crawford, Warren and Venango," be placed on to-morrow's Calendar.

Mr. RAMSDALL objected, and the motion was lost.

Mr. BARLOW moved that the following bill be placed on to-morrow's Calendar:

"A supplement to an act, entitled 'An Act to incorporate the Allegheny and Buffalo Run plank road company, approved the twelfth day of April, Anno Domini 1853,'" Senate bill No. 119.

Which was agreed to.

Mr. STEPHENS presented "A supplement to the act regulating the manner of voting in Wayne and Schuylkill counties;" and, on his motion, said bill was taken up and passed, and sent to the Senate for concurrence.

Mr. EVANS, "An Act to incorporate the Northern market company."

Mr. ROSE, "An Act to annul the marriage contract between Oliver Merriitt and Lydia, his wife."

On motion of Mr. SMITH, the Committee on Corporations was discharged from the further consideration of the further supplement to the act to incorporate Erie city, and the same was ordered to be placed on Private Calendar for to-morrow.

Mr. WOLF presented "An Act to repeal so much of the act of May 8th, 1854, as authorizes the appointment of county superintendents of common schools, so far as the same relates to York county."

Mr. ROSE moved that the Committee on Railroads be discharged from the further consideration of the act relative to the Mercer and New Castle railroad company, and that the same be placed on the Private Calendar for to-morrow; which was agreed to.

Mr. GOOD moved that the House resume the consideration of the act relative to the borough of Alleutown, when Mr. CHASE called for the orders of the day.

Mr. FOSTER, having obtained leave from Mr. CHASE, from the Committee on Education, reported as committed, Senate bill No. 54, "An Act relating to certain school tax, in Jefferson county;" which, on motion of Mr. WILCOX, was ordered to be placed on the Private Calendar for to-morrow.

Mr. LAWRENCE, (Washington,) leave also being given him, from the Committee on Banks, reported, as committed, "An Act to incorporate the Dimess savings institution of Harrisburg;" and, on his motion, was taken up and passed its several readings; when, on motion of Mr. GRIT-

MAN, its further consideration was postponed for the present.

Mr. NILL here rose to a question of privilege. He moved that the vote by which joint resolution, relative to the final adjournment of the Legislature, passed the House a few days since, be re-considered.

And on the question,

Will the House agree to the motion?

A motion was made by Mr. GRITMAN, that the further consideration of the motion to re-consider be postponed for the present.

Mr. ROSE moved to amend by postponing indefinitely; which was not agreed to; and the question being taken to postpone for the present, it was likewise not agreed to.

The question now recurring,

Will the House agree to the motion to re-consider?

It was determined in the affirmative.

Mr. THORN moved that the House do now adjourn.

And on the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. NILL and Mr. GRITMAN, and were as follow, viz:

YEAS—Messrs. Barnsley, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Campbell, Evans, Fisher, Goepp, Green, Gritman, Harding, Keneagy, Ketchum, Laird, McDowell, Miller, Price, Smead, Smith, (Philadelphia,) Stephens, Sizer, Thorn, Warden, Woodring and Lawrence, *Speaker*—25

NAYS—Messrs. Abbott, Balliet, Barlow, Bayard, Brodhead, Bryson, Burley, Chase, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Fearon, Fleming, Foster, Galley, Gold, Graham, Gratz, Hamersly, Hottenstine, Jackson, Kinney, Lawrence, (Washington,) Mann, Mahaffey, McCurdy, Neall, Nill, Oaks, Palm, Pennell, Peirce, Pughe, Ramsdell, Rohrer, Rose, Rouse, Shafer, Sheppard, Smith, (Berks,) Stoneback, Taylor, Thompson, Wagonseller, Walker, Witman, Wilcox, Williams, (Bedford,) Wolf and Zoller—53.

So the question was determined in the negative.

The question recurring on the final passage of said resolution,

On motion of Mr. NILL, the House resolved itself into committee of the whole, (Mr. KETCHUM in the Chair,) for the purpose of special amendment; to fix upon Friday, the 25th day of March, instead of Tuesday the 15th, for the final adjournment; which passed committee of the whole.

The SPEAKER resumed the Chair.

And the question again recurring,

Shall the resolution pass?

Mr. GRITMAN was opposed to the bill as amended. The 15th day of March had already been fixed upon for adjournment, and before that date there would be considerable time—enough, perhaps, for the transaction of all business. True, it might become necessary for the House to extend its session, but this should not be done until it was sufficiently apparent that the extension was necessary.

Mr. NILL favored short sessions as much as any one, but was satisfied that the House would not be able to adjourn on the 15th of March.—He would be willing, if necessary, to hold morning, afternoon and evening sessions. The Senate would concur in the amendment to adjourn on the 25th.

Mr. ROSE wished to know whether the gentleman was certain of this.

Mr. NILL replied that he thought they would.

Mr. ROSE hoped that the House would vote down the amendment.

Pending the question on the adoption of the resolution.

Mr. MILLER moved to adjourn.

Agreed to—yeas 48, nays 31.

A message was received from the Governor, informing the House that he had approved and signed the following:

"An Act to confer on James Morrison, of Washington county, all the rights and privileges of a child born in lawful wedlock."

"An Act to extend the limits of the borough of Pottsville, Pa."

"Supplement to an act authorizing the Governor to incorporate the Norristown and King of Prussia turnpike road company."

Also, a message transmitting the annual report of the inspectors of the Western Penitentiary of Pennsylvania, for 1858.

The SPEAKER laid before the House the annual report of the Strasburg railroad company.

#### SENATE AMENDMENTS

To House bill relative to elections in Somerset county, were read, and on motion of Mr. WALKER, concurred in.

House adjourned until to-morrow at 10 o'clock, A. M.

#### CALENDAR OF PRIVATE BILLS.

FOR

TUESDAY, MARCH 1, 1859.

No. 374. "An Act to incorporate the Lewisburg, Selinsgrove and Philadelphia railroad company."

Sen. 6. "An Act to incorporate the Towanda water company."

No. 379. "An Act relative to taxing dogs in West Nottingham township, Chester county."

No. 381. "An Act for the relief of George D. Boyer, former treasurer of Schuylkill county."

No. 382. "An Act to adjust the account of F. Knox Morton, late treasurer of the city and county of Philadelphia."

No. 383. "An Act to provide for the collection of additional taxes in the township of Bingham, in the county of Potter."

No. 386. "An Act to liquidate the amount due on a certain judgment and to enforce the collection of the same."

No. 387. "An Act relative to foreign insurance companies in the county of Erie."

No. 388. "An Act relative to the perpetuating of testimony in certain cases."

No. 390. "An Act annexing the borough of Leesburg, in Mercer county, to the township of Springfield, in said county, for school purposes."

No. 392. "An Act to divide the township of Wilkesbairre, in Luzerne county, into two wards."

No. 397. "An Act to incorporate the Media Bank."

No. 398. "A supplement to an act to incorporate the Monot Joy savings institution, approved 13th day of May, 1856."

No. 399. "A supplement to the act incorporating the Mutual fire insurance company of Sinking Springs, Berks county."

No. 400. "An Act incorporating the Bald Eagle boom company in Clinton county."

No. 402. "An Act to incorporate Fall Brook railroad and coal company."

No. 403. "A supplement to an act incorporating the Sancona iron company."

No. 404. "A further supplement to an act to incorporate the Philadelphia and Reading railroad."

No. 405. "Supplement to the act to incorporate the Fairmount and Arch Street City passenger railway company."

No. 406. "A supplement to an act incorporating the Philadelphia and Reading railroad company."

No. 411. "An Act changing the name of Prescott Packard Peck."

No. 412. "An Act relating to the records of Union county."

No. 413. "A further supplement to an act to



incorporate the Allentown railroad company, passed 19th day of April, 1853."

No. 415. "An Act authorizing the school directors of the borough of Auburn, in the county of Schuylkill, to borrow money."

No. 429. "An Act exempting boats, barges and rafts from toll on the Youghiogheny river."

No. 430. "An Act repealing an act relative to licenses on vehicles in the cities of Pittsburg and Allegheny, and the boroughs thereto adjoining."

No. 431. "An Act to authorize A. H. MoHenry, guardian of minor children of the late Thomas Babb, to invest certain moneys belonging to such minor children in real estate."

No. 436. "An Act to provide for the recording of a plot in the town of Ridgway, Elk county."

No. 437. "An Act to abolish the office of sealer of weights and measures in Clearfield county."

Sen. 222. "An Act relative to the township of Crayle, in the county of Cambria."

Sen. 220. "A supplement to an act authorizing the appointment of an auctioneer in the borough and township of Wilkesbarre, Luzerne county, approved the 5th day of March, 1858."

No. 446. "A farther supplement to the act consolidating the city of Philadelphia."

No. 128. "An Act to authorize the citizens of Butler township, Schuylkill county, hereafter to elect but one supervisor."

No. 271. "An Act to confer on Henry Broderick, of Carbon county, the rights and privileges of a child born in lawful wedlock."

No. 198. "An Act relating to trustees of Farmers' high school of Pennsylvania."

No. 450. "A further supplement to an act in addition to an act relative to the borough of Scranton."

No. 451. "An Act to authorize the election of two additional supervisors in Washington and Richhill township, Greene county."

No. 452. "An Act conferring upon Sarah Ann, Melissa, Warren B., Nancy, Ellen and Nicholas D. Evans, minor children of David C. Evans, deceased, and Catharine Evans, all the rights of children born in lawful wedlock."

No. 518. "An Act to divide the township of Quincy, in the county of Franklin, into three districts, for the election of supervisors."

No. 519. "An Act erecting a certain part of Middlesex township, in Butler county, into an independent school district."

No. 521. "An Act to incorporate the Boatman's life, stock and fire insurance annuity and trust company."

No. 523. "An Act supplementary to an act relating to roads, highways and bridges, in the counties of Warren, Venango and McKean, approved 9th of April, 1844."

No. 524. "An Act to make George William Eshleman, an heir of J. Middleton Whitehill and his wife, Elizabeth S. Whitehill, and to confer on him the name of George William Whitehill."

No. 525. "An Act to incorporate the Boatman's insurance company."

#### OBJECTED BILLS.

No. 269. "An Act erecting the county of Pine, out of parts of the counties of Indiana, Jefferson, Cambria and Clearfield."

No. 274. "An Act relative to passenger railway companies in the city of Philadelphia."

No. 294. "An Act to provide for the erection of a new county, out of parts of Washington, Westmoreland and Fayette counties, to be called Monongahela."

No. 326. "An Act to incorporate the Fairmount market company."

No. 329. "An Act to incorporate the Union market company of Philadelphia."

No. 371. "An Act to incorporate the Citizens' passenger railway company of the city of Pittsburg."

#### No. 343.—FILE OF THE HOUSE.

CHASE, Ways and Means—Feb. 12.

[AS PASSED COMMITTEE OF THE WHOLE.]

AN ACT to provide for the ordinary expenses of the Government, and other general and special appropriations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the following sums be, and the same are hereby specifically appropriated to the several objects hereinafter mentioned, for the year commencing on the first day of June, Anno Domini one thousand eight hundred and fifty-nine, to be paid out of any money in the treasury not otherwise appropriated.

SEC. 2. For the salary of the Governor of the Commonwealth, four thousand dollars.

For the salary of the Secretary of the Commonwealth, inclusive of his compensation as commissioner of the sinking fund, two thousand dollars.

For the salary of the Deputy Secretary of the Commonwealth, one thousand four hundred dollars.

For the salary of the Auditor General, inclusive of his compensation as commissioner of the sinking fund, two thousand dollars.

For the salary of the Surveyor General, one thousand six hundred dollars.

For the salary of the Attorney General, three thousand dollars.

For the salary of the Adjutant General, six hundred dollars.

For the salary of the Superintendent of Common Schools, one thousand seven hundred dollars.

For the salary of the State Librarian, eight hundred dollars.

For the salary of the State Treasurer, inclusive of his compensation as commissioner of the sinking fund, one thousand seven hundred dollars: *Provided*, That the foregoing salaries shall be paid quarterly at the office of the State Treasurer.

SEC. 3. For clerk and messenger hire, in the Executive and State departments, six thousand dollars.

For contingent expenses in the Executive and State departments, as follows: postage and telegraphic dispatches, one thousand seven hundred dollars; stationery, four hundred and fifty dollars; fuel and lights, one hundred and twenty-five dollars; cleaning offices, one hundred dollars; blank books, fifty dollars; repairs, fifty dollars; geological survey, freights and packages, one hundred and fifty dollars; new carpets in Executive chamber, two hundred dollars; miscellaneous expenses, one hundred and fifty dollars.

For clerk and messenger hire in the Auditor General's office, eight thousand one hundred dollars.

For contingent expenses, as follows: postage and telegraphic dispatches, five hundred dollars; stationery, three hundred and fifty dollars; fuel, seventy-five dollars; miscellaneous, seventy-five dollars.

For clerk and message hire in the Surveyor General's office, eight thousand seven hundred dollars.

For contingent expenses, as follows: postage, four hundred dollars; stationery, two hundred dollars; fuel, seventy dollars; stove and repairs, sixty dollars; white-washing and scrubbing, fifty dollars; miscellaneous, fifty dollars.

For clerk hire in the Attorney General's office, eight hundred dollars; and hereafter the Attorney General shall be allowed eight hundred dollars annually for clerk hire.

For clerk and message hire in the school department, three thousand nine hundred dollars.

For contingent expenses, as follows: station-

ery and blank books, three hundred and fifty dollars; postage, including telegraphic dispatches, one thousand two hundred dollars; fuel, light, and cleaning office, sixty dollars; packing and distributing blank forms, laws and decisions, reports, et cetera, to the several districts, six hundred dollars; miscellaneous, fifty dollars.

For clerks, messenger, and night-watch in the Treasurer's office, five thousand four hundred and fifty dollars.

For contingent expenses, as follows: postage and telegraphic dispatches, four hundred and seventy-five dollars; express charges, one hundred dollars; stationery and blank books, two hundred and fifty dollars; fuel and light, seventy-five dollars; miscellaneous, one hundred and fifty dollars.

For miscellaneous expenses of the State Library as follows: repairing telescope, forty dollars; press for stamping, twenty-five dollars; making fires, sweeping, cleansing and white-washing, postage, freight, expenses of purchasing books, stationery, et cetera, three hundred dollars; miscellaneous books and newspapers, six hundred dollars; law books, English and Irish reports, elementary books and civil law, one thousand dollars; Pennsylvania Reports, for exchanges, three hundred and twenty dollars; binding, one hundred and fifty dollars; and assistant, one hundred and fifty dollars.

SEC. 4. For the payment of the expenses of the Legislature, including the pay and mileage of the members, clerks and officers thereof, and the amount authorized by law for stationery, newspapers and lights, the sum of one hundred and fifty thousand dollars.

SEC. 5. For packing and distributing the laws and journals of the Legislature, to be performed under the direction of the Secretary of the Commonwealth, seven hundred dollars.

SEC. 6. For the public printing, folding, stitching and binding, thirty thousand dollars, or so much thereof as may be necessary on the settlement of the account of the contractor under his contract entered into in pursuance of the act approved the ninth day of April, Anno Domini one thousand eight hundred and fifty-six, entitled "An Act in relation to public printing."

SEC. 7. For the payment to the borough of Harrisburg, for supplying the public buildings with water, as per act of twenty-eighth day of April, Anno Domini one thousand eight hundred and forty, six hundred dollars.

For payment to the Harrisburg gas company, for gas for public buildings and walks, two thousand dollars, or so much thereof as shall be found due by the Auditor General, under the contract with the company, in pursuance of the charter of said company and its supplement, to be paid on the warrant of the Governor.

SEC. 8. For miscellaneous expenses, to be accounted for in the usual manner, three thousand dollars.

SEC. 9. For the support of the common schools, to be paid on warrants drawn by the superintendent in favor of the several school districts of the Commonwealth, in proportion to the number of resident taxables therein, two hundred and eighty thousand dollars.

SEC. 10. For the payment of pensions and gratuities, ten thousand dollars.

SEC. 11. For the payment of the salaries and per diem allowance of the judges of the supreme court, eighteen thousand seven hundred dollars.

SEC. 12. For the payment of the salaries of the judges of the district court, and the president and associate law judges of the court of common pleas of the city of Philadelphia, sixteen thousand eight hundred dollars.

SEC. 13. For the payment of the salaries of the judges of the district court, and president



judge of the court of common pleas of Allegheny county, eight thousand four hundred dollars.

SEC. 14. For the payment of the salaries and mileage of the president and associate law judges of the several courts of common pleas in this Commonwealth, except in the city of Philadelphia and the county of Allegheny, fifty-five thousand dollars.

SEC. 15. For the payment of the salaries and mileage of the associate judges of the several courts of this Commonwealth, twenty-five thousand dollars.

SEC. 16. For the payment of the interest on the funded debt of the Commonwealth, that will fall due on the first days of July and August next, and the first days of January and February, one thousand eight hundred and sixty-two millions of dollars, or so much thereof as may be necessary.

SEC. 17. For the payment of the guaranty of interest for the Danville and Pottsville railroad company, by the act of the eighth of April, one thousand eight hundred and thirty-four, and the act of twelfth April, one thousand eight hundred and fifty-one, eight thousand five hundred and seventeen dollars and fifty cents, being the interest in full, on said guaranty, up to the first day of August, Anno Domini one thousand eight hundred and fifty-nine; to the Bald Eagle and Spring Creek navigation company, by the act of seventh April, Anno Domini one thousand eight hundred and thirty-five, ten thousand dollars: *Provided however*, That said companies are hereby required to make it appear satisfactorily to the Attorney General that the said appropriations are due from the Commonwealth; and it shall be the duty of the Attorney General so to certify to the treasurer before any of the moneys herein appropriated are paid.

SEC. 18. For the payment of the salaries of the officers of the Western penitentiary, ten thousand one hundred and fifty dollars; also, for gratuities paid to discharged convicts for the year one thousand eight hundred and fifty-eight, agreeably to the eighth section of the act of twenty-second of April, one thousand eight hundred and twenty-nine, and the several supplements thereto, three hundred and eight dollars; and for paying in front of the prison, under the compulsory paving law of Allegheny city, the further sum of three thousand one hundred and eighteen dollars.

SEC. 19. For the payment of the salaries of the officers of the Eastern penitentiary, twelve thousand eight hundred and ninety-five dollars; which sum may be drawn from the treasury in equal quarterly portions, on or after the fifteenth day of the months of June, September and December of the present year, and March of next year.

SEC. 20. For the house of refuge of Philadelphia, the sum of twenty thousand dollars.

SEC. 21. For the house of refuge of Western Pennsylvania, in the county of Allegheny, eighteen thousand and five hundred dollars, to be applied as follows: for the salaries of officers, eight thousand and five hundred dollars; additions and repairs, four thousand dollars; and for the payment of debts, six thousand dollars.

SEC. 22. For the Western Pennsylvania hospital, five thousand dollars; and for the purpose of erecting suitable buildings, the further sum of twenty thousand dollars, to be paid to said institution upon a bond being executed to the Commonwealth in said sum, with security to be approved by the Auditor General and State Treasurer, conditioned for the full erection and completion of said buildings without further aid from the Commonwealth.

SEC. 23. For the Pennsylvania State Innatic hospital, the sum of twenty thousand dollars; to be applied to the payment of salaries, the support of the house, the renewal of furniture and fixtures, and to such repairs and improvements as

may be required: *Provided however*, That no part of the money appropriated in this section, except the salaries of its officers, shall be paid unless the accounts of repairs and expenses be found correct by the Auditor General.

SEC. 24. For the Pennsylvania institution for the instruction of the blind, twenty-two thousand dollars.

SEC. 25. For the instruction of indigent pupils in the Pennsylvania institution for the instruction of the deaf and dumb, twenty-three thousand dollars: *Provided*, That the sums appropriated for the instruction of the blind, and deaf and dumb, shall be paid to said institutions, in proportion to the number of indigent pupils received by each, from the several counties of this Commonwealth, at the rates prescribed by law; evidence of the number of pupils to be furnished to the State Treasurer.

SEC. 26. For the Pennsylvania training school for feeble minded children, such amount as said institution may be entitled to receive under the provisions of the sixth section of the act incorporating said school, approved the seventh of April, Anno Domini one thousand eight hundred and fifty-three; and for the purpose of completing the buildings now in progress, the further sum of twenty-five thousand dollars, to be paid to said institution upon a bond being executed to the Commonwealth in said sum, with security, to be approved by the Auditor General and State Treasurer, conditioned for the full completion of said buildings without further aid from the Commonwealth.

SEC. 27. For the Northern Home for friendless children, five thousand dollars: *Provided*, that the said Northern Home for friendless children shall be subject to the provisions contained in the third section of an act, entitled "A supplement to an act to incorporate the subscribers to the articles of association, for the purpose of establishing and conducting an institution for the confinement and reformation of youthful delinquents, under the title of the House of Refuge," approved March twenty-third, one thousand eight hundred and twenty-six.

SEC. 28. For the Penn Asylum for indigent widows and single women, five thousand dollars.

SEC. 29. For the Howard Institution, under the care of an association of women Friends of Philadelphia, one thousand dollars.

SEC. 30. For Passavant's Pittsburg Infirmary two thousand five hundred dollars; and for the Mercy Hospital, at Pittsburg, two thousand five hundred dollars.

SEC. 31. For the Orphans' Home, at Zelienople, one thousand dollars.

SEC. 32. For the salary of the superintendent of the public printing, eight hundred dollars.

SEC. 33. To Richard J. Haldeman, publisher of the *Legislative Record*, compensation at the rate of seven dollars per page, for the numbers published at the present session, the amount to be certified as due by the committee on printing of both Houses, and that the fortieth section of an act, entitled "An Act to provide for the ordinary expenses of government and other general and special appropriations," approved twenty-first April, Anno Domini one thousand eight hundred and fifty-eight, so far as it relates to the continuance of the contract, for the printing of a *Legislative Record*, with R. J. Haldeman, be and the same is hereby repealed.

SEC. 34. To each of the fire companies of Harrisburg, now organized and in operation, one hundred dollars.

SEC. 35. For the preservation and repairs of the capitol, and improvement of the public grounds, inclusive of the compensation of the superintendent and watchman of the public buildings and grounds, the sum of three thousand dollars: *Provided*, That all moneys expended and contracts made, shall be at the direction and under the authority of the Secretary of State and the Auditor General.

SEC. 36. That the State Treasurer is hereby authorized to pay John A. Small, for services rendered the House of Representatives, the same compensation now allowed by law for an assistant clerk; and for services performed during the last recess, in arranging the papers of last session, et cetera, and for the same services to be performed during the next recess, the further sum of three hundred dollars.

SEC. 37. That the State Treasurer is hereby authorized to pay the clerks of the Senate and House of Representatives, the amounts necessary to pay the pages and folders employed during the present session, at the rate of one dollar per day each, for the time the Legislature is in session, and the further sum of ten dollars each to said pages and folders.

SEC. 38. That the State Treasurer is hereby authorized to pay Samuel McDonnell and John D. Reese, assistant door-keepers, for extra services after night, in and about the Hall, during the present session, one hundred dollars each.

SEC. 39. That the State Treasurer is hereby authorized to pay George Manley, at the rate of one dollar and fifty cents per day, for services in cleansing and keeping in order the out-building of the two houses; the actual number of days employed, to be certified to by the Clerk of the House.

SEC. 40. That the State Treasurer is hereby authorized and directed to pay Alvin Day nineteen dollars and twenty-five cents, being the amount of a check drawn by the State Treasurer on the Bank of Pennsylvania, in May, one thousand eight hundred and fifty-seven, and dishonored by said bank.

SEC. 41. For transcribing for committees of ways and means, to be paid on the order of the chairman, twenty dollars.

SEC. 42. For postage and stationery used in the office of the late Attorney General, sixty-seven dollars and fifty-nine cents.

SEC. 43. That the State Treasurer is hereby authorized to pay the chief clerks of the Senate and House of Representatives, for the expense of indexing journals, one hundred and twenty-five dollars each; and also the sum of one hundred and twenty-five dollars to Jacob Ziegler, the late clerk of the House of Representatives, for indexing the journals for the year one thousand eight hundred and fifty-eight.

SEC. 44. For the payment of salaries of tonnage agents in full to June first, one thousand eight hundred and fifty-nine, twelve hundred dollars.

SEC. 45. That the State Treasurer is hereby authorized to pay the officers of the Senate and House of Representatives, except the Speakers, the following additional compensation for services rendered during the present session: To the chief clerks and assistant clerks, each one hundred dollars; to the bill, message, journal, comparing and transcribing clerks, each seventy-five dollars; to the sergeant-at-arms, messenger, door-keeper and post-master, and their assistants, fifty dollars: *Provided*, That the assistant officers of the House, named by the principal at the first of the session, shall be included in the above.

#### No. 212.—FILE OF THE HOUSE.

NILL, Judiciary—Feb. 4.

AN Act to abolish the board of revenue commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That all laws of the State authorizing the appointment of revenue commissioners be and the same are hereby repealed.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 43.

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## SENATE.

TUESDAY, March 1, 1859.

The Senate met at the usual hour.  
Prayer was offered by Rev. Dr. De Witt.  
The Journal was read and approved.  
Messrs. BELL and SCHELL appeared in their seats.

## PETITIONS, MEMORIALS, &C.

Mr. PALMER presented two petitions of citizens of the South ward of Schuylkill Haven, for a change in the place of holding their elections.

Also, a remonstrance of citizens of the borough of Schuylkill Haven, against any further legislation relative to said borough.

Also, a petition of citizens of Schuylkill county, for a law for the better securing of the payment of the wages of labor in said county.

Also, the memorial of Edward Bayer, in relation to the Wellsboro' and Tioga plank road company.

On motion of Mr. PALMER, this memorial was ordered to be printed in the *Record*. It is as follows:

*To the Honorable the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

WHEREAS, The undersigned has been informed that divers petitions have been circulated and presented to your Honorable Bodies, asking for a repeal of certain supplements to an act to incorporate the Wellsborough and Tioga plank road company—one approved the 29th day of March, 1856, and one approved the 19th day of April, 1858; and having invested a large amount of money under the provisions of said acts, your memorialist begs leave respectfully to call the attention of your Honorable Bodies to the following facts in relation to said company, and his connection therewith: Sometime after said company became organized, they desiring to borrow some money to assist in completing and repairing said road, an act was passed the 17th day of March, 1853, among other things, to authorize said company to borrow a sum of money not exceeding ten thousand

dollars; and to secure the payment of the amount so borrowed, to execute and deliver to the lenders a mortgage upon said road, and the income thereof, and upon the corporate rights and franchises of said company, in such form and manner, that, upon sale of the same, under said mortgage, for default of payment of principal or interest, according to the tenor of said mortgage, the said road and the franchises of said company should be as fully vested in the purchaser thereof, as if he, she, or they, had been the original corporators; and from thenceforth all the provisions of the act of incorporation of said company, with the corporate powers conferred, and the several laws in relation thereto should be for the benefit of the said purchasers; and that in case of failure of the said company to pay the money secured by said mortgage as the sum should become due, that the mortgage might be foreclosed by *scire facias*, &c., in the same manner as authorized in other cases.

Under the provisions of said act, the said company afterwards borrowed about nine thousand dollars, and gave a mortgage to secure the payment of the same, and went on and completed said road, and kept it in repair for some time; but some lumber drawers, having procured large strong wagons, with narrow tire to the wheels, with three or more horses to a team, drew such heavy loads of lumber over said road as to cut, break, and so much injure the plank of said road, that, for the protection of said company, the Legislature passed the act of the 24th of February, A. D., 1854, the last section of which authorized the company to charge double toll for all loads of more than two thousand feet of white pine lumber, or other loading of greater weight than forty-five hundred pounds. This act failing to remedy the evil, the Legislature passed the first supplement complained of, of the 29th of March, 1856, which authorized the company to cover the plank of said road with gravel or other hard substance, in lieu of replanking the same; and that in lieu of the tolls then chargeable for teams drawing sawed lumber or boards over said road, said company was authorized to charge at the rate of two cents per mile, per thousand feet, for such lumber. But the additional toll did not prevent nor compensate for the drawing such excessive loads over said road, and the road became so much injured thereby, and out of repair, before the company could procure money to repair it, that on or about the 8th day of December, 1857, on an application to the court of common pleas of Tioga county and hearing, an injunction was granted to prohibit the said company from collecting toll on about eleven miles of said road, so out of repair. In the summer following, the company repaired about one mile of said road, and got the injunction removed from that part; which enabled them to collect toll on about seven miles of the southwest portion of said road; and having become satisfied that they could not afford to repair the other portion towards Tioga, over which such excessive loads were hauled, unless they could make a common turnpike road of it, an application was made to the Legislature on behalf of the said company; and on the 19th day of April, 1858, the last supplement complained of was passed; which authorized said company to change said road into a clay, gravel or turnpike road, at such places as the managers of said road might see proper. After this time, the holders of the said mortgage, having

obtained a judgment for said borrowed money, caused said road, &c., to be advertised and sold by the sheriff, on or about the 10th day of June, 1858, on a writ issued on said judgment; and your memorialist, holding two thousand dollars of the stock of said company, which he wished to save, if possible, and believing that under the existing laws he could afford to make a good road, and keep it in repair, became the purchaser of said road and the franchises of said company, for the sum of three thousand dollars. At that time (although the most favorable time in the season) said road, throughout its whole length, (about seventeen miles,) was much out of repair, and in some places almost impassable; but your memorialist, without delay, employed a large number of men and teams, and caused said road to be so well repaired, that on or about the 20th day of August, 1858, after a hearing, said injunction was removed or dissolved. Still your memorialist kept a large number of men and teams on said road until late last fall; and caused it to be thrown up and graded its whole distance from Tioga to Wellsborough, (except about three miles, which is planked,) and expended in so doing over seven thousand dollars; making the whole amount he has invested in said road, over twelve thousand dollars, besides interest. That he caused said road to be covered with good gravel, wherever the managers of said road deemed it necessary to make a good and permanent road; and that said road continued in good traveling order and repair until the rains last fall, when, in consequence of the repairs having been made so recently and not well settled, and the alternate freezing and thawing without snow, and the drawing of heavy loads over said road in wet weather, it became some rough. And your memorialist directed the toll gatherers on the same to take no more tolls until said road should be in again good condition; and since that time the public have traveled said road most of the time free of toll. And your memorialist respectfully submits, that he has done all he could in the premises since he became the purchaser of said road; and intends to continue to improve the same with the proper materials, and keep it in such good condition and repairs, that, if possible, even the enemies of said road shall become its friends, and view it as a great benefit to the public.

And while your memorialist courts the closest investigation in relation to the management of said road since he became the purchaser, he further respectfully submits to your Honorable Bodies, that having purchased said road in good faith, and expended so large a sum of money under existing laws relating to said road, that none of them ought to be repealed, or materially modified, until sufficient time has elapsed to test the qualities of said road, and the material used in its construction; and that no work of that character and magnitude can be perfectly accomplished in so short a period of time as elapsed after his purchase of said road, and before the weather naturally interfered with the work upon it. But that if any change is made in existing laws relating to this road, that change should be such as to protect the interest of your memorialist in the premises; and that a rate of toll ought to be authorized, or judicious restraint imposed, as will prevent further needless damage to said road by ill disposed persons, who, regardless of their own interests, and the interest of the public, with intent to injure said



road, cause excessive loads upon narrow tired wagons to be drawn over the same, whenever they think it may be most injured thereby.— And having thus briefly submitted the facts in relation to said road, and his connection therewith, your memorialist would hereby ask, that if any action is taken by your Honorable Bodies in relation to said road, that it shall be such as your wisdom may dictate, after a full review of the premises; and he firmly believes such action will do justice to him, and protect his rights in relation to said road.

EDWARD BAYER.

*Tioga County, ss:*

Horace S. Johnston, of Tioga, in the county of Tioga and State of Pennsylvania, being duly sworn, says that he has been the principal manager on the Wellsborough and Tioga plank road since the 10th day of June last, and that the statements made in the forgoing memorial are true as he verily believes.

H. S. JOHNSTON.

Sworn and subscribed before me, this 14th day of February, A. D. 1859.

C. H. PLACE, Justice of the Peace.

Mr. YARDLEY, a petition signed by 107 citizens of this Commonwealth, for the passage of a law authorizing the appointment of a measurer of paving-stones.

Also, a remonstrance of citizens of Bucks county, against the passage of House bill No. 187, entitled "An Act to incorporate the Delaware Division canal company."

Mr. SCHELL, four remonstrances signed by citizens of Huntingdon county, against any change in the tax laws in said county, and against any extension of the term of the county treasurer.

Also, three remonstrances signed by three hundred and seventeen citizens of Bedford county, against the annexation of Middle Woodbury township, in said county, to Blair county.

Also, the petition of citizens of Huntingdon county, praying for the passage of a law authorizing the division line between Mifflin and Huntingdon counties, to be properly ascertained and distinctly marked on the ground.

Also, the petition of citizens of Huntingdon county, praying for the passage of a law to prohibit the killing of wild turkeys at certain seasons, in said county.

Also, the petition of citizens of the same county, in favor of the act to provide a more effectual and economical mode of collecting State and county taxes in said county, and for extending the term of county treasurer.

Mr. KELLER, the petition of the officers of the Bank of Danville, praying for the passage of a law making it obligatory upon the banks of this Commonwealth to keep their notes at par in Philadelphia and Pittsburg.

Mr. TURNEY, four remonstrances of citizens of Westmoreland county, against the abolition of the office of county superintendent of common schools.

Also, the petition of citizens of Donegal township, in the same county, in favor of the same, or allowing the people to decide by a vote.

Also, a petition of citizens of the same county, together with Indiana, Cambria and Somerset, asking for the establishment of a new county, out of parts of said counties, to be called Ligonier.

Mr. NUNEMACHER, four petitions from citizens of Berks county, praying for an act to incorporate the Douglassville and Yellow House turnpike road company.

Also, two petitions of citizens of the same county, praying for the passage of a law requiring the city of Reading to pay the fees for arresting vagrants in said city.

Also, a petition from citizens of the same county, in favor of the abolition of the office of

sealer of weights and measures, so far as the same relates to said county.

Mr. BREWER, three remonstrances of citizens of Franklin county, against the passage of a law requiring the owners of stallions to take out a license.

Also, three remonstrances of citizens of the same county, against the passage of a law taxing dogs in said county.

Mr. WELSH, a remonstrance of citizens of York county, against the passage of any law changing the present mode of collecting taxes in said county.

Also, a petition of citizens of Hanover and vicinity, in the same county, praying for the passage of an act to incorporate the Hanover gas light company.

Also, a petition of Henry Wilton, of the borough of Wrightsville, York county, praying that a portion of his farm may be annexed to Hellam township, in said county.

Mr. PENNEY, two petitions of citizens of Pittsburg, in favor of an act abolishing the high school of said city.

Also, a remonstrance of citizens of the city of Pittsburg, against the same.

Also, a remonstrance of citizens of Philadelphia, against the supplement to the Germantown passenger railway company.

Also, a remonstrance of two hundred citizens of Birmingham, against the passage of a supplement to the act incorporating the borough of South Pittsburg.

Mr. STEELE, two petitions signed by a large number of citizens of Luzerne county, in favor of Wilkesbarre township being divided into two election districts.

Mr. FETTER, a petition numerously signed by citizens of Perry and Juniata counties, praying for the passage of a law incorporating the Northumberland and Juniata railroad company.

Mr. WRIGHT, the memorial of Thomas W. Duffield and others, citizens of Frankford, in the county of Philadelphia, for the passage of an act securing free travel on certain highways to the people of the rural districts.

Also, three petitions numerously signed by citizens of Frankford and vicinity, praying for a modification of the Sunday laws.

Messrs. MARSELIS and RANDALL, petitions of like import.

Mr. WRIGHT, a petition of citizens of Philadelphia, living along the line of the Germantown passenger railway, praying for the repeal of the charter of the same.

Mr. SCOFIELD, a petition of citizens of Sheffield township, praying for power to levy additional road tax.

Mr. COFFEY, a remonstrance of citizens of Carlisle, Clarion county, against any change in their borough laws.

Mr. FRANCIS, a petition of citizens of Lawrence county, praying that a portion of the school tax may be allowed for the support of the German school.

Mr. BLOOD, a petition of citizens of Brookville, Jefferson county, praying that certain lands may be attached to said borough.

Mr. MYER, a petition of citizens living near the line of the Williamsport and Elmira railroad, praying that said road be fenced, to prevent the destruction of property.

Also, a petition of David R. Cole and Betsy Cole, his wife, praying that Edith T. Greeno may be made their legal heir and adopted child.

#### REPORTS OF COMMITTEES.

Mr. NUNEMACHER, (Roads and Bridges,) reported as committed, "An Act declaring Potts Run, in Clearfield county, a public highway."

Mr. FETTER, (same,) as committed, House bill No. 318, "A supplement to an act incorporating the Johnstown and Scalp Level turnpike road company."

Mr. RUTHERFORD, (same,) as committed, "A supplement to the act incorporating the

Hartsville and Centreville turnpike road company."

Mr. THOMPSON, (same,) as committed, "A supplement to an act incorporating the Belmont Avenue plank road company."

Mr. BALDWIN, (same,) as committed, House bill No. 341, "An Act relative to Whitney street, in the city of Philadelphia."

Also, (same,) as committed, "An Act to incorporate the Lancaster and Sun Hill turnpike road company."

Mr. FRANCIS, from the Committee to Compare Bill, made a report.

Mr. WRIGHT, from the select committee appointed on the part of the Senate, to attend the funeral of Hon. GEORGE W. WOOD, late a member of the House of Representatives, made a report; which is as follows:

That in conjunction with a similar committee on the part of the House of Representatives, they have performed, in accordance with the instructions of the two Houses, that solemn duty; their labors terminating with the consignment to the tomb of all that was mortal of their late associate and fellow member.

RICHARDSON L. WRIGHT,  
BARTRAM A. SHAEFFER,  
J. N. MARSELIS,  
JOHN P. PENNEY,  
MAHLON YARDLEY.

Laid on the table.

#### BILLS IN PLACE.

Mr. SCOFIELD read in his place and presented to the chair, a bill, entitled "An Act authorizing Walter J. Smith to construct a ferry across the Allegheny river, at Warren."

Mr. HARRIS, "A supplement to an act laying out a road from New Castle, Lawrence county, to Emlenton, Venango county."

Mr. MARSELIS, "A supplement to an act incorporating the Commercial insurance company."

Mr. GAZZAM, "An Act to incorporate the Philadelphia and Pittsburg telegraph company."

Mr. RANDALL, "An Act for the extension of Lehman street, in the Twenty-second ward of the city of Philadelphia."

Mr. YARDLEY, "A further supplement to the act incorporating the Trenton City bridge company."

Mr. SCHELL, "An Act authorizing the inspectors of prisons to let the labor of convicts by contract."

Mr. BLOOD, "An Act attaching certain lands to Brookville, Jefferson county."

Mr. PENNEY, "An Act to incorporate the Pittsburg, Allegheny and Manchester passenger railway company."

Mr. BELL, "An Act relating to evidence,"

#### ORIGINAL RESOLUTION.

Mr. HARRIS offered the following resolution:

*Resolved*, That when the Senate adjourns, it adjourns to meet this afternoon at 3 o'clock, and continue in session until 5 o'clock, for the purpose of considering private bills.

Objections being made by different Senators to the resolution, on account of the usual sessions of committees on Tuesday afternoons,

Mr. HARRIS moved to amend, by providing for a session this evening, from 7 to 9 o'clock, whereupon,

Mr. SHAEFFER moved to postpone the consideration of the resolution and amendment indefinitely.

On which motion the yeas and nays were required by Mr. SHAEFFER, and Mr. HARRIS, and were as follows, viz:

YEAS.—Messrs. Baldwin, Bell, Brewer, Coffey, Craig, Francis, Gazzam, Marselis, Penney, Schell, Shaeffer, Schindel, Welsh, Wright and Cresswell, *Speaker*—15.

NAYS.—Messrs. Blood, Fetter, Gregg, Harris, Myer, Nunemacher, Parker, Randall, Ruth-



erford, Scofield, Steele, Thompson, Turney and Yardley—14.

So the question was determined in the affirmative.

#### BILL CONSIDERED.

On motion of Mr. SCOFIELD, the Senate proceeded to consider House bill, No. 161, "A further supplement to the act incorporating the Buffalo and Bradford railroad company," which, after being slightly amended, on motion of the same Senator, passed finally.

#### ORDERS OF THE DAY.

House bill, No. 241, entitled "An Act to provide for the education of certain common school teachers in a school in connection with Westminster college, New Wilmington, Lawrence county," came up in order on third reading.

On its final passage the yeas and nays were required by Mr. TURNEY and Mr. FRANCIS, and were as follow, viz:

YEAS.—Messrs. Blood, Coffey, Finney, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penney, Randall, Rutherford, Scofield, Schindel, Steele and Thompson—17.

NAYS.—Messrs. Brewer, Marselis, Nuncmacher, Schell, Shaeffer, Turney, Welsh, Wright and Cresswell, *Speaker*—9.

So the question was determined in the affirmative.

Senate bill No. 267, "An Act relative to the banks of this commonwealth, and to prevent frauds by bank officers," came up in order on second reading, as follows:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That after the passage of this act, no bank within this Commonwealth, or any officer thereof, shall make any loan or discount, directly or indirectly, unless said loan or discount shall have been allowed or directed by the board of directors of said bank, at a regular meeting of said board; and a majority of the whole number of directors of said bank, shall be necessary to constitute a quorum for the transaction of loan or discount business.

SEC. 2. The said board shall keep regular and full minutes of each meeting of said board, on which shall be entered all loans made at that meeting, and all discounts allowed; and no loan made, or bill or note discounted, shall be recoverable by law, unless said loan, bill or note shall be regularly entered as allowed on the minutes of the meeting at which said loan was made, or such bill or note was discounted: *Provided*, That if any board of directors of any bank, shall deem it expedient to allow the president, between the meetings of the board, to make temporary loans, or allow discounts, in case of exigency, they shall have the power to appropriate a certain sum to be used by him for that purpose: *Provided further*, That at such meeting of the board of directors, the president shall make an accurate report in detail to the board of all such loans made by him, or discounts allowed since the last preceding meeting of the board, showing each loan or discount, to whom lent or allowed, what amount, upon what time and upon what security, which said loans or discounts shall be entered upon the minutes of the board; and no loan made, or bill or note discounted, shall be recoverable by law, unless the same be entered regularly upon the said minutes, at the next succeeding meeting of the board, after such loan made, or discount allowed: *And provided further*, That in no case, shall the president use for temporary loan or discount, a greater amount than that previously appropriated by the board, and no appropriation shall extend beyond the meeting of the board: *And provided further*, That the board of directors shall meet at least once in every two weeks.

SEC. 3. No money or funds of the bank shall be used or expended for any purpose whatsoever, unless the same shall have been previously appropriated at a regular meeting of the board of directors.

SEC. 4. It shall be the duty of the president and cashier of every bank within this Commonwealth, to present to the board of directors of said bank, at every meeting of said board, a true and accurate account in detail, prepared by themselves, or under their supervision, of all expenditures of money of said bank since the last preceding meeting of said board; which said account shall be verified by the oaths or affirmations of said president or cashier, (taken before any alderman or justice of the peace of the city or county where such bank is located,) if required by any three of said directors.

SEC. 5. If any president, cashier, director, or any other officer of any bank within this Commonwealth, shall violate or neglect to comply with the provisions of this act, he or they shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of quarter sessions of this Commonwealth, shall be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment at labor in the proper county jail, for any period not exceeding one year, at the discretion of the court.

SEC. 6. If any president, cashier, director, or other officer, or clerk, or employec of any bank within this Commonwealth, shall fraudulently appropriate to his own use, or the use of any other person or persons, any money or other property belonging to said bank, or left with the same, as a special deposit or otherwise, he or they, upon conviction thereof, shall be fined in any amount not less than the sum so fraudulently appropriated, and sentenced to undergo imprisonment in the proper State penitentiary, to be kept in separate and solitary confinement at hard labor, for any term not exceeding five years; and it is hereby expressly provided, that bank notes, bills of exchange or credit, promissory notes, or coin may be laid in the bill of indictment, charging the offence against which this section is intended to provide under the general designation of money, and the property therein shall be sufficiently laid, if averred to be property of the said bank, whether the same be the absolute property of said bank, or have been left with the same as a special deposit or otherwise.

The first section being before the Senate.

Mr. GAZZAM moved that the bill be referred to the select committee already appointed on the subject of a general banking law.

Mr. BELL thought the whole subject of banking had been referred to a committee of seven, when the bill relative to the establishment of a general banking law was last before the Senate. It was his impression that the reference was designed to embrace all matters pertaining to the question, and in his opinion it was better that this bill should be so referred.

Mr. WRIGHT said that if the Senator from Chester would examine the subject, he would find that the bill referred to the special committee was entirely different from the one under consideration. The first proposed a change in our whole system of banking, while the other refers to existing banks. He thought the provisions of the bill wise and salutary, and he hoped the Senate would consider it and pass it now.

Mr. GAZZAM thought this bill was of sufficient importance to be referred as the other bill was. It was a matter requiring quite as much deliberation and attention, and he hoped the reference would be made.

Mr. WRIGHT remarked that the bill had been called up by the chairman of the Committee on Banks. It had been before that committee, had received their consideration and

sanction, and he could see no reason why it should be taken out of their hands and referred to another committee. The Committee on Banks was as good as one as could be selected, and he saw no propriety in the reference asked for.

Mr. GAZZAM said his reason for wishing a reference was the similarity of the two bills. Both aim at a general reform of the banking law; and he wished to move a reference for the purpose of securing for the subject that attention and deliberation which its importance demands.

Mr. SCHELL was opposed to the reference. It was extremely doubtful whether the general banking law would pass at the present session; but there were banks already in operation to which the provisions of this bill are intended to apply.

Mr. FINNEY said his opposition to the bill was its incompatibility with a general free banking law. He was in favor of its reference as proposed, and briefly advocated the propriety of it.

Mr. SCOFIELD remarked that the effect of referring the bill was to destroy it. If Senators had heard the bill sufficiently discussed, and wished to destroy it, their plan was to vote to refer it. He was not well enough acquainted with its provisions to say how he would vote upon it, but the first section meets with his approbation. There could not be, so far as he saw, any possible objection urged against it, and he was in favor of meeting the whole question now.

Mr. MARSELIS advocated the importance of meeting the question at once. There was no reason why it should be evaded; and the motion to refer was an unfair means resorted to for the purpose of killing the bill.

Mr. GAZZAM said he had no desire to kill the bill of the Senator from Philadelphia, by indirection or otherwise. He had moved its reference simply because he thought its importance demanded it. He would, however, withdraw his motion, as the Senator seemed to consider it an unfair thrust at the bill.

The first section was agreed to.

The question being upon the second section,

Mr. SHAEFFER moved to amend by inserting the words "or cashier" after the word "president" wherever it occurs.

The amendment was agreed to.

Mr. WELSH moved farther to amend by striking out all from the word "allowed," in the third line, to the word "discounted," in the sixth line inclusive.

Mr. BELL moved to amend the amendment by striking out all from the word "board" in the 15th line, to the word "allowed," in the eighteenth; which was accepted by Mr. WELSH.

Mr. GAZZAM briefly opposed the second section. The more the question was discussed, the more he was convinced that it requires a full and careful examination of each section, and the reference which he had proposed should be made.

Mr. PALMER also opposed the section. He thought the Senator from Philadelphia, (Mr. MARSELIS,) could not have considered the probable effects of the section, or he would not have offered it as a portion of his bill. No proposition had ever been submitted to the Legislature of Pennsylvania, so much calculated to exercise an injurious effect upon the business and commercial operations of the State. The proposition was so monstrous on its face, that he could not see how the idea of enacting it could be entertained for a moment.

Mr. WELSH thought that the provisions of the fifth section were sufficient to protect the interests of the public. If the section were adopted, its effect would be to cripple every



banking institution in the State of Pennsylvania.

The amendment was agreed to; and the section, as amended, passed.

Sections three and four were adopted.

The fifth section being before the Senate, Mr. BELL moved to amend, by striking out in the sixth line, the words "and to undergo imprisonment at labor," and insert in lieu thereof, the words "and on default of payment, to undergo imprisonment;" and changing the words "one year" into the words "three months."

The amendments were agreed to; and the section, as amended, passed.

On the question,

Will the Senate agree to the sixth section?

Mr. BELL moved to amend the same, by striking out all after the sixth line, and in the same line inserting the word "double" before the word "the;" which was agreed to.

And on the question,

Will the Senate agree to the section?

It was determined in the negative.

The bill lies over, by request.

Mr. SCHINDEL, from the committee of conference to which was referred the differences between the two Houses in relation to the amendments to House bill No. 9, entitled "An Act to incorporate the Ironton railroad and mining company, in Lehigh county," made a report; which was read, considered and adopted.

They recommend that the House recede from its non-concurrence in the amendments made by the Senate to the first section of the bill; and also that the House recede from its non-concurrence in the amendments made by the Senate, by adding two new sections, Nos. ten and eleven, to said bill, and have agreed to recommend to the two Houses by amending the first section of the said bill by striking therefrom the word "and," in the seventh line, and by inserting after the words "Franklin P. Mickley," in the same line the words "Daniel Schadt, William Schadt, Thomas Lawbach, Daniel Steekel, D. J. Franklin Deshler, James Newhard, Paul Balliet and Stephen Balliet," and by inserting after the word "Fogelsville," in the thirteenth line, the words "or with the Lehigh Valley."

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor; which was read, and is as follows:

EXECUTIVE CHAMBER.

Harrisburg, March 1, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following Acts of the General Assembly, viz:

"An Act to incorporate the Mutual fire insurance company of Philadelphia."

"An Act declaring Knapp's Creek, in the county of McKean, a public highway."

"An Act to incorporate the Union cemetery association of the borough of Womelsdorf, Berks county."

"An Act relative to the election of the town council of the borough of West Greenville, Mercer county."

"An Act to incorporate the North West Portage railroad company."

"An Act relating to the fees of aldermen and constables in criminal and penal cases, in the city of Philadelphia, and to issuing process therein."

"An Act authorizing the commissioners of Somerset county to sell property owned and occupied for the use of the poor of said county."

"An Act to incorporate the Green Castle and Middleburg turnpike road company."

"An Act declaring Eliza N. Kramer, an adopted daughter of James Gray, of Sewickley."

"An Act to incorporate the Butler gas company."

"Joint resolution for the pay of Wm. E. Frazer as Canal Commissioner."

"An Act to incorporate the International Union of Art and Literature."

WM. F. PACKER.

On motion of Mr. WRIGHT, the Senate proceeded to the consideration of a joint resolution providing for the payment of the expenses of the committees of the Senate and House of Representatives, appointed to attend the funeral of GEORGE W. WOOD.

Said resolution was twice read, considered and adopted.

On motion of Mr. SCHILL, the Senate insists upon its amendments to "An Act relative to elections in Somerset county," in which the House of Representatives has refused to concur, and a committee of conference ordered to be appointed.

On leave given, Mr. MYER read in his place and presented to the Chair, a bill, entitled "An Act to incorporate the Towanda gas and water company."

Senate bill No. 113, "An Act relating to testamentary trustees," came up in order.

The first and only section being before the Senate,

Mr. RANDALL offered the following proviso:

*Provided*, That nothing herein contained shall be construed to authorize the court to appoint an additional trustee or trustees, except in the cases specified by the existing laws of this Commonwealth.

Pending the discussion of this bill, the hour of adjournment having nearly arrived, the SPEAKER requested Mr. BELL, who had the floor, to give way for the purpose of considering extracts from the Journal of the House, as follows:

*Resolved*, That (the Senate concurring,) House bill No. 118, entitled "An Act to incorporate Grove cemetery of New Brighton, Beaver county," (which bill has passed both Houses,) be amended by striking from the ninth section the words "and that said lands shall be exempt from taxation."

Said extract was twice read and considered; and on motion of Mr. HARRIS, concurred in.

The following extract was read:

That the House of Representatives has concurred in the resolution of the Senate requesting the House of Representatives to return bill, entitled "An Act for the election of an additional constable for the township of Brady's Bend in Armstrong county."

The bill being again before the Senate, Mr. COFFEY moved a re-consideration of the vote on the final passage of the bill, when the hour of one having arrived, the SPEAKER adjourned the Senate till 10 o'clock to-morrow morning.

## HOUSE OF REPRESENTATIVES.

TUESDAY, March 1, 1859.

The SPEAKER called the House to order at 9½ o'clock, A. M.

Prayer was offered by the Rev. C. A. Hay, of the English Lutheran church, Harrisburg, Pa.

The Journal of yesterday was read.

Mr. WAGONSELLER called up House bill No. 237, "An Act to authorize the Auditor General and State Treasurer to examine and report upon the claim of H. Rodearmel, &c.," which was passed and sent to Senate for concurrence.

On motion of Mr. M'CLURE, the act authorizing certified copies of records of insurance companies to be admitted as evidence, was re-committed to the Committee on Judiciary.

Mr. WILSON obtained the unanimous consent of the House to make certain amendments to the act incorporating Grove cemetery of New Brighton, Beaver county.

On motion of Mr. WALKER, the House agreed to re-consider the vote by which the House agreed to Senate amendments to the act relative to elections in Somerset county.

The question recurring,

Will the House concur in the Senate amendments?

It was determined in the negative.

On motion of Mr. WILLIAMS, (Bucks,) the Committee on Claims was discharged from the further consideration of the act, relative to the estate of James Rodgers, dec'd; and the same was referred to the Committee on the Judiciary System.

On motion of Mr. BRYSON, the House proceeded to the consideration of the act for the relief of Wm. Porter.

Mr. HAMERSLY wished to institute some inquiries as to the bill.

Mr. BRYSON said that the damages had never been paid; that the claim was a just one, and that the claimant was an old man, and justly entitled to the recompense which he asked.

Mr. WILSON said that it was well known that the canal company had refused to settle the claims against them.

The section was agreed to.

The title was read.

On the final passage of the bill,

Mr. NILL wished to know more of its character, and declared his intention to call the yeas and nays.

Mr. WILLIAMS, (Bucks,) said that the bill had been before the Committee on Claims, and that the same allegations had been then made as during this morning. The company had refused to pay claims against them, and this one had been hanging for a long time. The committee had passed in favor of the bill with great unanimity.

Mr. NILL wished to know whether the committee had not reported favorably on all bills which they had considered. He had heard of none having been offered with a negative recommendation.

Mr. WILLIAMS, (Bucks,) replied that he had himself reported a bill with a negative recommendation.

On the final passage of the bill,

The yeas and nays were required by Mr. NILL and Mr. JACKSON, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Church, Dodds, Durhoraw, Eekman, Fearon, Fisher, Foster, Graham, Gratz, Green, Hamersly, Harding, Irish, Keneagy, Laird, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Clure, M'Curdy, M'Dowell, Miller, Neall, Palm, Peirce, Pinkerton, Proudfoot, Pughe, Quigley, Rose, Rouse, Shafer, Smith, (Philadelphia,) Thompson, Thorn, Wagonseller, Walborn, Walker, Witman, Wigton, Wiley, Williams, (Bucks,) Williston, Wilson, Withrow, Zoller and Lawrence, *Speaker*—56.

NAYS—Messrs. Barnsley, Barlow, Bertolet, Brodhead, Chase, Custer, Dismant, Fleming, Glatz, Hill, Hottensine, Jackson, Ketchum, Kinney, Nill, Ramsdell, Sheppard, Smead, Smith, (Berks,) Stephens, Stoneback, Styer, Wileox, Williams, (Bedford,) Wolf, Wood and Woodring.—27.

So the question was determined in the affirmative.

Mr. WALBORN, on leave, from the Committee on Railroads, reported as committed, the following:

"Supplement to the act to incorporate the Western transportation company."

"Supplement to an act to incorporate the Pittsburg and Stenhenville railroad company;" which, on motion of Mr. IRISH, was taken up and passed, and sent to the Senate for concurrence.

Mr. EVANS, from the select committee appointed to attend the funeral of GEO. WOOD, late member of this House, made report that they had performed that duty.

Mr. GREEN, on leave, offered a joint resolu-



tion that the State Treasurer be authorized to pay to the chairman of the joint committee, \$437.75, to defray the expenses incurred in draping the House in black; and the expenses incurred by the joint committee in attending the funeral of the late GEO. WOOD; which was adopted.

Mr. ROHRER moved that the House concur in the request made by the Senate, to return to that body the act providing for the election of an additional high constable in Brady's Bend, Armstrong county; which was agreed to.

Mr. NEALL moved that the consideration of Senate bill No. 150, "A further supplement to the act to consolidate the city of Philadelphia," be made the special order for next Thursday, immediately after the presentation of petitions, &c.; which was agreed to.

On motion of Mr. WILSON, the House resolved itself into committee of the whole, (Mr. THOMPSON in the chair,) on House bill No. 362, "An Act relating to the granting of licenses to hotel, inn or tavern keepers."

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for the several courts of quarter sessions of this Commonwealth, to hear petitions, in addition to that of the applicant in favor of, and remonstrances against the application of any person applying to either of them for a license to keep a hotel, inn or tavern; and, thereupon, to grant or refuse the same; and so much of the sixth section of the act of Assembly relating to the sale of intoxicating liquors, passed the twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight, as is inconsistent herewith, is hereby repealed: Provided, That nothing in this act shall apply to the city of Philadelphia.*

Which passed committee of the whole.

The bill being before the House on second reading,

Mr. SMITH, (Berks,) wished to enquire whether the act of 1858 did not amply provide for the granting of licenses.

Mr. WILSON said that this act was in the form of an explanatory law.

Mr. GOEPP said that the bill had been called up very unexpectedly, and might contain more in its provisions than appeared at first sight. In order that he might have an opportunity to examine it thoroughly, he would move to postpone for the present.

The motion was not agreed to.

Mr. SMITH, (Berks,) saw no great objection to the bill, as proposed, except that it was altogether a work of supererogation to pass it. The act of 1858 (which he then read) proved that courts had discretionary power in regard to giving licenses.

Mr. WILSON said that courts had no discretion, as had been evinced by decisions of Judges Pearson, Agnew and others. The bill before the House was one of the most important of the session. It could not be controverted that under the construction put upon the act of 1858, by the courts, many improper persons were allowed to sell liquor, and the community had suffered in proportion.

Mr. KINNEY did not understand the question at issue to involve the whole question of temperance or intemperance. Judges had said that they had no power to withhold licenses where the provisions of law had been complied with by the applicants, and it had, evidently, been the intention of the act of 1858 to restrict them to this extent. He should vote for the present act because it enlarged the authority of judges.

Mr. MILLER said that the intention of the act of 1858, had been to allow evidence to be heard, which would give the courts discretionary power in granting licenses; yet in the face

of this, many of the courts had decided that they were limited to the inquiry whether the applicant was a citizen of the United States, and whether his application was supported by twelve responsible citizens. The present bill would be of utility in explaining, and he hoped that it would pass.

Mr. GOEPP regretted that the friends of the bill pressed it at this juncture, even supposing it to be perfectly harmless. The intention of the act of 1858 was apparent, but some of the courts had taken the ground that the act of 1834, giving them the right to determine whether the tavern was necessary, was not repealed. Others had assumed that it was only discretionary for them to inquire as to the personal qualifications of the applicant. The whole matter had been thoroughly debated last session, when the act passed, which had since received two such contradictory constructions.

But it did seem that too great discretionary power, as was proposed by the new act, should not be given to the courts. In cases where they had assumed it, under the act of 1858, the results might be left as they were, but it certainly was improper to extend their powers by express action of the Legislature. Portions of the new act were entirely unnecessary. The whole if it bestowed too great discretionary power on judges, and in fact rendered it possible for those who favored the temperance cause to refuse to issue licenses in their district. The act of 1858 had been designed to prevent the exhibition of any such arbitrary power, and to obtain justice for all. To pass the bill would be to effect a radical change, and where did the necessity exist for this change? Neither petition or remonstrance had been presented, and the act of 1858 seemed to have given general satisfaction. He trusted the bill would be voted down.

Mr. THORN wished to know whether the gentleman from Northampton had said that the bill of 1858 had been differently construed in different counties.

Mr. GOEPP replied that such was the fact.

Mr. THORN said that this certainly afforded an argument in favor of the bill inasmuch as it evinced the necessity for some uniform law on the subject. If, as was alleged, neither petition or remonstrance had been presented, the fact of the diversity of opinion among the judges should not be overlooked.

Mr. GOOD moved to amend, so as to embrace Philadelphia in the provisions of the bill.

Mr. THORN hoped that the gentleman was not serious.

Mr. GOOD said that as the gentleman favored the bill, Philadelphia ought certainly to reap a share of the benefit.

Mr. THORN said that the courts in Philadelphia had nothing to do with licenses.

Mr. FOSTER wished to know how many constructions the supreme court had put on the bill of 1858.

Mr. GOEPP did not doubt but that the act of 1858 might need some explanatory supplement; but the one proposed, explained it wrongly. The original intention of the bill had been to throw open to all who complied with the requirements of the law, the privilege of selling liquor.

Mr. GOOD withdrew his amendment.

Mr. GOEPP moved to amend by striking out all after the word "tavern," in the seventh line, and insert a proviso, as follows:

*And provided further, That the discretion of the said courts, in the granting of said licenses, shall not extend to the question of the necessity for such hotel, inn or tavern, but shall be confined to the inquiry whether the applicant possesses the personal qualifications and has the accommodations required by law.*

Mr. WILSON said that the act only sought to give judges the right to determine the proper

qualifications of the venders of liquor. As the matter stood now, the courts, although nominally gifted with power, really possessed none. The application, under the present system, for a license, might as well be filed at once in the Clerk's office, as given to the court.

Mr. RAMSDELL assumed the broad ground that no one had a right to sell liquor, in opposition to the theory broached by the gentleman from Northampton, (Mr. GOEPP,) that every body had a right. He said that the act proposed would be of utility.

Mr. KINNEY said that the amendment would not remedy the matter. The act of 1858 obliged the court to grant licenses, and the consequence was that many improper men obtained the privilege. He would vote to bestow discretionary power upon the courts.

Mr. GOEPP explained his amendment, which was intended to explain the act of 1858. He argued that for this purpose, it was amply sufficient.

Mr. SMITH, (Berks,) moved an amendment to the amendment to include Pittsburg and Philadelphia.

Mr. HAMERSLY moved to postpone the matter for the present; which was agreed to.

Mr. BARLOW, on leave, read in his place, and presented to the chair "A further supplement to the act to incorporate the Tyrone and Lock Haven railroad company;" and on his motion, the rules in this case being dispensed with, said bill was taken up and passed.

Mr. M'DOWELL moved that the act to extend the provisions of a certain act to orphans' courts, and ordered to be placed on the calendar for to-day, be committed to the Committee on Railroads.

Mr. FOSTER opposed the motion. If the gentleman had objections he had redress by objecting it off the calendar. The bill was fair and equitable, and ought to pass.

Mr. IRISH had seen nothing of the bill, and was not prepared to act to-day. He desired to see it go to its proper committee.

The motion to commit the bill was then put and carried.

Agreeably to order, the House resumed the second reading and consideration of bills on the private calendar of last week.

"An Act to vest the Girard school house, in the city of Philadelphia," came up in order, and was again read.

The question recurring, on the amendment of Mr. SMITH, (Philadelphia,)—"Provided said school house shall always be used for school purposes."

Mr. SMITH, (Philadelphia,) defended the amendment.

Mr. CHURCH said that it seemed to be unnecessary. The intention of the original bill was to put the building under the control of the directors of common schools, for school purposes.

Mr. SMITH, (Philadelphia,) said that the school house was wanted in the section.

Mr. ABBOTT thought that local legislation might accomplish all that was necessary in this case.

Mr. SMITH, (Philadelphia,) reiterated the assertion that the school house was needed by the people of the district.

Mr. HARDING thought that the city councils of Philadelphia could dispose of a matter which, like this, involved only a few thousand dollars.

On the amendment,

The yeas and nays were required by Mr. SMITH, (Philadelphia,) and Mr. KINNEY, and were as follow, viz:

YEAS—Messrs. Acker, Balliet, Barnsley, Bayard, Boyer, (Clearfield,) Burley, Custer, Disman, Evans, Fleming, Foster, Galley, Glatz, Good, Gritman, Hill, Hottentine, Jackson, Keeney, Ketchum, Kinney, Nill, Oaks, Proudfoot,



Quigley, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Walker, Warden, Witman, Wilcox, Williams, (Bucks,) Williston, Wilson, Wolf, Woodring and Lawrence, *Speaker*—40.

**YAYS**—Messrs. Abbott, Bertolet, Boyer, (Schuylkill,) Bryson, Chaso, Church, Durboraw, Eckman, Fearon, Fisher, Graham, Gratz, Green, Hamersly, Hardiug, Lawrence, (Washington,) Manu, Matthews, M'Clure, M'Curdy, Miller, Neall, Palm, Peirce, Ramsdell, Rose, Shafer, Sheppard, Styer, Thorn, Wagonseller, Walborn, Wigton, Wiley, Williams, (Bedford,) and Witherow—36.

So the question was determined in the affirmative.

Mr. SMITH, (Philadelphia,) offered an additional section,

That upon the passage of this act, George Westenberger, the treasurer of the late board of trustees under the will, shall pay over what balance there may be in his hands of the fund bequeathed by the said S. Girard, for the above purpose, to the city treasurer, subject to the warrant of the school controllers, for the use of the first school section of the city of Philadelphia.

Mr. THORN thought the above section unintentionally embarrassed the provisions of this bill.

Mr. SMITH, (Philadelphia,) thought not, and hoped it would pass.

Mr. ABBOTT spoke against the amendment.

Mr. GRITMAN said that the will decreed that it should enure to the benefit of the Passayunk school township, and he was therefore in favor of the amendment offered by the gentleman from Philadelphia, (Mr. SMITH.)

The amendment was then not agreed to.

Mr. GRITMAN moved to amend the amendment by devoting said legacy to educational purposes in the township of Passayunk; which was agreed to.

Section as amended was agreed to.

Bill passed.

The following bills came up in order, and were passed finally:

No. 358. "An Act authorizing the board of school directors of the borough of Uniontown, in Fayette county, to borrow money."

No. 360. "An Act abolishing the separate school district, created out of a portion of the township of Upper Salford, in the county of Montgomery."

"A supplement to an act incorporating the borough of Scranton," came up in order; and on motion of Mr. GRITMAN, postponed for the present.

No. 372. "An Act for the relief of Rachel George, widow of an old soldier."

No. 187. "An Act relative to the Delaware Division canal company of Pennsylvania," and, on motion of Mr. GOEPP, postponed for the present.

No. 221. "An Act for the registration of births, marriages and deaths in the city of Philadelphia." On motion of Mr. HAMERSLY, postponed for the present.

No. 223. "An Act to abolish the board of health of the city and port of Philadelphia, and to provide for the appointment of commissioners of health for said city and port." Laid over under the rule.

"An Act to incorporate the Mifflin County Bank came up in order."

Mr. GRITMAN moved to postpone indefinitely the further consideration of the bill.

Mr. LAWRENCE, (Washington,) opposed the motion, and said that every member understood the bill.

Mr. GRITMAN said that gentleman had requested him not to object the bill off the Private Calendar, and he had consented, with the proviso, that the merits of the bill should be discussed.

He was utterly opposed to the present bank-

ing system. The Executive had said that he would not sign any bank bills. What, then, did the gentleman expect?

A new system was about to be introduced, and why, then, was the House now pestered by private applications.

He would enter his protest against any further charters, on the broad ground that the principle was prejudicial to the State at large.

It was time that things of this kind should be cast out of the halls of legislation, and for the purpose of accomplishing this, he was anxious to use every effort. He had investigated the subject thoroughly.

Mr. LAWRENCE, (Washington,) said that he well knew that it was useless to attempt to convince the gentleman from Luzerne, (Mr. GRITMAN,) that banks were right. He wished to say in reference to the action of the Bank Committee on the subject, that they had fully examined the bill, and considered it one of the most stringent ones ever written. There was no possibility of any loss to the community.

He favored a general banking system, and should vote for it when it came up. In the present case, thirteen thousand persons in the Juniata valley had petitioned for the bank, stating that it was necessary for their convenience. Was it not right under these circumstances to give it to them?

The gentleman from Luzerne might wish to root out all banks, and yet the currency of the State was as good as any.

He said that the vote on the postponement would be a test question.

Mr. WILLISTON rose to protest against any assertion that the action of the House should be restrained by the fact that the Executive would not afterward sanction their proceedings. He said that if there was any branch of legislation requiring attention, it was the banking interests of the State.

He favored the bill, because it assimilated itself to the principle for which he contended, viz: that the officers should be individually liable.

Mr. GRITMAN agreed, in a great measure, with Mr. WILLISTON. He had never voted for a bank bill under the present system. Mr. LAWRENCE, (Washington,) had said that the bill was a safe one, and sufficiently guarded. He joined issue with the gentleman on this. The security of mortgages was of little account, if those mortgages were on water lots or barrens. The Legislature of New York had struck mortgages from their system.

He would also say to the gentleman from Washington, (Mr. LAWRENCE,) that he was not opposed to all banks; but only to the increase of banks under the present system. Upon a safe basis; the interests of the country required a proper currency.

Again, it had been said, that the bill was guarded by personal liability. If this same provision had been in the charters of the Lancaster and other banks, of what service would it have been? Why the officers were found to be men of straw.

He continued to show the insufficiency of the clause of personal liability. Real estate was alleged to afford additional security to bill holders. Policies of insurance were cited in the present charter as security, to be deposited with the Auditor General. This was going too far. There was money enough in the State, without recourse to things like this.

There was not a newspaper in the State but what had expressed itself against any further grant of bank charters, and the press expressed the unanimous sentiment of the people.

Mr. PINKERTON said that he should vote for the bill.

Mr. WILLISTON said that the general banking law was now pending in one branch, if not in both.

Mr. ROHRER said that the people of his

section were in favor, as Democrats, of banks, when it suited them. He should vote for this bank, without considering the measure in any political light.

On the motion to postpone indefinitely, The yeas and nays were required by Mr. GRITMAN and Mr. ROSE, and were as follow, viz:

**YEAS**—Messrs. Balliet, Barnsley, Bertolet, Chase, Church, Custer, Dismant, Dodds, Foster, Good, Gritman, Hill, Jackson, Miller, Quigley, Rose, Sheppard, Smead, Smith, (Berks,) Stephens, Stoneback, Warden and Wiley—23.

**NAYS**—Messrs. Abbott Acker, Barlow, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Campbell, Durboraw, Eckman, Fearon, Galley, Goepf, Graham Gratz, Green, Hamersly, Harding, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Clure, M'Curdy, M'Dowell, Nill, Oaks, Palm, Pennell, Peirce, Pinkerton, Price, Proudfoot, Ramsdell, Rohrer, Rouse, Shafer, Styer, Taylor, Thompson, Thorn, Wagonseller, Walborn, Walker, Witman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wolf, Woodring, Zoller and Lawrence—*Speaker*—58.

So the question was determined in the negative.

Mr. MILLER moved that the further consideration of the bill be postponed for the present. He made the motion because there was at present a general banking bill pending in the co-ordinate branch; and he wished to have the bill postponed until action had been taken on the same in the Senate.

Mr. LAWRENCE, (Washington,) opposed the motion to postpone the bill. It was uncertain whether or not the bill which the gentleman from Crawford, (Mr. MILLER,) alludes to, would pass at this session of the Legislature.

On the motion to postpone for the present, the yeas and nays were required by Mr. QUIGLEY and Mr. MILLER, and were as follow, viz:

**AYES**—Messrs. Balliet, Bryson, Church, Custer, Dismant, Dodds, Fisher, Fleming, Galley, Goepf, Good, Gritman, Hill, Jackson, Mann, Miller, Quigley, Rose, Sheppard, Smead, Smith, (Berks,) Stephens, Stoneback, Warden, Williston, and Wolf—26.

**NAYS**—Messrs. Abbott, Acker, Barlow, Bayard, Boyer, (Schuylkill,) Burley, Campbell, Durboraw, Eckman, Fearon, Foster, Graham, Gratz, Green, Hamersly, Harding, Ketchum, Kinney, Lawrence, (Washington,) Mithews, McClure, M'Curdy, M'Dowell, Neall, Nill, Oaks, Palm, Pennell, Peirce, Pinkerton, Price, Proudfoot, Ramsdell, Rohrer, Shafer, Styer, Taylor, Thompson, Thorn, Wagonseller, Walborn, Walker, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Woodring, Zoller and Lawrence, *Speaker*—52.

So the question was determined in the negative.

#### REPORT OF A COMMITTEE.

Mr. SHEPPARD, from the committee to compare bills made a report that they had compared and presented to the Governor, for his approbation, the following acts of the General Assembly.

"An Act relating to the election of the town council of the borough of West Greenville, Mercer county."

"An Act to incorporate the Mercantile hall company of the city of Pittsburg."

"An Act authorizing the commissioners of the county of Somerset, to sell property, &c."

"An Act to incorporate the Mutual fire insurance company of Philadelphia."

"An Act to incorporate the Union cemetery association of Womelsdorf, Berks county."

"An Act to incorporate the Butler gas company."



"An Act declaring Knapp's creek, in the county of McKean, a public highway."

"An Act relating to the fees of aldermen, &c., in Philadelphia."

"An Act for the relief of Christopher Hollingsworth, collector of military taxes for the county of Lancaster."

"An Act to incorporate the Greencastle and Middleburg turnpike road company."

"An Act declaring Eliza N. Kramer an adopted daughter of James Gray, of Sewickley."

"An Act to incorporate the Northwest Portage railroad company."

Joint resolution relative to the pay of William E. Frazer, as Canal Commissioner.

#### MESSAGE FROM THE GOVERNOR.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, in writing, which was read, as follows:

EXECUTIVE CHAMBER,  
Harrisburg, March 1, 1859, }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

Gentlemen—I have approved and signed the following acts of the General Assembly, viz:

"An Act to incorporate the Mutual fire insurance company of Philadelphia."

"An Act declaring Knapp's creek, in M'Kean county, a public highway."

"An Act to incorporate the Union cemetery association of Womelsdorf, Berks county."

"An Act relative to the election of the town council of the borough of Greenville, Mercer county."

"An Act to incorporate the Northwest Portage railroad company."

"An Act relating to the fees of aldermen and constables in criminal and special cases, in the city of Philadelphia, and to issuing process therein."

"An Act authorizing the commissioners of the county of Somerset, to sell property owned and occupied for the use of the poor of said county."

"An Act to incorporate the Geencastle and Middleburg turnpike road company."

"An Act declaring Eliza N. Kramer an adopted daughter of James Gray, of Sewickley."

"An Act to incorporate the Butler gas company."

Joint resolution for the pay of William E. Frazer, as Canal Commissioner."

"An Act to incorporate the International Union of art and literature."

Adjourned until this afternoon at 3 o'clock.

#### AFTERNOON SESSION.

The House met at 3 o'clock.

Messrs. HOTTENSTINE and BAYARD moved that the vote by which the joint resolution relative to the pay of D. R. M'CLAIN, was passed, be reconsidered; which was agreed to.

The question recurring,

Shall the same pass?

On motion of Mr. FLEMING, the further consideration of the same was postponed for the present.

"An Act to incorporate the Mifflin County Bank," came up in order on second reading.

On the question,

Will the House agree to the bill?

The yeas and nays were required by Mr. GRITMAN and Mr. FOSTER, and were as follows, viz:

YEAS—Messrs. Abbott, Barlow, Bayard, Burley, Campbell, Durboraw, Eckman, Fearon, Graham, Gratz, Green, Hamersly, Harding, Irish, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mahaffey, Matthews, M'Clure, M'Curdy, Palm, Pennell, Pierce, Pinkerton, Price, Proudfoot, Ramsdell, Rohrer, Shafer, Taylor, Wagenseller, Walborn, Walker, Witman,

Wigton, Williams, (Bucks,) Wilson, Withrow and Lawrence, *Speaker*—41.

NAYS—Messrs. Balliet, Barnsley, Bertolet, Boyer, (Clearfield,) Chase, Church, Custer, Dismant, Dodds, Fisher, Fleming, Foster, Good, Gritman, Jackson, Mann, Neall, Oaks, Quigley, Rose, Sheppard, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Styer, Warden, Wiley and Wolf—30.

So the question was determined in the affirmative.

Said bill was then passed finally, and sent to the Senate for concurrence.

"A supplement to the act to incorporate the Big Mountain improvement company," came up in order on second reading.

Mr. HOTTENSTINE moved that the further consideration of the same be postponed indefinitely; which was not agreed to.

Mr. HOTTENSTINE moved to modify, by postponing the same for the present.

Mr. WALBORN said the privileges granted by the bill were fair, and urged the immediate passage of the bill.

Mr. BOYER, (Clearfield,) favored postponement.

Mr. WALBORN hoped that an opportunity would be afforded the capitalists to recover part of the money which they had invested in the coal regions.

Mr. PINKERTON thought the bill was what was called a "fly trap." Were any of the corporators from Northumberland county, or were they all of Philadelphia?

Mr. WALBORN said that none of the lands of the county were in Schuylkill. The men at the head of the company were gentlemen, and not men of straw.

Mr. HOTTENSTINE read from a pamphlet to prove that some of the officers of the broken Lancaster savings institution were officers of the coal company.

Mr. HAMERSLY admitted this, but could not see what this had to do with the matter. It was true that one evil designing man had owned some of the stock in the coal company.

Mr. THORN said that the corporators were many of them of Philadelphia, and men of character and integrity.

Mr. PINKERTON reiterated that he thought the bill was a "fly-trap," got up for the purpose of selling some lands, perhaps, to some coal company. It was no more than just that the bill should be postponed for the present.

Mr. THORN said the corporators had already spent some half million of dollars on their property, and it was unjust to charge them with illegal intentions.

On the motion to postpone,

The yeas and nays were required by Mr. PINKERTON and Mr. HOTTENSTINE, and were as follows, viz:

YEAS—Messrs. Barnsley, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Custer, Dismant, Dodds, Evans, Fleming, Galley, Glatz, Goepf, Good, Hill, Hottenstine, Irish, Jackson, Ketchum, Kinney, M'Curdy, Nill, Oaks, Palm, Peirce, Pinkerton, Proudfoot, Rose, Smith, (Philadelphia,) Stephens, Stoneback, Wagenseller, Walker, Warden, Wilcox, Wolf and Lawrence, *Speaker*—36.

NAYS—Messrs. Abbott, Acker, Balliet, Barlow, Bayard, Bryson, Burley, Campbell, Chase, Church, Durboraw, Eckman, Fearon, Fisher, Foster, Graham, Gratz, Green, Hamersly, Harding, Keneagy, Mann, Matthews, M'Clure, Miller, Neall, Pennell, Price, Pugh, Quigley, Ramsdell, Shafer, Sheppard, Smith, (Berks,) Styer, Thompson, Thorn, Walhorn, Witman, Wigton, Wiley, Williams, (Bucks,) Williston, Wilson, Withrow and Zoller—46.

So the question was determined in the negative.

The bill was then passed finally and ordered to be sent to the Senate for concurrence.

"An Act to incorporate the Philadelphia theatre company," came up in order on second reading.

Mr. FISHER moved to amend the same by striking from the list of corporators the names of Chambers M'Kibbin and E. P. Middleton, and inserting in lieu thereof, the names of James McManus and E. W. Carr; which was agreed to; and the bill passed, and ordered that the same be sent to the Senate for concurrence.

#### PRIVATE CALENDER.

Agreeably to order, the House proceeded to the consideration of bills on Private Calendar, when the following were read the first time, and no objection being made, were laid over, and prepared for second reading:

No. 374. "An Act to incorporate the Lewisburg, Selinsgrove and Philadelphia railroad company."

No. 379. "An Act relative to taxing dogs in West Nottingham township, Chester county."

No. 381. "An Act for the relief of George D. Boyer, former treasurer of Schuylkill county."

No. 382. "An Act to adjust the account of F. Knox Morton, late treasurer of the city and county of Philadelphia."

No. 383. "An Act to provide for the collection of additional taxes in the township of Bingham, in the county of Potter."

No. 386. "An Act to liquidate the amount due on a certain judgment and to enforce the collection of the same."

No. 387. "An Act relative to foreign insurance companies in the county of Erie."

No. 390. "An Act annexing the borough of Leesburg, in Mercer county, to the township of Springfield, in said county, for school purposes."

No. 392. "An Act to divide the township of Wilkesbarre, in Luzerne county, into two wards."

No. 397. "An Act to incorporate the Media Bank."

No. 398. "A supplement to an act to incorporate the Mount Joy savings institution, approved 13th day of May, 1856."

"Supplement to an act to incorporate the Milton Savings Bank."

No. 400. "An Act incorporating the Bald Eagle boom company, in Clinton county."

No. 403. "A supplement to an act incorporating the Sancona iron company."

No. 404. "A further supplement to an act to incorporate the Philadelphia and Reading railroad."

No. 406. "A supplement to an act incorporating the Philadelphia and Reading railroad company."

No. 411. "An Act changing the name of Prescott Packard Peck."

No. 412. "An Act relating to the records of Union county."

No. 415. "An Act authorizing the school directors of the borough of Anburn, in the county of Schuylkill, to borrow money."

No. 430. "An Act repealing an act relative to licenses on vehicles in the cities of Pittsburg and Allegheny, and the boroughs thereto adjoining."

No. 432. "An Act to authorize A. H. McHenry, guardian of minor children of the late Thomas Babb, to invest certain moneys belonging to such minor children in real estate."

No. 436. "An Act to provide for the recording of a plot in the town of Ridgway, Elk county."

Sen. 222. "An Act relative to the township of Croyle, in the county of Cambria."

Sen. 220. "A supplement to an act authorizing the appointment of an auctioneer in the borough and township of Wilkesbarre, Luzerne county, approved the 5th day of March, 1858."

No. 446. "A further supplement to the act consolidating the city of Philadelphia."

No. 128. "An Act to authorize the citizens of



Butler township, Schuylkill county, hereafter to elect but one supervisor."

No. 198. "An Act relating to trustees of Farmers' high school of Pennsylvania."

"An Act to abolish the office of sealer of weights and measures in Clearfield county," came up in order.

Mr. ECKMAN moved to embrace the county of Lebanon within the provisions of the act; which was agreed to.

Messrs. DURBORAW, WITMAN, WILLIAMS, (of Bucks,) PENNELL, MCCLURE, KETCHUM, KENEAGY and McCURDY severally moved to amend by making it applicable to the counties of Adams, Dauphin, Bucks, Delaware, Franklin, Luzerne, Lancaster and Perry; which was agreed to; and no objection being made, the bill was prepared for second reading.

No. 450. "A further supplement to an act in addition to an act relative to the borough of Scranton."

No. 451. "An Act to authorize the election of two additional supervisors in Washington and Richhill townships, Greene county."

No. 452. "An Act conferring upon Sarah Ann, Melissa, Warren B., Nancy, Ellen and Nicholas D. Evans, minor children of David C. Evans, deceased, and Catharine Evans, all the rights of children born in lawful wedlock."

No. 518. "An Act to divide the township of Quincy, in the county of Franklin, into three districts, for the election of supervisors."

No. 519. "An Act erecting a certain part of Middlesex township, in Butler county, into an independent school district."

No. 521. "An Act to incorporate the Boatman's life, stock and fire insurance, annuity and trust company."

No. 523. "An Act supplementary to an act relating to roads, highways and bridges, in the counties of Warren, Venango and McKean, approved 9th of April, 1844."

No. 524. "An Act to make George William Eshleman, an heir of J. Middleton Whitehill and his wife, Elizabeth S. Whitehill, and to confer on him the name of George William Whitehill."

No. 525. "An Act to incorporate the Boatman's insurance company."

Messrs. WOLF and GLATZ moved that the House re-consider the vote by which the House passed Senate bill, No. 158, "An Act to incorporate the Mt. Olivet cemetery association of York county;" which was agreed to.

Mr. WOLF moved to amend the same, by striking out in the third section, the words "or to taxation," which was agreed to.

#### BILLS OBJECTED TO.

By Mr. STYER, "An Act to incorporate the Towanda water company."

By Mr. SMITH, (Berks,) "A supplement to the act to incorporate the Mutual fire insurance company of Sinking Springs, Berks county."

By Mr. HAMSERLY, "An Act to incorporate the Fall Brook railroad and coal company."

By Mr. STEPHENS, "A supplement to an act to incorporate the Fairmount and Arch Street city passenger railway company."

By Mr. PINKERTON, "A further supplement to the act incorporating the Allentown railroad company;" passed April 19, 1853.

The hour of five having arrived, the SPEAKER adjourned the House until 9½ o'clock to-morrow morning.

#### No. 432—FILE OF THE HOUSE.

IRISH, Judiciary—Feb. 25, 1859.

AN ACT for the better security of personal liberty, to prohibit the use of the jails and prisons of this Commonwealth in the re-capture of fugitive slaves, and to prevent persons holding office under the authority of the State, from engaging or assisting therein.

SECTION 1. *Be it enacted by the Senate and*

*House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the meaning of the first, second and thirteenth sections of an act, entitled "An Act for the better security of personal liberty, and preventing wrongful imprisonments," approved the eighteenth day of February, one thousand seven hundred and eighty-five, and the fifth section of an act, entitled "An Act to prevent kidnapping, preserve the public peace, prohibit the exercise of certain powers heretofore exercised by judges, justices of the peace, aldermen and jailors in this Commonwealth, and to repeal certain slave laws," approved the third day of March, one thousand eight hundred and forty-seven, is hereby declared to be that any person imprisoned or restrained of his liberty is entitled as of right and of course to the writ of habeas corpus, except in the cases mentioned in the first, fifth and sixth sections of the said act, approved the eighteenth day of February, one thousand seven hundred and eighty-five, and persons convicted or in execution upon civil or criminal process.

SEC. 2. That the provisions of the third section of the said act, entitled "An Act to prevent kidnapping, et cetera," approved the third day of March, one thousand eight hundred and forty-seven, shall apply to the act of Congress, approved the eighteenth day of September, one thousand eight hundred and fifty, entitled "An Act to amend and supplementary to the act, entitled 'An Act respecting fugitives from justice, and persons escaping from the service of their masters'."

SEC. 3. It shall be the duty of the courts having jurisdiction in cases of writs of habeas corpus under existing laws, or any judge thereof, except associate judges of the courts of common pleas, on application of any party to a proceeding, in any writ of habeas corpus, whether the court may be in session or not, and in term, time or vacation, to order a trial by jury, as to any facts stated in the return of the officer, or as to any facts alleged, if it shall appear by the return of the officer or otherwise, that the person whose restraint or imprisonment is in question is claimed to be held to service or labor in another State, and to have escaped from such service or labor, and may admit such person to bail in any sum, not exceeding one thousand dollars; in such case issue may be joined by a general denial of the facts alleged, the plea may be not guilty, and the jury shall have the right to return a general verdict, and the same discretion as juries have in the trial of criminal causes; and the finding of a verdict of not guilty shall be final and conclusive.

SEC. 4. That the court or judge before whom the writ of habeas corpus is made returnable, shall, unless a jury is already in attendance, award a venire, commanding the sheriff of the county to summon a jury in the manner provided in case of a challenge made and sustained to the array of jurors by the one hundred and forty-sixth and one hundred and forty-seventh sections of an act, entitled "An Act relative to the organization of the courts of justice," approved the fourteenth day of April, one thousand eight hundred and thirty-four; in case one jury shall disagree the issue may be submitted to another jury, or continued to the next term, at the discretion of the court; and in every case of disagreement another jury may be summoned and qualified as above provided forthwith, or at a future day in the discretion of the court or judge before whom the writ is returned, until a verdict shall finally be rendered upon the issue; and if by reason of challenges or otherwise, there shall not be a full jury of persons summoned present, the deficiency shall be supplied in the manner provided by the one hundred and forty-fourth section of the aforesaid act, approved the fourteenth day of April, one thousand eight hundred and thirty-four.

SEC. 5. That if any claimant shall appear to demand the custody or possession of the person for whose benefit said writ is issued out, such claimant shall state in writing the facts on which he relies with precision and certainty; and neither the claimant of the alleged fugitive, nor any person interested in his alleged obligation to service or labor, nor the alleged fugitive, shall be permitted to testify at the trial of the issue; and no confessions, admissions or declarations of the alleged fugitive against himself shall be given in evidence; upon every question of fact, involved in the issue, the burden of proof shall be on the claimant; and the facts alleged and necessary to be established, must be proved by the testimony of at least two credible witnesses or legal evidence equivalent thereto, and by the rules of evidence known and secured by the common law; and no ex parte deposition or affidavit shall be received in proof in behalf of the claimant; and no presumption shall arise in favor of the claimant, from any proof that the alleged fugitive or any of his ancestors had been actually held as a slave, without proof that such holding was legal.

SEC. 6. That no sheriff, deputy sheriff, coroner, constable, jailer or other person holding office under authority of this Commonwealth; or the police of any city, town or borough; or any district, county, city, town or borough officer; or any officer or other member of the volunteer militia of this Commonwealth, shall hereafter arrest, imprison, detain or return, or aid in arresting, imprisoning, detaining or returning, any person for the reason that he is claimed or adjudged to be a fugitive from service or labor.

SEC. 7. That no jail, prison or other place of confinement, belonging to or used by either the Commonwealth of Pennsylvania or any county, city or borough therein, shall be used for the detention or imprisonment of any person for the reason that he is claimed or adjudged to be a fugitive from service or labor; or any person accused or convicted of any offence created by either of the said acts of Congress, mentioned in the second section of this act; or accused or convicted of obstructing or resisting any process, warrant or order, issued under either of said acts; or of rescuing or attempting to rescue any person arrested or detained under any of the provisions of either of said acts; nor for the imprisonment of any person arrested on mesne process or on execution, in any suit for damages or penalties accruing or being claimed to accrue in consequence of any aid rendered to any escaping fugitive from service or labor.

SEC. 8. That any sheriff, deputy sheriff, coroner, constable, jailer or other officer or person mentioned in the sixth section of this act, who shall violate or offend against the provisions of this law, shall, on conviction thereof, be punished by fine not less than five hundred nor more than one thousand dollars for the use of the county wherein the issue is tried; and undergo imprisonment in the county jail for any period not less than three nor more than twelve months, at the discretion of the court.

SEC. 9. That all the provisions of law, as to writ of habeas corpus, heretofore existing and in force, so far as applicable, and so far as not hereby changed, shall apply to the cases arising under this act.

SEC. 10. That nothing in this act shall be construed to apply to so much of the said act, of the twelfth of February, one thousand seven hundred and ninety-three, as relates to fugitives from justice.

SEC. 11. That this act shall take effect from and after its passage; and all acts or parts of acts, inconsistent with the provisions of this act, are hereby repealed.



# LEGISLATIVE RECORD.

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FOR THE SESSION OF 1859.

No. 44.

## SENATE.

WEDNESDAY, March 2, 1859.

A quorum of Senators being present, the SPEAKER called the Senate to order at the usual hour.

Prayer was offered by Rev. James Colder, of the Fourth Street Bethel, Harrisburg.

The Journal was read and approved.

The SPEAKER presented the Eleventh annual report of the board of directors of Girard college.

## REPORTS OF COMMITTEES.

Mr. TURNEY, (Finance,) reported as committed, "An Act relative to the collectors of State and county taxes in Bucks county."

Also, (same,) with a negative recommendation, "An Act to pay the claim of Thomas Duncan, executor of Rebecca H. Duncan and James McCoy."

Mr. WELSH, (same,) with a negative recommendation, "An Act relative to certain heirs of Conrad Weiser."

Mr. GREGG, (same,) with amendment, "An Act relative to the collection of taxes in Tioga county."

Mr. FINNEY, (Judiciary,) as committed, "An Act regulating the weighing of coal in Allegheny county."

Also, (same,) with amendment, "A supplement to an act apportioning the city of Philadelphia into single Senatorial and Representative districts."

Also, (same,) as committed, "An Act incorporating the Penn industrial reform school."

Also, (same,) with amendment, "A supplement to an act exempting property to the amount of \$300 from levy and sale."

Also, (same,) as committed, "An Act dividing the borough of Pittston into two wards."

Also, (same,) with a negative recommendation, "An Act authorizing the school directors of Tyrone township, Perry county, to sell certain property."

Also, (same,) with a negative recommendation, "An Act relative to public officers and their sureties."

Also, (same,) as committed, "An Act relative to sheriffs' fees in Crawford county."

Mr. BREWER, (same,) with a negative recommendation, "A supplement to an act establishing a land office."

Also, (same,) with a negative recommendation, "A supplement to an act abolishing the office of Canal Commissioner and State Engineer."

Also, (same,) as committed, "An Act to annex the lands of Eli Lichtenberger, in Elizabeth township, to Penn township, in Lancaster county."

Also, (same,) with a negative recommendation, House bill No. 349, "A supplement to an act relative to the liens of mechanics and others, upon buildings."

Also, (same,) as committed, House bill No. 344, "An Act to provide for the appointment of an additional notary public in Pittston."

Mr. BELL, (same,) with a negative recommendation, "An Act to repeal the last proviso of the forty-first section of an act to reduce the State debt, &c."

Also, (same,) as committed, "An Act regulating the practice and fees of sheriffs in cases of attachment."

Also, (same,) as committed, "An Act supplemental to an act approved February 16, 1859,

entitled 'A supplement to an act passed April 3, 1851, entitled 'An Act regulating boroughs''

Also, (same,) as committed, "An Act to repeal the second section of an act providing for roads and poor in Pitt township, Allegheny county."

Also, (same,) as committed, "An Act authorizing the citizens of Hamilton township, Monroe county, to elect two additional supervisors."

Mr. SCOFIELD, (same,) as committed, "An Act relative to the publication of certain opinions of the supreme court."

Also, (same,) with a negative recommendation, "An Act for the better regulation of the borough of Harrisburg."

Also, (same,) with a negative recommendation, House bill No. 36, "An Act relating to costs in certain cases."

Also, (same,) with amendment, House bill No. 226, "An Act to provide for the election of an additional law judge in the county of Allegheny."

Also, (same,) as committed, House bill No. 346, "An Act to provide for the appointment of three additional notaries in Chester county."

Also, (same,) as committed, House bill No. 293, "An Act to increase the pay of the supervisor of Tremont township, Schuylkill county."

Mr. WRIGHT, (Corporations,) as committed, "A supplement to an act incorporating the Commercial insurance company of Pennsylvania."

Also, (same,) with amendment, "An Act incorporating the Ario iron company."

Also, (same,) as committed, "An Act incorporating the Towanda gas and water company."

Also, (same,) as committed, House bill No. 325, "An Act to incorporate the Fairmount and Manayunk steamboat company."

Also, (same,) as committed, "An Act to incorporate the Suffolk park association."

Also, (same,) as committed, House bill No. 331, "An Act to incorporate the Farmers' market company."

Mr. STEELE, (same,) as committed, "A supplement to an act incorporating the Plymouth canal company."

Also, (same,) as committed, "An Act to incorporate the Towanda and Athens telegraph company."

Also, (same,) as committed, "An Act incorporating the Sunbury gas company."

Also, (same,) as committed, House bill No. 330, "An Act incorporating the Union cemetery association in the borough of Lebanon and vicinity."

Mr. SCHELL, (same,) as committed, "A supplement to an act incorporating the borough of Newport, Perry county."

Also, (same,) as committed, "An Act to incorporate a steamboat company."

Also, (same,) as committed, House bill No. 122, "An Act to incorporate the village of Corsica, Jefferson county, into a borough."

Also, (same,) as committed, House bill No. 320, "An Act authorizing the town council and burgesses of Kittanning to grade certain streets."

Mr. SHAEFFER, (same,) as committed, "An Act to incorporate the Hanover gas light company."

Also, (same,) as committed, House bill, No. 340, "An Act to incorporate the Presque Isle dock company."

Also, (same,) as committed, House bill, No. 335, "A further supplement to the act incorpo-

rating the Marshall savings institution of Philadelphia."

Also, (same,) as committed, House bill, No. 332, "An Act to repeal an act in relation to the division of the borough of Uniontown, in Fayette county."

Mr. GAZZAM, (same,) as committed, "An Act incorporating the Boatmen's insurance company of Pittsburg."

Also, (same,) as committed, House bill, No. 327, "An Act to change the name of Denuska gas company, in Allentown, Lehigh county."

Also, (same,) with amendment, "An Act to incorporate the Western coal and iron company."

Also, (same,) as committed, "An Act extending the limits of the borough of Wrightsville, York county."

Mr. COFFEY, (Railroads,) as committed, House bill, No. 271, "An Act authorizing a change of the name, style and title of the Allegheny and Bald Eagle railroad, coal and iron company, in Centre county."

Also, (same,) as committed, House bill, No. 275, "An Act to incorporate the Newry railroad company."

Also, (Finance,) as committed, "An Act exempting certain real estate, in Allegheny county, from the payment of collateral inheritance tax."

Mr. RANDALL, (same,) with a negative recommendation, House bill, No. 278, "A supplement to an act to repeal certain acts of Assembly upon non-payment of the enrolment tax."

Also, (Railroads,) as committed, "An Act incorporating the Huntingdon Valley railroad company."

Also, (same,) as committed, House bill No. 276, "An Act to authorize the Schuylkill Valley railroad company to connect their road with the Little Schuylkill railroad."

Also, (same,) as committed, House bill No. 553, "A supplement to an act incorporating the Venango railroad company."

Mr. FINNEY, (same,) with amendment, House bill No. 273, "An Act to revive the charter of the Lancaster, Lebanon and Pine Grove railroad company."

Also, (same,) as committed, "A supplement to an act relative to the Philadelphia and Trenton railroad company."

Mr. STEELE, (same,) as committed, "A further supplement to an act incorporating the West Chester and Philadelphia railroad company."

Also, (same,) with amendment, "A supplement to an act incorporating the Bradford railroad company."

Mr. CRAIG, (same,) as committed, House bill No. 270, "An Act to incorporate the Council Ridge and White Haven railroad company."

Also, (same,) with a negative recommendation, "A further supplement to the act incorporating the Philadelphia and Trenton railroad company."

Mr. SCHINDEL, (Education,) as committed, "An Act for the relief of Liberty township school district, in Bedford county."

Mr. YARDLEY, (same,) as committed, "An Act for the relief of the Somerset borough school district."

Mr. MILLER, (same,) as committed, "A further supplement to the act providing for the regulation and continuance of a system of education by common schools."

Mr. PENNEY, (same,) as committed, "A



supplement to an act providing for the regulation and continuance of a system of education by common schools in the city of Pittsburgh."

Mr. FETTER, (Agriculture and Domestic Manufactures,) as committed, "An act to repeal an act to prevent the destruction of fish in Yellow creek, Bedford county."

Mr. WRIGHT, from the Committee to Compare Bills, made report.

Mr. STEELE, (Private Claims and Damages,) as committed, "An Act for the relief of Stephen H. Lauchlin."

Mr. CRAIG, (same,) as committed, "An Act relative to the claim of Jackson Fee."

#### BILLS IN PLACE.

Mr. PALMER read in his place and presented to the Chair, a bill, entitled "An Act requiring the payment of road and school taxes by electors at township and school district elections."

Mr. GREGG, "An Act relative to the Farmers' high school."

Mr. THOMPSON, "An Act authorizing the removal of the dead from the burying ground (deeded to the First Methodist Episcopal church of Norristown, Montgomery county,) to the Norristown cemetery."

#### ORIGINAL RESOLUTIONS.

Mr. MYER offered the following resolution; which (the rule being suspended,) was twice read, considered and adopted:

*Resolved*, That the Auditor General be and is hereby required to report to the Senate the number of banks that have failed since the year 1830—the amount of capital stock of each—the amount of bills in circulation at the time of such failure—the amount of such circulation redeemed—the amount lost by the public, and such other facts as may be within his official knowledge relating to this subject.

On motion of Mr. WELSH, the Senate concurred in House amendments, to "An Act relative to the Mount Olivet cemetery association."

On motion of Mr. TURNEY, the Senate non-concurred in House amendments to Senate bill No. 101, and a Committee of Conference was ordered to be appointed.

Mr. MILLER, upon leave given, made the following statement, previous to presenting the memorial of Gen. Duff Green, published below. A few days ago, the bill for the incorporation of the American loan and improvement company was defeated in the Senate. He had voted against the bill; but he had since then been impressed with the importance of it, and thought it should receive that attention to which it was entitled. He therefore presented the memorial and moved that the bill, as amended, be printed, and also that the memorial be printed in the *Daily Record*.

The motion was agreed to. They are as follows:

**AN ACT to incorporate the American improvement and loan company.**

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That David R. Porter, Henry M. Fuller, Duff Green, Horn R. Kneas, Charles M. Hall, Harry Coggs-hall and Jacob Zeigler, and the owners of the shares herein authorized to be issued, be and they are hereby made a body corporate, under the name and style of the American improvement and loan company, and in that name may have perpetual succession, and may purchase, have, hold and acquire by any lawful means, estate real and personal, and the same may use, sell, lease, let, mortgage, transfer and convey, and otherwise dispose of; and may sue and be sued, plead and be impleaded, contract and be contracted with; and have and use a common seal, and the same may change at pleasure; and may make by-laws and regulations for the government of their affairs, and may have and use all the powers, rights and

privileges, which are or may be necessary for them to have, as a company incorporated for the purposes herein stated: *Provided*, That the said company shall not at any time hold in this State, more real estate than may be requisite for the convenient transaction of their business, unless it be taken *bona fide* in payment of debts.

**SEC. 2.** That the purpose of this act is to organize an incorporated company, with authority to obtain by subscription the requisite capital, and to authorize them as a company, to make loans of money and of credit to railroad companies, contractors, manufacturers and others; and to authorize them as a company to make all requisite contracts, and especially to receive and hold on deposit and in trust, estate real and personal, including the notes, bonds, obligations and accounts of states, and of individuals, and of companies, and of corporations; and the same to purchase, collect, adjust and settle; and also to sell and dispose thereof in any market in the United States or elsewhere, without proceeding in law or in equity, and for such price, and on such terms, as may be agreed on between them and the parties contracting with them; and also to endorse and guarantee the payment of the bonds, and the performance of the obligations of individuals, and of States, and of corporations, and of companies.

**SEC. 3.** That the capital stock of the said company shall consist of shares of one hundred dollars each, and that David R. Porter, Henry M. Fuller, Duff Green, Horn R. Kneas, Charles M. Hall, Harry Coggs-hall and Jacob Zeigler, or a majority of them, may in person or by proxy, open books of subscription, at such times and places as they may deem expedient; and when five thousand shares shall have been subscribed, and ten per cent. thereto shall have been paid in, the shareholders may elect five or more directors, whose term of service, mode of election and powers and duties, shall be prescribed by the by-laws of the company; and the directors are hereby authorized and empowered, in the name of the company, to exercise the powers, and enjoy all the rights and privileges which are intended to be herein given; and the directors for the time being may from time to time, as it may be deemed expedient, enlarge their resources by borrowing money on a pledge of their property, or without such a pledge, or by new subscriptions; and any State or government, and any citizen or subject, corporation or company, of any State, country or government may subscribe for, and purchase, and hold shares of said company with all the rights, and subject only to such liabilities as other shareholders are subject to; which liabilities are for the payment to the company of the sums due or to become due on the shares subscribed for, or held by them as assignees of others, and none other; and when additional shares are disposed of, the directors may cause them to be issued at par, or to be sold for the benefit of the holders of the shares theretofore issued.

**SEC. 4.** That the principal office of the said company shall be in the city of Philadelphia, but the directors, under such rules and regulations as they may from time to time prescribe, may establish branches and agencies in Europe and elsewhere; and may deal in exchange, foreign and domestic; but the said company shall not exercise the privilege of banking and issue their own notes or bills, to be used as bank notes or as currency.

**SEC. 5.** That three-fifths of the directors of the said company shall be citizens of the United States, and reside in the State of Pennsylvania.

**SEC. 6.** That the said company shall pay to the State Treasurer, for the use of the State, a bonus of one half of one per centum on the sum requisite to be paid in previous to the or-

ganization of the said company, payable in four equal annual instalments; the first payment to be made in one year after the payment on the capital stock shall be made, and also a like bonus on all subsequent payments on account of the capital of the said company, or any increase thereof, payable in like manner; and in addition to such bonus, shall pay such tax upon dividends, exceeding six per centum per annum, as is or may be imposed by law.

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

The memorial of the undersigned respectfully submits, in further explanation of the bill to incorporate the American improvement and loan company, that, as amended, the powers of the company will be limited to a single agency, authorized to make advances in aid of railroad companies, contractors and manufacturers, and to the exercise of the trust powers indispensable to the efficiency of such an agency; that the company will be expressly prohibited from owning in this State more real estate than may be requisite for the convenient transaction of its business, and cannot exercise any of the privileges of banking, nor can they issue their notes to be used as bank notes or as currency; that the purpose is to create a capital out of the railroad and State bonds now held in Europe, to aid, by advances of money, the manufacture of American iron, and the renewal and further extension of our internal improvements, until, by this use of foreign capital, we can so employ our home industry as to create a sufficient home capital to relieve us from the necessity of sending our credit to a foreign market.

He would respectfully ask each member of your Honorable Body to place before him a map of North America, and mark three lines, each commencing at Philadelphia, and terminating—one at Puget's Sound, one at San Francisco, and one at Mazatlan. It will be seen that, with the connections already made to Chicago, through your Pennsylvania railroad, and the extension of the system on the lines thus indicated, Philadelphia is more advantageously situated to become the seat of commerce, manufactures and finance, than either of the great competing cities.

Having ascertained this fact, he suggests that the Mississippi river be designated in like manner on the map, that the territory east of that great river may be more readily compared with the territory west and southwest of it; and he suggests these delineations that the mind may the more readily conceive what is to be hereafter done west of the Mississippi, by comparing it with what has been done east of it.

He respectfully suggests, that within thirty years our population will be nearly or quite one hundred millions, and that, if our improvements east of the Mississippi will have cost us two thousand millions of dollars, those west of it will have cost at least four thousand millions of dollars; for the shores of the Pacific ocean, the valleys of the Rocky Mountains, and the fertile valley of the Mississippi, will be occupied by our children and their children's children. The question for you, as legislators and statesmen, charged with the welfare and prosperity of your State, is, from whence is to come the capital to pay for, and who is to perform the labor to make these improvements?

If we estimate that there are now in the United States thirty thousand miles of railroad, and that the wear of the rails is but ten per cent. per annum, it will be seen that, estimating the iron at fifty dollars per ton, and one hundred tons per mile, it will require three hundred thousand tons per annum, costing fifteen millions of dollars, to keep these roads in repair. This sum, compounded at six per cent., payable semi-annually, will, if we use foreign iron, create a charge against us, in thirty years, of five hundred and thirteen millions of dollars.



If we assume that the system will be extended at the rate of three thousand miles per annum, and we use foreign iron, then this extension will, in thirty years, create an additional charge against us of a like sum, and these sums together will create a debt of one thousand and twenty-six millions of dollars.

It is to this he added the iron wanted for repairs of the new roads, and the discount on our railroad bonds, sold in the foreign market, we may add the sum of six hundred millions more, making the debt, for iron alone, to be one thousand six hundred and twenty-six millions of dollars at the end of the neat thirty years, as the inevitable consequence of a continuance of the use of foreign iron; the interest upon which, at six per cent., payable semi-annually, will be ninety-nine millions twenty-three thousand and four hundred dollars.

Why do we import foreign iron? It is not because it can be had in exchange for our railroad bonds? Why does the English iron master take our bonds in payment for his iron? Is it not because he can sell the bonds for money? Why cannot the American iron master take our bonds for his iron? Is it not because he cannot sell them for money?

The fact that the English iron master can sell American railroad bonds for money, is conclusive to show that a company organized under a proper charter under the control of proper persons, with proper agencies in Europe, could sell our bonds for money. If such a company has sufficient capital to make the requisite advances, then our railroad companies would pay money to our contractors, and would also pay money for American iron. The effect of this would be to create an American capital, which will soon relieve us from the necessity of sending our credit into the foreign market. For say that the sum expended in thirty years would be but six thousand millions of dollars, and it will, under a wise system, be much more, if we estimate the profits on labor at twenty-five per cent., then the profits alone, will be a surplus American capital, created by American labor, and applicable to the system, of one thousand five hundred millions of dollars. With sufficient capital, we can make our own iron.

If we manufacture our own iron, then our railroads will be the product of American labor, and the labor thus employed will soon create so much surplus American capital, as to relieve us from our present dependence on the foreign market; and here the undersigned would ask your honorable body to contrast our condition, as it now is, with what it would have been if we had used American iron on our railroads; to contrast our foreign debt of five hundred millions of dollars, with a surplus of five hundred millions of American capital, which we would now have, if we had used American iron. Add to this an additional debt of one thousand six hundred millions of dollars, which we will owe, if we are permitted to continue the use of foreign iron, and contrast that debt with a like sum, as surplus capital, which will be the product of American labor if we use American, instead of foreign iron.

The undersigned, begs your honorable body, again to look upon the map of the United States, and the contiguous Mexican and British possessions, and to remember that the vast territory west of the Mississippi, will be alive with a dense and prosperous population, if they are permitted to continue our system of railways, which they cannot do, unless we can so organize our financial system, as to enable our railroad companies to purchase American instead of foreign iron. He begs you to look back upon the past and compare it, if you can, with the future, that you may see what is required of you, as legislators, entrusted with the welfare of the millions of human beings, whose progress, so much depends on what you may do.

Your memorialist is aware that some may be startled by the magnitude of the sums named in his estimates. If there be any such, he begs them to make estimates for themselves, and to remember that the extent of our territory; the number of our people; the vast sums expended in our railways, and the amount of debt held in England, are not estimates, but are realities; and that our present debt is the result of our use of foreign iron; that, so far as it represents foreign iron, it represents foreign labor, and that if it had been expended on American iron, it would represent American labor, and would have created American capital, applicable to the employment of other American labor, which would continue the process of creating American capital.

He would further respectfully remind your honorable body that, large as the sums given in his estimates may seem, as representing the cost of iron rails, it must be apparent that if the cost of the grading, laying the track, rolling stock and repairs with other incidental charges were added to the cost of iron, these estimates, great as they are, would be increased many times. Do his estimates approximate the truth? If so, to continue the purchase of foreign iron will create a debt so great as to place us and the products of our labor under the absolute control of the contingencies which may affect the European market, and leaves us no alternation but to cease the use of foreign iron or to arrest the progress of our system of internal improvements.

Does any one ask in what will consist the difference between the purchase of foreign iron and the sale of our bonds in the foreign markets in the manner proposed? The difference is this. If we sell our bonds for money and use the money to purchase American iron, we create by our labor an amount of American capital equal to the foreign debt, and this product of our industry, in the shape of American iron, is equal to the debt created by the sale of our bonds. Under our present system, the foreign iron is the product of foreign labor, and the foreign capitalist holds our debt, and the foreign manufacturer has the capital created by the labor employed in producing the iron. In the one case, the money gives employment to our labor which produces a capital more than sufficient to repay principal and interest; in the other, the interest alone, saying nothing of the principal, is a tax upon our industry, which will consume our substance. If we are wise, in less than thirty years we will have more than ninety thousand miles of railroads, and the greater part of the profits on their cost, may assume the shape of credits, which will be so much capital giving employment to labor.

Does any one object that our system of credits cannot be regulated by any one company? This is admitted. It is not intended that the company shall be a monopoly. If successful it will pioneer the way for others, and the wants of the system will indicate the agencies required. The great truth which the undersigned would impress on your honorable body is, that a necessary consequence of the purchase of foreign iron, and of the agencies now employed in the sale of American securities, is a loss of from twenty-five to thirty per cent. on the par of most of the bonds sold, and the depreciation of that class of securities upon which the further development of the mineral and other resources of your state depends, so great as to make it almost impossible to obtain the funds requisite to make the connections from the mines to the main lines of railways and canals. As the creeks, branches and rivulets supply the water which fills the bed of the Susquehanna, so these smaller improvements are indispensable to fill the volume of your industry and prosperity.—The funds to complete your system cannot be had through existing agencies. They cannot

be obtained but in the manner suggested by the class of agencies proposed to be created under the bill.

The undersigned feels authorized to say that if a suitable charter be granted the company, can and will be organized in charge of persons whose names will deserve, as they will command the confidence of the public at home and of capitalists abroad.

In conclusion, he ventures to append a copy of a letter from Mr. Stephen Colwell, of Philadelphia, whose late book on the subject of money, banking and credit, is, as the undersigned believes, the ablest and the best treatise on these subjects, in any language, and entitles the opinions of the author to the highest respect.

DUFF GREEN.

PHILADELPHIA, Feb. 21, 1859.

GEN. DUFF GREEN—*Dear Sir*: I have looked into the proposed charter for a financial agency, now pending in the Legislature at Harrisburg. I have no doubt that, under wise and able direction, such an institution might not only be a good enterprise for the stockholders, but a most beneficial one for the country at large, and especially for our city and State. Any plan offering inducements to foreign capitalists to transfer their capital here for investment upon the spot, instead of being negotiated abroad, deserves favorable regard. It cannot be doubted that European capitalists could, by an agency of the kind contemplated, purchase railroad stocks and bonds in Philadelphia, with greater advantage to both parties, than they can in London. They would make fewer mistakes, and could afford to give better terms, as well as to invest larger amounts.

If the proposed institution should succeed in attracting foreign capital to Pennsylvania, it must, of course, with prudent management, be a public benefit. If it should fail in this, it would probably be obliged to pursue a very moderate line of business; as it would require many years to amass domestic capital sufficient to give the agency an important standing and high credit. If, however, success should crown your efforts among foreign capitalists, I cannot see any limits to the benefits which might be expected. It would constitute at least one effective barrier to the undue exportation of specie, and of course an important bulwark to the currency.

The city of New York now enjoys the benefit of immense sums of foreign capital. Philadelphia holds out few inducements to draw it hither, and is not able to offer seven per cent. as a temptation. This extra one per cent. is worth millions to New York. This rate of seven per cent. interest tends to accumulate capital in New York, and current interest is constantly lower there than here. They offer more, and get it for less. The legal rate makes money plenty, and that abundance makes current interest low.

Unless we counteract this policy of New York, in some effectual way, we shall remain under the heavy disadvantage of paying rates of interest here from twenty to fifty per cent. higher than they pay in New York. Your plan would be one step in this much-needed counteracting policy. And I do hope it will receive the earnest consideration of all those who are capable of appreciating its objects and capacities.

It is not a thing to be understood at a glance, and I hope that intelligent gentlemen may be found to give it the needful study and attention. Your memorial so fully covers the case, that it only needs to be pondered by the intelligent, to furnish them with ample grounds for prompt action. You know that I have not time to enter into this matter as it deserves, but I can give you this hasty notice, from the attention heretofore bestowed on the subject.

Signed very respectfully and truly yours,  
S. COLWELL.



Mr. GREGG moved that the Senate Committee on Railroads be discharged from the consideration of "A supplement to the act incorporating the Lock Haven and Tyrone railroad company," and that the Senate proceed to consider the same; which was agreed to, and the bill having gone through its various readings, passed finally.

#### ORDERS OF THE DAY.

Senate bill No. 267, "An Act relative to the banks of this Commonwealth, and to prevent frauds by bank officers;" came up in order on third reading.

On its final passage,

The yeas and nays were required by Mr. MARSELIS and Mr. GAZZAM, and were as follow, viz:

YEAS—Messrs. Blood, Brewer, Coffey, Fetter, Keller, Marselis, Miller, Myer, Nuemacher, Randall, Schell, Scofield, Schiodel, Turney, Welsh, Wright and Cresswell, *Speaker*—17.

NAYS—Messrs. Baldwin, Bell, Craig, Finney, Francis, Gazzam, Gregg, Palmer, Penney, Rutherford, Shaeffer, Thompson and Yardley—13.

So the question was determined in the affirmative.

Senate bill No. 113, "An Act relating to testamentary trustees," came up in order; the question being upon the proviso offered by Mr. RANDALL, which was pending when the Senate adjourned yesterday.

On the question,

Will the Senate agree to the proviso?

It was determined in the negative.

And the bill, after being slightly amended by Mr. BELL, passed finally.

#### BILLS CONSIDERED.

On motion of Mr. PARKER, the Senate proceeded to consider House bill No. 96, "A resolution relative to the pay of the committee appointed to examine the condition of certain banks."

Mr. SCOFIELD moved to strike out the Senate amendment.

On which,

The yeas and nays were required by Mr. TURNEY and Mr. SCOFIELD, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Finney, Gazzam, Myer, Palmer, Parker, Schell, Scofield, Shaeffer and Thompson—11.

NAYS—Messrs. Bell, Blood, Brewer, Craig, Fetter, Gregg, Harris, Keller, Marselis, Miller, Nuemacher, Randall, Rutherford, Schindel, Steele, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—20.

So the question was determined in the negative.

On motion of Mr. FINNEY, the proviso was stricken out and the resolution, as amended, passed.

Mr. BELL called up Senate bill No. 112, "An Act to simplify legal proceedings, and to facilitate the recovery of claims in the courts of law of this Commonwealth;" which, having passed committee of the whole, lies over.

On motion of Mr. RANDALL, Senate bill No. 385, "A supplement to an act to amend certain defects of the law, for the more safe and just transmission and secure enjoyment of real and personal estate, approved April 27, 1855," was taken up, and after being amended as follows by Mr. PENNEY, passed finally:

"Provided, That it shall not apply to cases already adjudicated."

On motion of Mr. TURNEY, the Senate proceeded to consider Senate bill No. 393, "A resolution relative to clerk hire."

Mr. GREGG moved to strike out "six" and insert "three."

Mr. TURNEY stated that the resolution had been offered by him, at the instance of the Auditor General. An extraordinary amount of

labor was imposed upon that officer, in the settlement of the affairs of the Canal Board, and it was deemed necessary to procure the services of Mr. Wilson for a short time, as better acquainted with the business of the board than any other person.

Mr. GREGG thought three months was amply sufficient to complete the labor proposed, and he moved to amend to that effect.

Mr. TURNEY explained that the resolution was intended simply to enable the Auditor General to comply with the duty imposed upon him, of making a book of the claims against the Commonwealth, alphabetically and categorically arranged.

Mr. GREGG opposed the resolution as oppressive in its effects upon tax-payers. Three months were sufficient in which to do the work. The matter was a small one, but these small matters, in the aggregate, make big matters, and are what go to swell the enormous taxation which is imposed upon the people of the State.

Mr. BELL favored the original resolution, and opposed the amendment, restricting the labor to three months. Mr. Wilson was, he said, the only man who could be found thoroughly acquainted with the affairs of the Canal Board, running through long years.

Mr. SCOFIELD was glad to learn from the Senator from Westmoreland that the Auditor General had employed Mr. Wilson in his office. He hoped he would employ him during his term, and that his successor might still continue his services in that department. If Mr. Wilson were an officer under the English government, he said, he would be retained in its employ as long as possible, and then he allowed to retire upon a pension. He was one of the few men who had served the Commonwealth faithfully, and had done so through a long series of years. He was not aware whether he had been able to save anything from his salary, but it was an exceedingly small one, and scarcely adequate to the valuable services rendered. He did not come here asking for the passage of this bill; he had not been seen around the Senate button-holding members for any favor; and instead of his asking the Commonwealth for employment, it was the Commonwealth which should seek his services, for they had been honestly and faithfully rendered, and were invaluable to the State.

The amendment was not agreed to, and the resolution passed.

On motion of Mr. WELSH, Senate bill No. 389, "An Act requiring railroad companies to make uniform annual reports," was taken up, considered and passed finally.

On motion of Mr. FINNEY, the Senate proceeded to the consideration of House bill No. 203, "An Act to increase the salaries of the judges of the court of common pleas of Philadelphia."

Mr. BELL moved to amend by adding the following words—"and that the salaries of the judges of the supreme court be increased to \$4,000 per annum."

The amendment was agreed to, and the bill having passed committee of the whole,

Mr. GREGG moved to strike out the amendment increasing the salaries of the supreme court judges.

Mr. BELL advocated the propriety of paying to the supreme judges the sum of four thousand dollars, as a salary no more than adequate to their labors. He alluded to the increase of their duties, with the growth of the State and the increase of legal business, as well as the increased expenses which they are compelled to incur, and which the present compensation is not sufficient to meet. He contended that such a salary should be paid the supreme judges as would not only enable them to live comfortably, but to lay something by for the support and education of their families.

Mr. GREGG said he had offered his amendment in good faith. The Senator from Chester seemed to think that the Legislature had been constituted simply to take care of the wants of the legal profession. There were others whose interests demanded protection—the people, the yeomanry of the country. He considered the proposed salary too high, and proceeded to advocate the propriety of his amendment.

Mr. TURNEY said he was constrained to advocate the amendment that provided for an increase of the salaries of the judges of the supreme court; as at present paid he considered the amount entirely inadequate. The policy that had been advocated to reduce, to the lowest living point, the compensation allowed to men who had devoted the best years of a laborious life to the acquisition of those attainments that were necessary to qualify them for the safe discharge of those important duties imposed by the position, rested on a very narrow basis. There is not a gentleman on that bench that has not made a great pecuniary sacrifice in relinquishing the profits of a profession, such as their skill, learning and abilities would command at the bar.

That the present organization of that court reflected credit upon the State; its ability, illustrated in the capacity of the individuals composing it, was the first vindication of an elective judiciary. He was happy to hear this testimony to their worth, and the fact was a cause of sincere congratulation to the profession throughout the State.

An additional reason for the adoption of this amendment was suggested by the Senator from Centre, (Mr. GREGG.) In opposing it, he had labored to show that the members of this court could live on their present salary. Suppose they could, were they to be compelled to serve the State for a sum that would be barely sufficient to subsist their families, and at the expiration of their term, advanced in years, be compelled to begin life anew, build up a practice, and by their individual exertions at the bar, earn a livelihood for themselves and families? They should be able to make reasonable profit as provision for the future.

He gave notice, that at the proper time, he would introduce an additional amendment, increasing the salaries of the law judges throughout the Commonwealth, to twenty-five hundred dollars. This he conceived to be a simple act of justice. The propriety of this course was illustrated by his own observation in the Tenth judicial district, where the able and learned president judge had sacrificed a large and lucrative practice, to respond to what seemed to be the almost unanimous voice of the district, calling him to the bench, and no one has ever regretted the wisdom of the choice. His position imposes about eight or nine months of incessant and unremitting labor on the bench, besides the large amount of labor necessarily imposed at his chambers, in writing opinions, &c. The State had no right to demand the services of a man of learning and eminence in his profession, such as that that had rendered Judge Buffington a credit to the bench, without making him a return commensurate to his valuable services. This is but one of many instances, where lawyers of the highest character and attainments have been induced to sacrifice their private practice and business to the demands of the public. When the State asked this serious sacrifice at the hands of any of her citizens, she should be prepared to remunerate them. He would insist that this increase should be made in reference to the common pleas judges, and believed that no just or liberal man would disapprove the measure. He hoped the amendment would pass.

Mr. FINNEY thought this question of salary was a misnomer—it was a question of compensation for services rendered. That compen-



sation, he contended, was not sufficient. The judges had come here and stated that the sum paid them was not sufficient to enable them to live, and out of respect to their statement, the Legislature should feel bound to accord to them the redress which they ask. He believed that when Senators look at the matter in the proper light, they will not hesitate to extend relief to these judges in the manner proposed by the bill. The compensation, as fixed by the bill, and which the Senator objects to, is not one-half the sum paid by the State of New York to her supreme judges; nor is the compensation one-half what it was when the judiciary was first organized. The objection to the liberal payment of the judges of the court springs from a cheap kind of patriotism, which men often practice at the expense of others. He instanced the case of the English judges, occupying similar positions, who receive a compensation of from ten to twenty-five thousand dollars per year, and who, in addition to this sum, retire upon a liberal pension; while the judges of our own State, performing equal, if not more arduous labors, receive a compensation barely sufficient to enable them to support their families.

Pending the discussion of the motion of Mr. GREGG, a message from the Governor was received and read as follows:

EXECUTIVE CHAMBER,  
Harrisburg, March 2, 1859, }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

Gentlemen—I have approved and signed the following acts of the General Assembly, viz:

"A supplement to an act to incorporate the Pittsburg and Steubenville railroad company."

"An Act authorizing Asa Dimock, and administrator of the estate of his son, Lafayette G. Dimock, deceased, to sell and convey certain unimproved and unproductive lands belonging to said estate."

"A further supplement to an act to erect the town of Sunbury, Northumberland county, into a borough."

"An Act relating to the opening and grading of new roads in Thornbury township, Delaware county."

"An Act to incorporate a company by the name, style and title, of the Waynesburg turnpike road company, with power to construct a road from a point at or near the mouth of Bates' Fork, Ten Mile creek, by the way of Waynesburg, to the east end of Morrisville, in Greene county."

WM. F. PACKER.

The hour of one having arrived, the Senate adjourned until three o'clock this afternoon.

#### AFTERNOON SESSION.

Agreeably to order, the Senate met at three o'clock.

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. WRIGHT, Senate bill No. 321, "An Act to incorporate the Philadelphia and Olney railroad company," was taken up; and on motion of the same Senator, was amended in the first section, by striking out all from "M. D.," in the seventh line, to the word "of," in the tenth line inclusive, and inserting the following: "are hereby appointed commissioners to open books, sell stock, and organize a corporation to be called."

The following proviso was also added, on motion of Mr. WRIGHT:

*Provided further,* That this company shall not alter the grade of any road or street over which the same shall be constructed, unless authorized to do so by the board of surveys of the city of Philadelphia.

The bill passed, as amended, to third reading, and lies over.

On motion of Mr. YARDLEY, House bill No. 25, "A supplement to an act incorporating the

Byberry and Bensalem turnpike road company, approved March 10, 1858."

On motion of Mr. BLOOD, (for the SPEAKER,) House bill No. 256, "An Act to incorporate the Clearfield gas company."

On motion of Mr. RUTHERFORD, Senate bill No. 259, "A supplement to the act incorporating the Commonwealth insurance company at Harrisburg."

On motion of Mr. BLOOD, House bill No. 122, "An Act to incorporate the village of Corsica, in the county of Jefferson, into a borough," was taken up and considered.

Mr. MILLER rose to a point of order; which was this: that the courts, having jurisdiction in the case, it requires a two-thirds vote to suspend the joint rule of the Legislature regulating the matter. The courts, he said, had ample jurisdiction to grant the privileges asked for; and he raised the question of order, not with a view of opposing the bill, but simply to test the matter. We are, he said, daily considering these acts of incorporation, and filling the statute books with grants which could have been as well made by the courts.

The SPEAKER could not decide whether the point of order would hold good in this case.—He did not know that it was one in which the courts have jurisdiction.

Mr. WRIGHT, from the Committee on Corporations, explained the action of the committee with reference to the bill. There were good reasons given, which had induced them to report the bill favorably. He thought, however, that there should be some general law, to which all corporations of boroughs should be made to conform, and the courts be released from their consideration.

Mr. BLOOD explained the peculiarities of the case, which took it out of the jurisdiction of the courts.

Mr. FINNEY advocated the propriety of the point of order raised by the Senator from Washington.

Mr. TURNEY contended that if there was a single sentence, or feature of the bill, over which the courts have no jurisdiction, it was a proper subject for legislative action.

Mr. SCHELL hoped the Senate would vote upon the bill, and that if passed, that it should be allowed to go to the other branch, for disposal as was there deemed proper.

The SPEAKER decided that the point raised by the Senator from Washington was well taken, and that the bill was not in order; whereupon

Mr. SCHELL moved that the bill be re-committed to the Judiciary Committee.

On motion of Mr. MYER, Senate bill No. 202, "A further supplement to an act, entitled 'An Act approved March 17, 1858, authorizing the Canal Commissioners to examine the claims of Thomas Morley,'" was brought before the Senate.

Mr. BELL said this was a bill proposing to appropriate seven thousand dollars out of the public treasury, and the Senate had dispensed with going into committee of the whole. He had no doubt the Senator from Bradford, who had called up the bill, could give some good reason for its passage, and he hoped he would inform the Senate the grounds upon which the appropriation was based.

Mr. MYER said that he had no desire to urge the passage of the bill, except upon its own merits. If there is anything wrong in it, he was satisfied that it should be pointed out by the Senate. He supposed it was due from him that he should give some explanation of the circumstances upon which the claim was based; and in making that explanation, he would call upon the committee, before which the claim had been examined, for the correctness of his statement. He then entered into a statement of the circumstances relative to the origin of the claim, and presented an array of facts upon

which the justness of it was based. He had no doubt of its correctness, and said the Senate should at least hesitate before refusing to mete out simple justice to this man, when the facts upon which it is asked are indisputable.

Mr. TURNEY could not conscientiously vote for the bill. The Senator from Bradford had alluded to the consequences of a refusal to allow the claim; but that was no argument why the Senate should be called upon to retrieve the broken down fortunes of any man, without he had brought himself within the rule. An act had been passed last year, authorizing the Canal Commissioners to examine the alleged claim of Thomas Morley for damages. That was the tribunal selected by himself. They had refused to allow the claim, no doubt for good reasons. This claim, he said, originated in 1853, and it was a suspicious circumstance, to say the least of it, that it has not been adjusted before this; it was strange that it had never come up in a tangible shape before. He then alluded to the evidence upon which the claim was based, as insufficient to warrant its payment.

Mr. HARRIS said that if the statement which had been made by the Senator from Westmoreland, was true—and he had no doubt it was, for no Senator would risk his reputation by a statement of the kind, unless he had good reason for it—the Senate should pause long before passing this bill. He moved that the bill be postponed for one week from to day, in order to afford time for an investigation of its merits.

Mr. SCOFIELD moved to amend the amendment by postponing for the present; which was accepted by Mr. GREGG.

Mr. RANDALL was opposed to the delay in the consideration of this claim proposed by the amendment.

Mr. SCHELL stated that when the claim was before the Committee on Claims, they had been satisfied that it was just; but they had been unable to decide whether the State or the Sunbury and Erie road should pay it. They had left that matter to be decided by the Senate. He had, as a member of the committee, examined the claim three several times, and saw nothing in it which induced him to think it was unjust. No evidence had been adduced before the committee which warranted its rejection.

Mr. BELL said it was evident, from the statement of the Senator from Bedford, that the claim had not received that investigation which would warrant the payment of so large a sum as seven thousand dollars. He therefore moved its reference to the Committee on Claims.

Pending the discussion of the motion, the hour of 5 o'clock having arrived, the SPEAKER adjourned the Senate until to-morrow morning, at 10 o'clock.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 2, 1859.

The House was called to order at 9½ o'clock, by the SPEAKER.

The Clerk read the Journal of yesterday.

The SPEAKER laid before the House the proceedings of a meeting of citizens of the Twenty-third ward, Philadelphia, in favor of Sunday travel on city passenger railways.

Also, the eleventh annual report of Girard college.

Mr. NEALL moved that the Private Calendar be taken up and completed.

Mr. CHASE called the orders of the day.

Mr. GOOD, on leave, from the committee of conference to which was referred the differences between the two Houses, in relation to the amendments to bill No. 91, from the House of Representatives, (Senate bill No. 358,) entitled "An Act to incorporate the Ironton railroad and mining company, in Lehigh county," made a report; which was read, as follows:

That they have met a similar committee appointed by the Senate upon the subject of the



differences between the two Houses on said bill, and have agreed to recommend to the respective Houses, as follows:

That the House recede from its non-concurrence in the amendments made by the Senate to the first section of the bill; and also, that the House recede from the amendments made by the Senate, by adding two new sections, numbers ten and eleven to said bill, and have agreed to recommend to the two Houses, by amending the first section of said bill, by striking therefrom the word "and" in the seventh line, amended by inserting after the words "Franklin P. Mukley," in the same line, the words, "James Schadt, William Schadt, Thomas Laubach, Daniel Steekel, D. J. Franklin Deshler, James Newhart, Paul Balliet and Stephen Balliet," and by inserting after the word "Foglesville," in the thirteenth line, the words "or with the Lehigh valley;" which was read and adopted by the House.

Mr. KINNEY rose to a privileged question. He said, in the *Record* of the 25th ult., Mr. THOMPSON, of Butler, was represented as offering an amendment to the appropriation bill, to appropriate \$1000 to the Northern home of Bradford county. This was an error, as no such institution existed in his county, and his constituents asked no such appropriation.

In the same *Record*, the same gentleman was represented as offering a resolution to pay D. R. McClain seven dollars per day for his services while a member in this House. He wished to relieve his friend from Butler, by saying that he introduced that resolution himself and voted for it.

In the *Record* of yesterday, he found the very neat and pertinent speech of his friend attributed to himself. He did not desire to steal his speech, however creditable it might be to him or any other gentleman on this floor. He mentioned these things to relieve himself and the gentleman from Butler from an awkward predicament at home. He was not aware that he was so good looking as to be so frequently taken for the gentleman from Butler.

Mr. LAWRENCE, (Washington,) alluded to the confusion which frequently occurred in the names of himself and Mr. LAWRENCE of Dauphin. He disclaimed any intention, however, of reflecting on the Reporters.

Mr. HAMERSLY referred to the misplacement of his name.

#### APPROPRIATION BILL.

House bill No. 343, as follows, was called up:

AN ACT to provide for the ordinary expenses of the Government, and other general and special appropriations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the following sums be, and the same are hereby specifically appropriated to the several objects hereinafter mentioned, for the year commencing on the first day of June, Anno Domini one thousand eight hundred and fifty-nine, to be paid out of any money in the treasury not otherwise appropriated.*

SEC. 2. For the salary of the Governor of the Commonwealth, four thousand dollars.

For the salary of the Secretary of the Commonwealth, inclusive of his compensation as commissioner of the sinking fund, two thousand dollars.

For the salary of the Deputy Secretary of the Commonwealth, one thousand four hundred dollars.

For the salary of the Auditor General, inclusive of his compensation as commissioner of the sinking fund, two thousand dollars.

For the salary of the Surveyor General, one thousand six hundred dollars.

For the salary of the Attorney General, three thousand dollars.

For the salary of the Adjutant General, six hundred dollars.

For the salary of the Superintendent of Common Schools, one thousand seven hundred dollars.

For the salary of the State Librarian, eight hundred dollars.

For the salary of the State Treasurer, inclusive of his compensation as commissioner of the sinking fund, one thousand seven hundred dollars: *Provided*, That the foregoing salaries shall be paid quarterly at the office of the State Treasurer.

SEC. 3. For clerk and messenger hire, in the Executive and State departments, six thousand dollars.

For contingent expenses in the Executive and State departments, as follows: postage and telegraphic dispatches, one thousand seven hundred dollars; stationery, four hundred and fifty dollars; fuel and lights, one hundred and twenty-five dollars; cleaning offices, one hundred dollars; blank books, fifty dollars; repairs, fifty dollars; geological survey, freights and packages, one hundred and fifty dollars; new carpets in Executive chamber, two hundred dollars; miscellaneous expenses, one hundred and fifty dollars.

For clerk and messenger hire in the Auditor General's office, eight thousand one hundred dollars.

For contingent expenses, as follows: postage and telegraphic dispatches, five hundred dollars; stationery, three hundred and fifty dollars; fuel, seventy-five dollars; miscellaneous, seventy-five dollars.

For clerk and messenger hire in the Surveyor General's office, eight thousand seven hundred dollars.

For contingent expenses, as follows: postage, four hundred dollars; stationery, two hundred dollars; fuel, seventy dollars; stove and repairs, sixty dollars; white-washing and scrubbing, fifty dollars; miscellaneous, fifty dollars.

For clerk hire in the Attorney General's office, eight hundred dollars; and hereafter the Attorney General shall be allowed eight hundred dollars annually for clerk hire.

For clerk and messenger hire in the school department, three thousand nine hundred dollars.

For contingent expenses, as follows: stationery and blank books, three hundred and fifty dollars; postage, including telegraphic dispatches, one thousand two hundred dollars; fuel, light, and cleaning office, sixty dollars; packing and distributing blank forms, laws and decisions, reports, et cetera, to the several districts, six hundred dollars; miscellaneous, fifty dollars.

For clerks, messenger, and night-watch in the Treasurer's office, five thousand four hundred and fifty dollars.

For contingent expenses, as follows: postage and telegraphic dispatches, four hundred and seventy-five dollars; express charges, one hundred dollars; stationery and blank books, two hundred and fifty dollars; fuel and light, seventy-five dollars; miscellaneous, one hundred and fifty dollars.

For miscellaneous expenses of the State Library as follows: repairing telescope, forty dollars; press for stamping, twenty-five dollars; making fires, sweeping, cleansing and white-washing, postage, freight, expenses of purchasing books, stationery, et cetera, three hundred dollars; miscellaneous books and newspapers, six hundred dollars; law books, English and Irish reports, elementary books and civil law, one thousand dollars; Pennsylvania Reports, for exchanges, three hundred and twenty dollars; binding, one hundred and fifty dollars; and assistant, one hundred and fifty dollars.

SEC. 4. For the payment of the expenses of

the Legislature, including the pay and mileage of the members, clerks and officers thereof, and the amount authorized by law for stationery, newspapers and lights, the sum of one hundred and fifty thousand dollars.

SEC. 5. For packing and distributing the laws and journals of the Legislature, to be performed under the direction of the Secretary of the Commonwealth, seven hundred dollars.

SEC. 6. For the public printing, folding, stitching and binding, thirty thousand dollars, or so much thereof as may be necessary on the settlement of the account of the contractor under his contract entered into in pursuance of the act approved the ninth day of April, Anno Domini one thousand eight hundred and fifty-six, entitled "An Act in relation to public printing."

SEC. 7. For the payment to the borough of Harrisburg, for supplying the public buildings with water, as per act of twenty-eighth day of April, Anno Domini one thousand eight hundred and forty, six hundred dollars.

For payment to the Harrisburg gas company, for gas for public buildings and walks, two thousand dollars, or so much thereof as shall be found due by the Auditor General, under the contract with the company, in pursuance of the charter of said company and its supplement, to be paid on the warrant of the Governor.

SEC. 8. For miscellaneous expenses, to be accounted for in the usual manner, three thousand dollars.

SEC. 9. For the support of the common schools, to be paid on warrants drawn by the superintendent in favor of the several school districts of the Commonwealth, in proportion to the number of resident taxables therein, two hundred and eighty thousand dollars.

SEC. 10. For the payment of pensions and gratuities, ten thousand dollars.

SEC. 11. For the payment of the salaries and per diem allowance of the judges of the supreme court, eighteen thousand seven hundred dollars.

SEC. 12. For the payment of the salaries of the judges of the district court, and the president and associate law judges of the court of common pleas of the city of Philadelphia, sixteen thousand eight hundred dollars.

SEC. 13. For the payment of the salaries of the judges of the district court, and president judge of the court of common pleas of Allegheny county, eight thousand four hundred dollars.

SEC. 14. For the payment of the salaries and mileage of the president and associate law judges of the several courts of common pleas in this Commonwealth, except in the city of Philadelphia and the county of Allegheny, fifty-five thousand dollars.

SEC. 15. For the payment of the salaries and mileage of the associate judges of the several courts of this Commonwealth, twenty-five thousand dollars.

SEC. 16. For the payment of the interest on the funded debt of the Commonwealth, that will fall due on the first days of July and August next, and the first days of January and February, one thousand eight hundred and sixty, two millions of dollars, or so much thereof as may be necessary.

SEC. 17. For the payment of the guaranty of interest for the Danville and Pottsville railroad company, by the act of the eighth of April, one thousand eight hundred and thirty-four, and the act of twelfth April, one thousand eight hundred and fifty-one, eight thousand five hundred and seventeen dollars and fifty cents, being the interest in full, on said guaranty, up to the first day of August, Anno Domini one thousand eight hundred and fifty-nine; to the Bald Eagle and Spring Creek navigation company, by the act of seventh April, Anno Domini one thousand eight hundred and thirty-five, ten



thousand dollars: *Provided however*, That said companies are hereby required to make it appear satisfactorily to the Attorney General that the said appropriations are due from the Commonwealth; and it shall be the duty of the Attorney General so to certify to the treasurer before any of the moneys herein appropriated are paid.

SEC. 18. For the payment of the salaries of the officers of the Western penitentiary, ten thousand one hundred and fifty dollars; also, for gratuities paid to discharged convicts for the year one thousand eight hundred and fifty-eight, agreeably to the eighth section of the act of twenty-second of April, one thousand eight hundred and twenty-nine, and the several supplements thereto, three hundred and eight dollars; and for paying in front of the prison, under the compulsory paving law of Allegheny city, the further sum of three thousand one hundred and eighteen dollars.

SEC. 19. For the payment of the salaries of the officers of the Eastern penitentiary, twelve thousand eight hundred and ninety-five dollars; which sum may be drawn from the treasury in equal quarterly portions, on or after the fifteenth day of the months of June, September and December of the present year, and March of next year.

SEC. 20. For the house of refuge of Philadelphia, the sum of twenty thousand dollars.

SEC. 21. For the house of refuge of Western Pennsylvania, in the county of Allegheny, eighteen thousand and five hundred dollars, to be applied as follows: for the salaries of officers, eight thousand and five hundred dollars; additions and repairs, four thousand dollars; and for the payment of debts, six thousand dollars.

SEC. 22. For the Western Pennsylvania hospital, five thousand dollars; and for the purpose of erecting suitable buildings, the further sum of twenty thousand dollars, to be paid to said institution upon a bond being executed to the Commonwealth in said sum, with security to be approved by the Auditor General and State Treasurer, conditioned for the full erection and completion of said buildings without further aid from the Commonwealth.

SEC. 23. For the Pennsylvania State lunatic hospital, the sum of twenty thousand dollars; to be applied to the payment of salaries, the support of the house, the renewal of furniture and fixtures, and to such repairs and improvements as may be required: *Provided however*, That no part of the money appropriated in this section, except the salaries of its officers, shall be paid unless the accounts of repairs and expenses be found correct by the Auditor General.

SEC. 24. For the Pennsylvania institution for the instruction of the blind, twenty-two thousand dollars.

SEC. 25. For the instruction of indigent pupils in the Pennsylvania institution for the instruction of the deaf and dumb, twenty-three thousand dollars: *Provided*, That the sums appropriated for the instruction of the blind, and deaf and dumb, shall be paid to said institutions, in proportion to the number of indigent pupils received by each, from the several counties of this Commonwealth, at the rates prescribed by law; evidence of the number of pupils to be furnished to the State Treasurer.

SEC. 26. For the Pennsylvania training school for feeble minded children, such amount as said institution may be entitled to receive under the provisions of the sixth section of the act incorporating said school, approved the seventh of April, Anno Domini one thousand eight hundred and fifty-three; and for the purpose of completing the buildings now in progress, the further sum of twenty-five thousand dollars, to be paid to said institution upon a bond being executed to the Commonwealth in said sum, with security, to be approved by the Auditor General and State Treasurer, conditioned for the full com-

pletion of said buildings without further aid from the Commonwealth.

SEC. 27. For the Northern Home for friendless children, five thousand dollars: *Provided*, that the said Northern Home for friendless children shall be subject to the provisions contained in the third section of an act, entitled "A supplement to an act to incorporate the subscribers to the articles of association, for the purpose of establishing and conducting an institution for the confinement and reformation of youthful delinquents, under the title of the House of Refuge," approved March twenty-third, one thousand eight hundred and twenty-six.

SEC. 28. For the Penn Asylum for indigent widows and single women, five thousand dollars.

SEC. 29. For the Howard Institution, under the care of an association of women Friends of Philadelphia, one thousand dollars.

SEC. 30. For Passavant's Pittsburg Infirmary two thousand five hundred dollars; and for the Mercy Hospital, at Pittsburg, two thousand five hundred dollars.

SEC. 31. For the Orphans' Home, at Zelienople, one thousand dollars.

SEC. 32. For the salary of the superintendent of the public printing, eight hundred dollars.

SEC. 33. To Richard J. Haldeman, publisher of the *Legislative Record*, compensation at the rate of seven dollars per page, for the numbers published at the present session, the amount to be certified as due by the committee on printing of both Houses, and that the fortieth section of an act, entitled "An Act to provide for the ordinary expenses of government and other general and special appropriations," approved twenty-first April, Anno Domini one thousand eight hundred and fifty-eight, so far as it relates to the continuance of the contract, for the printing of a *Legislative Record*, with R. J. Haldeman, be and the same is hereby repealed.

SEC. 34. To each of the fire companies of Harrisburg, now organized and in operation, one hundred dollars.

SEC. 35. For the preservation and repairs of the capitol, and improvement of the public grounds, inclusive of the compensation of the superintendent and watchman of the public buildings and grounds, the sum of three thousand dollars: *Provided*, That all moneys expended and contracts made, shall be at the direction and under the authority of the Secretary of State and the Auditor General.

SEC. 36. That the State Treasurer is hereby authorized to pay John A. Small, for services rendered the House of Representatives, the same compensation now allowed by law for an assistant clerk; and for services performed during the last recess, in arranging the papers of last session, et cetera, and for the same services to be performed during the next recess, the further sum of three hundred dollars.

SEC. 37. That the State Treasurer is hereby authorized to pay the clerks of the Senate and House of Representatives, the amounts necessary to pay the pages and folders employed during the present session, at the rate of one dollar per day each, for the time the Legislature is in session, and the further sum of ten dollars each to said pages and folders.

SEC. 38. That the State Treasurer is hereby authorized to pay Samuel M'Donnel and John D. Reese, assistant door-keepers, for extra services after night, in and about the Hall, during the present session, one hundred dollars each.

SEC. 39. That the State Treasurer is hereby authorized to pay George Manley, at the rate of one dollar and fifty cents per day, for services in cleansing and keeping in order the out-building of the two houses; the actual number of days employed, to be certified to by the Clerk of the House.

SEC. 40. That the State Treasurer is hereby authorized and directed to pay Alvin Day nineteen dollars and twenty-five cents, being the

amount of a check drawn by the State Treasurer on the Bank of Pennsylvania, in May, one thousand eight hundred and fifty-seven, and dishonored by said bank.

SEC. 41. For transcribing for committee of ways and means, to be paid on the order of the chairman, twenty dollars.

SEC. 42. For postage and stationery used in the office of the late Attorney General, sixty-seven dollars and fifty-nine cents.

SEC. 43. That the State Treasurer is hereby authorized to pay the chief clerks of the Senate and House of Representatives, for the expense of indexing journals, one hundred and twenty-five dollars each; and also the sum of one hundred and twenty-five dollars to Jacob Ziegler, the late clerk of the House of Representatives, for indexing the journals for the year one thousand eight hundred and fifty-eight.

SEC. 44. For the payment of salaries of tonnage agents in full to June first, one thousand eight hundred and fifty-nine, twelve hundred dollars.

SEC. 45. That the State Treasurer is hereby authorized to pay the officers of the Senate and House of Representatives, except the Speakers, the following additional compensation for services rendered during the present session: To the chief clerks and assistant clerks, each one hundred dollars; to the bill, message, journal, comparing and transcribing clerks, each seventy-five dollars; to the sergeant-at-arms, messenger, door-keeper and post-master, and their assistants, fifty dollars: *Provided*, That the assistant officers of the House, named by the principal at the first of the session, shall be included in the above.

The first section was read and agreed to.

The second section was read.

Mr. CHASE moved to amend, by making the salary of the State Treasurer two thousand dollars.

Mr. ROHRER said that he would vote to increase the salary to this amount, if it could be made prospective in its character. He had no objection to the present incumbent, but did not like the principle.

Mr. GRITMAN said that if the chairman of the Committee of Ways and Means, and the committee, had not perfected the appropriation bill, it should be re committed to them. He did not approve of the principle of the chairman, or some member, getting up and amending every section. If this was to continue, he would move to refer the bill back to the committee.

Mr. CHASE said that the gentleman was somewhat censorious upon the chairman of the Committee of Ways and Means, but that if he ever had the fortune to be chosen to fill that position, he would discover the extreme difficulty of perfecting the bill at once. When before committee, the salary of the State Treasurer had been fixed at the same sum as last year, but it had been very justly said that the salary was insufficient. He had, therefore, offered the amendment.

Mr. KINNEY said that there was no necessity of basing any amount upon the appropriation made last year by the Democratic Legislature.

Mr. CHASE further spoke in support of his amendment.

The question being taken, the amendment was lost.

Mr. WARDEN moved to amend, so as to make the salary of the Superintendent of Common Schools to \$1400 instead of \$1700, as provided for in the bill.

The second section was agreed to, as thus amended.

The third section was read.

Mr. CHASE moved to amend by appropriating to George Bergner & Co. \$57 86, for stationery &c., furnished during session of 1857.



The amendment was agreed to; and the section, as amended, was agreed to.

Mr. CHASE moved to reconsider the vote by which the second section had passed. Agreed to.

Mr. CHASE then moved to amend the second section, by appropriating to the Secretary of the Commonwealth \$1700 instead of \$2000, as provided for in the bill.

The amendment was agreed to.

Mr. CHASE also moved to amend, by appropriating to the Auditor General \$1700 instead of \$2000, as provided for in the bill.

The amendment was agreed to.

Mr. BARNESLEY moved to amend by fixing the salary of the Surveyor General hereafter at \$1800.

Mr. HAMERSLY opposed this, as it was an increase of \$200 over the existing salary.

Mr. THOMPSON moved to amend the amendment by making it \$1400.

Mr. BARNESLEY accepted this amendment to his amendment.

Mr. ROHRER moved to amend by making it \$1700.

The amendment of Mr. ROHRER was lost.

The amendment of Mr. THOMPSON was lost.

The section passed as amended by Mr. CHASE.

The fourth section was read.

Mr. HOTTENSTINE moved to amend by inserting \$123,400 and striking out \$150,000; also, to add to the section "that so much of the act passed 21st April, 1858, increasing the salary from \$500 to \$700 be, and the same is hereby repealed."

Mr. HAMERSLY offered the following amendment to the amendment:

That in lieu of the mileage now allowed by law, it shall be the duty of each member of the Legislature to make a detailed statement under oath of his actual necessary expenses in traveling from his home to the seat of Government, and file the same in the office of the State Treasurer; whereupon it shall be the duty of the said Treasurer to pay such member the amount of said expenses, and a like sum at the end of the session for the purpose of defraying his expenses home.

That the compensation of members of the Legislature, shall be one dollar and fifty cents per day for every day on which they shall be in actual attendance upon their legislative duties, and that the daily pay of the SPEAKER of said House, shall be two dollars.

That all laws or parts of laws inconsistent herewith, be and the same are hereby repealed.

Mr. SMITH, (Berks,) wished to know whether the provisions of the amendment to the amendment were intended to apply to the members of the present Legislature.

Mr. HAMERSLY replied that they were.

Mr. SMITH, (Berks,) said that then he would vote for it.

Mr. THORN moved to amend by giving to each member the sum of twenty-five cents additional, that being the cost of making the oath, as to the "actual necessary expenses."

The SPEAKER ruled this last amendment out of order.

Mr. CHURCH moved to amend, "and that the sum of fifty dollars be retained by the State Treasurer out of the pay of each member, for the purpose of founding an institution, for the benefit of decayed legislators."

The SPEAKER ruled it out of order.

Mr. WILLISTON inquired whether the speakers were not in contempt of the House.

On the amendment of Mr. HAMERSLY,

The yeas and nays were required by Mr. BARNESLEY and Mr. PRICE, and were as follow, viz:

YEAS—Messrs. Acker, Balliet, Barlow, Bay-

ard, Bertolet, Bryson, Burley, Church, Custer, Evans, Fearon, Fisher, Fleming, Foster, Glatz, Good, Gray, Gritman, Hamersly, Kinney, Mc-haffey, Matthews, McClure, McCurdy, Miller, Neall, Oaks, Pennell, Peirce, Price, Quigley, Ramsdell, Rose, Sheppard, Smead, Smith, (Berks,) Taylor, Wagoner, Walker, Witman, Wiley, Williams, (Bedford,) Wilson, Withrow, Wolf, Woodring, Zoller and Lawrence, *Speaker*—48.

NAYS—Messrs. Abbott, Barnsley, Boyer, (Clearfield,) Boyer, (Schuylkill,) Chase, Dismant, Dodds, Durbin, Eckman, Galley, Goepf, Graham, Gratz, Green, Harding, Hill, Hottensine, Jackson, Kenagy, Ketchum, Lawrence, (Washington,) Mann, Nill, Palm, Pinkerton, Proudfoot, Pughe, Rohrer, Shafer, Shields, Stephens, Stoneback, Styer, Thompson, Thorn, Walborn, Warden, Wigton, Wilcox, Williams, (Bucks,) and Williston—41.

So the question was determined in the affirmative.

On the amendment as amended by Mr. HAMERSLY,

The yeas and nays were required by Mr. NILL and Mr. BARNESLEY, and were as follow, viz:

YEAS—Messrs. Acker, Balliet, Barnsley, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Church, Custer, Evans, Fenron, Fisher, Glatz, Gray, Gritman, Hamersly, Jackson, Mc-haffey, McClure, Miller, Neall, Nill, Oaks, Pennell, Peirce, Price, Quigley, Ramsdell, Rose, Sheppard, Smead, Smith, (Berks,) Wagoner, Walker, Witman, Wigton, Williams, (Bedford,) Wolf and Lawrence, *Speaker*—39.

NAYS—Messrs. Abbott, Bayard, Bryson, Burley, Campbell, Chase, Dismant, Dodds, Durbin, Eckman, Fleming, Foster, Galley, Goepf, Good, Graham, Gratz, Green, Harding, Hill, Hottensine, Kenagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Matthews, McCurdy, Palm, Pinkerton, Proudfoot, Pughe, Rohrer, Shafer, Shields, Stephens, Stoneback, Styer, Taylor, Thompson, Thorn, Walborn, Warden, Wilcox, Wiley, Williams, (Bucks,) Williston, Wilson, Withrow, Woodring and Zoller—51.

So the question was determined in the negative.

Mr. HOTTENSTINE said: My reasons for voting no, on Mr. HAMERSLY'S amendments, were, because, I was sincere in carrying my amendment, and that of Mr. HAMERSLY'S was intended to defeat mine, which it has done, thereby preventing a direct vote on the fixed salary of the members.

Mr. WALBORN moved to amend by making the appropriation for expenses, &c., \$190,000, instead of \$150,000, as provided in the bill, and by increasing the pay of members to \$1000 for the session.

Mr. WALBORN said that during the present session, a number of propositions had been made solely for "Buncombe," to reduce the pay of members. In opposition to these he had made this one seriously, and thought that by its adoption, the Commonwealth would be saved money, and would elevate the standard of her legislators. At present, it appeared as if the members came here for the purpose of consuming time for "Buncombe."

The Legislature had been charged with hasty action. In a majority of instances this was well founded: Bills were often called up and hurried through without having even been printed. Let more time be taken, and let them be well considered. If the increase of pay took place, of course the members could give this additional time.

Mr. THORN said that he now understood a matter which had before been mysterious.—This was why his colleague, (Mr. WALBORN,) had so often retarded the business of the

House by retaining bills in committee. The amendment of that gentleman ought to carry for one reason, viz: that at least one-thirteenth of the bills before the Railroad Committee had as yet never been considered. Probably they would be if the additional time and salary were granted.

Mr. PRICE wished to know whether the gentleman from Philadelphia, (Mr. THORN,) had not himself been on a committee which had retained a Lancaster gas bill for about six weeks?

Mr. THORN replied that he had not been on any such committee.

Mr. WALBORN said that the gentleman from Philadelphia, (Mr. THORN,) while speaking of the time consumed by committees, should not forget that he had himself favored a motion to print certain bills, whereby the action of the committee was retarded for at least two weeks.

Mr. NEALL said that he should vote for the proposition of Mr. WALBORN, to give the members one thousand dollars. If his constituents expected him to come here for nothing, then he wished to go away with nothing; but if they expected him to maintain a proper respect for himself, he knew very well that they would never countenance the project of one dollar and fifty cents per diem. The members ought to receive the pay of decent white men.

The proposition to give one dollar and fifty cents per diem had been started solely for "Buncombe," and without any other motive. The man who made it, he undertook to say, would not refuse the seven hundred dollars per session and mileage, if it was offered.

Mr. WILLIAMS, (Bucks,) said that the proposition which he sustained was neither to give one dollar and fifty cents per diem or one thousand dollars for the session. As the gentleman had charged him with having originated schemes of reduction for "Buncombe," he wished to say that he could remain here for nothing just as long as that gentleman could. He was under no necessity of making "Buncombe" for the people of Bucks county, whom he had the honor to represent, had never rejected him for any of his acts.

The people of Bucks did not think that it was right for the Legislature to vote itself additional pay, and he had come here, under instructions from his constituents of economy and reform. In his own mind he might think that seven hundred dollars was actually necessary, but he knew very well that if he was to vote for one thousand dollars, his people would give him particular thunder.

Mr. NEALL said the people whom he represented were not parsimonious. They would pat him on the back if he made the salary one thousand dollars. In his former speech he had not referred to any one in particular, but if the shoe had pinched the gentleman from Bucks, it had found the right place. He believed that if the salary was raised to one thousand dollars, the people would have an additional respect for their representatives.

Mr. M'CLURE offered an amendment making the pay five dollars per diem and mileage.

Mr. M. said the proposition of one dollar and fifty cents per diem was ridiculous, although he believed that there was a disposition on the part of the Legislature to make a reasonable reduction. This, he hoped, would be done. In offering his amendment he was serious, and believed that many members had come here pledged to it.

Mr. SMITH, (Berks,) said that upon this question his constituents had saved him the necessity of making up his mind. The course he intended to pursue could not, he admitted, be reconciled with his vote last year, when regarding seven hundred dollars but a fair compensation for his services, he voted for the salaries as at present established. That vote was given



without much consideration at the time, and solely with reference to the question of adequacy of compensation. Having the honor to represent a constituency who place the highest estimate upon a frugal economy; a constituency of farmers, mechanics and laborers; not wealthy, but of ample means prudently husbanded to advance and secure general happiness, exacting in the operations of the State, something at least of the same thrifty management which characterized their own households, his vote naturally excited their surprise and distrust. He seemed to have forfeited their confidence, and thus called upon to review his course, he was forced to the conclusion that it involved a principle that was indefensible, and established a most dangerous precedent. What would be adequate compensation, was a question which few men would answer alike. It varied as much as the education, training, habits, means and position in life of men varied; but while there might be an honest diversity of opinion, there could, and should be no doubt that the principle which lay at the bottom of any legislative action, having for its object the increase of the emoluments of those who themselves propose such action, is at variance with any mode that has ever been suggested for measuring compensation between the employer and the employed, and most pernicious in its consequences. It was entirely *ex parte*, consulting the wishes and interests of but one party, who was liable to all the tempting influences of self, coupled with unqualified power, to prefer unfounded and exorbitant claims. He would not withhold fair and reasonable compensation to our public servants. It was not Anti-Democratic to pay well enough to justify and enable worthy and competent poor men to hold position, which, under a different system, could only be conferred upon the rich; but it was unwise and almost unprecedented to constitute one interested party the absolute and arbitrary judge of the value of his work and his own paymaster in addition. The sound and honest discretion of the Legislature could be the only check upon this practice, and this could not at all times be relied upon.

In this view of the subject, he, at an early day, submitted an amendment to the Constitution, divesting the Legislature of this dangerous power, which he doubted not, would eventually be engrafted upon the organic law, and produce something of uniformity and stability in the salaries of the representatives. His course upon this question to-day, was in obedience to the expressed wishes and instructions of his constituents, and in further obedience to a sense of duty, by which he trusted ever to be actuated. It was difficult to rise here in the conscientious discharge of duty, without incurring the charge of Buncombe. The cry of Buncombe was often resorted to by the very persons who were its veriest slaves. It would not deter him from expressing on the floor, the wishes of his constituents, or from taking and maintaining whatever position his convictions of right suggested to him as proper to be taken and maintained. The gentleman from Philadelphia would bear in mind that the cry of Buncombe could do no harm, and had none of the characteristics of an argument, and that if it meant, as intimated, a course of conduct induced by a fear of the judgment of an honest constituency, it was more a eulogy than a censure to be liable to the charge.

Mr. M'CLURE said that the allegation which had been made that his proposition might tend to protract the session and give the members more than \$700, was an absurdity. No session could last for two hundred days, and probably all might be done in sixty days, with industry. Every member who was in business would necessarily lose by remaining at Harrisburg at \$5 per diem during the spring months. If it was

feared that they would receive too much, let the time be limited during which they would get the daily pay.

Mr. HAMERSLY said that he certainly had offered the \$1 50 amendment solely for Buncombe, so that the men who were publicly crying for a reduction, and privately opposing it, might have a chance to explain themselves.

Mr. GRATZ proposed that in future the seats in the House should be given to the best and lowest bidder.

Mr. ZOLLER said that he came here expecting to receive \$700. If he had known that he was to get \$500, he would have had the choice of coming or not. He did not believe in violating the contract which had been formed between himself and the people.

Mr. CHASE had voted heretofore in favor of an increase of salary, but would not do so in future, inasmuch as he considered \$700 a fair and reasonable compensation. The gentleman from Berks, (Mr. SMITH,) had said that a political sword was suspended over his head, and that he was bound to his constituents for economy. He honored him for respecting these obligations. He was utterly opposed to going back to the per diem system of remuneration, and believed that if the opinion of nine-tenths of the people of the State was asked, they would express themselves in favor of fixed salaries for the session.

Mr. NILL was opposed to the principle of per diem pay. It had been said that the dollar and a half per diem project was solely for "Buncombe," and the gentleman had declared that many members who openly favored these schemes of reduction, secretly worked in opposition to them. He wished the gentleman from Philadelphia, (Mr. HAMERSLY,) to name some of them.

Mr. HAMERSLY replied that he would be charitable. He would not name them.

Mr. NILL said that the gentleman seemed to imply that he was one. If that was the intention, the assertion was certainly incorrect.

Mr. HAMERSLY said that he had not alluded to the gentleman from Franklin, (Mr. NILL.)

Mr. NILL had so understood him.

Mr. HAMERSLY said that he had always found the gentleman disposed to meet questions fairly.

Mr. NILL alluded to remarks which had been made relative to pay for "decent white men."—Did the gentleman who made those remarks suppose that there were any but decent white men in the Hall, or did he have any reference to the gentleman from Tioga, (Mr. WILLISTON?)

Mr. NEALL explained the expression which he had used.

Mr. NILL expressed himself satisfied. He would be willing to abide by whatever decision the House might make. He should vote for five dollars per diem, although, as he had before said, he was opposed to the principle of paying by the day, and would much prefer a fixed salary. Several years ago, the members had received three dollars per diem during the session, with the proviso, that after a certain time they should get but one dollar and fifty cents. There were now no public works to be legislated for, and no reason for protracting this session to an unusual length. It might be gone through with in an hundred days at least. He could not endorse the assertion that the time had already been fooled away, for, speaking both on behalf of the members and personally, he was certain that great industry had been evinced.

Mr. CHASE said there were two reasons why he could not appreciate the arguments of the gentleman from Franklin, (Mr. NILL.) The first one was that he had said he would vote for five dollars per diem, and yet had expressed himself in opposition to receiving pay by the

day. The second was, that last year he had declared that there was an implied contract between himself and his constituents, which should not be broken. How, then, was it, that the gentleman from Franklin, (Mr. NILL,) was willing to violate it now, by taking two hundred dollars less than his existing compact with his constituents called for?

Mr. NILL argued in defence of the position which he had assumed, and favored the salary system over the per diem pay.

Mr. BARLOW was opposed to the amendments of both the gentleman from Franklin, (Mr. M'CLURE,) and Philadelphia, (Mr. WALBORN.) He was opposed to the former, because it was possible that under its provisions, members would actually, by prolonged sessions, draw more money than they now received.

Mr. KENEAGY would vote against the amendment for five dollars per diem, because he considered that it would not be ample, and that it would tend to induce members to add many little *et ceteras* to their bills. He should also vote against the proposition of the gentleman from Philadelphia, to increase to one thousand dollars, because he was satisfied that seven hundred dollars was enough.

Mr. WALBORN was satisfied with seven hundred dollars, but had offered to increase to one thousand dollars, in order to show what he was privileged to believe, viz: that his constituents would sustain him in that sum.

Mr. WILCOX rose to a privileged question, and called the previous question.

The call was withdrawn.

Mr. KETCHUM said—

He felt it due to his constituents upon this occasion, to give expression to their opinions and his own. In doing this he had no desire to waste time.

The compensation of the members, it was very evident, could not be regulated by either the quality of their services, or the amount of time consumed. It would be very difficult to ascertain what these services were really worth, but he had enough respect for his associates to believe that their services were as valuable as those of any legislative body in the Union, notwithstanding they were so decried and underrated by certain hangers on, who came to Harrisburg to bore and worry the Legislature, and who, with hat in hand and bended knee, strove to obtain their ends, whether just or unjust, and when rejected by members in the honest discharge of duty, slandered and abused the very men whom they had just courted, with most disgusting fawning and sickening adulation.

As to the manner in which the House had employed its time, the best evidence of industry was afforded by the fact that on the 1st of February, 1859, over one hundred more bills were passed than on the same date of 1858. He felt it due the House to say that its progress (with the business of the State,) had been as rapid as was consistent with the proper discharge of its duties, and that order and dispatch and gentlemanly deportment had characterized its proceedings as uniformly as any assembly ever gathered here. It was high time that slanders charging it with negligence and incompetency were set right, and that some member raised his voice in its just defence.

As he had said, no measurement of pay could properly be made by the services performed.—No complaint had been uttered that the Legislature was paid too much, but the voice of the people of a Commonwealth, over forty millions of dollars in debt, had declared that if that Commonwealth would lift that burden of debt from her shoulders that now crushed her to the earth, and would redeem and would sustain her credit, she must pay her legislators what she could afford to pay them, without inquiring about the value of their services. Every tax-payer took this fair and proper view of the matter; and there-



foro, while fully concurring with the gentleman from Philadelphia, (Mr. WALBORN,) that a thousand dollars per session would not be too much for any man fit to be a member of either branch of this Legislature, as poor as the State is, and burdened with taxes as our people are, yet he felt bound to oppose any attempt to increase their burthens. In this matter, he agreed with the people, that honor, honesty and duty, required us to be just, before being generous. It was proper for Pennsylvania first to pay her legal debts before being liberal with those whom she detailed to make her laws.

He was in favor of reducing the salary of members to what it had been before the increase to seven hundred dollars, and had no doubt that others, like him, would be willing to take five hundred dollars until the State was able to pay better.

The amendment of the gentleman from Franklin, (Mr. M'CLURE,) he must oppose, for there was a probability that it would raise the salary to more than five hundred dollars. There had been a time when members received three dollars per diem, and before the session was half finished, or the business half disposed of, this Legislature became obnoxious to the charge, whether justly or not, that its sessions were purposely protracted; that legislation was pursued for the benefit of legislators; that they stayed here as long as possible, solely to pocket the per diem. While he did not believe that this Legislature would furnish any occasion for any such imputation, yet to relieve the present and future assemblies, he would now vote to reduce and permanently fix the pay at five hundred dollars, and then if we are here too long, we stay at least, at our own expense, as well as at the expense of the people.

In voting to reduce our pay to \$500, I do not feel that I am in any wise lowering the value of our services, nor the estimate the people may have of them. Neither do I think I am in any way lessening the respect of the people for us—at least I am certain that when I meet my constituency they will thank me for contributing to retrench the expenses of the government, and thereby enable the State to relieve herself from her burden, and the tax-payers to hope that the day may come when their property and their hard earnings shall be their own absolutely, and not mortgaged for the payment of an overwhelming debt, in the creation of which most of them have had so little to say, and from which they have derived so little benefit.

And I believe that if they were here to-day they would all say that they had no quarrel about the value of our services, but that \$500 was all they could afford to pay.

I do not believe they would tell me that my services were not worth to the State \$700, or that \$700 would forfeit my political reputation. It is true, I do not know, it is hard to tell, the exact state of my political health since I have been in Harrisburg; yet, Mr. SPEAKER, I believe my political reputation is still worth \$700—and I can afford to take \$500 for my services so long as the people cannot pay me any more. If the constituency of the gentlemen from Philadelphia can afford and are willing to pay them any more, I am glad to hear it, and only wish the rest of the State were as well off.

Mr. WILCOX renewed his call for the previous question.

The call was sustained by Messrs. ROHRER, ROSE, GOOD, PENNELL, ZOLLER, HARDING, RAMSDALL, MATTHEWS, GLATZ, WILCOX, PALM, BOYER, (Clearfield,) and GRAY.

The SPEAKER. Shall the main question now be put?

Agreed to. On the question,

Shall the amendment to the amendment pass?

The yeas and nays were required by Mr. BARNSELY and Mr. PRICE, and were as follows, viz:

YEAS—Messrs. Balliet, Barnsley, Bertolet, Custer, Durboraw, Evans, Galley, Glatz, Good, Gray, Gritman, Hill, Hottenstino, Jackson, Lawrence, (Washington,) Melhaffey, M'Clure, McCurdy, Neall, Nill, Oaks, Shields, Smead, Smith, (Berks,) Stuart, Taylor, Wagenseiler, Walker, Warden, Witman, Williams, (Bedford,) Williams, (Bucks,) Withrow, Wolf and Lawrence, *Speaker* 35.

NAYS—Messrs. Abbott, Acker, Barlow, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Dismant, Dodds, Eckman, Ferron, Fisher, Fleming, Foster, Goepp, Graham, Gratz, Green, Hamersly, Harding, Irish, Kenagy, Ketchum, Kinney, Mann, Matthews, M'Dowell, Miller, Palm, Pennell, Peiree, Pinkerton, Price, Proudfoot, Pughe, Quigley, Ramsdell, Rohrer, Rose, Shafer, Sheppard, Stephens, Stoneback, Styer, Thompson, Thorn, Walhorn, Wigton, Wilcox, Wiley, Williston, Wilson, Woodring and Zoller—59.

So the question was determined in the negative.

Mr. HAMERSLY desired to explain his vote. The proposition was calculated to increase the pay of members, and therefore he had voted against it.

Mr. HARDING thought it was all got up for Buncombe, and therefore he had voted against it.

Mr. NEALL thought that the amendment to the amendment was making the salary approximate nearer to \$1000. He had therefore voted for it.

Mr. SMEAD wished to reduce the expenses of government as much as possible. The gentleman from Franklin (Mr. M'CLURE,) had said that the amendment to the amendment would effect this object, and therefore he had voted for it.

Mr. STEVENS said, my reason for voting against this amendment, is because I think it will have a tendency to increase our salaries by protracted sessions, instead of diminishing them. I am in favor of a fixed salary of \$500 and mileage.

Mr. THORN said that he had voted against it, because it was a reflection upon the intelligence of constituents, to question whether their Representatives should have barely enough to pay expenses. His constituents were no more pennurious than others. He did not know whether they cared much about this matter. Certainly the constituents of the gentleman from Franklin did not, because of the two members now holding their seats from that district, one had voted last session to increase the pay of legislators, and one to the contrary.

Mr. WARDEN said, Mr. SPEAKER, I wish to give my reasons for the vote I have cast on this question. Feeling desirous of representing the wishes and feelings of my constituents, and believing that the gentleman from Franklin, (Mr. M'CLURE,) offered this amendment for the purpose of reducing the salaries of the members of the Legislature to their former rate, I have voted "I." But at the same time, would prefer a fixed salary to per diem pay.

Mr. ZOLLER had voted against the proposition, because he knew that his constituents were not mean enough to wish him to vote for it.

Mr. GRAY voted in the affirmative for the reasons alleged by Mr. SMEAD.

Mr. WAGENSELLER. Before voting, I wish, at this stage of the proceedings, to give my reasons for the vote I am about to give.

I have voted all the session, as the record shows, in favor of retrenching the expenditures, in favor of reducing our own salaries, and I have not voted for Buncombe. I voted as I did, because I believe it was right that I should do so; because the State of Pennsylvania is burdened down with an immense debt, and is entitled to all the relief we can grant her. I think

it is especially due from this House, that this reduction should be made.

I have not succeeded in my wishes on these votes. The resolution reducing the salary or extra compensation has not carried; another proposition has been introduced upon which we are just voting. I vote "aye" on that question, because the average length of sessions heretofore would not make the number of days amount to the seven hundred dollars. I vote for it in good faith, believing that if the amendment of the gentleman from Franklin carries, that the salary of members of the Legislature will be reduced.

Mr. PALM voted "no" because he did not believe that there were six members of the House who desired a reduction.

Mr. KINNEY gave the following reasons for his vote on the above question:

My reasons for voting against the amendment of the gentleman from Franklin, (Mr. M'CLURE,) to fix the pay of members at \$5 per day, are, that the per diem system is an exploded system in Pennsylvania, and would tend to prolong the sessions; and, on the whole, increase the expenses of the government.

Mr. FLEMING gave his reasons for voting "no" on the amendment of the gentleman from Franklin, because he sincerely believed it would result in increasing the compensation of members to more than \$500, the sum which he thought sufficient compensation. It being evident that every day over one hundred, would result in some \$800 per day expenses, and hold out inducements for prolonged sessions.

Mr. PINKERTON said he was opposed to the amendment offered by the gentleman from Franklin, (Mr. M'CLURE.) He believed if the amendment carried, that the expenses of the government would be increased rather than diminished. The expenses each day, apart from the pay of members, are not less than \$500 per diem, in this House and Senate; and he felt satisfied if this amendment prevailed, that hereafter, instead of the session lasting, as they should, but about eighty days, they would be prolonged to not less than one hundred and twenty-five days. This, at \$5.00 per diem, would amount for pay of members, in House and Senate, to \$83,125; to which add forty-five days extra for officers' pay, light, &c., at \$500 per day, making in the whole \$105,625; whilst the present session of about ninety days, at \$700 per day for members, will cost but \$93,100: saving to the Commonwealth \$12,525.—For these reasons he should vote against the amendment, and hoped that it would not prevail.

Mr. BOYER, (Schuylkill,) said he voted against the amendment of the gentleman from Franklin, for similar reasons as those given by his colleague, (Mr. PINKERTON,) and believing fully that should the amendment carry, it would greatly increase the expenses of this Commonwealth.

Mr. BERTOLET said—

I vote against the increase of pay of the members of this House, on the ground, that I think five hundred dollars is sufficient for any member, who comes here, for the short time that his services are required.

A mechanic or laborer, who labors a whole year, scarcely earns more than one-half what members of the Legislature receive. Hailing from a county, as I do, whose citizens have been brought up to economy and frugality, I cannot consistently vote for any increase of pay over the five hundred dollars salary, and therefore, shall be performing no more than doing my duty to my constituents.

Mr. ROHRER, before voting, said that he wished to state his reasons. He had come here, as he honestly believed, under a contract to receive seven hundred dollars. And this amount, he as honestly believed, his constitu-



ents agreed by their votes to give him. It was a fair, honest and honorable contract between the parties. He was willing to vote for a resolution prospective in its character, as to a reduction of pay, and if such a resolution was offered, would vote for it. Then every Representative asking the position would do so, knowing what he was to receive, and would have to be satisfied therewith. As it was, he had incurred expenses during the political campaign, and even up to the present moment, in proportion to what he believed the contract between him and his constituents honestly called for.—He was conscientiously opposed to increasing a salary, as he deemed it little short of robbing, when it was done by the parties who were to receive the benefit of it, and he was equally tenacious about reducing a salary when it existed at the time of election, as a fixed fact, and to him was the very essence of the contract.—In addition, he would say, that there was no exactions made by his constituents to secure and insure their votes; he believed they voted for him without ever for a moment desiring that he should reduce the pay of Representatives, and more particularly reduce that pay upon himself; but notwithstanding no such restrictions were placed upon his legislative course, he would, in exercising his own judgment, vote for any prospective resolution reducing the pay of members to a fair, honest and honorable compensation. But he could not, in justice to his wife and children, [and for which he thanked God, he was blessed with both,] vote away from their support the sum asked for by this amendment. He considered they had an interest in this matter as well as himself, and he would never consent to make them the innocent sufferers, for the sake of gaining a little "Buncombe," kettle-drum notoriety. He was in favor of economy in every department of life, and his constituents, who knew him intimately, he was satisfied, were willing to risk his judgment in the premises. He did believe that inadequate compensation gave rise to all the corruption that has been charged to previous Legislatures; for he had already heard men say they were willing to act in the capacity of Representative, and pay their own expenses. This could not be done, of course, without an "eye-seeing to be one thing needful" in other quarters, and he had no hesitancy in believing that "money would be made" in the operation. A fair compensation was all he thought any man should get. Extremes ought to be avoided both ways—one to revert corruption, and the other an empty treasury. Under all the circumstances, he was willing to meet his constituents. If they said the great State of Pennsylvania was in more need of the two hundred dollars than he and his family were, after holding out the false pretence" and the inducement, he was willing to abide by their decision. He believed he knew them better—he believed they had more honor.

The amendment of Mr. WALBORN was withdrawn.

The section was agreed to.

The fifth section was read and agreed to.

The sixth section was read and agreed to.

The seventh section was read and agreed to.

The eighth section was read and agreed to.

The ninth section was read and agreed to.

The tenth section was read and agreed to.

The eleventh section was read and agreed to.

The twelfth section was read and agreed to.

The thirteenth section was read and agreed to.

The fourteenth section was read and agreed to.

The fifteenth section was read and agreed to.

The sixteenth section was read and agreed to.

The seventeenth section was read and agreed to.

The eighteenth section was read.

Mr. FOSTER offered the following amendment:

"And for extending the wall and constructing additional cells, \$10,000."

Mr. FOSTER argued that the present building was insufficient; that there were but seven vacant cells in the institution; that there was an excess of twenty-nine inmates over the number at the same time last year, and that unless some measures of relief were adopted, the board of directors would be unable, without the exercise of the pardoning power by the Governor, to comply with the requirements of law governing the institution.

Mr. THORN hoped that the amendment would carry.

Mr. CHASE could not deduce from the remarks of the gentleman from Allegheny, any necessity for the appropriation. Why had the matter not been brought before the attention of the committee?

Mr. IRISH said that the reason why it had not been brought before the committee was, that the board of directors had but recently determined to solicit legislative aid. He had been informed by members of the board that the law could not be complied with unless some extension of the building was made. The statements of the board were uncontradicted, and he hoped, in view of the facts, that the House would make the appropriation.

The question being taken,

The amendment was lost.

The section was agreed to.

The nineteenth section was read.

Mr. HARDING moved to amend by appropriating \$3,000 to put gas in the Eastern penitentiary.

Mr. THORN said there might be a necessity for the amendment, but he could not vote for it. The gentleman behind him had just said that the first proposition to have gas in the building had come from a meeting held just before the opening of the Legislature. Perhaps after the meeting was over, the supply of gas was sufficient for all necessary purposes.

Mr. HARDING said that the institution was one in which all the members were interested, more or less. He had paid a visit to it on special invitation, and had found that the introduction of gas was an actual necessity.

Mr. NEALL, as the representative of the district in which the building was located, desired to speak seriously in behalf of the project. His business had formerly been of such a character, as to oblige him to visit the institution frequently, and it had then been manifest to him that gas was an essential. Inflammable materials were scattered around in profusion, and the fall of a spark from a lamp, such as was used, would be the signal for a heavy conflagration, and general jail delivery.

Mr. KINNEY said that he should vote for the appropriation. He had visited the Eastern penitentiary, and could attest its bad condition.

The buildings radiated from a common center, and were covered with wood, and had arches constructed of the same material. Various business operations were carried on in the interior, with combustible materials lying all around. Something should be done to render the structure fire-proof, particularly when it was considered, that although the building formerly were isolated, it was now surrounded with dwellings, all of which will be destroyed by a conflagration. The question of making it fire-proof internally, was an important one, for a fire would be attended with the most deplorable results, and it was doubtful whether the prisoners could be got out in time to prevent being burned to death.

Mr. CHASE inquired whether the appropriation was asked to make the building fire-proof.

Mr. KINNEY said that it was intended to make it more secure by introducing gas, and

thereby avoiding the necessity of carrying lamps from place to place.

Mr. THORN said that the introduction of gas would not suffice to lessen the danger by fire, because the gas would only be introduced into a few apartments.

Mr. WILLIAMS, (Bucks,) said that the gentleman from Bradford, (Mr. KINNEY,) had stated that the ground around the institution was built upon. This was true, but were there not stone walls intervening. He did not approve of furnishing prisoners with the luxury of gas, when countrymen like himself never saw it except when they went to Philadelphia, or some interior one-horse village.

Mr. KINNEY said that gas would be cheaper.

Mr. ABBOTT opposed the appropriation, as it had not been presented properly to the committee.

On the amendment,

The yeas and nays were required by Mr. HARDING and Mr. QUIGLEY, and were as follows, viz:

YEAS—Messrs. Evans, Gray, Hamersly, Harding, Kinney, Matthews, Neall, Pughe, Quigley, Sheppard, Smith (Berks) and Styer—12.

NAYS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Church, Custer, Dismant, Dodds, Durboraw, Eekman, Fearon, Fisher, Fleming, Foster, Galley, Glatz, Good, Graham, Gratz, Green, Gritman, Hill, Hottenstine, Jackson, Keneagy, Ketchum, Lawrence, (Washington,) Mann, M'Curdy, M'Dowell, Miller, Nill, Oaks, Palm, Pennell, Peirce, Pinkerton, Priece, Proudfoot, Ramsdell, Rose, Shafer, Shields, Smead, Stephens, Stoneback, Stuart, Taylor, Thorn, Wagenseller, Walborn, Walker, Warden, Witman, Wigton, Wileox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wolf, Zoller and Lawrence, Speaker—74.

So the question was determined in the negative.

The eighteenth section was agreed to.

Mr. NEALL asked leave to make a statement, and moved that an afternoon session be held until the Private Calendar was disposed of.

The SPEAKER said that the motion could not be entertained unless the appropriation bill was postponed.

Mr. CHASE moved to postpone the bill for the present.

Mr. WALBORN hoped that the House would not have an afternoon session. The Railroad Committee met in the afternoon, and that was the only time that they could assemble.

Mr. CHASE wished to know why they could not meet in the evenings.

Mr. WALBORN said that the other committees met in the evenings, and engaged the attention of the members.

Mr. HAMERSLY wished the Railroad Committee to have time to consider the bills which they had so long retained. He wished them to get through, and report upon the bills.

Mr. CHASE said that it was simply a question whether the Railroad Committee should hold one hundred men, while they considered a private bill, to the neglect of the public one, viz: the appropriation bill.

Mr. CHURCH, a member of the Railroad Committee, said that the committee might as well meet in the evening as in the afternoon.

Mr. WALBORN said that it was impossible to obtain a full attendance of the members in the evening.

Mr. NEALL was in favor of disposing of the appropriation bill at once and taking up the Private Calendar.

Mr. FOSTER hoped that the Railroad Committee would be allowed to report. They had



in charge one of his bills relating to the orphans' court of Allegheny county.

Senate amendments to House bill, No. 241, were read, and, on motion of Mr. Rose, concurred in.

Senate amendments to House bill, No. 161, were read, and, on motion of Mr. WILCOX, concurred in.

Senate insisting on its amendments to House bill, No. 280, Mr. WALKER moved that a committee of conference be appointed. Agreed to.

The committee consisted of Messrs. WALKER, NILL and WIGTON.

Mr. PALM moved that "An Act relative to the Mt. Carbon railroad," be re-committed to the Committee on Railroads. Agreed to.

Mr. PEIRCE from the Committee to Compare Bills offered a report.

The committee stated that they had waited upon the Governor, who had signed the bills set forth in the following message.

MESSAGE FROM THE GOVERNOR.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, informing the House that he had approved and signed the following Acts of the General Assembly, viz:

"Supplement to an act to incorporate the Pittsburgh and Steubenville railroad company."

"An Act authorizing Asa Dimock, administrator of the estate of his son Lafayette G. Dimock, late of Harrisburg, dec'd, to sell certain unproductive and unimproved lands belonging to said estate."

"A further supplement to an act to erect the town of Sunbury, in the county of Northumberland, into a borough."

"An Act relating to the opening and grading of new roads in Thornbury township, Delaware county."

"An Act to incorporate a company, by the name of the Waynesburg turnpike road company, with power to construct a road from or at a point near the mouth of Bates' Fork, Ten Mile creek, by the way of Waynesburg, to the east end of Morrisonville, in Greene county, Pennsylvania."

WM. F. PACKER.

The hour of one having arrived, the SPEAKER adjourned the House until 9½ o'clock tomorrow morning.

No. 444.—FILE OF THE HOUSE.

GRATZ, Judiciary—Feb. 25.

AN ACT relative to the time in which courts are required to file their charges and decide motions for new trials.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That whenever a judge of any of the courts of this Commonwealth shall be requested to reduce the opinion of the court to writing and file the same, of record agreeably to the twenty-fifth section of the act of the twenty-fourth of February, one thousand eight hundred and six, entitled "An Act to alter the judiciary system of this Commonwealth," it shall be the duty of the judge to reduce the opinion of the court to record within thirty days, and file the same of record within thirty days after the passage of this act.*

SEC. 2. That in all civil suits tried in the several courts of this Commonwealth, in

which verdicts are rendered in favor of the plaintiffs, and motions are entertained by the court, or rules granted for new trials, it shall be the duty of the court to decide upon and dispose of such motions and rules within thirty days after argument of such rule or motion; otherwise judgment shall be entered on such verdict, by the prothonotaries or clerks of the respective courts.

No. 439.—FILE OF THE HOUSE.

M'CLURE, Judiciary—Feb. 25.

AN ACT relating to rate of interest.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act regulating the rate of interest, passed the twenty-eighth day of May, Anno Domini one thousand eight hundred and fifty-eight, shall be so constructed as not to affect actions pending under the former usury laws; and at the time of the passage of the act of the twenty-eighth May, Anno Domini one thousand eight hundred and fifty-eight; and it is the intention of the Legislature that no plaintiff, in any cause, shall be prejudiced by the passage of the last mentioned act, but that the said act is prospective only in its operation.*

No. 434.—FILE OF THE HOUSE.

IRISH, Judiciary—Feb. 25, 1859.

AN ACT supplementary to an act relating to counties and townships, and county and township officers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the terms and provisions of the fifth and sixth sections of the act relating to counties and townships, and county and township officers, approved the fifteenth day of April, Anno Domini one thousand eight hundred and thirty-four, be and the same are hereby extended to cities and boroughs.*

SEC. 2. That in no case shall any county, city, township or borough, be compelled by any judicial proceeding to pay any claim against the same, or any alleged debt thereof, nor shall any such county, city, township or borough, be compelled by any legal or judicial process whatsoever, to make provision therefor, until a judgment has been first obtained against such county, city, township or borough, by suit or action at common law, in accordance with existing regulations; and then only by execution issued upon such judgment, in accordance with the provisions of the said sixth section of the said act.

No. 298.—FILE OF THE SENATE.

BREWER, Militia—Feb. 11.

A SUPPLEMENT to an act, entitled "An Act for the regulation of the militia of this Commonwealth," approved April twenty-first, one thousand eight hundred and fifty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be the duty of the several county treasurers of this Commonwealth, to prepare annually a statement of the receipts and expenditures of the military fund of their respective counties, setting forth the amount received from each collector separately, and the amount paid each person to whom money may be due; which statement, after being examined and passed by the county auditors, shall be published in the*

same manner that the other accounts of the said county treasurer are by law directed to be published; the expenses whereof to be paid out of the military fund of said county, and a statement of the same forwarded by the county treasurers to the State Treasurer of this Commonwealth, on or before the first day of February in each and every year.

SEC. 2. That the State Treasurer is hereby authorized and required to pay out of the aggregate military fund, now accumulated or that may hereafter accumulate, to the several county treasurers, any deficiencies of the county military expenses wherein statements have been duly transmitted agreeably to the first section of this supplement.

SEC. 3. That so much of the fourteenth section of this act, to which this is a supplement, as prohibits the paying any money out of the general military fund, except for the salary of the Adjutant General, his assistant and clerk, be and the same is hereby repealed.

No. 169.—FILE OF THE SENATE.

BELL, Judiciary—Feb. 3.

AN ACT in reference to the commissions of justices of the peace and aldermen.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That every person hereafter elected to the office of justice of the peace or alderman shall, within thirty days after the election, if he intends to accept said office, give notice thereof, in writing, to the prothonotary of the common pleas of the proper county, who shall immediately inform the Secretary of the Commonwealth of said acceptance, and no commission shall issue until the Secretary of the Commonwealth has received the notice aforesaid.*

SEC. 2. That so much of an act of Assembly as requires constables to send copies of the returns of the election of aldermen and justices of the peace to the Governor of the Commonwealth is hereby repealed.

SEC. 3. That whenever a person elected to the office of alderman or justice of the peace shall fail to give the note of acceptance as provided for in the first section of this act, within thirty days after said election, the office shall be considered vacant and shall be filled as vacancies are now filled by law.

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# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 45.

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## SENATE.

THURSDAY, March 3, 1859.

The Senate met at 10 o'clock, the SPEAKER in the chair.

Prayer was offered by Rev. Dr. Bartine, of the Methodist Episcopal church, Harrisburg. The Journal was read and approved.

## REPORTS OF COMMITTEES.

Mr. WRIGHT, (Accounts,) made the following report:

SENATE OF PENNSYLVANIA,

To GEO. W. PORTER, P. M. Dr.,

For postage on letters and documents sent and received from February 1st to February 28th, inclusive:

Letters sent .....	\$224 35
Letters received.....	173 12
Documents sent.....	1111 10
Documents received.....	133 75

\$1,642 32

The Committee on Accounts having examined the above account of the Postmaster at Harrisburg, and believing it to be correct, offer the following resolution:

*Resolved*, That the SPEAKER draw his warrant on the State Treasurer in favor of George W. Porter, Postmaster at Harrisburg, for \$1,642 32, in full payment of said account.

The above resolution was twice read, considered and adopted.

Mr. NUNEMACHER, (Roads and Bridges,) reported, as committed, "An Act establishing a public ferry across the Allegheny river, in Armstrong county."

Also, (same,) as committed, "A further supplement to an act incorporating the Trenton City bridge company."

Mr. FETTER, (same,) as committed, House bill No. 559, "A supplement to an act relative to State roads in Clarion and Venango counties."

Also, (same,) with a negative recommendation, House bill No. 569, "An Act to provide for the election of supervisors in Cross Creek township, Washington county."

Mr. THOMPSON, (same,) with amendment, House bill No. 342, "An Act to amend road laws in Montgomery county."

Also, (same,) as committed, "A supplement to an act providing for the laying out of a road from New Castle, Lawrence county, to Emlenton, Venango county."

## BILLS IN PLACE.

Mr. RANDALL read in his place and presented to the Chair, a bill, entitled "A supplement to the act incorporating the Locust Gap improvement company."

Mr. TURNEY, "An Act to extend the charter of the Dauphin Deposit Bank."

Mr. MARSELIS, "A supplement to the act incorporating the West Philadelphia railroad company."

Mr. MILLER, "An Act to equalize taxation on corporations."

Mr. FRANCIS, "An Act relative to unadjusted claims against the public works."

Mr. MYER, "An Act to legalize the township election in Terrytown, Bradford county."

Mr. SCHELL, "An Act to incorporate the Franklin high school and Normal institute association of the borough of Martinsburg, in Blair county."

Also, "An Act requiring notice of sales of real and personal estate by executors and other trustees, to be given by printed handbills and advertising in one or more newspapers."

Mr. SHAEFFER, "A supplement to an act incorporating the dock coal company, under the act of Assembly of April 7, 1849, entitled "An Act to encourage manufacturing operations in this Commonwealth," and the several supplements thereto.

## ORIGINAL RESOLUTIONS.

Mr. WELSH offered the following; which was twice read, considered and adopted:

*Resolved*, That hereafter the sessions of Monday and Friday afternoons be devoted to the consideration of private bills to which there are no objections; and that upon such afternoons any bill that is objected to, shall be put upon second reading without debate, and be placed upon the regular orders of the day.

On motion of Mr. BREWER, the following resolution was twice read, considered and adopted.

*Resolved*, That the Senate will hold a session this afternoon from 3 to 5 o'clock, for the consideration of private bills, and that an objection to any bill shall put it on second reading.

Mr. SCOFIELD offered the following resolution, which,

On motion of Mr. WRIGHT, was referred to the the Judiciary Committee,

*Resolved*, That the Attorney General be requested to inform the Senate, whether in his opinion the purchasers of the canals under the act of last session, are liable for the claim of Thomas Morley, now pending in the Senate; and what opinion, if any, upon that subject, has been given by his department to the Canal Board

On motion of the same Senator, the following was twice read, considered and adopted:

*Resolved*, That the Auditor General be requested to inform the Senate what action was taken by the Canal Commissioners upon the claim of Thomas Morley, now pending in the Senate, and any other information relative to said claim, that may be within his knowledge.

Mr. MYER offered the following:

*Resolved*, That Senate bill No. 202, be com-

mitted to the Committee on the Judiciary System, with instructions to said committee to proceed without delay to take the testimony, under oath or affirmation, of witnesses that may be produced before them in relation to the claim of Thomas Morley, against the Commonwealth, and that when the said bill, with the evidence and proofs, shall be reported by said committee to the Senate, it shall be the regular order until disposed of.

On motion of Mr. BELL, the words "without delay" were stricken out; and on motion of Mr. WELSH, the latter part of the resolution, making this bill the regular order until disposed of, was also stricken out.

Mr. MYER modified his resolution, so that the committee shall report only so much of the testimony as may be necessary to a proper understanding of the question.

The resolution as amended passed.

On motion of the same Senator, (the rule being suspended,) the following was twice read, considered and adopted.

*Resolved*, That the State Treasurer be and is hereby requested to communicate to the Senate any information he may have in regard to the amount of relief notes issued under the act of 1841; the amount redeemed; the amount outstanding; the amount, if any, that has been offered in payment of taxes due the Commonwealth either for license or otherwise; the amount refused in payment of such tax or license by the treasurer or other officer; also, the amount over-issued by any of the banks of the Commonwealth, under the provisions of said act; the amount of such over issue redeemed, and the amount outstanding, if any, and any other information touching this subject within his knowledge.

On motion of Mr. SCHELL, the Judiciary Committee was discharged from the consideration of House bill No. 122, "An Act to incorporate the village of Corsica, in Jefferson county, into a borough."

## ORDERS OF THE DAY.

House bill No. 203, "An Act to increase the salaries of the judges of the court of common pleas of Philadelphia," came up in order, the question being upon the motion of Mr. GREGG, to strike out the amendment increasing the salaries of the supreme court judges.

Mr. FINNEY, being entitled to the floor when the Senate adjourned yesterday afternoon, remarked that he had nothing to say in addition to what he had urged, yesterday, in support of the allowance of the additional salary proposed, except that the judges of the supreme court were compelled, by necessity, to live two thirds of the year in the city of Philadelphia, and that the compensation allowed them, at present, was insufficient to meet their actual expenses.

Mr. RANDALL, in connection with other Senators, felt a great interest in the increase of the salary of the judges of the supreme court. The salary at present paid them was inadequate to their services, and was not sufficient to enable them to live comfortably, and support and educate their families. There is a provision in the Constitution of the State, which requires that these judges shall be paid a sufficient and adequate salary; and the only question for the Senate to determine is, whether the salary is adequate, or whether it is entirely insufficient to their wants, and not commensurate with the labors performed. If the latter is the case—and of that there did not seem to him to be a



doubt—now is the time to increase their salary, when the State is in a prosperous financial condition. The State, he said, had no right to ask the service of the talent, which is found upon the supreme bench, at an insufficient salary. He, himself, knew one judge of the supreme court, whose expenses in educating and supporting his family, exceeded the amount of his salary, some thousand or fifteen hundred dollars a year. It was but simple justice to pay them a liberal salary. The members of the Legislature had provided for themselves a sufficient compensation, and they should not withhold from this important branch of the government the same provision. They should do so upon constitutional grounds alone, if for no other reason; and upon the merits of the case, should do so promptly. Mr. RANDALL, in the course of his remarks, pronounced a high eulogy upon the judiciary of the State.

Mr. SCOFIELD said he was glad to hear such high encomiums pronounced upon the judges of the supreme court, as he had listened to from the Senator from Philadelphia.—They are the people's judges, and he was glad to learn from the debate, that the people had not chosen one weak man—not one lazy man—not one man of bad habits. He had voted to have the judges elected by the people, and was rejoiced to see the people using their power so well. That bench deserved their compliments, and more. The people had not only chosen learned and industrious men, but gentlemen; men who can treat the members of the bar and others who appear in that court, with becoming courtesy; and that was more than some of the Governor's judges did. But in his humble judgment, this court had one fault. Political prejudice might make him see it, but so it seemed to him. While all the judges were educated in the States-right school of politics, they seemed to lean strongly to federalism, as soon as they were once on the bench. Whenever a case arose before them, involving the sovereignty of this Commonwealth, as against the encroachments of federal power, they lean strongly against the State. If they do not find a warrant in the Federal Constitution, they base their opinion on what they call its spirit. These judges were very happily endowed, and Burke says, that ambition is the instinct of great souls. Can it be that our judges, unconsciously to themselves, try to conciliate federal patronage? If this is the case, we might, perhaps, counteract this federal longing, by giving them better pay, and making them contented to serve the State. He would, therefore, vote to increase their pay.

Mr. GREGG further advocated his amendment to strike out the sum of four thousand dollars. The judges of the supreme court, he said, now receive some thirty-five hundred dollars, upon which basis he had made a calculation, showing that their salary is about ten dollars per day for the three hundred and sixty-five days in the year. That was a salary sufficient for any person; and he could see no propriety in making the increase proposed.

Mr. WRIGHT was also opposed to the increase of salary proposed. The salary of the supreme judges had already been increased several times; and there was not a session that the Legislature had not been called upon to add additional compensation for their services. If the salary is now increased to four thousand dollars, the Legislature will soon be called upon to increase it to six thousand, for an increase of salary brings with it a more extravagant style of living. (To a question put by the Senator from Indiana, Mr. WRIGHT said he was also opposed to an increase of the salary of local judges.)

The salary of judges, he believed, should remain as it is; an increase of compensation does not bring with it an increase in the value of the

material; but the tendency of it is to bring out as candidates for the position, a miserable batch of pettifoggers. The supreme bench should not be sought for the mere purpose of emolument, but with a patriotic desire to serve the State faithfully, and for the honor which attaches to that high position. He did not believe that the character of the supreme judges would be improved by increasing the salary to ten thousand dollars; and nothing, in his opinion, had tended so much to degrade the character of those judges, as the continued efforts which have been made for an increase of their salary. He had never known a lawyer, in his life, in either branch of the Legislature, who did not keep hammering away at this increase of salary. Let us, he said, hear a word from some one else than the lawyers, upon this subject. Let us hear what the farmers will say—what are the views of our merchants, mechanics and artisans with reference to this proposed increase of salary.

He had not one word to say against the character of the gentlemen who sit upon the supreme bench. He knew them all, and could say that they were gentlemen of high character and worth. He argued at some length against the proposed increase.

Mr. STEELE would vote against the proposition to increase the salary of the supreme judges, and he wished to state the reasons for doing so. They were simply these: he was fully aware that, outside of the bar, in Luzerne county, which he had the honor to represent, that there were not fifty persons who would vote for an increase of salary. He had made a calculation, which showed that these supreme judges are now receiving the interest of about sixty thousand dollars. If they cannot live upon that sum, it is not worth while for the State of Pennsylvania to undertake to provide for them. He was confident that, if the question were left to the people of the State to decide, there would be an almost unanimous voice in opposition to it.

Mr. HARRIS said the discussion had taken a wide range, and yet there had not been shed upon the question one ray of additional light. He alluded to the calculation of the Senator from Centre, showing that the present salary gives to the supreme judges about ten dollars per day. (Sundays included,) for the entire year, which was a sum sufficient to enable any man to live comfortably and decently. He was opposed to the increase of the salaries of any judges, and should vote for the motion to strike out.

On the question,  
Will the Senate agree to the motion to strike out?

The yeas and nays were required by Mr. GREGG and Mr. WRIGHT, and were as follow, viz:

YEAS—Messrs. Baldwin, Blood, Brewer, Craig, Fetter, Francis, Gregg, Harris, Keller, Marselis, Nunemacher, Schell, Schindel, Steele, Thompson, Welsh, Wright, Yardley and Cresswell. *Speaker*—19.

NAYS—Messrs. Bell, Coffey, Finney, Miller, Myer, Palmer, Parker, Penney, Randall, Scofield, Shaeffer and Turney—12.

So the question was determined in the affirmative.

Mr. TURNEY moved to add the following words: "and that the salaries of the several law judges of this Commonwealth, now receiving two thousand dollars, be increased to twenty-five hundred dollars."

Mr. BELL would vote for the amendment.—His own experience satisfied him that no body of men, in the service of the State, were so poorly and inadequately paid as the law judges of the Commonwealth. Their duties and labors had increased with the growth of the State, and their present compensation is not one-half, pro-

portionately, what it was formerly. It is true, the Legislature had dribbled out, with a niggardly hand, some little additions to that compensation, but it was still far from being adequate to the services rendered by them; they were utterly inadequate. He would ask any Senator, acquainted with the subject, whether two thousand dollars was an adequate salary for judges, whose duties embraced some two or three, and sometimes four and five counties? He thought the increased compensation should be allowed; and those who oppose it, should ask themselves the question, whether they are discharging a constitutional duty, in refusing that adequate compensation which it provides?

He was sorry to see a spirit of jealousy cherished on the part of a portion of the Senate against the legal profession. It was a feeling to be deprecated, and no one more regretted it than himself.

Mr. FRANCIS said he had voted against the proposition to increase the pay of judges of the supreme court, not because he entertained any unkind feeling towards those judges, nor because of any jealousy which he entertained towards the legal profession. He had a high respect for that profession, and did not regard the members of it, as some did, as mere tricksters. If he was satisfied that four thousand dollars were necessary to justly compensate those judges, he would willingly vote to fix that sum as the compensation. He would also vote for a just compensation to the law judges of the State. He knew at least two judges of the common pleas, who had made much more by their practice, before going upon the bench, than they receive from the salary attaching to the position. Indeed, upon the bench, they were scarce able to meet their current expenses out of their salary.

There was, he said, a certain dignity attaching to the office of a judge, which must be sustained, in order to command for it that respect which renders it effectual for good; and when that dignity is destroyed, they are brought down to the level of A. B. and C., and the respect and influence of that position lost. In the treatment of its public officers, the State should not be penny wise, and pound foolish. They had better pay them liberally. He was in favor of paying every public man liberally, and had no sympathy with those who jump up, upon every occasion which presents itself, and offer some proposition to cut down the salaries of officers, for the mere purpose of Buncombe. The people—the great intelligent people—have no sympathy with such efforts; and if the amendment was pressed, he should vote for it.

Mr. GAZZAM would vote for the amendment, and he wished to present a few reasons for doing so. He did not think the compensation which was proposed, was higher, proportionately, than it was years ago. With the growth of the State, there had been an increase of duties, as well as an increase in the cost of living; and twenty-five hundred dollars is not a relative increase of salary, every thing being taken into consideration. He had no sympathy with that feeling which arrayed class against class, and could not forget what was due to the legal profession. He paid a high tribute to the profession, and narrated instances, both in England and in our own country, in which the members of it had contributed most ready and valuable aid in the cause of liberty and humanity.

Mr. RANDALL desired to State, as briefly as possible, his reasons for voting for the amendment. As one of the representatives of the city of Philadelphia, it would hardly be fair for him to ask or vote for an increase of the salary of the local judges, without voting for a similar increase to others. He would vote for the increase of the salary of the local judges, because he believed the people of Philadelphia were in favor of it, and he was willing to extend to those



who occupy judicial positions throughout the State, the same additional increase.

Mr. WRIGHT was opposed to the proposed increase, for the reasons already given by him to the Senate. He had nothing to take back from what he had then said in relation to the subject.

Mr. WELSH was opposed to increasing the salary of the judges of the Commonwealth, because he did not believe the people of the State desire it, or that the finances of the State would justify it.

Mr. MARSELIS wished to say a word or two in explanation of his vote. He did not think the people trouble themselves much about the matter of salaries of public officers, but that they left to the Legislature the task of regulating them as they deemed just. They exercise no interest until a certain point is reached where right is outraged. He considered the proposition to give to the judges of the courts twenty-five hundred dollars a fair and reasonable one. Indeed, he could not see why the law judges should not receive as much compensation as the judges of the supreme court. He would cheerfully vote for the amendment, and he hoped it would be adopted.

Mr. FINNEY moved to amend the amendment by adding the following words:

"And that the salaries of the judges of the supreme court be \$3,500 per annum."

Messrs. FINNEY and BELL briefly advocated the justice of this amendment.

On the question, will the Senate agree to the amendment to the amendment?

The yeas and nays were required by Mr. WRIGHT and Mr. FINNEY, and were as follows, viz:

YEAS—Messrs. Bell, Coffey, Finney, Francis, Gazzam, Marselis, Miller, Myer, Palmer, Parker, Penney, Randall, Schell, Seofield, Shaeffer, Turney, Yardley and Cresswell, *Speaker*—18.

NAYS—Messrs. Blood, Brewer, Craig, Fetter, Gregg, Harris, Keller, Nunemacher, Rutherford, Steele, Thompson, Welsh and Wright—13.

So the question was determined in the affirmative.

Pending the discussion of Mr. TURNEY'S amendment, the hour of one having arrived, the Senate adjourned until 3 o'clock.

#### AFTERNOON SESSION.

Agreeably to order, the Senate met at three o'clock, P. M.

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. CRAIG, Senate bill No. 396, "A supplement to an act incorporating the Quakake railroad company."

On motion of Mr. FETTER, Senate bill No. 184, "A further supplement to the act incorporating the Duncannon, Landisburg and Broad Top railroad company, and to change the name thereof to the Pennsylvania Pacific railroad company."

[This bill, on motion of Mr. FETTER, was amended by the addition of a new section.]

On motion of Mr. FINNEY, House bill No. 340, "An Act to incorporate the Presque Isle dock company."

On its final passage,

The yeas and nays were required by Mr. SCHELL and Mr. FINNEY, and were as follows, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Finney, Francis, Gazzam, Gregg, Harris, Keller, Myer, Nunemacher, Palmer, Parker, Penney, Rutherford, Shaeffer, Schindel, Thompson, Welsh and Yardley—20.

NAYS—Messrs. Schell, Turney, Wright and Cresswell, *Speaker*—4.

So the question was determined in the affirmative.

On motion of Mr. PALMER, House bill No. 276, "An Act to authorize the Schuylkill Valley railroad company, in the county of Schuyl-

kill, to extend their railroad from some suitable point near the town of Tuscarora, to connect with the Little Schuylkill railroad, at or near the town of Tamaqua."

On motion of Mr. GAZZAM, House bill No. 141, "A supplement to an act to incorporate the Union School and Children's Home asylum; to provide for the taxation of non resident vendors of merchandize in the city of Philadelphia, and for the relief of Edward Hutchison."

On motion of Mr. HARRIS, House bill No. 298, "An Act to empower the judges of the court of common pleas of Beaver and Butler counties, to establish a tariff of fees and costs in equity cases."

[On motion of Mr. FRANCIS, Lawrence county was included in the bill.]

On motion of Mr. KELLER, Senate bill, No. 341, "An Act to incorporate the Columbia County agricultural, horticultural and mechanical association."

Objection being made to this bill, according to the rule adopted this morning, it lies over on second reading.

On motion of Mr. MARSELIS, House bill, No. 341, "An Act relative to Whitney street, in the city of Philadelphia."

On motion of Mr. MYER, Senate bill, No. 300, "An Act for the appointment of auditors for the borough of Tunkhannock, in the county of Wyoming; and to change the time of holding borough elections."

On motion of Mr. COFFEY, House bill No. 320, "An Act to authorize the town council and burgess of the borough of Kittanning to grade and pave certain streets."

This bill was amended, on motion of Mr. COFFEY.

On motion of Mr. KELLER, House bill No. 102, "An Act relating to road views and road damages in Northumberland county."

On motion of Mr. PALMER, Senate bill No. 254, "An Act to incorporate the New Castle water company."

On motion of Mr. RANDALL, House bill No. 325, "An Act to incorporate the Fairmount and Manayunk steamboat company."

On motion of Mr. SCOFIELD, Senate bill No. 334, "An Act to authorize Lewis R. Geer to erect a ferry across the Allegheny river."

The bill was amended, by granting the above privilege for ten years.

On motion of Mr. SCHELL, Senate bill No. 257, "An Act to incorporate the Bedford gas company."

By request, this bill lies over on third reading.

On motion of Mr. PENNEY, Senate bill No. 441, "A supplement to an act incorporating the Odd Fellows' Hall association of the city of Pittsburg, in Allegheny county, approved April 21, 1852."

On motion of Mr. RANDALL, House bill No. 423, "An Act to incorporate the Philadelphia and New Orleans steam navigation company."

On motion of Mr. RUTHERFORD, House bill No. 330, "An Act to incorporate the Union cemetery association of the borough of Lebanon and vicinity."

Objections being made to this bill, it lies over on second reading, according to the rule.

On motion of Mr. GREGG, Senate bill No. 349, "An Act relating to the election of borough officers in the borough of Bellefonte."

This bill was slightly amended.

On motion of Mr. SHAEFFER, Senate bill No. 339, "An Act to incorporate the Marietta, Mt. Joy, Sporting Hill and Manheim turnpike road company in Lancaster county."

On motion of Mr. SCHINDEL, Senate bill No. 425, "A supplement to an act to provide for the erection of a house for the employment and support of the poor in the county of Lehigh."

On motion of Mr. STEELE, House bill No.

150, "An Act to provide for the payment of the expenses of the special election held in Luzerne county, June 8, 1858."

On motion of Mr. THOMPSON, Senate bill 245, "An Act to incorporate the Cheltenham Hills gas and water company."

The bill was slightly amended.

An extract from the Journal of the House of Representatives was read, and is as follows:

*Resolved*, That (if the Senate concur,) "An Act to incorporate the Mercantile Hall company of the city of Pittsburg," be amended, by striking from the third section the following words:

*Provided*, That the stock, together with the ground and buildings of said corporation, shall be exempt from the payment of State or county tax, so long as the said buildings shall be occupied by the Young Men's mercantile library and Mechanic's institute as a public library.

On motion of Mr. PENNEY, said resolution having been twice read and considered, was concurred in.

On motion of Mr. TURNEY, House bill No. 254, "An Act relative to the election of supervisors in Salem township, Westmoreland county."

Objections being made, the bill lies over on second reading.

On motion of Mr. CRAIG, House bill No. 270 "An Act to incorporate the Council Ridge and White Haven railroad company."

The hour of five having arrived, Mr. WRIGHT moved to postpone the hour of adjournment.

Agreed to.

On motion of Mr. WRIGHT, House bill No. 335, "A further supplement to the act incorporating the Marshall savings institution of Philadelphia."

This bill lies over on third reading.

On motion of Mr. YARDLEY, Senate bill No. 199, "An Act to incorporate the New Britain turnpike road company."

On motion of Mr. TURNEY, House bill No. 247, "An Act to authorize the Governor to incorporate a company to erect a bridge over Clearfield creek, in Clearfield county, at Alexander's fording."

This bill lies over on second reading.

On motion of Mr. SCHINDEL, the Senate reconsidered its vote on the adoption of the report of the committee of conference on Senate bill No. 91, and the same was re-committed.

On motion,

The Senate adjourned until to-morrow morning at ten o'clock.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, March 4, 1859.

The House was called to order at 9½ o'clock.

Prayer was offered by the Rev. Charles A. May.

#### BILLS CONSIDERED.

On motion of Mr. GOOD, the rules being in this case suspended, the House resumed the consideration of the act relative to division of the borough of Allentown into wards.

Mr. GOOD having obtained the unanimous consent of the House, substituted a new bill; which was read and passed.

On motion of Mr. BAYARD, the rules being in this case dispensed with, the House resolved itself into committee of the whole. (Mr. NILL in the Chair,) on House bill No. 271, "An Act to incorporate the Citizens' passenger railway of Pittsburg."

The first section being before the committee.

Mr. IRISH moved to amend the same by striking out the proviso in the same, to insert "single or," after the word "by," in the fifteenth line, and to insert after the word "track," in the same line, the following:

"As the councils of said city may direct, with



the necessary switches and turn outs;" also, insert after the word "thence," in the sixteenth line, the words, "a single or double track;" which amendments were agreed to.

Mr. FOSTER moved to amend, by adding the following new corporators: George Bingham, George R. White, Jacob McCollister, P. M. Davis, Archibald Kelly and Will. A. Larc.

Mr. BAYARD hoped there would be no further amendments offered. The bill had been in the hands of the committee for some time, and had been so carefully considered, that he did not believe that a more stringent city passenger railroad bill had ever been before the House. Under these circumstances, he reiterated the hope that its passage would not be clogged by amendments. As it stood, its provisions were fair and just, and in fact so severe that two or three years would elapse before it would be possible for the corporators to reap the reward of their enterprise, and reap any kind of adequate return for their investment. He doubted whether, under the restrictions of the present bill, another body of men could be found, who would be willing to engage in the project.

Mr. FOSTER said that there were plenty of capitalists in Pittsburg and adjacent places, who would be willing, at any time, to build the road on the route proposed, and under the alleged restrictions of the bill before the House. The present corporators, he found, were, many of them, enlisted, either personally or through their friends, in an organization known as the Excelsior omnibus company of Pittsburg. His object in proposing to amend by inserting the names of new men, had been to put the very best party in power that could be found, and to secure the public from the projects of any mere speculative men. It was undoubtedly true that the corporators named in the original bill, were many of them, men of enterprise, and were, moreover, his personal and political friends. But he had not come here to gratify either personal or political preferences, or to reward friends, or to persecute enemies.

As to the amendment which he had proposed, could any gentleman take exception to the names of the corporators therein contained, when such worthy and high-toned citizens as George Bingham, president of the Adams express company, William M. Lyon, one of our most extensive manufacturers, and George R. White, one of our most extensive dealers in dry goods, were included?

His only desire was that strict justice should be done. The route went through the most thickly settled section of Pittsburg, and through the only street which could be used for the purpose. There were but three streets running parallel with the Allegheny river, which were eligible for railroads. One of these, (Liberty street,) had been monopolized by the Pennsylvania railroad company, to whom the people of Allegheny county, (although anti railroad-tax,) had accorded many privileges, not granted the company elsewhere; another one was used by the Allegheny Valley road, and the third one was now asked for the use of the city passenger road. He had no kind of objection to the introduction of roads of this nature; they were undoubtedly great conveniences.

If the gentleman who opposed the amendment would give any objection to any of the corporators proposed, he would withdraw the name.

Mr. IRISH objected to Mr. Wm. A. Larc, as being in a confidential capacity in the business establishment of his colleague.

Mr. FOSTER reiterated his assertion that the corporators whom he had named were responsible and respectable citizens. It was necessary for the safety of the community, that men of this stamp should be chosen, because the powers conferred upon them were immense, and the restrictions but slight. In the bill

which was proposed by his colleague, (Mr. BAYARD,) the commissioners were empowered to open books, but there was no provision that they should give one minute's notice of such opening, or allow any citizen to subscribe for stock, for property holders on the line, and men with small amounts to invest, to acquire an interest in the improvement. Was it right then, that ninety-nine hundredths of the people should be debarred from subscribing?

He had made every effort, in and out of the House, to have the matter properly settled, between himself and the other members from his county, so that the time of the House might not be consumed. He had been willing and anxious to take up the bill, propose amendments, and have them discussed, and to further this aim, he had proposed some time since, that the consideration should be referred to a committee, consisting of his colleagues and himself, in order that this discussion might be avoided in the House.

He would withdraw one, or even two names, from those which he had given, if the gentlemen would give any valid objections to them. In answer, however, to the interrogatories, whether he had offered those names by request of the parties, he would say that he had not.

Mr. BAYARD said that the bill had been carefully considered by the members of the delegation from Allegheny county, and the majority of them had agreed that it was a proper one. He would defy any man to find better corporators than those named in the first section.

The railroad was a public necessity. The time had come when omnibusses would no longer answer, and by the introduction of the city passenger road, he hoped to relieve Pittsburg from any charge that might be instituted of old fogyism. He would be the last one in the world to do anything against her interests, and would vote against any project that would operate to her detriment. The names of the corporators were those of honest and reliable men, and he could not see the reason for adding those of his colleague, (Mr. FOSTER.)

The bill had already been detained too long. To please the gentlemen who opposed it, it had been locked up in committee until the people of the section by which it was affected were astonished at the delay.

At first, many of the people of Allegheny had been opposed to the introduction of city passenger railroads, and had appointed a committee to come to Harrisburg and confer with the legislators upon the subject. The committee had decided that the institutions would be of utility, and the feeling against the roads, which had existed principally in the Fifth and Ninth wards, had been conquered.

He hoped that the amendment of Mr. FOSTER would be voted down.

Mr. IRISH said that previous to the reference to the committee of the bill under consideration, Mr. FOSTER had introduced another bill, which he had published in the Pittsburg papers. Those two bills were consequently both before the committee, and as a compromise, some six or eight of the provisions of Mr. FOSTER had been introduced into the conflicting project. So far as the amendment was concerned, he did not know that he would have any particular objection to it.

Mr. PINKERTON hoped that the time of the House would not be consumed by this railroad bill. If the gentleman would stand up all day and argue, he did not believe that it would affect the merits of the case.

Mr. LAWRENCE, (Washington,) moved that the committee rise, report progress, and ask leave to sit again.

The committee rose, but refused to sit against the SPEAKER resumed the Chair.

The bill being then on second reading, the first section was read, as follows:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* James Verner, Alexander Speer, Richard Hays, W. M. Darlington, Joshua Rhodes, Richard L. Ewalt, Nathaniel Holmes, O. H. Rippey, R. E. McGowin, William Coleman, James P. Barr, J. H. Jones, Thomas D. Loomis, S. F. Mackenzie, A. S. Bell, F. M. Hutchinson, M. B. Brown, J. R. Sill and D. L. Eaton, or a majority of them, be and they are hereby appointed commissioners, to open books for the purpose of receiving subscriptions to the capital stock of the company hereby incorporated, by the name, style and title of the Citizens' passenger railway company, with power to lay out and construct a railway of a single track, and the necessary sidings and switches, from the intersection of Market and Fifth streets to Liberty street; thence along and across Liberty street to Cecil's alley; thence along Cecil's alley to Penn street; thence along Penn street by a double track to the Greensburg and Pittsburg turnpike road; thence along the said turnpike road to Butler street, in the borough of Lawrenceville, and thence along said street to the Lawrenceville and Sharpsburg plank road; thence by the said plank road and by way of the Sharpsburg bridge into the borough of Sharpsburg: *Provided, That* the said company shall be required to lay a double track as aforesaid, from Cecil's alley, on Penn street, along said street and the Greensburg and Pittsburg turnpike road, to the borough of Lawrenceville, before they shall be permitted to use any part of their said road.

Mr. FOSTER moved to amend the first section of the bill by inserting the names of Messrs. George Bingham, Wm. M. Lyon, George R. White, Jacob McCollister, P. M. Davis, Archibald Kelley, (of Sharpsburg) Wm. A. Larc and Wm. Bakewell among the corporators.

Mr. GALLEY offered an amendment to the amendment, by inserting the name of Charles Cheeny.

The amendment to the amendment was lost.

The question recurring upon the amendment of Mr. FOSTER,

Mr. FOSTER said that he had been but once invited to visit the meetings of the Allegheny county committee and consider the bill. He had then thought that something would be agreed upon, and was sorry to find that such had not been the fact.

The gentleman, (Mr. BAYARD,) had said that his constituents were anxiously waiting for the passage of the bill. Why, the constituents of the gentleman lived some two miles from the terminus of the road. How they were particularly interested, he could not see.

There was no such ignorance as was alleged of city passenger railroads, in Pittsburg. It was true that a committee had come on to Harrisburg to oppose all projects, but they had met with no encouragement from him; and after having, at his suggestion, visited Philadelphia, changed their views completely; at least with one or two exceptions.

Mr. BAYARD said that his constituents were certainly interested in the road, because it would, when completed, afford them easy access to the city of Pittsburg.

The question being taken on the amendment of Mr. FOSTER,

The amendment was lost.

Mr. IRISH offered the following amendment to the section:

Strike out the proviso requiring a double track, and also insert: "by a single or double track, as councils may direct;" which was agreed to.

Mr. FOSTER moved to amend the first section, by striking out all after the name of the company, and inserting:

"With power to construct a passenger rail-



road, with tram rail, from the Borough of Sharpsburg, in the county of Allegheny, by way of the Sharpsburg bridge, along the Lawrenceville and Sharpsburg plank road, Butler street, in the borough of Lawrenceville, and the Greensburg and Pittsburg turnpike road, to Penn street, in the city of Pittsburg; thence along Penn street for such distance as will enable it to connect with either of the following routes, to wit: *First*, along St. Clair street to Liberty; along Liberty and Union streets to Fifth; thence along Fifth, Smithfield, Liberty and Wayne streets to Penn street. *Second*, along Cecil's alley and across Liberty to Fifth street; along Fifth, Smithfield, Liberty and Wayne streets to Penn street. *Third*, along Pitt to Liberty street; across Liberty street and along Ferry, Fourth, Smithfield, Liberty and Wayne streets to Penn. *Fourth*, along Pitt to Liberty street; across Liberty street and along Ferry, Third, Smithfield, Liberty and Wayne streets to Penn street: *Provided*, That councils of the city of Pittsburg shall, within thirty days after giving their assent to the use of the streets of said city by said company, designate upon which of the routes numbered first, second, third and fourth, said road shall be constructed—otherwise, the company shall select one of said routes."

The question being taken,

The amendment was lost.

The first section, as amended by Mr. IRISH, was then agreed to.

The second section was read, as follows:

SEC. 2. That the capital stock of the said company shall consist of two thousand shares of fifty dollars each: *Provided*, That the directors of the said company may at any time increase the same to four thousand shares, if deemed necessary to complete their said road.

The second section was agreed to.

The third section was read, as follows:

SEC. 3. That when one thousand shares of the stock shall have been subscribed, and five dollars paid in on each share, the said commissioners, or any five of them, shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the Governor of the Commonwealth; and it shall be thereupon the Governor's duty, by letters patent, under his hand and the seal of the State, to create and erect the said subscribers, their associates, assigns and successors, into one body politic and corporate, in deed and in law, by the aforesaid name, style and title of the Citizens' passenger railway company; and by the said name they shall have perpetual succession, with power to make a corporate seal, and the same to alter, modify and renew at pleasure; and to ordain, establish, and put in execution, such by-laws, ordinances, rules and regulations, as shall appear necessary and convenient for the government of said corporation, and not being contrary to the Constitution and laws of the United States or of this Commonwealth; and shall be able and capable of taking and holding their capital stock, and the increase and profits thereof, and of purchasing, taking, receiving and holding, all such real estate and personal property as may be necessary and convenient to enable them to carry on the traffic of their said road, and the other purposes for which they are incorporated, with economy, facility and dispatch; and the same to exchange, barter, sell, let or lease, on ground rent, mortgage or lease or otherwise dispose of at their pleasure, and of suing and being sued, pleading and being impleaded, by their corporate name; and shall have generally all the rights, privileges, franchises and incidents, belonging and appertaining to a corporation; and the right of doing all and every other matter and thing which a corporation may lawfully do.

Mr. FOSTER moved to amend, by inserting:

"That the commissioners aforesaid shall give at least two weeks notice in three or more daily

newspapers of said city, of the time and place of opening books for receiving subscriptions to the stock; at which time and place they shall meet, and shall continue in session at least five hours each day, and from day to day, Sundays excepted, for ten days, or until one thousand shares of stock have been subscribed: *Provided*, That on the first day no person, corporation or firm shall subscribe for more than five shares; on the second day, for more than ten shares; on the third day, for more than twenty shares: *And provided further*, that no subscription shall be received unless five dollars on each share be paid at the time of subscribing, and that no stock shall be subscribed by virtue of any proxy or power of attorney," &c.; and by providing that "a majority" instead of "any five" of the commissioners should certify the subscriptions to the Governor.

On the amendment,

The yeas and nays were required by Mr. FOSTER and Mr. BAYARD, and were as follows, viz:

YEAS—Messrs. Balliet, Barnsley, Bertolet, Boyer, (Clearfield,) Chase, Custer, Dismant, Evans, Fisher, Fleming, Foster, Galley, Gray, Harding, Hill, Hottentstine, Jackson, Oaks, Peirce, Ramsdell, Rohrer, Rose, Shields, Stephens, Stoneback, Warden, Witman, Wilcox and Woodring—29.

NAYS—Messrs. Abbott, Acker, Barlow, Bayard, Boyer, (Schnylkill,) Bryson, Burley, Campbell, Church, Dodds, Durboraw, Eckman, Ellmaker, Glatz, Goepp, Good, Graham, Gratz, Green, Keneagy, Ketchum, Lawrence, (Washington,) Mann, Matthews, McClure, M'Curdy, M'Dowell, Nill, Palza, Patterson, Price, Pughe, Shafer, Smead, Smith, (Berks,) Taylor, Thompson, Thorn, Wagenseller, Walborn, Walker, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wolf and Lawrence, *Speaker*—49.

So the question was determined in the negative.

The third section was agreed to.

The fourth section was read as follows:

SECTION 4. That the persons named in the letters patent, or any five of them, shall, as soon as conveniently may be after the same shall have been received, give at least ten days' notice in two or more daily newspapers printed in the city of Pittsburg, of a time and place to be by them appointed, at which the subscribers shall proceed to organize the said corporation; and shall choose by a majority of said subscribers, by ballot, to be delivered in person, five managers, all of whom shall be citizens of Allegheny county, who shall, immediately choose one of their number to be president; all of whom shall serve until the third Monday of January then next succeeding, or until their successors are regularly and lawfully chosen: *Provided*, That each and every member of said corporation shall be entitled to a vote for each and every share of stock held by him or her.

Mr. FOSTER moved to amend, so as to allow a stockholder one vote for each share, "to the number of twenty, and one vote for every five shares exceeding that number."

The question being taken,

The amendment was lost.

The fifth section was read, as follows:

SECTION 5. That said company shall have power to raise on bonds, to be secured by a mortgage of the road, including all its stock and franchises, any sum not exceeding one-half of the amount of the capital stock authorized by this charter, for the purpose of carrying out the true intent of this act: *Provided*, That no bond shall be issued for a less sum than one hundred dollars, with interest, at a rate not exceeding seven per centum per annum.

The fifth section was agreed to.

The sixth section was read, as follows:

SEC. 6. That said company shall not allow

the transfer of any share or shares of stock, except by resolution of the board of directors, until all the instalments have been paid; and if any stockholder shall omit, for the space of six months, to pay any instalment which may have been called for, the managers of the company may either declare the share or shares of stock, on which the instalment or instalments are unpaid, as aforesaid, to be forfeited, or may, at their option, bring suit to recover the said instalment or instalments, with interest at the rate of twelve per centum per annum, as debts of a like amount are recoverable, against the person or persons appearing by their books to be the owner or owners thereof.

Mr. FOSTER moved to amend, by inserting after the word "paid," where it first occurs, the words, "and no such transfer shall operate to release a stockholder from liability to pay any instalments due, or to become due thereon," and by inserting in the last line, "to be or have been the owners, &c."

The amendment was lost.

The sixth section was agreed to.

The seventh section was read, as follows:

SEC. 7. That dividends of so much of the profits of said company, as shall appear advisable to the directors, shall be declared in the months of January and July of each year, and be paid at the office of said company, any time after ten days' notice from the time of declaring the same; but said dividends shall in no case exceed the amount of the net profits of said company, so that the capital stock shall never be thereby impaired; and in case the directors shall declare a dividend exceeding the amount of the net profits, and thereby impair the capital stock, they shall be held individually liable for all such excess.

The seventh section was agreed to.

The eighth section was read, as follows:

SEC. 8. That the said company, before commencing to construct said road, shall purchase, at the option of the owners, the stock of horses, harness, omnibuses, wagons and sleighs owned and used by any omnibus company on said Penn street and in the borough of Lawrenceville, at the time of commencing the construction of said road, at a price to be assessed in the following manner: the said owners shall choose one disinterested person, and the said Citizens' passenger railway company shall choose another person, and the two thus chosen shall choose a third, who together shall be disinterested persons, and appraise such stock; and the value thus arrived at by a majority of said appraisers shall be final and conclusive.

Mr. FOSTER moved to amend by not requiring the purchase of the Excelsior omnibus company's stock until they had commenced "carrying passengers" on the road, instead of "before commencing to construct" the same; by providing that sworn appraisers be appointed by the court to assess the value thereof, and that the value of the stock on the 1st instant, should be the rule of compensation, instead of that owned when they commence constructing the road.

The question being taken, the amendment was lost.

The eighth section was agreed to.

The ninth section was read as follows:

SEC. 9. That the said railway company shall not be permitted to use and occupy any of the streets of the said city, for the purposes of their railway, until the consent of the city councils is first thereto, had by ordinance duly passed; nor shall the said company, at any time, alter or change the grade or line of any street, without the consent of councils first had and obtained; and the said company shall keep so much of the streets of the said city, from curb to curb, as may be used and occupied by them, in perpetual good repair, at the proper expense and charge of the said company: *Provided further*,



That the said company, for and during the first five years after they shall commence running cars upon said road, shall pay into the city treasury, for the use of the city, the sum of twenty dollars per year for each car run over their said road, and for and during the five years thence; next ensuing, the sum of thirty dollars per year for each car as aforesaid, and from thence thereafter, the sum of forty dollars per year for each car run over said road; and also, for the first five years after they commence running cars upon said road, the said company shall pay into city treasury, for use of said city, three per cent. of the dividends or net profits of said company; and from thence thereafter, said company shall pay into said treasury, for use of said city, five per centum of the dividends or net profits of said company.

A verbal amendment, proposed by Mr. IRISH, was adopted by unanimous consent, transposing the words "from curb to curb," as they stood therein.

Mr. FOSTER moved to amend, by requiring the consent of councils, to be given "at a regular meeting;" and by providing for a city tax of three per cent. or five per cent. upon "the gross receipts," instead of on the "dividends or net profits" of the road.

On the amendment,

The yeas and nays were required by Mr. FOSTER and Mr. FLEMING, and were as follows, viz:

YEAS.—Messrs. Bertolet, Custer, Dismant, Evans, Fleming, Foster, Galley, Hottensine, Oaks, Rohrer, Rose, Shields, Stephens, Stoneback, Warden, Witman and Wilcox—17.

NAYS.—Messrs. Abbott Acker, Barlow, Bayard, Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Dodds, Durboraw, Eckman, Ellmaker, Fearon, Glatz, Goepf, Good, Graham, Gratz, Green, Harding, Irish, Jackson, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, Matthews, McClure, M'Curdy, M'Dowell, Neall, Nill, Palm, Patterson, Price, Proudfoot, Pughe, Rouse, Shafer, Smead, Smith, (Berks,) Stuart, Thompson, Wagenseller, Walhorn, Walker, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wolf and Lawrence, *Speaker*—56.

So the question was determined in the negative.

The ninth section was agreed to.

The tenth section was read, as follows:

SECTION 10. That before the said railway company shall use and occupy any portion of any turnpike, plank road, bridge, or street or road of any borough, if the said railway company and said turnpike, plank road, or bridge company, or councils of any borough, cannot agree upon the terms for the use thereof, within thirty days from the organization of the said company, the said company may apply by petition to the court of quarter sessions of Allegheny county, setting forth the facts, and praying the court to appoint a time for the hearing of the parties, not more than twenty days from the filing of the said petition, of which time and place the opposite party shall have at least ten days' notice, and the court shall immediately, after hearing the said parties, proceed to fix and adjudge the rate of compensation to be allowed and paid by said company, for the use of such turnpike, plank road, bridge or street, and the terms on which it shall be used, and the mode and manner in which the same shall be kept up by the respective parties, which judgment shall be, and remain final and conclusive between the parties: *Provided further*, The said Citizens' passenger railway company shall have full power and authority to make such changes in the grade of said turnpike and plank roads, as may be required to enable them to use their railway with ease and convenience.

Mr. IRISH moved to amend by inserting "either party" instead of "the said company;" which was agreed to.

The tenth section as amended was then agreed to.

The eleventh section was read, as follows:

SEC. 11. That the said railway company shall be and they are hereby required to lay the track of their said road of such a gauge as to be most convenient for the use of carriages and huggies passing over the said road; and in all cases, the carriage or vehicle following the car shall have the right to the track, and the carriage or vehicle coming in the opposite direction shall be required to turn off the track.

Mr. FOSTER moved the following substitute, viz:

"That the councils of Pittsburg shall have power to determine the kind of rail which shall be used in the construction of said railway, and the width of track, and also the kind of turnouts which shall be used, and fix the location of such turnouts, and also to enact such regulations as will enable private vehicles to use such road in common with the passenger cars, and as will best conduce to the convenience of both, and cause the least obstruction to pedestrians; and said councils may from time to time, by ordinance, establish such regulations in regard to said railway as may be required, for the purpose of paving, repairing, grading, culverting and laying gas and water pipes in and along the streets used by said company, and to prevent obstructions thereon; and said company shall never obstruct the streets or roads over which their road passes, by permitting the passage of freight or burden cars, or the use of locomotive engines thereon."

The question being taken, the substitute was lost.

The eleventh section was agreed to.

The twelfth section was read, as follows:

"That if any person or persons shall break, remove, destroy or injure any part of the said railway, or the cars, carriages, station houses or property or other building of said company; or shall, without the consent of said company, obstruct or impede the passage on or over the said railway or any part thereof, the person or persons so offending shall forfeit and pay for every such offence the sum of five dollars to the said company; but no such suit shall be brought unless commenced within sixty days after such offence shall have been committed; and the person or persons so offending shall be, and remain liable, in addition to said penalty, to action or actions at the suit of said railway company, for any loss or damage occasioned by his, her or their act or acts as aforesaid."

Mr. FOSTER moved to amend so as to punish only those who "wilfully" injured the property of the company, or "wilfully and unnecessarily" obstructed the cars.

On the amendment, the question was divided; and on the first section, viz: relative to the word "wilfully."

The yeas and nays were required by Mr. FOSTER and Mr. KINNEY, and were as follows, viz:

YEAS.—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bertolet, Boyer, (Clearfield,) Bryson, Campbell, Custer, Dismant, Dodds, Durboraw, Eckman, Evans, Fisher, Fleming, Foster, Galley, Good, Graham, Gray, Hamersly, Harding, Hottensine, Kinney, Mann, Neall, Nill, Oaks, Pennell, Peirce, Proudfoot, Rohrer, Rose, Shafer, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thompson, Warden, Witman, Wigton, Wilcox, Wiley, Williams, (Bucks,) Wilson, Wolf and Lawrence, *Speaker*—52.

NAYS.—Messrs. Bayard, Boyer, (Schuylkill,) Glatz, Green, Matthews, Price and Williston—7.

So the question was determined in the affirmative.

The twelfth section was agreed to.

The thirteenth section was read, as follows:

SEC. 13. That the councils of Pittsburg shall have power to establish such regulations in regard to said railway as may be required for the purpose of paving, repairing, grading, culverting and laying gas and water pipes in and along the streets used by said company, and to prevent obstructions thereon; and the said company shall never obstruct the streets or roads over which their road passes, by permitting the passage of freight or burden cars, or the use of locomotive engines thereon.

Mr. FOSTER moved to amend by inserting that councils should have power to "determine the kind of rail which shall be used in the construction of said railway, and the width of track, and also the kind of turnouts which shall be used, and fix the location of such turnouts, and also to enact such regulations as will enable private vehicles to use such road in common with the passenger cars, and as will best conduce to the convenience of both, and cause the least obstruction to pedestrians; and said councils may from time to time, by ordinance," &c.

The question being taken, the amendment was lost.

The thirteenth section was agreed to.

The fourteenth section was read, as follows:

SEC. 14. That no greater fare shall be charged upon said road, per passenger to or from Lawrenceville, than five cents; for any distance less than two miles, five cents; and for any greater distance, not more than two and one half cents a mile; but in no case to exceed ten cents.

Mr. FOSTER moved to amend, so as to read that "no greater fare shall be charged upon said road, per passenger, to or from the Allegheny cemetery or Lawrenceville, than five cents; for any distance less than two and a half miles, five cents; and for any greater distance, not more than two cents a mile; but in no case to exceed ten cents."

The question being taken,

The amendment was lost.

The fourteenth section was then agreed to.

The fifteenth section was read, as follows:

SEC. 15. That said railway company shall, at the intersection of their road with any railroad upon which locomotives are used without the city of Pittsburg, cause their cars to stop before crossing the same, under a penalty of twenty-five dollars for each violation of this section.

The fifteenth section was agreed to.

The sixteenth section was read as follows:

SEC. 16. That the said company shall commence the construction of the railway hereby authorized, within one year after the consent of the councils of the city of Pittsburg shall have been given to the same, and complete the same to Lawrenceville within two years thereafter.

Mr. FOSTER moved to amend by requiring the company to complete the road to Lawrenceville "within eighteen months after obtaining consent of councils to this act, and to Sharpsburg within twelve months after its completion to Lawrenceville."

The amendment was modified by Mr. IRISH so as to allow the company three years to complete to Sharpsburg.

The amendment was agreed to.

Mr. ROHRER offered the following amendment: *Provided*, That said road shall not be commenced until after the untrammelled right of way is given of the councils of said city to the Allegheny Valley railroad, to such point and on such route as the president of said Allegheny Valley railroad may designate.

Mr. IRISH was entirely opposed to the amendment of the gentleman from Armstrong. It was, in his opinion, simply absurd. The proposition, under cover of this bill, to let the Allegheny Valley road come with its locomotives, and burden and passenger cars down into



the heart of the city, thereby utterly destroying Penn street, one of the greatest thoroughfares in the city, and the only remaining outlet from the city, in that direction, would never be tolerated by the citizens of Pittsburgh. Already the Pennsylvania railroad has utterly destroyed Liberty street, which runs parallel with Penn street, for business purposes.

I repeat, sir, that the people will never submit to it. This proposition, in various forms, has been before the people and before the city councils time and again, and they never have, and they never will consent, to have locomotives introduced into Penn street.

This is an adroit attempt on the part of the company to accomplish indirectly, and under cover of this bill, what they have never been able to accomplish directly.

Only a few days ago, this question was before a meeting of the citizens living along this proposed route, and before the councils of the city, with the usual result. If the company wish to extend their road into the city, let them present the measure in its own merits, but it will not do to attempt to smuggle the project through this Legislature under cover of this bill. I believe I speak the sentiment of my colleagues, as well as my own, in protesting against this amendment. I cannot think the House will entertain the gentleman's amendment.

Mr. ROHRER said that he had offered the amendment solely to remedy inconveniences from which he had suffered. He had never consulted any of the officers of the road on the subject.

Mr. BAYARD corroborated the statement of the gentleman from Allegheny, (Mr. IRISH.)

The question being taken,

The amendment was lost.

The sixteenth section was then agreed to.

Mr. FOSTER offered the following additional section:

That the plans of said railway, within said city, shall be approved by the city regulator of Pittsburgh; and any passenger railway company hereafter incorporated, may use such portions of the road constructed by the Citizens' passenger railway company, as councils may deem necessary, upon paying said company one-half the cost thereof, to be ascertained and assessed by three disinterested persons, acting under oath or affirmation, appointed by the district court; the decision of a majority, after hearing both parties, to be final and conclusive.

On the amendment,

The yeas and nays were required by Mr. FOSTER and Mr. BAYARD, and were as follows, viz:

YEAS—Messrs. Bertolet, Church, Caster, Dismant, Fleming, Foster, Galley, Graham, Hottenstine, Peirce, Quigley, Ramsdell, Rohrer, Rose, Shields, Stephens, Stoneback, Warden, Witman, Wigton and Wilcox—21.

NAYS—Messrs. Abbott, Bayard, Boyer, (Schuylkill,) Burley, Campbell, Durhoraw, Eckman, Ellmaker, Glatz, Goepp, Good, Green, Harding, Irish, Keneagy, Lawrence, (Washington,) Mann, M'Curdy, M'Dowell, Neall, Nill, Palm, Patterson, Price, Proudfoot, Pughe, Smead, Smith, (Berks,) Taylor, Walker, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wolf and Lawrencoe, *Speaker*—38.

So the question was determined in the negative.

Mr. FOSTER also offered the following additional sections; which were not agreed to, viz:

"That said company shall not lay a double track upon their road within the city of Pittsburgh, or any borough, without the express consent of the councils thereof, nor upon Penn street, below Allegheny street, without the consent of the city councils is granted by a vote of two-thirds in each branch."

"That, on the completion of said railway, the

company shall file with the controller of the city of Pittsburgh a detailed statement, under oath or affirmation of at least three of the managers thereof, of the cost of constructing the same; and the said city may, at any time after the year one thousand eight hundred and sixty-five, take possession of said road, its real estate and personal property used in operating the same, on paying said company a sum not exceeding the first cost of said road, and the value at the time of such personal and real property used for the operation of the road as the company shall possess, to be ascertained by appraisers chosen by the district court of Allegheny county: *Provided*, That the city shall not take possession thereof until the stockholders shall have received, in dividends and otherwise, the par value of their stock, with ten per cent. per annum interest thereon from the time the several instalments were paid in; and in case the city of Pittsburgh should, in the manner herein provided, take possession of said road, it shall be leased to the highest bidder for such term and in such a manner as councils may by ordinance determine; and in the months of January and July of each year the said company shall file with the controller of said city a detailed statement of their receipts and expenditures for the six months preceding, under oath or affirmation of at least two of the managers; and shall publish a synopsis of the same, certified by the controller, in at least three daily newspapers of said city."

The title was read, and the bill transcribed and passed finally.

Mr. IRISH moved that the House re-consider the vote had by which House bill No. 163, "An Act to incorporate the Mercantile Library Hall company of the city of Pittsburgh," was passed; which was agreed to; and then asked the unanimous consent of the House to amend the same, by striking therefrom the proviso exempting said property from taxation; which was granted.

The amendment was inserted; and the bill, as amended, passed finally.

Mr. PATTERSON asked leave to record his vote on the several amendments to the fourth section of the general appropriation bill, and made the following statement:

He regretted very much his unavoidable absence yesterday, when this important subject was under consideration, but he now availed himself of the first opportunity to express very briefly his views. He considered it the imperative duty of every citizen, as well as every Representative, to serve the State at as reasonable a compensation as his duty to his family would justify; but more especially at a time when the debt of the State is so enormous, and the taxes levied upon the overburdened people so very onerous. It is no argument in favor of higher salaries to say that the treasury is full, but it should be remembered, that the treasury is kept full by taxes wrung from the country just recovering from a severe financial pressure, and the great loss suffered by the failure in the crops for years. He will always cast his vote to reduce the expenses of the State government, and is willing to prove his sincerity in the reform movement, by voting to reduce his own salary, and after that any item which a careful regard for the interests of the State will permit to be reduced. We have the pitiable spectacle of Congress cutting down the pay of almost every employee of the government, and every item of expenditure, while they carefully and selfishly insist upon their own high salary. Let us not follow their example, but prove to the people of the State that while we were elected as the representatives of the People's party, in favor of economy and reform, we are ready and willing to give our professions a practical effect, by voting for a reduction of our own salaries, and every other item which will admit of

reduction. I will vote to reduce the pay to one dollar and fifty cents per diem, or to any other point which a majority of this House may agree upon.

Mr. THORN asked the indulgence of the House to resume the consideration of the act to incorporate the Young Men's Christian building association of Philadelphia; which was granted.

The bill being on second reading, the question to strike out the sixth section was put and not agreed to; and the bill passed, and was sent to the Senate for concurrence.

Mr. WILLISTON, on leave, called up the resolution relative to the pay of D. R. M'Clain; which was considered, and passed finally.

On motion of Mr. IRISH, it was resolved to hold a session of the House next Wednesday evening, for the purpose of considering the act for the better securing of personal liberty, &c.

Mr. EVANS offered a joint resolution relative to the pay of GEORGE WOOD, deceased, late a member of this House.

Laid over under the rule.

Mr. WILLISTON, leave being given, read in his place and presented to the Chair, the petition of citizens of Tioga county, in favor of a law taxing dogs in said county.

Also, a remonstrance against the same.

Also, a petition for a change in the road laws in said county.

Also, "An Act authorizing notaries public to appoint deputies."

Also, "A supplement to the act relating to executions."

Also, the petition of members of the bar of Tioga county, in favor of a bill now pending in the Senate.

Mr. STYER, on leave, from the Committee on Railroads, reported with amendment, "An Act to incorporate the Hestouville, Mantua and Fairmount passenger railroad."

Mr. PINKERTON moved a suspension of the rules, in order to proceed to the consideration of Senate bill No. 39, "A further supplement to an act relating to a burial ground and school lot in the borough of Pottsville;" which was not agreed to.

#### PETITIONS, &c., PRESENTED.

Mr. SHIELDS read in his place and presented to the chair, a petition from citizens of Westmorland, Indiana, Somerset and Cambria counties, in favor of the proposed new county, to be called Ligonier.

Mr. HILL, one from citizens of Montgomery county and the officers of Skippack and Plymouth and Upper Dublin turnpike companies, praying for an act changing their rate of tolls.

Mr. BOYER, (Clearfield,) one from citizens Clearfield and Centre counties, for the incorporation of a company, to be called the Kylertown, Philipsburg and Morrisdale plank road company.

Mr. BOYER, (Schuylkill,) two petitions from citizens of Schuylkill county, for a law authorizing the sheriff of said county to advertise in three weekly newspapers.

Also, one from citizens of the borough of Port Clinton, in favor of an extension of said borough limits.

Mr. ECKMAN, one from the president, managers and company of the Berks and Dauphin turnpike road, to be relieved from the corporation and dividend tax now assessed and levied by law upon their capital stock.

Mr. PROUDFOOT, two from citizens of Cambria county, for the removal of the seat of justice of said county.

Also, two from same, for the repeal of the tonnage tax.

Also, a remonstrance from same, against the removal of the seat of justice.

Also, a petition from citizens of same county, for an appropriation in aid of establishing a school of Mines.



Also, three remonstrances from citizens of Cambria county, against any alteration in existing laws for the election of county treasurer in said county.

Also, the petition of citizens of the county of Cambria, for an alteration in the law for the election of county treasurer in said county.

Mr. HOTTENSTINE, one in favor of annexing a part of Northumberland county to Union county.

Also, a remonstrance against a State road, to be located from Uniontown, Lycoming county, to Turbetsville, Northumberland county.

Mr. BERTOLET, one from citizens of Berks county, for an act requiring the city of Reading to pay the costs for the arrest of vagrants in said city.

Also, one from same, for an act incorporating the Lincoln bridge company.

Mr. WILLIAMS, (Bedford,) two remonstrances, signed by two hundred and nineteen citizens of Bedford county, against the annexation of any part of said county to Blair county.

Mr. DURBORAW, the petition of Daniel Heintzelman, Daniel Mickley and Peter Mickley, of Adams county, for compensation for damages done them by the construction of the Gettysburg extension of the Pennsylvania railroad through their farms.

Mr. WIGTON, one from citizens of Blair county, for the repeal of the tonnage tax, according to a bill road in place by Mr. SCHELL, in the Senate.

Also, six remonstrances of citizens of Huntingdon county, against any change in the collection of State and county taxes, and extending the term of county treasurer in said county.

Mr. WALKER, three remonstrances numerously signed by citizens of Somerset county, against the erection of a new county, to be called Ligonier.

Also, one numerously signed by citizens of Bedford county, against any portion of said county being attached to Blair county.

Also, a petition from citizens of Shade township, Somerset county, for the passage of an act changing the place of holding elections in said township.

Mr. HILL, two petitions of citizens of Pottstown, praying for an act making it obligatory on the several banks of this Commonwealth to keep their notes at par in Philadelphia and Pittsburgh.

Mr. ELLMAKER, a remonstrance from the Sadsbury monthly meeting of the society of Friends, against the appropriation of any additional money for the erection of a monument in memory of the Pennsylvanians who lost their lives in the Mexican war.

Also, one from citizens of Lancaster county, of like import.

Mr. THOMPSON, a petition from citizens of Butler county, praying for a change in the mode of collecting taxes.

Mr. FLEMING, one numerously signed by citizens of Clarion county, for the passage of an act enabling them to vote on the continuance of the present school system.

Also, one with bill attached, for the appointment of commissioners to view and lay out a State road from Kellersburg, Armstrong county, to New Bethlehem, Clarion county.

Mr. STUART, a petition signed by four hundred and forty-three citizens of Cumberland county, to change the mode of collecting taxes in said county, by extending the provisions of the act of Assembly for the benefit of Franklin county, passed February 26, 1853, to said Cumberland county.

Also, two petitions numerously signed by citizens of Perry county, in favor of the passage of the Northumberland and Juniata railroad bill.

Mr. WILLIAMS, (Bucks,) one from citizens

of Bucks county, remonstrating against the passage of an act authorizing any dams or other obstructions in the river Delaware.

Also, two, signed by one hundred and seven citizens of Pennsylvania, for the passage of an act authorizing the appointment of a measurer of paving stones.

Also, one from citizens of Bucks county, against the passage of the supplement to the Germantown passenger railroad company.

Mr. ROHRER, petition of citizens of the borough of Kittanning relative to the limits thereof being curtailed.

Also, six petitions from the uniformed militia of Armstrong, praying for the quota of funds to which they are entitled.

Also, a remonstrance of citizens of Armstrong county, against that act of Assembly authorizing the election of county school superintendent.

Also, one against attaching part of South Buffalo township to North Buffalo township, in Armstrong county.

Also, the petition of citizens of Armstrong county, for a public ferry over the Allegheny river in said county.

Mr. DISMANT, the petition of citizens of Montgomery county, for an act to prevent cattle, sheep and swine from running at large in said county.

Also, five petitions of citizens of same, numerously signed, asking for an act to compel the county commissioners to appoint the constables in the several boroughs and townships tax collectors.

Mr. IRISH, one from citizens of Allegheny county, for an alteration in the fee bill of aldermen and justices of said county.

Mr. PUGH, a remonstrance of citizens of Lycoming and Sullivan counties, against any act authorizing the placing of any boom or booms in Loyalsock creek.

Messrs. MANN, SMEAD and OAKS presented some of like import.

Mr. BARNSLEY, a remonstrance from citizens of Bucks county, against the passage of the act now before the Legislature, relative to the Delaware Division canal company.

Mr. CHURCH, one from citizens of Frankford, with citizens of Philadelphia, in favor of an alteration of the present Sunday law.

Also, one in favor of an appropriation to the Penn medical university.

Mr. GOEEP, two petitions from citizens of Northampton county, in favor of the removal of the county seat from Easton to Nazareth.

Mr. ABBOTT, one from citizens of Frankford, in favor of Sunday travel by public conveyances.

Mr. EVANS, one of similar import.

Mr. SHEPPARD, one of like import.

Mr. JACKSON, a remonstrance from one hundred and seventy-two citizens of Sullivan county, against the passage of any act to authorize the construction of booms in Loyalsock creek.

Also, a petition from ninety-three citizens of the borough of Berwick, in Columbia county, asking for the repeal of so much of the school law of 1854 as relates to the county superintendency.

Mr. GREEN, one from sundry citizens of East Donegal township, Lancaster county, against the passage of a law giving the collecting of taxes to the lowest bidder.

Mr. MANN, one from citizens of the county of Potter, asking for a change in the road law of said county.

Also, one from same, asking for the repeal of the act of April 20, 1858, regulating the sale of intoxicating liquors.

Mr. BALLIET, two petitions from citizens of Carbon county, in favor of a new judicial district, to be composed of Carbon and Lehigh counties.

Mr. TAYLOR, one from Kezia White, widow of John White, late of Indiana county, deceased,

who was a soldier of the war of 1812, for a pension.

Also, two from citizens of Indiana county, in favor of the abolishment of the office of county school superintendent.

Mr. GREEN, one from the officers of the Columbia Bank, asking for a law making it obligatory on the several banks of this Commonwealth to keep their notes at par in Philadelphia and Pittsburgh.

Also, one from the officers and directors of the Farmer's Bank of Lancaster, of like import.

Also, one from sundry citizens of Lancaster county, of like import.

Mr. BAYARD, one from citizens of Pittsburgh, in favor of the abolition of the Pittsburgh high school.

Mr. PATTERSON, the petition of Samuel C. Harvey, of Juniatta county, praying for a divorce from his wife.

Mr. WITMAN, one from citizens of Harrisburg, relative to private alleys.

Mr. WAGENSELLER, a remonstrance against prohibiting the fishing with seines, &c., in Buffalo Creek, Union county.

Mr. WILEY, one from citizens of Frankford, against any modification in the "Sunday law."

Also, one from citizens of Twenty-third ward, city of Philadelphia, in favor of an act securing to the people of Philadelphia the right of free travel over certain highways.

Also, six from citizens of the Twenty-third ward, asking for a modification of the "Sunday law."

Mr. FISHER, one of like import.

Mr. ZOLLER, one in favor of the abolition of the Pittsburgh high school.

Mr. KENEAGY, the petition of citizens of Lancaster county, for a repeal of the act authorizing the appointment of sealer of weights and measures in said county.

Also, the petition of Ruth M'Coy, widow of an old soldier, praying for relief.

Mr. PRICE, one from citizens of Lancaster county, praying for an act extending the time for the commencing and completion of the Washington and Mercer turnpike road company.

Also, the petition of Jno. Longenecker, surviving member of the firm of Moderwell & Longenecker, for compensation for loss sustained by the destruction of their cars on the Philadelphia and Columbia railroad.

Also, one from Christian Long & Co., for damage sustained on the Pennsylvania canal.

Mr. STEPHENS, a petition of the citizens of Damascus township, Wayne county, numerously signed, praying that the navigation of the Delaware be not obstructed by the Delaware canal company.

Mr. IRISH, one from citizens of Pittsburgh, for a law to prohibit the surrender of any human citizen on the soil of Pennsylvania.

Also, one from eighty-two citizens of Allegheny county, of like import.

Mr. FOSTER, one from thirty-five citizens of Pittsburgh, in favor of the abolishment of the Pittsburgh high school.

Mr. THOMPSON, one authorizing the commissioners of Butler county to pay M. F. White, prothonotary, certain money.

Mr. WILLIAMS, (Bucks,) "An Act to authorize the appointment of a measurer of paving stone;" which was referred to a select committee of three, on his motion.

Mr. WILLISTON, "An Act relating to judgments and executions in Tioga county."

Mr. MATTHEWS, one from citizens of Frankford and vicinity, city of Philadelphia, in favor of Sunday travel by public conveyances.

Mr. WOODRING, two petitions in favor of an act requiring the North Pennsylvania railroad company and Lehigh Valley railroad company



# LEGISLATIVE RECORD.

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FOR THE SESSION OF 1859.

No. 46.

to fence their roads in Lower Saucon township, Northampton county.

Mr. GRAY, the petition of Charles A. Garrard, of Greene county, praying to be divorced from his wife Louisa.

Mr. LAWRENCE, (Washington,) moved that the hour of adjournment be extended until petitions and bills in place have been read in place; which was not agreed to.

Senate amendments to Honse resolution relative to the pay of the commissioners appointed at the last session of the Legislature to investigate the affairs of certain banks, were read; and, on motion of Mr. CHASE, referred to the Committee on Ways and Means.

The SPEAKER laid before the House a communication from the common council of the city of Philadelphia; which was read.

The hour of one having arrived, the SPEAKER adjourned the House until this afternoon, at three o'clock.

## AFTERNOON SESSION.

Messrs. GOOD and FLEMING moved that the Honse re-consider the vote by which the House adopted the report of the committee on conference on the bill incorporating the Ironton railroad and mining company; which was agreed to.

Mr. GOOD moved that said bill be re-committed to the committee on conference for the purpose of amending the same; which was agreed to.

On motion of Mr. WALBORN, the regular orders were suspended, in order to receive reports from committees, petitions and bills in place.

## PETITIONS, &c.

Mr. PATTERSON, a petition from citizens of Blair county, in favor of an additional appropriation, to erect a monument to the memory of Pennsylvanians who lost their lives in the Mexican war.

Mr. NEALL, a memorial from citizens of Philadelphia, in favor of the removal of the tonnage tax, introduced in Pennsylvania.

Also, a remonstrance from two hundred citizens, against the supplement to the act incorporating the Green and Coates Street passenger railroad company.

Also, one from citizens of Frankford and vicinity, for a law to legalize Sunday travel by public conveyances; which was read; and, on his motion, ordered to be printed in the *Record*, as follows, viz:

*To the Honorable the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

The undersigned petitioners, citizens of Frankford and vicinity, city of Philadelphia, respectfully and earnestly ask of your honorable body, to alter or amend the present "*Sunday Law*," so as to legalize the transit of passengers by public conveyances, on the Sabbath, or first day of the week—for the following reasons:

1st. As a means of the better promotion of health, by affording to citizens of the densely populated portions of the city, who may see proper to avail themselves of a cheap and agreeable mode of conveyance, to enjoy the salubrious country air.

2nd. As a desirable convenience to those who wish to attend divine worship abroad.

3rd. As affording to the citizens of town and country the means of reciprocal exchanges of family courtesy.

4th. As tending to secure to the *poor*, the privileges enjoyed by the *rich*.

5th. That as it is unjust in the law to discriminate in favor of one class of public conveyances to the exclusion of others.

Therefore, we ask of your honorable body, to give such a liberal interpretation, or so to modify the said law, as will secure to all equal privileges.

And we will ever pray.

Mr. SHEPPARD, a petition in favor of the repeal of the tonnage tax.

Also, one to legalize Sunday travel by public conveyances in Philadelphia.

Mr. STYER, one of like import.

Also, one in favor of the repeal of the tonnage tax.

Mr. ABBOTT, one of similar import.

Mr. WALBORN, one of like import.

Also, one from citizens of Frankford, for a change in the "Sunday law."

Mr. QUIGLEY, one of like import.

Mr. HAMERSLY, one of similar import.

Mr. HARDING, one of similar import.

Mr. ABBOTT, one of like import.

Mr. HAMERSLY, the petition of Anna B. M. Priestly, praying to be divorced from her husband.

Also, one for the repeal of the tonnage tax.

Also, one from John J. Cussey and others, against the passage of the supplement to the Green and Coates Street passenger railway company.

Mr. FISHER, one of like import.

Mr. PRICE, the petition of Rachel Nailor and — Lefevere, to sell the real estate of — Harman, deceased, of Lancaster county.

Also, the petition of two hundred citizens of Lancaster city, praying for the reduction of the fees charged for the licensing of nine and ten pin alleys.

Mr. PALM, a petition from citizens of East Brnswick township, Schuylkill county, praying for a change of place for holding their elections.

Mr. BOYER, (Schuylkill,) one of similar import.

Also, one from the citizens of the borough of Port Clinton, in favor of extending the limits of said borough.

Mr. PATTERSON, one in favor of the Green and Coates Streets city passenger railroad company.

Mr. RAMSDELL, one from citizens of Venango county, in favor of a change of the road laws in said county.

Mr. LAWRENCE, (Washington,) one from citizens of Hanover township, Washington county, against the proposed new county, to be called Monongahela.

Also, one from same, to extend the act of 29th April, 1841, in reference to taxation of unseated lands, to Washington county.

Mr. WILSON, one from citizens of Beaver county, for the passage of an act empowering an auctioneer to sell dry goods, &c., in said county.

Mr. MEHAFFEY, one from citizens of Lyscoming county, for a law more effectually to secure prompt payment on the part of insurance companies.

Mr. GRATZ, one from citizens of Philadelphia, in favor of an alteration of the Sunday law.

Mr. WIGTON, one from one hundred and seventy citizens of Huntingdon county, against

any part of Dublin township being attached to any other county for school purposes.

Mr. MDOWELL, one from citizens of Pittsburgh, in favor of the abolition of the Pittsburgh high school.

Mr. DODDS, one from citizens of Muddy Creek township, against any change in the mode of collecting taxes in said township.

## REPORTS OF COMMITTEES.

Mr. CHASE, (Judiciary,) with a negative recommendation, the following:

"An Act regulating the peddling of hides in Lehigh county."

"An Act for the protection of real estate."

Also, (same,) as committed, the following:

"An Act supplementary to an act relating to certain duties and rights of husband and wife, and parent and child, passed May 4, 1855."

"An Act relative to recorders of deeds within this Commonwealth."

"An Act for the preservation of growing timber."

"An Act for the relief of the estate of James Rogers, deceased."

"An Act relating to the settlement of register of wills, recorder of deeds, prothonotaries and clerk of courts with the State Treasurer."

And, on motion, said committee was discharged from the further consideration of "An Act relating to estates tail."

Mr. NILL, (same,) with a negative recommendation, the following:

"An Act to extend the time for which assessors are elected in the city of Philadelphia."

"An Act to repeal the second section of the act of 28th May, 1858, relative to interest."

"An Act authorizing executors to give evidence in certain cases."

"An Act to authorize the assessment and collection of damages on the North Branch canal."

Also, (same,) as committed, the following:

"A supplement to an act for the better preservation of game and insectivorous birds."

"An Act to increase the pay of collectors of State and county tax in the several townships and borough of Delaware county."

"An Act relative to orphans' courts;" which, on his motion, was taken up and ordered to be transcribed for third reading.

Mr. GRATZ, (same,) asked to be discharged from supplement to an act of Assembly, relative to gambling and lotteries, passed February 16, 1847; which was granted.

Also, reported the following acts, with a negative recommendation:

"An Act relative to the board of guardians of the poor of the city of Philadelphia."

"An Act relative to the sale of medicines in this Commonwealth."

Also, (same,) with amendment, the following:

"A further supplement to the act consolidating the city of Philadelphia."

"A supplement to the several acts relative to the jurisdiction of aldermen and justices of the peace in the city of Philadelphia."

Also, (same,) as committed, the following:

"An Act to authorize the commissioners of York county to borrow money."

"An Act relative to the several courts of this Commonwealth."

Also, "A supplement to an act to give jurisdiction in equity to the supreme court and the court of common pleas, for the county of Philadelphia, in cases of disputed boundaries."



Mr. IRISH, (same,) with a negative recommendation, the following:

"An Act making the evidence taken by the commissioners appointed by an act to authorize the Governor to appoint commissioners to investigate the affairs of the Lancaster savings institution, passed 15th of April, 1858, competent testimony to be used on behalf of claimants in all suits pending or to be hereafter brought against said institution, its late directors, &c., in the several courts of this Commonwealth."

"An Act relating to sheriffs' fees for conveying convicts to the penitentiary, and duties of county commissioners."

Also, (same,) as committed, the following:

"An Act extending the general manufacturing law to the manufacture of leather in the county of Sullivan."

"An Act to prohibit the importation of fish into Philadelphia at improper seasons."

"An Act relating to party walls in Allegheny county."

"An Act confirming the sale of the German school house, in Myerstown, Lebanon county."

Mr. THOMPSON, (same,) as committed, the following:

"An Act to authorize and require the treasurer of the city of Reading, in Berks county, to pay certain costs."

"An Act authorizing the auditors of Forest county, to re-audit the State account of Wm. R. Cook, former treasurer of said county."

"Supplement to an act passed the 20th day of April, 1858, relating to the attachment of vessels."

"An Act for the better security of titles to real estate."

Also, with a negative recommendation, "An Act to provide for the payment of damages caused by the construction of the North Branch canal."

"A supplement to the act for the relief of insolvent debtors."

"An Act to protect the wages of labor."

Mr. KETCHUM, (same,) with a negative recommendation, "An Act to provide for the publication of general and local laws in English and German papers, and for the better accomplishment of the object in printing German State documents."

Also, (same,) as committed, "An Act extending the provisions of an act concerning appointment of road viewers and road damages in Northumberland county, to the county of Monroe."

Also, (same,) with a negative recommendation, "An Act relative to damages in certain cases."

Also, (same,) with a like recommendation, "A further supplement to an act approved April 11, 1856, relative to sheriffs of this Commonwealth."

Also, (same,) with a like recommendation, "An Act relating to sales of real estate by assignees for the benefit of creditors and trustees of insolvent debtors."

Also, (same,) as committed, "An Act for the assessment and recovery of damages upon the North Branch and Wyoming canals."

Mr. M'DOWELL, (Ways and Means,) as committed, "An Act relative to bonds and evidences of debt issued by corporations."

Mr. LAWRENCE, (Washington,) (same,) with a negative recommendation, "An Act to repeal all laws taxing money at interest."

Mr. WILCOX, (same,) with a negative recommendation, "An Act relative to the manner of payment of coupons."

Also, (same,) with a like recommendation, "An Act to increase the revenues of the Commonwealth."

Mr. WIGTON, (same,) with a negative recommendation, "An Act relative to taxation of certain farms adjoining the borough of McVeytown, Mifflin county."

Mr. WALBORN, (same,) with a negative recommendation, "A supplement to the act regulating the fees of tennin alleys."

Mr. GREEN, (same,) with a negative recommendation, "Resolution relative to the Pennsylvania Archives and Colonial Records."

Mr. ROSE, (Pensions and Gratuities,) with amendment, "An Act for the relief of Anna Stackhouse, widow of an old soldier."

Mr. WILLIAMS, of Bucks, (Criminals,) with a negative recommendation, "An Act for the relief of George Hoge, contractor on the Erie extension of the Pennsylvania canal."

Mr. WAGENSELLER, (same,) as committed, "An Act to authorize the State Treasurer to pay the claim of Emanuel ———."

Mr. WITHROW, (same,) as committed, "An Act to authorize the payment of the claim of J. W. Cottrell."

Mr. WOLF, (same,) as committed "An Act to authorize the State Treasurer to pay A. McClelland, grandson of Jno. McClelland, balance due him for services rendered during the Indian wars."

Mr. PINKERTON, from the Committee on Accounts, made report, which was read, accompanied with a resolution, to pay Geo. W. Porter for postage, during the month of February, the sum of \$3,087 20; which was read the second time; when a motion was made by Mr. WALBORN that the further consideration of the same be postponed for the present, for the purpose of examination.

On motion to postpone for the present,

The yeas and nays were required by Mr. WALBORN and Mr. ACKER, and were as follows, viz:

YEAS—Messrs. Acker, Barnsley, Bryson, Burley, Harding, Hottenstine, Jackson, Keneagy, Kinney, Lawrence, (Washington,) Maun, McHaffey, Matthews, Palm, Pennell, Peirce, Price, Ramsell, Shafer, Sheppard, Smead, Taylor, Walborn, Walker, Wiley, Wilson and Withrow—27.

NAYS—Messrs. Abbott, Barlow, Bertolet, Boyer, (Clearfield,) Cambell, Chase, Church, Custer, Dismant, Dodd, Eckman, Evans, Fleming, Foster, Galle, Glaz, Good, Graham, Gruiz, Green, Hamersly, Hill, Ketchum, M'Dowell, Neall, Nill, Oaks, Patterson, Pinkerton, Proudfoot, Pughe, Quigley, Rohrer, Shields, Stephens, Stoneback, Stuart, Syer, Thompson, Wagenseller, Warden, Witman, Wigton, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Williston, Wolf and Woodring—50.

So the question was determined in the negative.

The question recurring,

Shall the resolution pass? it was determined in the affirmative.

Mr. OAKS, (Vice and Immorality,) as committed, "An Act for the better regulation of the Mercer county and Shenango Valley agricultural society."

Mr. ABBOTT, (same,) with a negative recommendation, "A further supplement to the act regulating the sale of intoxicating liquors."

Mr. CAMPBELL, (same,) as committed, "A supplement to the act regulating the sale of intoxicating liquors, so far as relates to the county of Potter."

Mr. GLATZ, (Banks,) as committed, "A supplement to the act to incorporate the Hanover savings fund society of York county."

Mr. HOTTENSTINE, (Roads and Bridges,) with a negative recommendation, "An Act authorizing the supervisor of Wetmore township, McKean county, to lay out a road."

Mr. DURBORAW, (same,) with amendment, "An Act to raise the compensation of supervisors in Spring Creek township, Elk county."

Also, (same,) as committed, "An Act concerning the appointment of road viewers and road damages in Lehigh county."

Mr. PENNELL, (same,) as committed, "An

Act declaring a bridge between Armstrong and Clarion counties, a county bridge."

Also, (same,) as committed, Senate bill No. 236, "An Act relating to road and bridge viewers in Centre county."

Mr. WALKER, (same,) as committed, "An Act vacating certain lanes and alleys of the outlots in the borough of Beaver, Beaver county."

Also, (same,) as committed, "Supplement to an act authorizing the laying out and opening a State road from the west end of Emlenton bridge, Venango county, to the borough of Mercer, Mercer county."

Mr. QUIGLEY, (same,) as committed, "An Act to lay out a State road in Westmoreland and Allegheny counties."

Also, (same,) as committed, "An Act to incorporate the Spinnerstown and Hosensack turnpike road company."

Also, (same,) as committed, "A further supplement to an act passed February 28, 1839, incorporating the Boyerstord bridge company, and the several supplements thereto."

Also, (same,) as committed, "An Act relative to Reed street, Philadelphia."

Mr. STUART, (same,) as committed, "An Act relative to the vacating of certain streets in the city of Philadelphia."

Also, (same,) as committed, "An Act to repeal road laws in Jackson township, Huntingdon county."

Also, (same,) as committed, "An Act relating to roads and bridges in Washington county."

Also, (same,) as committed, "An Act declaring Toombs run a public highway."

Also, (same,) as committed, "An Act authorizing a State road from Dashore, Sullivan county, to the North Branch of Susquehanna river, at or near Wells' Ferry, in Bradford county."

Mr. WILSON, (Estates and Escheats,) as committed, "An Act to repeal an act to vest in Nancy Christy, late of Dunbar township, Fayette county."

Mr. ROHRER, (same,) as committed, Senate bill No. 127, "An Act authorizing Peter Martin and others, trustees, to sell a certain school house in Clay township, Lancaster county."

Also, (same,) as committed, "An Act authorizing the trustees of Aaronsburg school to sell a certain school house and lot in said town."

Mr. TAYLOR, (same,) as committed, "An Act authorizing the commissioners of Adams county to sell and convey certain real estate."

Mr. SMEAD, (same,) as committed, "An Act to amend an act, passed April 16, 1858, relative to tax on meadow lands in the Twenty-fourth ward, Philadelphia."

Also, (same,) as committed, "An Act to empower Peter Klick and Peter Keeny, trustees of a certain school house and lot of ground in Pinegrove township, Schuylkill county, to sell the same for the use of the Pinegrove township school district."

Mr. WALBORN, (Railroads,) with amendment, "An Act to incorporate the Lombard and South Street passenger railroad company."

Also, (same,) with amendment, "An Act to incorporate the Ridge Avenue and Manayunk passenger railroad company."

Mr. LAWRENCE, (Washington,) (same,) as committed, "An Act to incorporate the Ebensburg and Cresson railroad company."

Also, (same,) as committed, "An Act to provide for the fencing of the Newport and Elmira railroad."

Mr. EVANS, (same,) with a negative recommendation, "An Act to facilitate the transportation of passengers and their baggage from one railway station to another, in Philadelphia."

Mr. M'DOWELL, (same,) as committed, "An Act establishing the time for the commencement and completion of the Schuylkill Haven and Lehigh River railroad."

Mr. CHURCH, (same,) as committed, "Sup-



plement to an act to incorporate the Catawissa and Towanda railroad company."

Mr. BURLEY, (same,) with amendment, "An Act to incorporate the Allegheny railroad and coal company."

Mr. LAWRENCE, (Washington,) moved that the hour of adjournment be extended until six o'clock, for the purpose of completing the reports of committees and reading bills in place; which was agreed to.

Mr. PATTERSON, (Canals and Inland Navigation,) as committed, "An Act relative to a ferry across Shamokin dam."

Mr. HAMERSLY, (select committee on auctions,) with amendment, "An Act to modify the existing auction laws of this Commonwealth."

Also, with amendment, "An Act to prevent public auction in Freeport, Armstrong county."

Mr. FOSTER, (same,) as committed, bill, No. 223, "An Act relating to auctions and auctioneers within the county of Lawrence."

Mr. WILEY, (same,) as committed, "An Act relative to auctions in the borough of York."

The following were reported from the Committee on Corporations:

With amendment, "An Act to incorporate the Chemical company, of Pennsylvania."

"An Act to incorporate the Warwick manufacturing company."

With a negative recommendation, "An Act to repeal the sixth section of an act, entitled 'A further supplement to the act incorporating the city of Philadelphia, approved 21st April, 1858.'"

"A further supplement to the act incorporating the city of Philadelphia."

With amendment, "A supplement to the act incorporating the Clinton County coal company; authorizing the bond holders to organize a company under the name, style and title of the Eagleton coal company."

With amendment, "An Act to incorporate the German Reformed and German Lutheran congregation of the Schwartzwald church and cemetery, in Exeter township, Berks county."

With a negative recommendation, "A further supplement to an act to incorporate the city of Philadelphia."

With amendment, "An Act to incorporate the Evangelical Lutheran Synod of west Pennsylvania."

With amendment, "An Act to incorporate the Drovers' beneficial association, No. 1 of the State of Pennsylvania."

As committed, "An Act to incorporate the Williamsport library association."

With amendment, "An Act to incorporate the United Presbyterian congregation of Unity church, Venango township, Butler county."

With amendment, "An Act to incorporate the Hydropathic college and institute of Loretto."

Also, "A supplement to the act to incorporate the Greenwood cemetery company of the borough of Tamaqua."

As committed, "An Act to incorporate the Zoological society of Philadelphia."

With amendment, "An Act relating to insurance companies and associations in the city and county of Philadelphia, and the county of Allegheny."

With a negative recommendation, "A further supplement to an act to incorporate the city of Philadelphia."

As committed, "An Act to alter the general borough laws so far as relates to the borough of Nazareth, Northampton county."

With amendment, "An Act to incorporate the Commercial trust company."

Also, with amendments, "An Act to incorporate the Hydropathic college and institute of Loretto."

Also, with amendments, "A supplement to an

act to incorporate the Greenwood cemetery company of the borough of Tamaqua."

Also, as committed, "An Act to incorporate the Zoological society of Philadelphia."

Also, with amendment, "An Act relating to insurance companies in the city and county of Philadelphia and county of Allegheny."

Also, with a negative recommendation, "A further supplement to an act to incorporate the city of Philadelphia."

Also, as committed, "An Act to alter the general borough laws, so far as relates to the borough of Nazareth, Northampton county."

Also, with amendments, an act to incorporate the Mutual deposit insurance association of Philadelphia."

Also, as committed, "A further supplement to the act to incorporate the Home manufacturing company."

Also, with a negative recommendation, "An Act to extend the charter of the Forest improvement company."

Mr. QUIGLEY, from the Committee on Corporations, reported bills numbered and entitled as follows:

No. 667, "An Act to incorporate the Chemical company of Philadelphia."

No. 668, "An Act to incorporate the Wauvick manufacturing company."

No. 669, "A further supplement to the act incorporating the city of Philadelphia."

No. 670, "An Act to repeal the sixth section of an act, entitled 'A further supplement to the act incorporating the city of Philadelphia,' with a recommendation that bills No. 669 and 670 be negated."

Also, with a negative recommendation, "An Act to extend the charter of the Forest improvement company," which, on motion of Mr. PALM, was re committed.

Mr. FISHER, (same,) No. 672, "A further supplement to the act incorporating the Home manufacturing company."

Also, No. 673, "A supplement to an act incorporating the Mutual deposit association of Philadelphia."

Also, No. 674, "An Act relating to insurance companies in the city and county of Philadelphia, and county of Allegheny."

Also, No. 675, "An Act to incorporate the Commercial trust company."

Also, as committed, Senate bill No. 307, "An Act to incorporate the Zoological society of Philadelphia."

Also, with amendment, No. 161, "A supplement to an act to incorporate the Greenwood cemetery company of the borough of Tamaqua."

Mr. GLATZ, (same,) No. 678, "An Act to incorporate the Hydropathic college and institute of Buffalo."

Also, No. 679, "An Act to incorporate the Evangelical Lutheran Synod of west Pennsylvania."

Also, No. 680, "A supplement to the act incorporating the Clinton County coal company; authorizing the bond-holders to organize a company to be called the Eagleton coal company."

Also, No. 681, "An Act to incorporate the Drovers' beneficial association, No. 1, of the State of Pennsylvania."

Also, Senate bill No. 149, "An Act relating to the borough of Pottstown."

Mr. CHURCH, (same,) No. 683, "An Act to incorporate the Washington insurance company of Philadelphia."

Also, No. 684, "An Act to incorporate the Penn steam engine and steam boiler manufacturing company."

Also, No. 685, "An Act to incorporate the Industrial Home for girls, of Philadelphia."

Also, No. 686, "An Act to incorporate the Lebanon County agricultural and horticultural society."

Also, No. 687, "An Act to alter the general

borough laws, so far as relates to the borough of Nazareth, Northampton county."

Also, No. 688, "A further supplement to an act to incorporate the city of Philadelphia," with a negative recommendation.

Mr. PRICE, (same,) No. 489, "An Act to incorporate the German Reformed and German Lutheran congregations of Schwartzwald church and cemetery, of the township of Exeter, county of Berks."

Also, No. 690, "An Act to incorporate the United Presbyterian congregation of Unity church of Venango township, Butler county."

Also, No. 691, "An Act to incorporate the Berks County association for the improvement of the breed of stock."

Also, No. 692, "An Act to incorporate the Williamsport library association."

Also, No. 693, "An Act to define the limits of the borough of California"

Mr. HAMERSLY, (same,) No. 700, "An Act to incorporate the Roxboro' Old Fellows' hall association."

No. 701, "An Act to incorporate the Hope manufacturing company."

No. 702, "Supplement to an act to incorporate the Pennsylvania fire insurance company."

Also, several bills, as follows:

No. 264, "An Act to incorporate the Birmingham insurance company."

No. 86, "An Act to incorporate the Carolina steam navigation company"

No. 248, "An Act relative to the Northumberland improvement company."

No. 253, "An Act to incorporate the Quick-silver mining company."

Mr. ACKER, (same,) No. 694, "An Act to incorporate the Northern market company of Philadelphia."

Also, No. 695, "A supplement to an act to incorporate the borough of Reading, Berks county."

Also, No. 696, "An Act to authorize the laying out of a public park, in the borough of Harrisburg, to be called Harris' park."

Also, Senate bill, No. 315, "A further supplement to the act authorizing the Governor to incorporate the Minersville water company."

No. 163, "An Act to incorporate the Union-town gas and water company," with amendment.

Mr. KINNEY, from the Committee on Education, reported bill, No. 637, entitled, "An Act for the payment of certain moneys by the school directors of Williams township, Northampton county," which, on motion of Mr. WOODRING, was taken up, considered and passed, and sent to the Senate for concurrence.

Mr. PUGHE, from the same committee, reported bills numbered and entitled as follows: No. 638, "An Act to incorporate the Towanda library association."

No. 639, "A supplement to an act for the regulation and continuance of a system of education by common schools," with a recommendation that it be negated.

Mr. GRAHAM, from the same committee, reported, with a negative recommendation, bills numbered and entitled as follows, viz:

No. 640, "An Act to attach parts of Juniata township to Allegheny township, Blair county, for school purposes."

No. 641, "An Act attaching lands of Elisha Robinson, of Perry township, to said township for school purposes."

Mr. NILL, from the same committee, reported, with a negative recommendation, bills numbered and entitled as follows:

No. 642, "An Act supplemental to an act for the regulation and continuance of a system of education by common schools."

No. 643, "An Act in relation to the collection of school taxes in McCalmont township, Jefferson county."

Mr. FOSTER, from the same committee, re-



ported, with a negative recommendation, bill No. 644, entitled "An Act to repeal so much of an act which authorizes the appointment of a county school superintendent, for the county of York."

Mr. WITHROW, from the same committee, reported, with a negative recommendation, bill No. 645.

Mr. OAKS, from the same committee, reported bill, No. 646, entitled "An Act for the better regulation of the Mercer County and Shenago Valley agricultural society."

Mr. HILL, (same,) with a negative recommendation, "An Act to attach the premises, owned by the Pennsylvania railroad company, and now occupied by William Hamilton, to the borough of Newton Hamilton school district, Mifflin county."

#### BILLS IN PLACE.

Mr. DURBORAW read in his place and presented to the Chair, "An Act to amend the road laws, &c. of Adams and Perry counties."

Mr. IRISH, "A supplement to an act relating to boroughs."

Also, "A supplement to an act relative to aldermen and justices in the city of Pittsburgh, and counties of Washington and Lawrence."

Mr. FOSTER, "An Act relating to costs before magistrates in Allegheny county."

Mr. WILSON, "A further supplement to the act to encourage the manufacturing operations of this Commonwealth."

Mr. BERTOLET, "An Act to incorporate the Lincoln bridge company of Berks county."

Mr. ACKER, "A supplement to the act to incorporate the Cochranville hall association; and moved that the rules be suspended in order to proceed to the consideration of the same; which was not agreed to."

Mr. BOYER, (Clearfield,) "A supplement to the act to create a sinking fund, &c."

Also, "An Act to incorporate the Clearfield water company."

Mr. WITMAN, "A supplement to the act regulating the sale of intoxicating liquors."

Also, "An Act relative to private alleys in the borough of Harrisburg."

Mr. STUART, "An Act requiring the supervisors of the different townships in Cumberland county, to keep the wing walls and embankments of the county bridges in repair."

Mr. WILCOX, "An Act declaring Laurel run, in the counties of Clearfield and Elk, and Kersey run, in Elk county, public highways."

Also, "An Act to extend the provisions of an act to increase the pay of county commissioners and other officers to the county of Elk."

Mr. GALLEY, "An Act to provide for the payment of claims against the Cumberland road, in the counties of Fayette, Washington and Somerset."

Mr. WIGTON, "An Act to provide for the payment of S. Miles Green, of Huntingdon county."

Mr. TAYLOR, one annexing school district No. 1, Armstrong township, Indiana county, to the borough of Shelocta, for school purposes.

Mr. KENEAGY, one for the relief of Rachel McCoy, widow of an old soldier.

Mr. BRYSON, one to authorize the Auditor General to re-examine the account of James Mitchell, late Treasurer of Lawrence county.

Mr. ECKMAN, one to authorize the removal of the dead from the cemetery of the First Methodist Episcopal church of Norristown, Montgomery county, to the Norris cemetery.

Mr. HILL, one to alter the tolls on the Skeppack turnpike; and also on Plymouth and Upper Dublin turnpike, in Montgomery county.

Mr. WOODRING, one relative to the fencing of railroads in Northampton county.

Mr. PRICE, as committed, "An Act to incorporate the Berks County association for the improvement of the breed of stock."

Also, with amendment, "An Act to incorpo-

rate the German Reformed and German Lutheran congregations of the Schwartzwald church and cemetery, in the township of Exeter, Bucks county."

Also, as committed, "An Act to incorporate the Williamsport library association."

"Also, with amendment, "An Act to incorporate the United Presbyterian congregation of Unity church, of Venango township, in the county of Butler."

Also, with amendments, "An Act to define the limits of the borough of Lock Haven."

Mr. CHURCH, "An Act to incorporate the South Philadelphia steamboat company."

Also, "An Act to incorporate the Passenger Railroad relief association of Philadelphia."

Also, "A supplement to the act to incorporate the Commonwealth insurance company."

Mr. FISHER, "An Act relative to the Wecacoe and Moyamensing meadow company."

Also, "An Act relative to the sale of drugs and medicines in Philadelphia."

Mr. MATTHEWS, one to regulate the working hours of employees on passenger railways."

Mr. NEALL, "An Act to incorporate the Spring Garden engine company."

Mr. HOTTENSTINE, "A supplement to the several acts of Assembly relative to the assessment and equalization of property for taxation."

Mr. QUIGLEY, "A supplement to the act relative to landlords and tenants."

Mr. GRATZ, "An Act to incorporate the North End insurance company."

Also, "A further supplement to the act to incorporate the Lykens' Valley railroad and coal company in Dauphin county."

Mr. HARDING, "An Act to incorporate the Deutch Kunst Halle."

Mr. ABBOTT, "An Act to consolidate the stock of the Manayunk gas company."

Also, "An Act for the further protection of passengers on railroads."

Also, "An Act to reduce the number of aldermen in the Twenty-fourth ward of the city of Philadelphia."

Mr. HAMERSLY, "An Act to prevent persons transacting business under fictitious names."

Also, "An Act to annul the marriage contract between Wm. R. Priestly and Annie N. M. Priestly his wife."

Also, "A supplement to the act whereby the Dock coal company was incorporated under the act of 7th April, 1849, entitled 'An Act to encourage manufacturing operations in this Commonwealth, and the supplements thereto.'"

Mr. BOYER, (Schuylkill,) "An Act to extend the limits of the borough of Port Clinton."

"A supplement to an act for the relief of the West Chester railroad company, and for other purposes, approved the 16th day of April, 1858."

Mr. BALLIET, "An Act relative to municipal claims."

Mr. GREEN, "An Act for the relief of Jonas Rumble."

Also, one for the relief of B. F. Affold.

Also, one for the relief of J. H. Hunter.

Mr. SMEAD moved that the rules be suspended, and that the House proceed to the consideration of the supplement to the act to incorporate the Fairmount and Arch Street passenger railway company; which was agreed to.

Mr. HAMERSLY moved that the consideration of the same be postponed for the present, on account of the absence of his colleague, (Mr. THORN;) which was agreed to.

#### ORIGINAL RESOLUTIONS.

Mr. WILCOX presented a joint resolution relative to the pay of the Clerk and Sergeant-at-Arms, who served on the committee appointed at the last session of the Legislature to investigate the affairs of certain banks; which was adopted.

Mr. NEAL, offered a resolution that the

House hold a session this evening, for the purpose of completing the Private Calendar, which was unfinished last Tuesday.

The House refused to proceed to the second reading of the same.

Mr. KINNEY offered a joint resolution, providing for the appointment of John H. Wells, as an Assistant Clerk, for the remainder of the session.

Pending the consideration of which, a motion was made by Mr. WILLIAMS, (Bucks,) that the House do now adjourn; which was agreed to.

Whereupon the SPEAKER adjourned the House until to-morrow morning at 9½ o'clock.

#### SENATE.

FRIDAY, March 4, 1859.

The Senate met at the usual hour.

The Journal was partly read, when, on motion of Mr. GREGG, its further reading was dispensed with.

The SPEAKER presented the petition of James Condron, for damages sustained by the sinking of his boat in the Pennsylvania canal.

Also, a petition of citizens of Blair county, in favor of the passage of Senate bill (read in place by the Senator from Bedford,) for the repeal of the tonnage tax, under certain conditions.

Also, two petitions of citizens of Cambria county, of like import.

Also, a remonstrance of citizens of the borough of Johnstown, against any law legalizing a partial survey of said borough, made by John Brawley.

Also, the proceedings of a meeting held in the Twenty-third ward of Philadelphia, in favor of Sunday travel on passenger railways.

Also, a remonstrance of citizens of Huntingdon county, against any change in the mode of collecting State and county taxes in said county.

Also, the resolutions of the councils of Philadelphia, in favor of the repeal of a law relating to the payment of road damages.

Also, the second annual report of the Farmers' High School.

#### PETITIONS, MEMORIALS, &c.

Mr. YARDLEY, the petition of William B. Alburger, Noah Shull and others, of Bucks and Philadelphia counties, praying for a law prohibiting negroes and mulattoes from coming into this State with a view of acquiring a residence therein.

Also, a remonstrance of citizens of Bucks county, against the passage of House bill No. 187, incorporating the Delaware Division canal company.

Mr. THOMPSON, five petitions from citizens of Montgomery county, for a law requiring the commissioners of said county to appoint constables as collectors.

Also, two petitions from citizens of Pennsylvania, for a law compelling banks to keep their notes at par in Philadelphia and Pittsburg.

Also, a petition from citizens of Montgomery county, for a law to prevent cattle from running at large.

Also, the petition of the managers and stockholders of the Skippack, Plymouth and Upper Dublin turnpike road companies, to charge tolls in certain cases.

Also, the petition of citizens of Montgomery county, against the act before the Legislature, changing the mode of collecting taxes.

Mr. PENNEY, two remonstrances of citizens of Pittsburg, against any act abolishing the high school in said city.

Also, the petition of citizens of Pittsburg, in favor of the same.

Mr. TURNEY, a petition of citizens of Washington township, Westmoreland county, praying for the passage of a law authorizing the school directors of Shaw's district, in said township, to build a school house on the land of Michael Miller.

Mr. BLOOD, a petition of citizens of Jeffer-



son county, praying for the repeal of the charter of the Susquehanna and Waterford turnpike road company.

Mr. KELLER, a petition from citizens of the borough of Berwick, Columbia county, praying for the abolition of the office of county superintendent of common schools.

Also, a petition from citizens of Snyder county, praying for an act to secure a bounty on the scalps of muskrats and minks.

Mr. BALDWIN, a petition from citizens of Lancaster county, praying for the passage of a law requiring banks to keep their notes at par in Philadelphia and Pittsburg.

Also, a petition from the president and cashier of the Farmers' Bank of Lancaster, of like import.

Mr. GAZZAM, two petitions of citizens of Pittsburg, praying for the abolition of the high school in that city.

Also, a petition of citizens of Pittsburg and vicinity, for the passage of an act incorporating the Pittsburg and East Liberty passenger railroad company.

Also, a petition of inhabitants of Pennsylvania, praying for the passage of a law prohibiting the surrender of persons claimed as slaves.

Also, resolutions of the select and common council of the city of Allegheny, remonstrating against the repeal of the tonnage tax.

Mr. STEELE, two petitions signed by a large number of citizens of Wilkesbarr township, in favor of that township being divided into two election districts.

Mr. WRIGHT, two remonstrances of persons living on the line of the Green and Coates Streets passenger railway, against the passage of any supplement thereto.

Also, the remonstrance of Evangelical Christians of Frankford, Philadelphia county, and vicinity, against any modification of the Sunday laws.

Also, the petition of citizens of Frankford and vicinity, in favor of the same.

Messrs. PARKER, MARSELIS and RAN-DALL petitions of similar import.

Messrs. PARKER, MARSELIS, COFFEY, WRIGHT, PALMER and BELL, petitions of citizens of Philadelphia, praying for the repeal of the tonnage tax on the Pennsylvania railroad.

Mr. BELL, a petition of the Bank of Delaware County, for the passage of a law requiring banks to keep their notes at par in Philadelphia and Pittsburg.

Mr. SCHINDEL, a petition of citizens of Allentown, in favor of an act to repeal the supplement to their borough charter.

Also, a petition of citizens of Bucks, Montgomery and Lehigh counties, in favor of the construction of a turnpike road in said county.

Also, two petitions of citizens of Saucon township, Lehigh county, for the passage of an act compelling the North Pennsylvania and Lehigh Valley railroad companies to fence the portion their roads in said county.

Mr. PALMER, three petitions of citizens of Schuylkill county, for the passage of an act requiring the sheriff to advertise sales of real and personal estate in two English and one German paper.

Also, two petitions of citizens of East Brunswick township, in the same county, for a law changing the place of holding elections in said township.

Also, two petitions of citizens of the same county, for a law regulating the height of fences.

Also, a petition of citizens of the North ward of Schuylkill Haven, for a law changing the place of holding elections in said ward.

Also, a petition of citizens of the same borough, against any extension of their borough limits.

Mr. SCOFIELD, a petition of members of

the bar, judges and officers of the court in Tioga county, in favor of a bill before the Senate, relative to arbitrations.

Mr. GREGG, a petition of citizens of Jersey Shore, Lycoming county, for a law regulating elections in said borough.

Also, a petition of citizens of Clinton county, in favor of an appropriation to the Polytechnic college.

Also, two petitions of citizens of Union county, in favor of an act changing the law appointing road viewers in said county.

Also, a petition of citizens of Lycoming county, for a law to secure more prompt payment on the part of insurance companies.

Mr. RUTHERFORD, a remonstrance of citizens of Harrisburg, against the repeal of a law relative to councilmen in said borough.

Mr. SHAEFFER, a petition of citizens of Lancaster county, for the abolition of the office of sealer of weights and measures in said county.

Also, a petition of citizens of the same county, in favor of an act to incorporate a turnpike road from Marietta to Manheim.

Also, a petition of citizens of the same county, for the reduction of the rates of taxation on plank and turnpike road companies.

Also, a petition of citizens of the same county, in favor of an appropriation to the Polytechnic college.

Also, the petition of John H. Longnecker, surviving member of the firm of Moderswell & Longnecker, praying for compensation for the loss sustained by the destruction of cars on the Pennsylvania and Columbia railroad.

Also, the petition of Rachel Nailer and Adam Lefevre, for the passage of an act authorizing the sale of real estate of Samuel Harman, dec'd, of Lancaster county.

Mr. WELSH, a petition of citizens of Hanover, York county, for an act to incorporate the Hanover gas light company.

Also, a petition of citizens of York county, for an act abolishing the office of county superintendent.

Mr. COFFEY, a petition of citizens of Cambria county, in favor of an appropriation to the Polytechnic college.

Mr. FRANCIS, a memorial of the members of the bar of Mercer county, in favor of an act relative to the administration of justice in said county.

A communication from the Auditor General was received and read.

On motion, it was ordered to be printed in the Record.

It is as follows:

AUDITOR GENERAL'S OFFICE, }  
March 2, 1859. }  
Hon. JOHN CRESSWELL, Jr.,  
Speaker of the Senate of Pennsylvania:

SIR:—The resolution of the Senate of the 25th of February, in the words following, is before me:

*Resolved*, That the Auditor General be requested to inform the Senate whether the Pennsylvania railroad company have paid a State tax on their capital stock, as required of all corporations under the provisions of the thirty-third section of an act to reduce the State debt, and to incorporate the Pennsylvania canal and railroad company, approved April 29, 1844; what amount of tax is claimed to be due the Commonwealth from the said company; what portion of the said tax has been paid; and at what period the said company commenced to pay the same; and further, what legislation, if any, is deemed necessary to equalize taxation upon the capital stock of the various corporations in this Commonwealth.

In reply to the foregoing, I beg leave to offer the following:

From the books and papers on file in this office, it appears that on the 16th of February, 1855, my predecessor addressed a letter to the

Pennsylvania railroad company, calling their attention to the provisions of the thirty-third section of the act of 29th of April, 1844; that upon the 17th of the same month, he received an answer from the vice-president of said company, stating that the company had made no dividends, and claiming that, by the provisions of the second section of the act of March 27, 1848, the company were not subject to any tax in consequence of the payment of interest therein authorized. On the 1st of January, 1857, a report was made to this department by the treasurer of the company, stating they had commenced business on the 31st of March, 1847; that the amount of capital stock was \$12,586,625; and that they had declared two dividends for and during the year ending with the 1st of November, 1856, of four per cent. each; giving the whole amount of dividend paid to that day at the sum of \$841,309.42. On the same day, the company paid into the State treasury the sum the duties of the office, I found there was a of \$42,065.32 tax on stock. This much took place under my predecessor. When I assumed large number of corporations in different parts of the Commonwealth, who had never complied with the terms of the act of the 29th of April, 1844, nor had many of them paid any taxes into the treasury; and there was also a large number who had paid taxes, but who had failed to make such annual report of dividends declared, or under such valuation of the capital stock as would enable the department to determine whether the amount of taxes so paid were assessed upon the proper basis. In order, therefore, that the records of this office should exhibit the proper returns from the various corporations, as contemplated by the thirty-third section of the act of the 29th of April, 1844, above mentioned; and not concurring in opinion with the said Pennsylvania railroad company, that the proviso contained in second section of the act of the 27th of March, 1848, (P. L., p. 274,) exempted that company from the payment of tax upon the stock; construing that proviso to mean, that the six per cent. interest authorized to be paid stockholders, should not be taken or considered as a six per cent. dividend for tax purposes, but allow the capital to be taxed as non-dividend paying stock, according to the valuation made by the board of directors. I therefore addressed a notice on the 7th of July, 1857, among others, to the Pennsylvania railroad company, requesting a report from the company of the rate, date and amount of each dividend declared from the time of commencing business to the first Monday of November, 1856, (excepting the interest paid to stockholders, under the act of 27th March, 1848, before alluded to,) and for such years as no dividend equal to six per cent. had been made or declared, a valuation of the capital stock as it existed between the first and fifteenth days of November in each year. To this notice I received no reply. On the 30th October, 1857, I addressed another note to said company, stating that unless the required report was received in thirty days from that date, I would proceed to settle an account for tax on capital stock against them, under the provisions of the fourteenth section of the act of 30th March, 1811. On the 30th day of November, of the same year, I received a report signed by the treasurer and a majority of the board of managers, appraising the capital stock of the company for the year ending November 1, 1857, at forty dollars per share, without giving the number of shares issued or held. On the 17th December, 1857, the company paid into the State Treasury the sum of thirty-one thousand five hundred and ninety-seven dollars and sixty-two cents tax on stock.

Receiving no answer to my letter of the 30th October, on the 15th of June, 1858, I proceeded to settle an estimated account for taxes due the



Commonwealth on the capital stock of the company, according to the notice given on the 20th October before mentioned. A copy of the account as so settled, is hereunto annexed. The amount of capital paid in, as used in this estimated account, is taken from the annual reports of the managers to the stockholders, with the exception of the year 1855, for which year I was unable to obtain any report. The most of the other reports were promptly furnished by the officers of the company, upon request. The rule at present practiced in this department, is not to charge companies with taxes until they have commenced business, and notwithstanding the treasurer of the company, by letter of January 1, 1857, fixes the time of commencing business on the 31st March, 1847, I find the president of the company, in his report of November 28, 1849, says the road was opened for travel from Harrisburg to Lewistown, on the 1st September (then) last. I, therefore, in making up the estimated account, commenced calculating the taxes from the latter date, to avoid any injustice to the company. The first tax for 1849 is, consequently, for September and October of that year.

From this showing it will appear that the Pennsylvania railroad company have paid tax on capital stock, as appears by the annexed statement, of \$42,065.32 for the year 1856, and of \$31,597.62 for 1857; that according to said estimated account, the amount due the Commonwealth, including five per cent. added under the provisions of the act of 1811, before cited, up to the 1st Monday of November, 1857, was \$207,064.98, and that the payments made by the company, were made on the 31st January and 17th December, 1857.

With regard to the latter clause of the resolution, as to "what legislation is deemed necessary to equalize taxation on the capital stock of corporations," I should prefer to present to the Senate, as nearly as practicable, the different modes, arising out of differently constructed acts, of assessing taxes upon the different incorporated companies that have come within my knowledge. If upon this exhibit it should appear that an inequality exists in the rates charged companies, such legislation upon the subject as might be deemed necessary will, no doubt, suggest itself to the Senate. So far as matters have come to my knowledge, the earliest laws imposing taxes upon corporations commenced about the year 1830. From that time forward to perhaps 1836, a number of the companies then incorporated were required to pay a tax of eight per cent. to the Commonwealth annually, upon all dividends exceeding six per cent. Others, again, were taxed merely upon a certain excess; and others again, a tax upon all dividends exceeding eight per cent. By the act of 16th June, 1836, "regulating iron manufacturing companies," all companies obtaining charters under that act were subject to a tax of eight per cent. on all dividends exceeding six per cent. These were taxes exclusively upon dividends. The act of 11th June, 1840, which took effect from and after the 1st January, 1841, and which was followed up by the act of 29th April, 1844, taxed the capital stock of all incorporated companies without repealing the previous laws taxing certain companies by any express repeal, and as the one was a tax upon dividends, and the other a tax upon capital stock, did not effect a repeal by implication; therefore, in the settlement of accounts for taxes, with companies whose charter requires them to pay a tax upon dividends, when such dividend exceeds a certain rate, they are charged with this tax upon the dividend in addition to the tax charged upon their capital stock, under the thirty-third section of the act of 29th April, 1844. The question might with propriety have been raised, whether all companies should not be made subject to a tax upon dividends as

well as upon capital stock, or whether those companies whose charters require the payment of a tax upon their dividends should not be relieved, and put upon a footing of equality with those who pay only upon their capital stock. In this suggestion, of course, I do not include banks and savings institutions.

Notwithstanding the thirty-third section of the act of 29th April, 1844, expressly requires that all companies incorporated by or under any law of this Commonwealth, shall pay a tax upon their stock, there are a number of companies chartered since that time, who claim exemption from taxation by express or implied provision in their charter, and who could, as well as others, bear a share of the public burthens. A striking case occurred but a few days ago: The Catiwissa, Williamsport and Elmira railroad company sent to my care a check to pay the tax upon their capital stock. But a few moments after I handed it over to the Treasury, I received a telegraphic dispatch from the company, informing me they had just discovered that by a provision in their charter they were not liable for any tax, and requesting me to return the check, as they had stopped its payments at the bank. Upon examining the law I was forced to the conclusion that the position of the company was well taken. These exemptions get into bills occasionally, unobserved, no doubt, except by those interested, and are passed through in the hurry of business, without attracting the notice of the Legislature. The result is that we have a number of corporations who are compelled to pay taxes upon dividends and stock both, and then another number who pay no tax. It would seem, to that extent, that the law at present works injustice to the Commonwealth—is in bad faith to a number of tax-paying corporations, and is destructive to that equality of taxation which should operate alike between incorporated companies as it should between individuals. The act of 29th April, 1844, lays down a system for taxing corporations at once so just, equal and correct in its operations, that no company should seek to avoid complying with its provisions. By that act when the capital stock of a company yields a six per cent. dividend, its proportion of taxes is about equal with that upon other property—when the stock does not yield a dividend or profit equal to six per cent., the directors or managers value it, and upon their own valuation the tax is assessed. No system can be devised to operate more equally, and hence its application should reach every company in this Commonwealth.

My impression is, if the Legislature would so provide, that from henceforth, all corporations must pay taxes, as provided by the thirty-third section of the act of April 29, 1844, aforementioned, and that those who paid a tax on dividends, in addition to the tax upon capital stock, would be relieved from their dividend tax, thus placing all upon a footing of equality, the result would be rather an increase than a diminution in the amount of revenue to the Commonwealth from that source.

Very respectfully,

JACOB FRY Jr.,

Auditor General.

PENNSYLVANIA RAILROAD COMPANY IN ACCOUNT WITH THE COMMONWEALTH OF PENNSYLVANIA.

For tax on capital stock, per act of April 29, 1844, from September 1, 1849, to the first Monday of November, 1857; the said tax being estimated under the provisions of the fourteenth section of the act of March 30, 1811, except the year 1856, for which the company furnished the necessary data to determine the proper amount of tax.

	Cap. St'k paid in.	Mills.	Tax.
1849.....	\$3,322,035.....	0.....	\$1,811.01
1850.....	5,822,210.....	3.....	17,466.63
1851.....	8,103,465.....	3.....	24,310.89

1852.....	9,768,155.....	3.....	29,304.46
1853.....	11,228,020.....	3.....	33,684.06
1854.....	12,104,820.....	3.....	36,314.46
1855.....	12,300,000.....	3.....	36,900.00
1857.....	13,206,625.....	3.....	39,619.87

\$219,410.88

Add five per cent. under said act of

1811..... 10,970.54

1856 dividends eight per cent. on

\$12,586,625, tax 4 mills..... 50,346.00

Total..... \$280,727.92

CR.

By payment to treasury

Jan. 31, 1857..... \$42,065.32

By payment to treasury

Dec. 17, 1857..... 31,597.62

73,662.94

Balance due Commonwealth... \$207,064.98

A message from the Governor was received and read. It is as follows:

EXECUTIVE CHAMBER,  
Harrisburg, March 4, 1859. }

To the Honorable the Senate of Pennsylvania:

SENATORS:—I do hereby nominate for the advice and consent of the Senate, Charles D. Hinckley, Esq., of the county of Dauphin, to be superintendent of public printing, agreeably to the provisions of the act of the 9th day of April, Anno Domini, 1856, entitled "An Act in relation to public printing."

On motion of Mr. WELSH, the rule was suspended which requires Executive nominations to lie on the table for five days, and agreeably to the provisions of the Constitution, the yeas and nays were called upon the confirmation of the above nomination.

The vote is as follows:

YEAS—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Fetter, Finney, Gazzam, Gregg, Harris, Keller, Marselis, Nunnemacher, Palmer, Parker, Randall, Rutherford, Schell, Seofield, Shaeffer, Schindel, Steele, Thompson, Turney, Welsh, Wright and Cresswell, *Speaker*—27.

NAYS—None.

Mr. BELL presented the memorial of the commissioners appointed to revise the penal code.

REPORTS OF COMMITTEES.

Mr. TURNEY, (Finance,) reported, as committed, "Joint resolution to pay DAVID R. McCLAIN, late a member of the House of Representatives."

On motion of Mr. RANDALL, said resolution was read, considered and passed.

Mr. BELL, (Judiciary,) as committed, "An Act authorizing the sale of the real estate of Wm. H. Richter, deceased."

On motion of Mr. KELLER, the Senate proceeded to consider the same, and the bill having gone through its various readings, passed finally.

Mr. BELL, (Judiciary,) as committed, "A supplement to an act regulating voting in Schuylkill county."

On motion of Mr. CRAIG, said bill was taken up, and after being duly considered, passed finally.

Mr. WRIGHT, (Corporations,) as committed, House bill No. 560, "A supplement to the act incorporating the borough of Harrisburg."

Mr. SHAEFFER, (same,) as committed, "A supplement to an act incorporating the Dock coal company, under the act of Assembly of April 7, 1849, entitled 'An Act to encourage manufacturing operations in this Commonwealth, and the several supplements thereto.'"

Mr. RANDALL, (Railroads,) with amendment, "A supplement to the act incorporating the Blockley and Marion plank road company."

Mr. STEELE, (same,) with amendment, "A supplement to an act incorporating the Arch



Street and Fairmount passenger railway company."

Mr. CRAIG, (same,) with amendment "An Act to incorporate the Hestonville, Mantua and Fairmount passenger railway company."

Mr. BALDWIN, (Roads and Bridges,) as committed, "An Act to repeal a certain supplement to an act incorporating the Wellsboro and Tioga plank road company."

Mr. RUTHERFORD, (same,) as committed, "An Act to enable the commissioners of Sheffield township, Warren county, to levy additional road tax."

Also, (same,) as committed, "An Act authorizing Walter J. Smith to erect a ferry across the Allegheny river at Warren."

Mr. MARSELIS, (Banks,) as committed, "An Act to extend the charter of the Dauphin Deposit Bank."

Mr. RANDALL, from the special committee to which was referred Senate bill No. 18, "An Act to establish a general banking law," reported the same with amendments.

On motion, the amendments were ordered to be printed.

#### BILLS IN PLACE.

Mr. PENNEY read in his place, and presented to the Chair, a bill, entitled "A supplement to an act to provide for the erection of a house for the employment and support of the poor in Allegheny county."

Also, "An Act relative to the compensation of crier in the district court of Allegheny county."

Mr. CRAIG, "A supplement to an act to provide for the erection of a house for the employment and support of the poor in Carbon county."

Mr. NUNEMACHER, "A supplement to the several acts relative to the Dauphin and Susquehanna coal company."

Mr. STEELE, "An Act to divide the borough of Scranton into two wards."

Mr. RANDALL, "An Act to allow the Philadelphia Bank to buy additional real estate."

Also, "An Act authorizing the Tinklepaugh coal company to borrow money."

Also, "An Act to incorporate the National steamship company."

Mr. FRANCIS, "An Act authorizing the Auditor General to open and re-settle the accounts of James Mitchell, treasurer of Lawrence county."

Also, "An Act relative to the salary of the Adjutant General."

Mr. MARSELIS, "An Act declaratory of the eleventh section of the act of July 26, 1842."

Mr. YARDLEY, from the Committee to Compare bills, made a report.

Mr. BELL presented supplementary resolutions relative to a revised penal code of Pennsylvania; which were referred to the Judiciary Committee.

They are as follows:

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met:*

1. That the commissioners appointed by the Governor, to prepare a revised penal code, are hereby directed to report said code complete, together with such bills as they may prepare, relating to corporations and their taxation, within three days of the first meeting of the next General Assembly.

2. *Resolved*, That the said commissioners are hereby requested, to furnish the public printer with the revised penal code, prepared by them, in time to have the same printed before the meeting of the next Legislature.

3. *Resolved*, That the said public printer is hereby authorized, to print one thousand copies of the said revised penal code, and report and furnish the same to the next Legislature, within three days from the commencement of the session.

4. *Resolved*, That the State Treasurer shall pay to the said commissioners two thousand dollars per annum each, to be paid quarterly out of any unappropriated money in the Treasury, from the date of their appointment to the completion of their labors: *Provided*, That said commission shall not continue in force longer than the sixth day of January next, and that any payments heretofore made shall be deducted from said quarterly allowance.

#### ORIGINAL RESOLUTION.

Mr. BELL offered the following resolution; which was twice read and considered:

*Resolved*, That under the rule of the Senate, directing calls of the members alphabetically, for consideration of private bills, no member shall be permitted to transfer his call to another.

On the question,

Will the Senate agree to the same? It was determined in the negative.

A communication from the Auditor General was received and read.

#### ORDERS OF THE DAY.

"An Act to incorporate the Bedford gas company;" came up in order on third reading, and passed finally.

"A further supplement to an act to incorporate the Marshall saving institution of Philadelphia;" came up in order on third reading.

Mr. WRIGHT explained the object of the bill. While it bore the title of "savings institution," (and it was one in the proper sense,) it was a building club, and one of the first chartered by the Legislature. It was now nearly eleven years old, and was about distributing its funds amongst its members: the monthly instalments, and the interest thereon, having reached the sum of two hundred dollars on each share. This act provides for a new series of monthly payments, and will wind up at the end of three or four years, the par value of the new shares being but fifty dollars. A clause in the bill, as originally presented, authorizing it to receive money on deposit, was, at his instance, stricken out.

And on its final passage,

The yeas and nays were required by Mr. RANDALL and Mr. WRIGHT, and were as follows, viz:

YEAS—Messrs. Blood, Brewer, Fetter, Francis, Gazzam, Harris, Keller, Marselis, Nunemacher, Palmer, Parker, Penney, Randall, Rutherford, Shaeffer, Schindle, Steele, Thompson, Welsh, Wright, Yardley and Cresswell, *Speaker*—22.

NAYS—Mr. Schell—1.

So the question was determined in the affirmative.

"An Act to incorporate the Union cemetery association of the borough of Lebanon and vicinity," came up in order on third reading and passed.

"An Act to increase the salaries of the judges of the district court and court of common pleas of Philadelphia," came up in order on second reading; the question being upon the amendment offered by Mr. TURNEY—"and that the salaries of the law judges of the several districts of this Commonwealth now receiving \$2000, be increased to \$2500."

Mr. WRIGHT remarked that when this bill was under consideration yesterday, he was under the impression that the salary of the law judges was twenty-two hundred dollars; but he now finds that he was mistaken—the present compensation being only two thousand.—We now propose, he said, to raise it five hundred dollars at one clip. He had nothing to add to what he had urged yesterday, against this proposed increase.

Mr. PALMER said that the Senator from Philadelphia, (Mr. WRIGHT,) had yesterday made an inquiry as to the length of time the judges of these law courts were employed in

the actual performance of their duties. He had taken pains to inquire as to his own district, and had received from the clerk and prothonotary a statement of the cases disposed of in the county of Schuylkill, which he read.

The number of entries on the appearance docket, in 1858, was three thousand three hundred and eighty-two; the cases disposed of in the common pleas, during the year 1858, numbered ninety; the number disposed of on the argument list was one hundred and eighty-nine; the number disposed of at the session of over and terminer, was three hundred and thirty-two; and the length of time the court was in session, was twenty-seven weeks. The remainder of the time of the judges, he said, was necessarily taken up in the investigation of causes before them. He did not know how this would compare with the service of judges in other counties or districts; but if it could be taken as anything like a test, it would be seen that almost the entire attention and time of the courts was occupied either in the trial or investigation of causes which were brought before them.

He advocated the proposed increase of salary; to the course of which he said that there were men at the bar of his county, whose practice amounted to three times as much as the compensation paid to Judge Heggius, of that district, and whose legal acquirements, talent or ability, were in no wise superior. He had made up his mind, in some fourteen or fifteen years practice, that cheap law and cheap physics are by far the dearest in the end; and he did not believe that the sober thinking men of the State would ask the Senate to cheapen the judicial labor, or to deny to the judges a fair and adequate compensation for services rendered.

Mr. GAZZAM said the judiciary were worse paid than any officers in the service of the people, and advocated the proposition as one simply designed to confer an adequate compensation upon the service of competent men.

Mr. BREWER, in rising to oppose the amendment, said the propositions to increase the salaries of the officers of the State were becoming too frequent. The cry was almost daily heard of incompetency of salary; and it now becomes the people to pause, and inquire where all this tends. Who, he asked, of the legal profession, however celebrated—whatever his practice or attainments—had declined to become candidates either for judges of the common pleas or the supreme court, on account of the inadequacy of the salary paid them? So far from there being any who decline the honor, men of the first talent and legal attainment, as well as the most profitable practice, are willing to take a seat upon the bench, and leave their practice. He did not regard the argument of Senators, that the inadequacy of the present salary had a tendency to deprive the State of the judicial services of the best talent of the profession, as a correct one. He considered, and the judges who accept the position, considered the salary now paid, adequate to their support. Why, in days past, when the compensation was much less, the bench of Pennsylvania was honored by as high integrity, and adorned by as lofty talents, as ever adorned the temple of justice, or illustrated the jurisprudence of the land. And our bench now, he was proud to say, reflected honor upon the profession—added lustre to our past history, and in turn was surrounded with the confidence and blessings of the people.

That intent, he said, which will give its service to the State out of patriotic motives, from a desire to serve the public, without regard to the paltry feeling of dollars and cents, is the talent we want; not that species of capacity which seeks the high and proud position for the mere purpose of emolument, or which metes



out its service only in consideration of the salary which attaches to it.

Before Senators urge an increase in the compensation of judges, they should wait until men of legal eminence and ability decline to serve upon the bench, upon account of the inadequacy of the salary attached to the office. When the judges, themselves, manifest a determination to resign their positions, or gentlemen of legal ability decline the honor, there will be some force in the argument which has been urged in support of the proposed increase; but so long as there is no demand, on their part, for this increase of salary, he did not think the Senate was called upon to grant it, particularly at the present time, when the State was just recovering from one of the most disastrous financial storms which had ever swept over it.

If he could increase the salaries of these judges, without doing injustice to the people, who bear the burthen of taxation, he would willingly do so. If he could strengthen, by that increase, the confidence of the people in the administration of justice, he would vote for it. But while the frugal and industrious masses of the people are unwilling to raise the compensation, the popular confidence is strong in our administration of justice, and the unanimous voice of the country bears its generous testimony to the virtue and the purity—to the imposing dignity, and the vast learning of our bench. With his present views, he could not, in a conscientious discharge of his duty to his constituents and the public, do otherwise than enter his protest, and record his vote against it.

On the adoption of the amendment,

The yeas and nays were required by Mr. STEELE and Mr. WRIGHT, and were as follows, viz:

YEAS—Messrs. Bell, Coffey, Finney, Francis, Gazzam, Marselis, Myer, Palmer, Parker, Penney, Randall, Shaeffer, Turney, Yardley and Cresswell, *Speaker*—15.

NAYS—Messrs. Baldwin, Blood, Brewer, Craig, Gregg, Harris, Keller, Nunemacher, Rutherford, Steele, Thompson, Welsh and Wright—13.

So the question was determined in the affirmative.

On the question,

Will the Senate agree to the section, as amended?

The yeas and nays were required by Mr. WRIGHT and Mr. WELSH, and were as follows, viz:

YEAS—Messrs. Bell, Coffey, Finney, Francis, Gazzam, Marselis, Myer, Palmer, Parker, Penney, Randall, Shaeffer, Turney, Yardley and Cresswell, *Speaker*—15.

NAYS—Messrs. Baldwin, Blood, Brewer, Craig, Gregg, Harris, Keller, Nunemacher, Rutherford, Schell, Steele, Thompson, Welsh and Wright—14.

So the question was determined in the affirmative.

The title having been amended,

The bill lies over on third reading.

House bill No. 254, "An Act relative to the election of supervisors in Salem township, Westmoreland county," came up in order, and passed finally.

"An Act to incorporate the commercial trust company," came up in order, and on its final passage,

The yeas and nays were required by Mr. COFFEY and Mr. THOMPSON, and were as follows, viz:

YEAS—Messrs. Penney, Shaeffer and Thompson—3.

NAYS—Messrs. Bell, Blood, Brewer, Coffey, Craig, Finney, Francis, Harris, Keller, Marselis, Nunemacher, Parker, Randall, Rutherford, Schell, Schindel, Steele, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—22.

So the question was determined in the negative.

Senate bill No. 112, "An Act to simplify legal proceedings and facilitate the recovery of claims in the courts of law in this Commonwealth," came up in order, passed second reading and lies over.

On motion of Mr. WRIGHT, the Senate reconsidered its vote on the final passage of Senate bill No. 201, "A supplement to an act incorporating the Frankford and Oxford turnpike road company."

The bill being again before the Senate, Mr. WRIGHT moved to strike out the word "and" in the last line, and insert the word "any;" which was agreed to, and the bill passed finally.

Mr. SCHINDEL, from the Committee of Conference, on House bill No. 91, "An Act to incorporate the Ironton railroad and mining company made a report; which, having been read and considered, was adopted.

House bill No. 247, "An Act to authorize the Governor to incorporate a company to erect a bridge over Clearfield creek, in Clearfield county, at Alexander's fording," came up in order, and passed finally.

Senate bill No. 216, "An Act to attach Somerset county to the Middle district of the supreme court of Pennsylvania," came up in order, and having passed second reading, lies over.

"An Act to incorporate the Philadelphia and Olney railroad company," on third reading, was called up and passed finally.

Mr. BLOOD called up House bill No. 122, "An Act to incorporate the village of Corsica, in the county of Jefferson, into a borough," on second reading, and the bill passed finally.

"An Act to incorporate the Columbia County agricultural, horticultural and mechanical association," on second reading, was called up and passed finally.

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. GREGG, Senate bill No. 292, "An Act relating to county surveyors."

On motion of Mr. STEELE, Senate bill, No. 357, "A further supplement to an act to incorporate the Danville railroad company."

On motion of Mr. PENNEY, Senate bill, No. 63, "An Act relating to interest upon verdicts."

On motion of Mr. SHAEFFER, Senate bill, No. 338, "A further supplement to the act incorporating the Conestoga and Beaver Valley turnpike road company."

[The second section of this bill was stricken out.]

On motion of Mr. FRANCIS, Senate bill, No. 126, "An Act further to prevent disturbance of public meetings."

[This bill was amended by the addition of a new section.]

On motion of Mr. COFFEY, the Senate reconsidered its vote on the motion to recede from an amendment to "An Act to provide for the election of an additional constable at Brady's Bend, Armstrong county;" and the bill being again before the Senate, on motion of Mr. COFFEY, the Senate insisted upon its amendment, and a committee of conference was ordered to be appointed.

On motion, the Senate adjourned until 3 o'clock this afternoon.

#### AFTERNOON SESSION.

Agreeably to order the Senate met at 3 o'clock.

Mr. SCHELL, from the committee of conference on House bill, No. 280, "An Act relative to elections in Somerset county," made a report; which was read, considered and adopted.

[The House recede from non-concurrence in Senate amendments.]

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. BREWER, the Senate resumed the consideration of House bill, No. 7,

"An Act to abolish the office of scaler of weights and measures, in certain counties," and the bill passed.

[Dauphin and Westmoreland counties were included in this bill.]

On motion of Mr. KELLER, Senate bill, No. 355, "An Act to incorporate the East Danville iron company," was taken up. The first six sections were agreed to.

The seventh section being before the Senate, Mr. STEELE moved to strike it out and insert in lieu thereof, the following:

"That the stockholders of the said company shall be jointly and severally liable in their individual capacities, for all debts due mechanics, workmen and laborers employed by said company, and for material and produce furnished said company, in the counties of Montour, Columbia and Luzerne; to be sued for and collected as is provided by the twelfth, thirteenth and fourteenth sections of the act incorporating the Lackawana coal and iron company, approved April 5, 1853."

Mr. PENNEY suggested an amendment to the amendment, to strike out the counties mentioned; which was agreed to.

Pending the discussion of the amendment, Mr. GREGG moved to postpone further consideration of the bill for the present.

On which motion,

The yeas and nays were required by Mr. GREGG and Mr. MYER, and were as follows, viz:

YEAS—Messrs. Bell, Blood, Craig, Gregg, Nunemacher, Wright and Cresswell, *Speaker*—7.

NAYS—Messrs. Baldwin, Brewer, Coffey, Finney, Francis, Gazzam, Harris, Keller, Marselis, Myer, Palmer, Parker, Penney, Randall, Rutherford, Schell, Shaeffer, Schindel, Steele, Thompson, Turney, Welsh and Yardley—23.

So the question was determined in the negative.

The question recurring upon the substitute offered by Mr. STEELE,

The yeas and nays were required by Mr. WRIGHT and Mr. STEELE, and were as follows, viz:

YEAS—Messrs. Baldwin, Coffey, Finney, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penney, Randall, Rutherford, Shaeffer, Schindel, Steele and Thompson—17.

NAYS—Messrs. Bell, Blood, Brewer, Craig, Keller, Marselis, Nunemacher, Schell, Turney, Welsh, Wright and Cresswell, *Speaker*—12.

So the question was determined in the affirmative.

The eighth, ninth and tenth sections were agreed to.

And on the final passage of the bill,

The yeas and nays were required by Mr. WRIGHT and Mr. STEELE, and were as follows, viz:

YEAS—Messrs. Baldwin, Coffey, Finney, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penney, Randall, Rutherford, Shaeffer, Schindel, Steele, Thompson and Yardley—18.

NAYS—Messrs. Bell, Blood, Brewer, Craig, Keller, Marselis, Nunemacher, Schell, Turney, Welsh, Wright and Cresswell, *Speaker*—12.

So the question was determined in the affirmative.

On motion of Mr. BELL, Senate bill No. 337, "An Act to incorporate the Black Rock bridge company."

On motion of Mr. BLOOD, Senate bill No. 407, "An Act to repeal a part of the fourth section of an act to appoint road commissioners to take charge of a portion of the Warren and Ridgway turnpike road, in Elk and Forest counties, approved April 15, 1858."

On motion of Mr. BREWER, Senate bill No. 445, "An Act to incorporate the Mont Alto iron company."

On the final passage of this bill,

The yeas and nays were required by Mr.



RANDALL and Mr. BREWER, and were as follows, viz :

YEAS—Messrs. Brewer, Coffey, Finney, Francis, Gazzam, Harris, Myer, Parker, Penney, Rutherford, Schell, Schindel, Steele and Yardley—14.

NAYS—Messrs. Baldwin, Bell, Blood, Craig, Marselis, Nunemacher, Palmer, Thompson, Turney, Welsb, Wright and Cresswell, *Speaker*—12.

So the question was determined in the affirmative.

On motion of Mr. GREGG, Senate bill No. 457, "An Act to amend the charter of the borough of Jersey Shore."

On motion of Mr. WELSH, House bill No. 729, "A supplement to the act to incorporate the the borough of York."

#### BILL IN PLACE.

On leave given, Mr. MYER read in his place and presented to the Chair a bill, entitled "An Act to provide for the fencing of railroads in Bradford county."

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. FRANCIS, House bill No. 22, "An Act repealing certain acts, relative to roads and bridges in Mercer county."

On motion of Mr. GAZZAM, Senate bill No. 440, "An Act to incorporate the Pittsburg park association."

[This bill was variously amended, on motion of Mr. GAZZAM.]

The hour of five having arrived; on motion of Mr. WRIGHT, the hour of adjournment was postponed.

On motion of Mr. SCHINDEL, House bill No. 282, "A further supplement for the division of the borough of Allentown into wards."

On motion of Mr. SCHELL, House bill No. 409, "An Act changing the place of holding general and township elections in Jackson township, Huntingdon county."

On motion of Mr. RANDALL, Senate bill No. 416, "An Act authorizing the Auditor General and State Treasurer to open and re-settle the accounts of the Franklin fire insurance company of Philadelphia."

On motion of Mr. MARSELIS, House bill No. 318, "A supplement to an act incorporating the Johnstown and Scalp Level turnpike road company."

On motion, the Senate adjourned until tomorrow morning at 10 o'clock.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, March 4, 1859.

The House was called to order at 9½ o'clock, by Mr. CHASE, *Speaker pro tem*.

On motion of Mr. LAWRENCE, of Washington, the reading of the Journal was dispensed with.

Mr. EVANS moved that the rules be suspended, and that the House proceed to the consideration of the bill relative to the pay of GEORGE W. WOOD, dec'd, as a member of this House; which was agreed to; whereupon said bill was taken up and passed, and sent to the Senate for concurrence.

Mr. GLATZ, on leave, read in his place and presented to the Chair, "A supplement to the act incorporating the borough of York;" and, on his motion, the rules being in this case dispensed with, said bill was taken up and passed finally, and ordered to be sent to the Senate for concurrence.

Mr. HAMERSLY gave notice that he would call for the orders of the day at 10 o'clock, for the consideration of public bills.

Mr. GRATZ, on leave, from the Committee on Judiciary, reported as committed, Senate bill No. 150, "A further supplement to the act incorporating the city of Philadelphia, providing for the abolishment of the board of guardians of the poor;" and, on his motion, the rules in this case being dispensed with, said bill was taken up, as follows:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the present board of guardians of the poor of the city of Philadelphia, as constituted and organized by and under an act, entitled "A further supplement to incorporate the city of Philadelphia, passed February 2, 1854," shall be abolished, and shall cease and determine from and after the first Monday in July next, A. D. 1859; and that all laws and parts of laws providing for the organization of said board as now established, and under and by virtue of which said board of guardians of the poor is now constituted by the election of its members by the qualified electors of the several wards of the city of Philadelphia, mentioned in the eighteenth section of the act to which this is a further supplement, shall, from and after the said first Monday of July, 1859, be repealed, and thereafter be of no force or effect, so far as the same shall conflict in the provisions of this act; and that so much of said act as authorizes the qualified electors of said wards of the city of Philadelphia, annually, on the first Tuesday in May, to elect one citizen to serve as a member of said board, be and the same is hereby repealed.

SECTION 2. That on the first Monday in July next, A. D. 1859, and forever thereafter, until otherwise provided by law, the powers, duties, rights, liberties, authorities and immunities of the board of guardians of the poor of the city of Philadelphia, as constituted and organized under the provisions of the act mentioned in the first section of this act, shall be transferred and assigned to, and be assumed and exercised by nine reputable citizens and electors of said city of Philadelphia, to be selected in the following manner, to wit:—On the first Monday in June, 1858, the judges of the district courts, for the city and county of Philadelphia, shall appoint three reputable citizens, and electors of said city, to be members of the board of guardians of the poor, as constituted under the provisions of this act; one to serve one year; one to serve two years, and one to serve three years; and annually thereafter the said court shall appoint one person to be a member of said board. The court of common pleas shall, in like manner, and at the same time, appoint the same number of members of said board; and annually thereafter the said court shall appoint one member of said board. The select and common council of the city of Philadelphia, in joint convention, at any stated meeting, in June next, shall elect the same number of members of said board; one to serve one year; one to serve two years, and one to serve three years; and annually thereafter, at any stated meeting, in June, said councils, in joint convention, shall elect one member of said board to serve for three years.

SECTION 3. The members of said board, thus appointed and elected, shall meet on the first Monday in July next, 1849, at ten o'clock in the morning; and shall then assume and exercise all the powers, duties, rights, liberties, authorities and immunities of the present board of guardians of the poor.

SEC. 4. The present board of health of the city of Philadelphia, as constituted and organized by and under an act for establishing a health office, and to secure the port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes, passed January 29, 18—, and an act, entitled "A further supplement to an act to incorporate the city of Philadelphia, passed February 2, 1854," shall be abolished, and shall cease and determine from and after the first Monday in July next, 1859; and all laws and parts of laws providing for the organization of said board as now established, and under and by virtue of

which said board of health is now constituted, by the elections of its members by the qualified electors of the several wards of the city of Philadelphia, shall from and after the said first Monday in July, 1849, be repealed, and thereafter be of no force or effect, so far as the same shall conflict with the provisions of this act; and so much of said act as authorizes the qualified electors of each of the wards of the city of Philadelphia annually, on the first Tuesday in May, to elect one citizen to serve as a member of the said board of health, be and the same is hereby repealed.

SEC. 5. On the first Monday in July next, 1849, and forever thereafter, until otherwise provided by law, the powers, duties, rights, liberties, authorities and immunities of the board of health of the city and port of Philadelphia, as constituted and organized under the provisions of the act of Assembly mentioned in the fourth section of this act, and any and all other laws in relation to said board of health, shall be transferred and assigned to, and be assumed and exercised by nine reputable citizens and electors of said city of Philadelphia, who shall be elected in the following manner, to wit: on the first Monday in June, A. D. 1849, the judges of the district court for the city and county of Philadelphia shall appoint three reputable citizens and electors of said city to be members of the board of health, as constituted under the provisions of this act—one to serve one year, one to serve two years, and one to serve three years; and annually thereafter the said court shall appoint one person to be a member of said board of health; the court of common pleas shall in like manner and at the same time appoint the same number of members of said board; and annually thereafter the said court shall appoint one person to be a member of said board; the select and common councils of the city of Philadelphia, in joint convention, at any stated meeting in June next, shall elect the same number of members of said board—one to serve one year, one to serve two years, and one to serve three years; and annually thereafter, at any stated meeting in June next, said councils, in joint convention, shall elect one member of said board for three years.

SEC. 6. The members of said board of health, thus appointed and elected, shall meet on the first Monday in July next, A. D. 1849, at ten o'clock in the morning, and shall then assume and exercise all the powers, duties, rights, liberties, authorities and immunities of the present board of health.

SEC. 7. That in case a vacancy occur in the said board of guardians of the poor, or the said board of health, from death, resignation or otherwise, it shall be supplied and filled for the unexpired term of such member by the court which appointed, or the councils which elected, the member thus dying, resigning, or otherwise vacating his seat in the board of which he was a member.

SEC. 8. That upon conviction, in any court of criminal jurisdiction, of any member or members said board of guardians of the poor, or the said board of health, of any wilful misapplication of the funds or property of the said boards, or funds or property of the city of Philadelphia, or of any fraudulent and corrupt official act, he or they so offending and convicted, shall be sentenced to pay a fine of not less than one hundred, nor more than one thousand dollars, and undergo an imprisonment for a term not exceeding one year, at the discretion of the court.

Mr. HAMERSLY moved to amend the first section, as follows:

*Provided,* That this act shall not apply to the twenty-second ward, nor to such parts of the Twenty-first and Twenty-third wards, as are now under a separate organization, for the support and employment of the poor; which was agreed to.



Said bill was read the second and third times, and being on final passage,

Mr. WALBORN spoke as follows:

Mr. SPEAKER:—There is involved in this bill a principle I am not prepared to endorse—that of bestowing upon the courts the power of appointment to office; and, sir, I predict if this bill should become a law, and the power of appointment to office be vested in the same persons who have to try those appointees for misdemeanor, should they be guilty of it, that but a short time will elapse ere the people will have cause to mourn for the trouble that will come upon them. No such power should ever be vested in the judiciary. Its inevitable tendency is to corruption. When you confer upon judges, who are elected by the people, the power of official patronage, you stain the judicial ermine and open the very flood gates of political iniquity, especially when the same judges have the exclusive power to try the favorites, whom they may appoint to office, for the offences they may commit in the discharge or prostitution of its duties. It would debase the judiciary from its high position, and bring it into the political arena, to become a mere party engine—a result destructive of the rights and liberties of every citizen. It is contrary to the genius and policy of all our institutions, to take power from the many and place it in the hands of the few; and no true patriot will ever desire to see such an encroachment upon the high prerogative of every freeman. There is no good reason why the people cannot correct any abuses that may exist in these offices, as they certainly have it in their power to do so. It may be true, however, that there should be a re-organization of the board of guardians, or that some means should be resorted to, in order to prevent frauds and correct abuses. But, sir, I am not prepared to adopt a remedy that is far worse than the disease—a remedy that will lead to results the most deplorable and unfortunate that can befall any community. Besides, sir, the remedy for the evils that are alleged to exist, properly belongs to the municipal authorities of the city of Philadelphia, and not to the Legislature of the Commonwealth.

Coupled with this bill, sir, are certain provisions with reference to the board of health, which seem to me to be entirely unnecessary and uncalled for. It is true, that some years ago, objections were made to the manner in which the duties of these officers were discharged, but at the present time no complaint whatever is made, and no legislation asked for.—When the alleged misdemeanors occurred, the people took the matter in their own hands, and overturned the administration under which they were perpetuated; and there have been no complaints made against the integrity or uprightness of the gentlemen who now compose that board. What necessity is there, then, for the proposed change?

It has been alleged here, sir, that this measure is demanded by a majority of the people of Philadelphia, and that whatever may be our individual opinions as to its expediency or principle, we must bow to their wishes, and pass the bill. That the people desire some change in the administration of the affairs of their almshouse, may, perhaps, be true; but that they desire the success of this measure I am not informed, and have no reason to believe. Not a single petition has been received here asking for it—not an intimation of a public character that may desire it. What right, then, have I, or has any other gentleman on this floor, to vote against our conscientious convictions, to establish a precedent and a principle subversive of our institutions and liberty, in the absence of any official or other evidence that it is demanded by the people? I desire, sir, to enter my solemn protest against the principle it embraces, which I conceive to be dangerous and inexpedient.

Mr. WILEY said that the board of guardians of the poor of Philadelphia, had been a reproach and disgrace, and had incurred the censure of the people to such an extent that they now asked that the power of appointment should be placed in good and responsible hands. The citizens demanded the change.

Mr. WALBORN replied: Sir, I am not here to defend the board of guardians of the poor, nor shall I oppose the passage of this bill by interposing my vote against it. My colleagues, though protesting against the principle it embraces, seem to desire its success, and so far as I am concerned, they can have it, although the bill was prepared without consulting me. But, sir, I shall not vote for it, because I cannot vote against my conscientious convictions of duty. I have full confidence in the impartiality and integrity of our present judiciary, but I act in this, as I do in every thing else, with an eye to the future. And I again reiterate my solemn protest against conferring upon the courts the power of appointment to office.

Mr. HAMERSLY said, only a very small portion of the district which I have the honor to represent upon this floor, are interested in the passage of this bill. Nearly the whole of my district is governed by a different system—a system which has commended itself to the popular favor by the wise and economical manner in which it has been administered. But the people of the city of Philadelphia have, with an almost unanimous voice, demanded a change in their present poor system, and in obedience to their desires I shall vote for the passage of the bill. I desire, however, at the same time, to say that I vote with great reluctance for any bill that proposes to take from the people the power to elect their officers and agents. I do not like to cast any vote here which implies a distrust of the capacity of the people for self government; but as the people of Philadelphia have themselves indicated a desire to surrender up this power and place it in other hands, I shall yield up my individual opinions to their better judgment, hoping that the warmest expectations and hopes of its friends may be realized by its passage. I shall do so, too, because I believe that, in questions of this character, it is the duty of the representative to bow to the instructions of his constituents, and although my constituents are not generally affected by the bill, I know that there is a general desire among them to see it passed.

Mr. THORN said—

Mr. SPEAKER:—The remarks of my colleague (Mr. WALBORN) have induced me to say a word upon the bill now before the House. He is opposed to the principle here attempted to be inaugurated, and I think very properly so. The people of our city, of all parties, with an unusual unanimity, demand the passage of a bill to abolish these two boards, and I think they have sufficiently indicated where they wish the appointing power to rest. I am not here to oppose the will of the people of Philadelphia, and when it can be ascertained, it is my duty to record it; but at the same time it is my privilege to put upon record my own opinions. This subject has been fully discussed by the press and people of Philadelphia, and in consequence of the apparent delay in its passage, this House, and the Philadelphia delegation particularly, have been charged with an attempt to smother it. This, we all know, is not true.

Mr. SPEAKER, I am not speaking to convince this House, or influence the vote of a single member upon this question, but to express to the citizens of Philadelphia what I think will probably be the effect of its passage. My colleague (Mr. WALBORN,) says he was not consulted by the members from Philadelphia, in reference to the provision of this bill, nor was I, except to read it; and the House, and the people of Philadelphia, who desire its passage,

are greatly indebted to the industry and ability of my friend, Mr. GRATZ, who prepared the same with so much care. I am sure this bill is not in the form that Mr. GRATZ desired it. He, like myself, does not believe that volunteers can be found who will properly perform their duty, nor have the people of Philadelphia any right to expect them to do so, unless they pay them for it. My objections to the bill is that it proposes to vest too much executive power in our judicial courts—especially as that judiciary is elective—and let us remind this House that two of these courts are to be elected in 1861, and I do not believe that the people will be more liable to elect good men for judges on that day, than they would be to elect an honest Governor, members of Congress, or members of the Legislature. Our judges now, very properly command the respect and confidence of the people whom they so well serve, and from whom they receive a very inadequate compensation; but I very much fear that this consolidation of executive power will tend to destroy this confidence. Already they appoint the prison inspectors. This bill gives them the power to appoint the board of health and guardians of the poor. A bill is here giving them the appointment of insurance commissioners. A bill is in contemplation to have them appoint police commissioners. These bills together, give them an immense patronage. They can control the appointment of over one hundred office holders, who have the disbursement of nearly one million of the public money every year. How long will it be before politicians will be electing judges with reference to this immense power? Already candidates are canvassing for this position, in the almost certain hope that the bill will pass. Mr. SPEAKER, this subject presents a strange state of facts. The councils of Philadelphia are charging these boards with corruption; the people of Philadelphia charge the councils with corruption, and both councils and people unite in charging corruption upon the Legislature—the latter being so derelict as to call for a public town meeting to denounce them; and yet strange as it may seem, they unite as one man, and ask us, *their unworthy servants*, to relieve them from the exercise of a power, primarily existing in the people, and by them entrusted to the councils. The councils are, by the eighteenth section of the consolidation act authorized to abolish these boards, and another section of the same act, makes it their duty to organize a department of poor. Now, why do they not do it? Why ask at one session for the power to regulate their own local government, and at the next insist upon my friends from Tioga and Sullivan, to do it for them. The whole proposition is a mistake, and I predict, having heretofore had opportunity, to know of the workings of our municipal government, and all its various departments, that in five years the people will be clamoring for an opportunity to resume the duties which this bill takes from them. I am not an old man, and yet I remember that courts have been abolished in that good city, because the people did not like them. Now they have a bench of which they are justly proud, and I fear that our citizens are pursuing a course, which may tend to destroy confidence in them. But what of all this. I am satisfied the people desire the passage of this bill, and I am prepared to vote for it, though I most sincerely regret the conclusion they have come to. Upon them be the responsibility.

Mr. GRATZ said—

Mr. SPEAKER: I coincide with the views of my colleague, Mr. THORN, as to the error of principle in giving so extensive a power of appointment to the courts, because I am of the decided opinion that our judiciary should be kept aloof from everything which may tend to induce the bearing of improper influences upon



them. However, sir, I can assure gentlemen upon this floor, that as long as the bench in our city is occupied by men who stand as high in the community, for their honesty and ability, as those who now preside there, we need not, for a moment, fear any pernicious results.

I further believe, Sir, that the judges themselves are opposed to having any additional duties of appointment imposed upon them. But I will forego my objections to the principle involved in the bill, and vote for it, because my constituents demand it, and I am bound to obey them. The corrupt practices of the board of guardians have so disgusted the tax-payers of Philadelphia, that they call upon us to deliver them, and I don't know that the change can be more satisfactorily made than as contemplated by the provisions of the bill now before us.

Mr. CHURCH said that, as a representative of the city, he felt a deep and natural interest in this bill. He was fully prepared to vote for it, but did not approve the principle involved, inasmuch as it was virtually taking power out of the hands of the people, and centreing it in the judiciary. It was subverting rights which belonged to the sovereign people, and to which, as he was a people's man, he could not consent.

It was true that abuses had existed in the board of guardians of the poor of Philadelphia, not for a year past, as had been stated by falsely called Democratic journals, but in times when Democratic administrations were themselves in power.

But now, the people called for a change, and it was the duty of their Representatives to carry out their expressed wishes. He would, therefore, support the bill, although fully believing that the city councils of Philadelphia, under the provisions of the consolidation act, had the power to regulate the matter. If, however, the people came to Harrisburg, and wanted their dirty linen washed, he for one, was willing to do it for them. There was, however, rather too much legislation for Philadelphia, more than her people really desired.

He was willing to vote for the experiment, (for such it really was,) but, at the same time, felt called upon to express his individual opposition to the principle. The experiment, there was but little doubt, would fail.

The members of the board of health, he believed, were of unexceptionable character, and these were men in the board of guardians of the poor, who were worthy of the highest respect and esteem. He was willing to say, moreover, that they were his personal and political friends, and he should earnestly stand by them.

The people seemed to want the change, and, as he had before said, he would vote to let them try the experiment, although steadfastly reiterating the assertion that the principle was wrong. It was giving to certain officials, privileges, which he, as a true democrat, considered belonged to the people, and were to be exercised by them alone.

Mr. SHEPPARD hoped that the House would vote for the passage of the bill; for even admitting that the members of the Philadelphia delegation were individually opposed to the principle involved, yet it was apparent that the people called for the change contemplated by the provisions of the bill.

Mr. HARDING said that as far as the principle was concerned, there could be but one opinion—that it was wrong. The people, however, demanded that the present mode of selecting the members of the board of guardians should be changed, and that the appointing power should be given to some responsible men, such as the judges of the Philadelphia courts.—Although he was opposed, with his colleagues, to taking this power out of the hands of the people, yet he should vote for the bill; believing

that its passage was desired by his constituents.

Mr. WILSON was opposed to the bill on account of the principle involved. Should the bill pass, and the power to appoint guardians of the poor be taken from the people and vested in the judges of the courts, we will have adopted a dangerous innovation. Favoritism will then enter into the election of judges, and will influence the election of judges; favorites must be elected, in order that favorites may in turn be appointed as guardians; persons seeking places will hover round the judges, and the people would soon find that there was evil in the change. The influence of judges would be increased, and the people would have lost it; and this would be a verification of the old adage, "that power is always stealing from the many to the few." It invades the fundamental principles of the government; and is an argument that the people had become tired of taking care of their own institutions. And inasmuch as the members from the city were advocating the bill, against their own convictions of principle, because their constituents demanded the change, that was no argument that the people of this Commonwealth should adopt the change; and a change in that direction should not be allowed. There was a principle involved in it that might destroy our minor political institutions, such as cities, counties and townships; and it tends manifestly to consolidation of power. That the change being adopted by the city of Philadelphia, the example might be applied to other parts of the State, and we would hear of applications to have the power of appointing directors of the poor of the various counties of the Commonwealth vested in the court of quarter sessions, and step by step, the whole system be changed. The change was towards consolidation; was not democratic, but looked towards a conservatism of power; and inasmuch, it was the duty of the Legislature to guard against every invasion of the principle that lay at the foundation of the government.

Mr. HAMERSLY hoped that as the bill was evidently desired by the people, the members would not forget to bow to the popular voice.

Mr. ABBOTT rose—

Mr. CHASE moved to postpone for the present.

Not agreed to.

Mr. ABBOTT said: The bill before the House is eminently a compromise measure, designed to work reform, when reform is most manifestly needed. For myself, I am in favor of boards for the control of the institutions contemplated in this bill, restricted in number not to exceed five members of either board—the board of health to be appointed by the courts and councils of Philadelphia, and the guardians of the poor to be elected on the general electoral city ticket. Both boards to be paid and held strictly accountable.

The delay in acting upon the Senate bill now before us, has not, I think, as has been intimated, been induced by a preference for political over public advantages, but by a feeling of proper deference to the will of the people.—The public announcement of the passage of this bill in the Senate, was expected to elicit some expression of public sentiment as to the details of such a measure. For this we have waited, and the response, as near as we can apprehend it, is embodied in this bill as at present modified.

Mr. WILLIAMS, (Bucks,) would not have spoken at all if his attention had not been enlisted by the discrepancy of the remarks of the members of the Philadelphia delegation. They condemned the principle of the bill, and yet asked the members to vote for it. Now these same gentlemen, because some of the country members had voted the other day for decrease of pay, as they had been instructed by their constituents, had raised the cry of "buncombe."

They now told the country members to vote for what was charged to be an outrageous principle, and pleaded as an excuse, that they were forced to it.

Mr. CHURCH rose to explain. He wished it expressly understood that he was not to be forced to do anything.

Mr. NEAL said that, believing as he did, that the people of Philadelphia, or a great majority of them, wanted the board of guardians abolished, he was willing to vote for it, but he did not vote contrary to his own feelings. He believed the bill to be right in its every feature, and no better argument could be given of that fact, than the fact of a majority of the people being in its favor.

On the question, the yeas and nays were required by Mr. NEAL and Mr. WILSON, and were as follow, viz:

YEAS—Messrs. Abbott Acker, Bayard, Boyer, (Schuylkill,) Church, Dodds, Durboraw, Evans, Fisher, Foster, Glatz, Gratz, Hamersly, Harding, Kinney, Matthews, McClure, Neall, Nill, Oaks, Palm, Patterson, Peiece, Proudfoot, Pughe, Ramsdell, Rohrer, Shafer, Sheppard, Shields, Smead, Thompson, Thorn, Witman, Wiley, Williams, (Bedford,) Williams, (Bucks,) Withrow and Wolf—39.

NAYS—Messrs. Balliet, Barnsley, Bertolet, Boyer, (Clearfield,) Bryson, Burley, Campbell, Chase, Custer, Dismant, Eckman, Fleming, Galley, Good, Graham, Gray, Green, Gritman, Hill, Hottenstine, Jackson, Keneagy, Ketchum, Lawrence, (Washington,) Mann, M'Curdy, Peunell, Quigley, Stephens, Stoneback, Stuart, Styer, Taylor, Wagenseller, Walker, Warden, Wigton, Wilcox, Wilson, Woodruff and Zoller—41.

So the question was determined in the negative.

#### APPROPRIATION BILL.

Mr. CHASE called up the appropriation bill.

The question was on the section, as follows:

SEC. 20. For the house of refuge of Philadelphia, the sum of twenty thousand dollars.

The section was agreed to.

The twenty-first section was read, as follows:

SEC. 21. For the house of refuge of Western Pennsylvania, in the county of Allegheny, eighteen thousand and five hundred dollars, to be applied as follows: for the salaries of officers, eight thousand and five hundred dollars; additions and repairs, four thousand dollars; and for the payment of debts, six thousand dollars.

The section was agreed to.

The twenty-second section was read, as follows:

SEC. 22. For the Western Pennsylvania hospital, five thousand dollars; and for the purpose of erecting suitable buildings, the further sum of twenty thousand dollars, to be paid to said institution upon a bond being executed to the Commonwealth in said sum, with security to be approved by the Auditor General and State Treasurer, conditioned for the full erection and completion of said buildings without further aid from the Commonwealth.

Mr. FOSTER moved to amend the twenty-second section, by striking out all after the word "institution" in the third line, and inserting the following:

*Provided, That the said sum of twenty thousand dollars for building purposes, shall not be paid unless the plan of the proposed buildings, for the further accommodation of the insane of the western district of Pennsylvania, and the contract for the erection of the same, shall have been personally submitted to the Governor of this Commonwealth, and approved by him.*

Mr. CHASE wanted to know the reasons for the amendment.

Mr. FOSTER explained.

Mr. CHASE defended the section as originally placed upon the bill.



Mr. FOSTER, said that the clause which he had stricken out was useless and unjust.

Mr. HAMERSLY defended the ground assumed by Mr. FOSTER.

Mr. IRISH did not see the justice of making the institution give a bond.

Mr. HAMERSLY and Mr. THOMPSON debated further.

The amendment was lost.

Mr. FOSTER offered to amend by adding as follows:

"Until the increase of the number of inmates shall require an enlargement of the building for their comfort and accommodation."

The amendment was lost.

Mr. CHASE moved to amend as follows:—after the word "dollars" "the last mentioned sum."

The amendment was agreed to.

The section passed.

The twenty-third section was read as follows:

SEC. 23. For the Pennsylvania State lunatic hospital, the sum of twenty thousand dollars; to be applied to the payment of salaries, the support of the house, the renewal of furniture and fixtures, and to such repairs and improvements as may be required: *Provided however*, That no part of the money appropriated in this section, except the salaries of its officers, shall be paid unless the accounts of repairs and expenses be found correct by the Auditor General.

The section was agreed to.

The twenty-fourth section was read as follows:

SEC. 24. For the Pennsylvania institution for the instruction of the blind, twenty-two thousand dollars.

The section was agreed to.

The twenty-fifth section was read, as follows:

SEC. 25. For the instruction of indigent pupils in the Pennsylvania institution for the instruction of the deaf and dumb, twenty-three thousand dollars: *Provided*, That the sums appropriated for the instruction of the blind, and deaf and dumb, shall be paid to said institutions, in proportion to the number of indigent pupils received by each, from the several counties of this Commonwealth, at the rates prescribed by law; evidence of the number of pupils to be furnished to the State Treasurer.

Mr. PINKERTON said that one hundred and sixty three thousand dollars were appropriated to institutions in Pittsburg and Philadelphia.—Why should this local appropriation be made? He should oppose these appropriations, until he knew exactly what they were for.

Mr. THORN defended the institutions, because they were the only ones of the kind in the State.

Mr. PINKERTON wished to know whether the people from the counties were not charged full price when they applied.

Mr. THORN defended the appropriations.

Mr. WALBORN would say to Mr. PINKERTON that Schuylkill county had its quota in the appropriation for the school for feeble minded children.

The section was adopted.

The twenty-sixth section was read, as follows:

SEC. 26. For the Pennsylvania training school for feeble minded children, such amount as said institution may be entitled to receive under the provisions of the sixth section of the act incorporating said school, approved the seventh of April, Anno Domini one thousand eight hundred and fifty-three; and for the purpose of completing the buildings now in progress, the further sum of twenty-five thousand dollars, to be paid to said institution upon a bond being executed to the Commonwealth in said sum, with security, to be approved by the Auditor General and State Treasurer, conditioned for the full completion of said buildings without further aid from the Commonwealth.

The section was agreed to.

The twenty-seventh section was read, as follows:

SEC. 27. For the Northern Home for friendless children, five thousand dollars: *Provided*, that the said Northern Home for friendless children shall be subject to the provisions contained in the third section of an act, entitled "A supplement to an act to incorporate the subscribers to the articles of association, for the purpose of establishing and conducting an institution for the confinement and reformation of youthful delinquents, under the title of the House of Refuge," approved March twenty-third, one thousand eight hundred and twenty-six.

The section was agreed to.

The twenty-eighth section was read, as follows:

SEC. 28. For the Penn Asylum for indigent widows and single women, five thousand dollars

On the section,

The yeas and nays were required by Mr. KINNEY and Mr. PINKERTON, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Bayard, Boyer, (Clearfield,) Campbell, Church, Durboraw, Evans, Fisher, Foster, Glatz, Good, Gratz, Gray, Green, Hamersly, Harding, Irish, Mann, Matthews, M'Clure, M'Dowell, Neall, Nill, Oaks, Palm, Patterson, Price, Pugh, Quigley, Rohrer, Shafer, Sheppard, Shields, Stuart, Styer, Thorn, Walborn, Warden, Wigton, Wilcox, Wiley, Williams, (Bucks,) Williston, Wolf and Zoller—47.

NAYS—Messrs. Balliet, Barnsley, Bertolet, Boyer, (Schuylkill,) Bryson, Burley, Chase, Custer, Dismant, Dodds, Eckman, Fleming, Galley, Graham, Gritman, Hottenstine, Jackson, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mehaffey, Peirce, Pinkerton, Proudfoot, Ramsdell, Smead, Stoneback, Taylor, Wagenseller, Walker, Witman, Williams, (Bedford,) Wilson, Withrow and Woodring—36.

So the question was determined in the affirmative.

The section was agreed to.

The twenty-ninth section was read, as follows:

SEC. 29. For the Howard Institution, under the care of an association of women Friends of Philadelphia, one thousand dollars.

Mr. PINKERTON asked for an explanation.

Mr. CHASE said that the institution was a very worthy one, and deserved support.

Mr. WALBORN defended the appropriation.

Mr. KINNEY opposed it.

Mr. HARDING said that the city of Philadelphia paid enough taxes to have its poor supported.

Mr. HAMERSLY defended the appropriation.

On the section,

The yeas and nays were required by Mr. BARNESLEY and Mr. FINNEY, and were as follow, viz:

YEAS—Messrs. Abbott, Bayard, Church, Evans, Fisher, Foster, Gratz, Green, Hamersly, Harding, Irish, Mann, Matthews, M'Clure, M'Dowell, Neall, Nill, Palm, Price, Quigley, Rohrer, Sheppard, Shields, Thorn, Walhorn, Warden, Wilcox, Wiley and Zoller—29.

NAYS—Messrs. Acker, Balliet, Barnsley, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Custer, Dismant, Dodds, Eckman, Fleming, Galley, Graham, Gray, Gritman, Hill, Hottenstine, Jackson, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mehaffey, Oaks, Patterson, Pinkerton, Ramsdell, Shafer, Smead, Stoneback, Stuart, Taylor, Thompson, Wagenseller, Walker, Witman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Willson, Withrow, Wolf and Woodring—48.

So the question was determined in the negative.

The section was not agreed to.

The thirtieth section was read as follows:

SEC. 20. For Passavant's Pittsburg Infirmary two thousand five hundred dollars; and for the Mercy Hospital, at Pittsburg, two thousand five hundred dollars.

Mr. NEALL wished to inquire (as Mr. PINKERTON had,) whether these were State institutions?

Mr. FOSTER said they were not.

On the section,

The yeas and nays were required by Mr. CHURCH and Mr. BARNESLEY, and were as follow, viz:

YEAS—Messrs. Abbott, Bayard, Dodds, Evans, Fisher, Foster, Galley, Gratz, Hamersly, Irish, Mann, Matthews, M'Clure, M'Dowell, Nill, Price, Quigley, Rohrer, Rose, Shields, Taylor, Thompson, Thorn, Warden, Wiley, Willson and Zoller—27.

NAYS—Messrs. Acker, Balliet, Barnsley, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Campbell, Chase, Church, Custer, Eckman, Fleming, Glatz, Good, Graham, Gray, Green, Hill, Hottenstine, Jackson, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mehaffey, M'Curdy, Neall, Oaks, Palm, Patterson, Peirce, Pinkerton, Ramsdell, Shafer, Smead, Stoneback, Stuart, Styer, Wagenseller, Walker, Witman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Withrow, Wolf and Woodring—49.

So the question was determined in the negative.

The section was not agreed to.

The thirty-first section was read as follows:

SEC. 31. For the Orphans' Home at Zelienople, one thousand dollars.

Mr. THOMPSON defended the section in appropriate and eloquent remarks.

Mr. THORN upheld the appropriation as just, necessary and creditable.

Mr. HARDING favored the appropriation, and intimated that men, with hopes of an hereafter, would vote for the measure. As illustrating the true charity of the project, he quoted the Scriptures, "Inasmuch as ye have done it unto the least of them, ye have done it unto me."

Mr. BARNESLEY having been especially alluded to by the gentleman from Philadelphia, (Mr. HARDING,) as having opposed appropriations of this character, took occasion to explain his position. He denied any lack of those finer feelings of our nature which prompt acts of charity, but having heard of certain charitable institutions in the city of Philadelphia, (one at least,) which expended four thousand in collecting and disbursing seven thousand dollars, he was inclined to look with a suspicious eye upon such appropriations.

Mr. BARNESLEY continued further, and delivered a very forcible and eloquent speech.

Messrs. WALBORN, THOMPSON, HAMERSLY and ZOLLER spoke upon the section.

Mr. FLEMING asked if an amendment would be in order; if so, he wished to offer one.—Leave being given, he remarked as follows:—The terrors of another world being held over our heads by the gentleman from Philadelphia, (Mr. HARDING,) and wishing to place myself right in that world, and give my reasons for my vote on this object in this; which is because I believe the principle of contributing the public money, as deviating it from the purposes for which it was collected, and altogether wrong; and not being willing to appear less charitable than those members who vote away the public funds on all occasions, for private purposes, I therefore offer the following amendment: That each member give ten dollars out of his own private funds for the object contemplated by this thirty-first section under consideration; which, after being seconded, the SPEAKER ruled as not germane to the subject.



On the section,

The yeas and nays were required by Mr. GRAHAM and Mr. KENEAGY, and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Barnsley, Bayard, Boyer, (Schuylkill,) Bryson, Church, Dodds, Durboraw, Evans, Fisher, Foster, Galley, Good, Gratz, Hamersly, Harding, Ketchum, Mann, Matthews, M'Clure, M'Dowell, Neall, Palm, Peirce, Proudfoot, Quigley, Ramsdell, Rohrer, Shafer, Sheppard, Shields, Taylor, Thompson, Thorn, Wagenseller, Walborn, Warden, Wilcox, Wiley, Wilson, Withrow, Wolf and Zoller—44.

NAYS—Messrs. Bertolet, Boyer, (Clearfield,) Burley, Chase, Custer, Dismant, Eckman, Fleming, Graham, Green, Gritman, Hill, Hottenstine, Jackson, Keneagy, Kinney, Lawrence, (Washington,) Mahaffey, M'Curdy, Nill, Oaks, Patterson, Pinkerton, Price, Stoneback, Stuart, Witman, Wigton, Williams, (Bedford,) and Williams, (Bucks.)—30.

So the question was determined in the affirmative.

Mr. M'CLURE offered a substitute to the thirty-second section, which was read as follows:

For the payment of expenses in the contested election cases, from the Third Representative district of Philadelphia, the sum of \$3,080.86, as follows: for complainant's witnesses, the sum of \$911.40; for respondent's witnesses, the sum of \$1,237.11; and for the expenses of the members of the committee, the sum of \$675.00: *Provided*, That the State Treasurer shall pay no bills presented by any witness until such witness shall present an affidavit setting forth that he was in attendance upon the sessions of the committee the full number of days claimed in the bill, and that the number of miles charged were actually and necessarily traveled to attend upon the sessions of the committee: *And provided further*, That the Sergeant-at-Arms or his assistant shall also present an affidavit to the State Treasurer, setting forth that his bill is correct, and that the number of miles charged for was actually traveled.

Discussions ensued between Messrs. HAMERSLY, CHASE, M'CLURE and THOMPSON.

Mr. EVANS moved to amend the amendment as follows: "*Provided*, That no witness shall receive mileage for more than one trip to Harrisburg."

Mr. HAMERSLY moved to postpone until afternoon; Agreed to.

Mr. HAMERSLY moved to proceed to reconsideration of bill, relative to appointment of board of guardians of the poor of Philadelphia. Agreed to.

The bill passed finally; Mr. WALBORN, of the Philadelphia delegation being temporarily absent from the House.

On motion of Mr. M'CLURE, Senate amendments to House resolution, relative to the pay of the commissioners, appointed at the last session of the Legislature to investigate the affairs of certain banks, were read and concurred in.

A message was received from the Governor; which was read.

Mr. BARNESLEY, from the Committee to Compare Bills, made report; which was read.

Mr. KETCHUM asked and obtained leave of absence for Mr. PALM.

The hour of one o'clock having arrived, the SPEAKER adjourned the House until three o'clock this afternoon.

#### AFTERNOON SESSION.

The House met again at 3 o'clock.

A message in writing was received from the Governor; which was read, as follows:

EXECUTIVE CHAMBER,  
Harrisburg, March 4, 1859, }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

Gentlemen—I have approved and signed the following acts of the General Assembly, viz:

"An Act relating to the borough of Lebanon."

"An Act to incorporate the Allen mutual insurance company."

"An Act to incorporate the Mount Olivet cemetery association in York county."

"An Act authorizing Robert Given, of Westmoreland county, to build a dam across the Conemaugh river."

"An Act to amend the charter of the borough of North Lebanon, Lebanon county."

"An Act for the protection of dogs in York county."

"An Act for the relief of Christian Hollingsworth, collector of militia taxes in and for the county of Lancaster."

"Joint resolution to pay the funeral expenses of George W. Wood."

WM. F. PACKER.

Mr. BARNESLEY, from the Committee to Compare Bills, made a report that they had presented the following bills to the Governor for his approval:

"An Act relating to the borough of Lebanon."

"An Act to incorporate the Allen mutual insurance company."

"An Act to incorporate the Mount Olivet cemetery association of York county."

"An Act authorizing Robert Given, of Westmoreland county, to build a dam across the Conemaugh river."

"An Act to amend the charter of the borough of North Lebanon, Lebanon county."

"An Act for the protection of dogs in York county."

"An Act for the relief of Christian Hollingsworth, collector of militia taxes in and for the county of Lancaster."

"Joint resolution to pay the funeral expenses of George W. Wood."

#### ORIGINAL RESOLUTIONS.

Mr. BARNESLEY, on leave, offered a resolution that the Committee to Compare Bills be authorized to employ the services of a clerk.

The House refused to proceed to the consideration.

Mr. KENEAGY offered a resolution that the House hold a session this evening at 7 o'clock, in lieu of that fixed for to-morrow, and that bills on Private Calendar be considered; which was read.

Mr. FOSTER moved to amend by striking out all after the word o'clock.

Mr. LAWRENCE, of Washington, moved to amend the amendment as follows:

And that when this House adjourn it do so to meet again to-morrow morning at 9 o'clock; which was agreed to.

Mr. WALBORN moved to amend by striking out all after the word resolved, and insert the words "that the resolution providing for an afternoon session on Saturday, and morning session on Monday;" which was not agreed to.

The original resolution as amended by Mr. LAWRENCE, (Washington,) was then adopted.

Mr. WILSON, on leave, presented a petition from citizens of Beaver county, in favor of an appropriation to aid in establishing a School of Mines in the Polytechnic college, Philadelphia.

Mr. GREEN offered a resolution that the use of this Hall be granted to Dr. Jos. Parrish, for the purpose of holding an exhibition of the pupils of the Pennsylvania training school for feeble minded children, next Tuesday evening. Adopted.

#### THE APPROPRIATION BILL.

The thirty-second section was read (being the substitute to the original thirty-second section.)

The amendments of Messrs. EVANS and M'CLURE withdrawn.

Mr. THORN offered the following amendment:

"For the Polytechnic institute of Pennsylvania, \$5000."

Mr. THORN read the following aims of the institution, as explanatory of the amendment.

The object of the School of Mines is the skilful and economical development of the mineral wealth of the United States: 1. By imparting a thoroughly scientific and practical education in mine engineering, and in the best methods of determining the value of mineral lands, and of analyzing and manufacturing mine products: 2. By the formation of a mining museum; comprising cabinets of mineralogy, geology and metallurgy, of models, plans and sections of mines and furnaces, and of the tools and implements used in mining and smelting: 3. By the collection of works of reference, of drawings and descriptions of deposits and basins, and of reports of mining companies, etc.

Mr. CHURCH said that the institution was an honor to the State, and of the utmost utility.

On the amendment,

The yeas and nays were required by Mr. THORN and Mr. GRAHAM, and were as follows, viz:

YEAS—Messrs. Abbott, Bayard, Boyer, (Schuylkill,) Bryson, Church, Dismant, Evans, Fisher, Foster, Gratz, Green, Hamersly, Irish, Ketchum, Mann, M'Clure, M'Curdy, M'Dowell, Neall, Pinkerton, Proudfoot, Pughe, Quigley, Ramsdell, Sheppard, Shields, Styer, Thorn, Walborn, Wigton, Wiley, Wilson and Lawrence, *Speaker*—33.

NAYS—Messrs. Acker, Balliet, Barnsley, Barlow, Bertolet, Boyer, (Clearfield,) Brodhead, Burley, Campbell, Chase, Custer, Dodds, Durboraw, Eckman, Fleming, Galley, Glatz, Goepp, Good, Graham, Gray, Gritman, Hill, Hottenstine, Jackson, Keneagy, Kinney, Laird, Lawrence, (Washington,) Nill, Oaks, Patterson, Peirce, Rohrer, Shafer, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Wagenseller, Walker, Warden, Witman, Wilcox, Williams, (Bucks,) Williston, Withrow, Wolf and Woodring—51.

So the question was determined in the negative.

Mr. THORN offered an amendment appropriating six hundred and twenty-five dollars for expenses of the contested election committee of the Third Representative district.

It was withdrawn.

Mr. RAMSDELL offered the following new section:

That the sum of one thousand dollars is hereby appropriated to the Rockland library association, for the purpose of perfecting the library, fitting up the hall, and furnishing the same.

Mr. RAMSDELL defended his section.

On the section,

The yeas and nays were required by Mr. RAMSDELL and Mr. WITHROW, and were as follows, viz:

YEAS—Messrs. Church, Evans, Fisher, Hamersly, Quigley, Ramsdell, Styer and Williston—8.

NAYS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Custer, Dismant, Durboraw, Eckman, Fleming, Foster, Galley, Glatz, Good, Graham, Gray, Green, Gritman, Hill, Hottenstine, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mahaffey, M'Clure, M'Curdy, Neall, Nill, Oaks, Patterson, Peirce, Pinkerton, Price, Proudfoot, Pughe, Shafer, Sheppard, Shields, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thompson, Wagenseller, Walker, Warden, Witman, Wigton, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf and Woodring—70.

So the question was determined in the negative.

The thirty-second section was read, as follows:



Sec. 32. For the salary of the superintendent of the public printing, eight hundred dollars.

The section was agreed to.

The thirty-third section was read, as follows:

Sec. 33. To Richard J. Haldeman, publisher of the *Legislative Record*, compensation at the rate of seven dollars per page, for the numbers published at the present session, the amount to be certified as due by the committee on printing of both Houses, and that the fortieth section of an act, entitled "An Act to provide for the ordinary expenses of government and other general and special appropriations," approved twenty-first April, Anno Domini one thousand eight hundred and fifty-eight, so far as it relates to the continuance of the contract, for the printing of a *Legislative Record*, with R. J. Haldeman, be and the same is hereby repealed.

Mr. BARLOW offered to amend, by making the compensation five dollars and sixty cents per page.

Mr. WILCOX offered an amendment to the amendment, to strike out all after the word "Houses."

The SPEAKER said that this was not properly an amendment to the amendment.

On the amendment of Mr. BARLOW,

The yeas and nays were required by Mr. BARLOW and Mr. M'DOWELL, and were as follow, viz:

YEAS—Messrs. Acker, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Burley, Campbell, Church, Durboraw, Eckman, Keneagy, Ketchum, Kinney, Mehafeey, M'Dowell, Patterson, Smead, Styer, Wagenseller, Witman, Wigton, Williams, (Bedford,) Williston, Withrow and Lawrence, *Speaker*—25.

NAYS—Messrs. Abbott, Balliet, Bertolet, Boyer, (Clearfield,) Brodhead, Bryson, Chase, Custer, Dismant, Dodds, Evans, Fleming, Foster, Galley, Glatz, Goep, Good, Graham, Gratz, Gray, Green, Gritman, Hamersly, Hill, Hottenstine, Jackson, Laird, Mann, M'Clure, M'Curdy, Neall, Nill, Oaks, Peirce, Pinkerton, Proudfoot, Pughe, Quigley, Ramsdell, Rohrer, Shafer, Sheppard, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Thompson, Thorn, Walborn, Walker, Warden, Wilcox, Wiley, Williams, (Bucks,) Wilson, Wolf and Woodring—58.

So the question was determined in the negative.

Mr. WILCOX renewed his motion to strike out all after "Houses" where it first occurred.

Mr. NEALL hoped it would not be stricken out.

Mr. ABBOTT followed in a similar strain.

Mr. WILCOX withdrew his amendment.

Mr. GOEPP renewed the amendment of Mr. WILCOX.

Mr. SMEAD said when he looked at the vote which had just been taken, he was afraid that the members of his party would really vote to continue the contract with Mr. Haldeman. He was opposed to it.

The question was further discussed by Mr. PUGHE, in opposition to the continuance of the contract. If a Democrat, he would never perpetrate the outrage of forcing upon a future Legislature anything of the kind.

The question was further discussed by Messrs. WILLISTON, BARLOW, GRITMAN, WALBORN, GOEPP, M'CLURE, SMITH, (Berks,) WARDEN and WILLIAMS, (Bucks.)

Mr. WARDEN offered to amend the amendment by adding to the end of this section "from and after the end of the present session;" which was withdrawn.

Mr. GOEPP withdrew his amendment.

Mr. SMITH, of Berks, moved to amend by offering the following proviso:

*Provided*, That the repeal hereby provided for shall not take effect until after the expiration of the present session.

Mr. ABBOTT, reiterated assertions which he

had previously made during the session, that there was no contract in existence.

Mr. BARLOW should vote against the amendment. He gave his reasons for the course which he favored.

On the amendment of Mr. SMITH, (Berks,)

The yeas and nays were required by Mr. PATTERSON and Mr. M'DOWELL, and were as follow, viz:

YEAS—Messrs. Bertolet, Boyer, (Clearfield,) Brodhead, Chase, Custer, Dismant, Evans, Fleming, Foster, Galley, Glatz, Goep, Good, Graham, Gratz, Gray, Green, Gritman, Hill, Hottenstine, Jackson, Ketchum, Laird, M'Clure, Nill, Oaks, Pughe, Quigley, Rohrer, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Thompson, Thorn, Walborn, Warden, Wilcox, Williams, (Bucks,) Wilson, Wolf and Woodring—43.

NAYS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Church, Dodds, Durboraw, Eckman, Hamersly, Keneagy, Kinney, Mann, M'Curdy, M'Dowell, Neall, Patterson, Peirce, Pinkerton, Proudfoot, Ramsdell, Shafer, Sheppard, Smead, Styer, Taylor, Wagenseller, Walker, Witman, Wigton, Williams, (Bedford,) Williston, Withrow and Lawrence, *Speaker*—39.

So the question was determined in the affirmative.

On the section as amended,

The yeas and nays were required by Mr. M'DOWELL and Mr. PATTERSON, and were as follow, viz:

YEAS—Messrs. Bertolet, Boyer, (Clearfield,) Brodhead, Bryson, Chase, Custer, Dismant, Dodds, Evans, Fleming, Foster, Galley, Glatz, Goep, Good, Graham, Gratz, Gray, Green, Gritman, Hill, Hottenstine, Jackson, Ketchum, Laird, Mann, M'Clure, Neall, Nill, Oaks, Peirce, Pughe, Quigley, Rohrer, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thorn, Wagenseller, Walker, Warden, Wilcox, Williams, (Bucks,) Wilson, Wolf and Woodring—49.

NAYS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Burley, Campbell, Church, Durboraw, Eckman, Fisher, Hamersly, Keneagy, Kinney, Lawrence, (Washington,) Mahaffey, M'Curdy, M'Dowell, Patterson, Proudfoot, Ramsdell, Shafer, Sheppard, Smead, Styer, Witman, Wigton, Williams, (Bedford,) Williston, Withrow and Lawrence, *Speaker*—33.

So the question was determined in the affirmative.

Mr. M'DOWELL said that he would vote "no" on the above, because the *Record* was not a true *Record* of the proceedings of the House, and he hoped that the reporters would report him as having now so said.

Mr. WILSON said, we have made every reasonable effort to induce the Senate, the other co-ordinate branch of the Legislature, to join us in abrogating the contract, but have failed, and as we have no hopes of succeeding during the remainder of the session in procuring a new contract, therefore I vote aye.

The thirty-fourth section was agreed to, as follows:

Sec. 34. To each of the fire companies of Harrisburg, now organized and in operation, one hundred dollars.

The thirty-fifth section was read as follows, and agreed to:

Sec. 35. For the preservation and repairs of the capitol, and improvement of the public grounds, inclusive of the compensation of the superintendent and watchman of the public buildings and grounds, the sum of three thousand dollars: *Provided*, That all moneys expended and contracts made, shall be at the direction and under the authority of the Secretary of State and the Auditor General.

The thirty-sixth section was agreed to, as follows:

Sec. 36. That the State Treasurer is hereby authorized to pay John A. Smull, for services rendered the House of Representatives, the same compensation now allowed by law for an assistant clerk; and for services performed during the last recess, in arranging the papers of last session, et cetera, and for the same services to be performed during the next recess, the further sum of three hundred dollars.

The thirty-seventh section was read, as follows:

Sec. 37. That the State Treasurer is hereby authorized to pay the clerks of the Senate and House of Representatives, the amounts necessary to pay the pages and folders employed during the present session, at the rate of one dollar per day each, for the time the Legislature is in session, and the further sum of ten dollars each to said pages and folders.

The section was agreed to.

The thirty-eighth section was read, as follows:

Sec. 38. That the State Treasurer is hereby authorized to pay Samuel M'Doanel and John D. Reese, assistant door-keepers, for extra services after night, in and about the Hall, during the present session, one hundred dollars each.

Mr. TAYLOR offered to amend, by inserting Andrew W. M'Kibben and Wm. R. Gardey.

On motion of Mr. WILCOX, the House adjourned till 7 o'clock, p. m.

#### EVENING SESSION.

The House was called to order at 7 o'clock.

SPEAKER in the Chair.

Mr. WILLIAMS, (Bucks,) moved that the House proceed to the consideration of the act relative to the Delaware Division canal company.

The orders of the evening were called for.

#### SENATE AMENDMENTS

To the bill entitled "A supplement to an act to incorporate the Frankford and Oxford plank road company," authorizing them to borrow money, were read, and on motion of Mr. WILEY, concurred in.

The Clerk of the Senate being introduced, informed the House that the Senate refused to concur in the House amendment to the act providing for the election of an additional high constable in Brady's Bend, Armstrong county, and that that body had appointed a committee of conference on the same.

Mr. ROHRER moved that the House insist upon its amendments, and that a similar committee be appointed on the part of the House; which was agreed to.

Mr. CHASE called up the appropriation bill.

Mr. THORN was anxious to see this bill disposed of, but he inquired whether this session had not been set apart for the consideration of private bills.

The CHAIR decided that the appropriation bill took precedence over all others, and read from rule ten in support of his decision.

#### APPROPRIATION BILL.

The House then resumed the consideration of House bill No. 343, "An Act to provide for the ordinary expenses of government, &c."

The question being on the amendment offered by Mr. TAYLOR, of Indiana, to the thirty-eighth section, to include the names of Andrew Kimmel and Wm. R. Gardy; which was agreed to.

Mr. LAWRENCE, (Washington,) moved to insert the name of James Williams, Assistant Messenger of the House; which was agreed to.

Mr. GOOD moved to include the name of George H. Leonard, paper-folder of the House; which was agreed to.

The section as amended was agreed to.

The thirty-ninth section being before the House,



Mr. M'CLURE offered the following, to be added to the end thereof:

That the State Treasurer is hereby authorized to pay Lucius Rogers, three dollars per day for thirty-eight days, with the usual mileage, for services in the contested election case of Matthews vs. M'Clain, together with thirty dollars for expenses while in the employ of the committee in Philadelphia; which was agreed to; and the section as amended, was agreed to.

The thirty-ninth section was read, as follows:

SEC. 39. That the State Treasurer is hereby authorized to pay George Manley, at the rate of one dollar and fifty cents per day, for services in cleansing and keeping in order the out-building of the two houses; the actual number of days employed, to be certified to by the Clerk of the House.

The section was agreed to.

The fortieth section was read, as follows:

SEC. 40. That the State Treasurer is hereby authorized and directed to pay Alvin Day nineteen dollars and twenty-five cents, being the amount of a check drawn by the State Treasurer on the Bank of Pennsylvania, in May, one thousand eight hundred and fifty-seven, and dishonored by said bank.

The section was agreed to.

The forty-first section was read, as follows:

SEC. 41. For transcribing for committee of ways and means, to be paid on the order of the chairman, twenty dollars.

The section was agreed to.

The forty-second section was read, as follows:

SEC. 42. For postage and stationery used in the office of the late Attorney General, sixty-seven dollars and fifty-nine cents.

The section was agreed to.

The forty-third section was read, as follows:

SEC. 43. That the State Treasurer is hereby authorized to pay the chief clerks of the Senate and House of Representatives, for the expense of indexing journals, one hundred and twenty-five dollars each; and also the sum of one hundred and twenty-five dollars to Jacob Ziegler, the late clerk of the House of Representatives, for indexing the journals for the year one thousand eight hundred and fifty-eight.

The section was agreed to.

The forty-fourth section was read, as follows:

SEC. 44. For the payment of salaries of tonnage agents in full to June first, one thousand eight hundred and fifty-nine, twelve hundred dollars.

The section was agreed to.

The forty-fifth section was read, as follows:

SEC. 45. That the State Treasurer is hereby authorized to pay the officers of the Senate and House of Representatives, except the Speakers, the following additional compensation for services rendered during the present session: To the chief clerks and assistant clerks, each one hundred dollars; to the bill, message, journal, comparing and transcribing clerks, each seventy-five dollars; to the sergeant-at-arms, messenger, door-keeper and post-master, and their assistants, each fifty dollars: *Provided*, That the assistant officers of the House, named by the principal at the first of the session, shall be included in the above.

Mr. THOMPSON offered an amendment, "except those named in the forty-third section."

Agreed to.

The forty-fifth section was agreed to.

Mr. KINNEY submitted the following, to come in as a new section:

"That the State Treasurer is hereby authorized and required to pay to the Towanda bridge company the sum of fifteen hundred dollars, it being a balance due them, in pursuance of a contract with the Board of Canal

Commissioners, made the 12th day of July, 1856, said sum to be paid out of the balance remaining in the Treasury out of the amount appropriated to the Upper North Branch canal for that year, and remaining in the Treasury, by order of the Board of Canal Commissioners."

Mr. THORN said that it seemed strange, that the matter had not been brought before the Committee on Ways and Means.

Mr. WILLIAMS, (Bucks,) said that the claim was just as examined by the Committee on Claims.

Mr. KINNEY said that the claim was a just one, and that the money could not be obtained except by an act of the Legislature.

A lengthened discussion ensued, between Messrs. THOMPSON, KINNEY, PINKERTON, WILSON, NILL, LAWRENCE, (Dauphin,) and WILLISTON.

Mr. KINNEY withdrew his section.

Mr. CHASE offered the following new section: For the payment of the officers and privates of the first and second regiment of Pennsylvania volunteers, who served in the late war with Mexico, under the provisions of an act to provide for the same, passed March 29, 1851, the sum of \$200.

Mr. BARNESLEY wished to know how many regiments there were.

Mr. LAWRENCE, (Dauphin,) asked further explanation, and spoke at length on the scheme of erecting a monument in honor of Mexican soldiers who fell in Mexico.

Mr. THORN, in some lengthy and appropriate remarks, alleged that the first care of the State was to look to the orphans and widows, before erecting monuments in honor of the dead.

Mr. BARNESLEY offered the following as a new section, which was ruled out of order as not being germane to the bill:

SEC. 46. And that hereafter, the tax of three mills on the dollar, imposed upon real and personal estate, by the thirty-second and thirty-fourth sections of the act to reduce the State debt, and to incorporate the Pennsylvania canal and railroad company, approved the twenty-ninth day of April, one thousand eight hundred and forty-four, be, and the same is hereby reduced to two mills on the dollar.

Mr. LAWRENCE, (Dauphin,) offered the following new section:

SEC. 46. That the sum of \$24,000 be appropriated, in addition to the sum already appropriated for the erection of and completion of a monument to the memory of citizens of Pennsylvania, who were slain or lost their lives in the late war with Mexico: *Provided*, That the contract shall be given to a citizen of Pennsylvania; and the monument shall be constructed of Pennsylvania material: *And provided further*, That no part of the said sum shall be paid, unless the persons to whom the contract shall be awarded, shall give bonds with approved security in the penal sum of \$60,000, conditioned for the faithful performance of the contract, and that not more than one-half the whole sum shall be paid out until the monument shall be completed and finished.

Mr. HAMERSLY offered an amendment to the amendment, as follows: Strike out all after "that," in the first line, and insert the following: "that the sum of \$10,000 be and the same is hereby appropriated to the relief of the widows and children of those citizens of Pennsylvania who lost their lives in the late war with Mexico, to be disbursed by the direction of the Governor, Secretary of the Commonwealth and Adjutant General of the Commonwealth."

Mr. SMITH, (Berks,) asked whether the amendment to the amendment was germane to the subject, and raised a point of order.

The CHAIRMAN decided that it was germane.

On the amendment to the amendment, The yeas and nays were required by Mr. HAMERSLY and Mr. NEALL, and were as follow, viz:

YEAS—Messrs. Abbott, Fisher, Glatz, Goepf, Gratz, Hamersly, Hottenstine, Kinney, Laird, Mann, M'Clure, M'Curdy, Neall, Pinkerton, Quigley, Rohrer, Sheppard, Shields, Stephens, Stuart, Styer, Thorn, Walker, Wiley and Williston—25.

NAYS—Messrs. Balliet, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Burley, Campbell, Chase, Church, Custer, Dismant, Dodds, Eckman, Evans, Fleming, Foster, Galley, Graham, Gray, Gritman, Hill, Jackson, Ketchum, Lawrence, (Washington,) Mahaffey, M'Dowell, Nill, Oaks, Patterson, Peirce, Proudfoot, Pughe, Ramsdell, Shafer, Smith, (Berks,) Stoneback, Thompson, Wagenseller, Walborn, Warden, Witman, Wigton, Wilcox, Williams, (Bucks,) Withrow, Wolf and Lawrence, *Speaker*—48.

So the question was determined in the negative.

Mr. RAMSDELL offered the following amendment:

Strike out all after the word "that" and insert "we recommend in honor to the soldiers who lost their lives in the war with Mexico, the erection of a monument in the hearts of their fellow citizens."

The amendment was decided out of order.

Mr. EVANS offered the following amendment to the amendment of Mr. LAWRENCE: "to appropriate \$10,000 additional out of any moneys not otherwise appropriated, to the erection of the National Washington monument."

On the amendment to the amendment,

The yeas and nays were required by Mr. EVANS and Mr. OAKS, and were as follow, viz:

YEAS—Messrs. Barnesley, Campbell, Church, Evans, Fisher, Kinney, Laird and Quigley—8.

NAYS—Messrs. Abbott, Acker, Balliet, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Chase, Custer, Dismant, Dodds, Durboraw, Eckman, Fleming, Foster, Galley, Glatz, Goepf, Good, Graham, Gratz, Gray, Gritman, Hamersly, Hill, Hottenstine, Irish, Jackson, Kencagy, Ketchum, Lawrence, (Washington,) Mann, Mahaffey, M'Clure, M'Curdy, M'Dowell, Neall, Nill, Oaks, Patterson, Peirce, Price, Proudfoot, Pughe, Ramsdell, Rohrer, Shafer, Sheppard, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Styer, Taylor, Thompson, Thorn, Wagenseller, Walborn, Walker, Warden, Witman, Wigton, Wilcox, Wiley, Williams, (Bucks,) Williston, Wilson, Withrow, Wolf and Lawrence, *Speaker*—73.

So the question was determined in the negative.

Mr. LAWRENCE, (Dauphin,) withdrew his amendment.

The CHAIRMAN said it could not be withdrawn.

Mr. BOYER, (of Clearfield,) offered an amendment to the amendment to strike out all after the word "that," and insert "and that this House do now adjourn."

Decided out of order.

Mr. M'CLURE offered an amendment to the amendment, "and that the said monument be erected in Independence Square, Philadelphia."

On this amendment to the amendment,

The yeas and nays were required by Mr. M'CLURE and Mr. QUIGLEY, and were as follow, viz:

YEAS—Messrs. Balliet, Good, Gratz, Hamersly, Kinney, M'Clure, Quigley, Sheppard, Smith, (Berks,) Styer, Thompson, Thorn, Wagenseller, Walborn, Wiley and Williston—16.

NAYS—Messrs. Abbott, Acker, Barnesley, Barlow, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell,



Chase, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Evans, Fisher, Fleming, Foster, Galley, Glatz, Goepf, Graham, Gray, Gritman, Hill, Hottenstine, Irish, Jackson, Ketchum, Laird, Lawrence, (Washington,) Mann, Mahaffey, M'Curdy, M'Dowell, Neall, Nill, Oaks, Patterson, Peirce, Proudfoot, Ramsdell, Shafer, Shields, Stephens, Stoneback, Stuart, Walker, Wardeu, Witman, Wigton, Wilcox, Williams, (Bucks,) Wilson, Withrow, Wolf and Lawrence, *Speaker*—60.

So the question was determined in the negative.

On the amendment of Mr. LAWRENCE, (Dauphin,)

The yeas and nays were required by Mr. M'CLURE and Mr. QUIGLEY, and were as follow, viz :

YEAS.—Messrs. Church, Evans, Fisher, Foster, M'Dowell, Proudfoot, Quigley, Rohrer, Walborn, Warden, Witman and Lawrence, *Speaker*—12.

NAYS.—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Custer, Dismant, Dodds, Durboraw, Eckman, Fleming, Galley, Glatz, Goepf, Good, Graham, Gratz, Gray, Gritman, Hamersly, Hottenstine, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mahaffey, M'Clure, M'Curdy, Neall, Nill, Oaks, Patterson, Peirce, Pinkerton, Pughe, Ramsdell, Rose, Shafer, Sheppard, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thompson, Thorn, Wagenseller, Walker, Wigton, Wilcox, Wiley, Williams, (Bucks,) Williston, Wilson, Withrow and Wolf—68.

So the question was determined in the negative.

Mr. CHURCH offered the following additional section; stating that he would vote for both the monument and this :

That the sum of ten thousand dollars be appropriated out of moneys not otherwise employed, for the benefit of the widows and children of those who fell in Mexico.

Ruled out of order.

Mr. WILCOX moved to appropriate ten dollars extra, to each of the women employed in cleaning the Hall.

Mr. LAWRENCE, (Washington,) offered an amendment to the amendment, making the sum five dollars.

The amendment to the amendment was agreed to.

Mr. FLEMING moved the following as an amendment to the fourth section :

By inserting "one hundred and twenty-three thousand four hundred dollars," and striking out "one hundred and fifty thousand dollars;" also, to add to the section, "that so much of the act passed 21st April, 1858, increasing the salary of members from five hundred dollars to seven hundred dollars, be and the same is hereby repealed."

Mr. DISMANT called the yeas and nays.

The SPEAKER ruled the section out of order.

Mr. LAWRENCE, (of Washington,) asked the unanimous consent of the House to insert, after the word Clerk in the forty-fifth section, "one hundred and fifty dollars," and to the head of the thirty-seventh section, "except J. P. Hoffman and G. H. Leonard, who shall receive the same compensation as an Assistant Door-keeper; which was granted, and the amendments here inserted.

Mr. M'CLURE, on leave being given, moved to amend the forty-fifth section by giving the Chief Clerk one hundred and fifty dollars, the Clerks one hundred dollars, the Sergeant-at-Arms, Door-keeper, Messenger, and Post Master, one hundred dollars, and their assistants seventy-five dollars, as additional compensation; which was agreed to.

Mr. M'DOWELL asked the unanimous consent of the House to include the name of William Deal, an Assistant Messenger, in the thirty-eighth section; which was not granted.

Mr. ACKER asked, and obtained the unanimous consent of the House, to insert the name of John C. Morgan after the word "pay," in the thirty-eighth section.

Mr. RAMSDELL asked and obtained the unanimous consent of the House, to insert the name of A. D. Davis, Chief Messenger, so as to make his pay the same as the assistant messenger.

Mr. FLEMING asked the unanimous consent of the House, to strike out \$150,000 and insert \$123,000, in the fourth section, and to repeal so much of the act of Assembly as increases the salary of members of the Legislature to \$7.00; which was not granted.

Mr. GRATZ asked and obtained the unanimous consent of the House, to insert the name of John B. Reener, an assistant messenger of the House, in the thirty-eighth section of bill.

Mr. LAWRENCE, (Washington,) moved that the House go into committee of the whole, for the purpose of special amendments, to strike out sections 28 and 31, making appropriation to the Penn asylum and the Orphan's home at Zellenople.

A rambling discussion ensued on the question, which was participated in by Messrs. LAWRENCE, (Washington,) THOMPSON, THORN, WALBORN, WILLISTON, when Mr. IRISH called for the previous question, which was sustained.

And on the question,

Shall the main question now be put? it was agreed to.

When the Chair announced that the question now was to go into committee of the whole.

Mr. M'CLURE inquired whether the question would not now be, shall the bill pass, it being the "main question."

The SPEAKER decided it would not—whereupon Messrs. THOMPSON and DODDS appealed from the decision of the Chair, as follows:

Pending the question, shall the bill pass, a motion was made to go into committee of the whole for special amendments, on which the previous question was called.

The SPEAKER decided that the main question was, "shall the House go into the committee of the whole," from which decision the undersigned thus appealed.

J. M. THOMPSON,  
W. W. DODDS.

Mr. SMITH, (Berks,) was called to the Chair.

After some further discussion, in which the SPEAKER maintained that he was right, and desired that the House should sustain him,

Mr. THOMPSON withdrew his appeal.

The question recurring,

Will the House agree to go into committee of the whole?

The yeas and nays were required by Mr. THOMPSON and Mr. WILLIAMS, (Bucks,) and were as follow, viz :

YEAS.—Messrs. Barnsley, Burley, Campbell, Chase, Eckman, Graham, Hill, Hottenstine, Keneagy, Kinney, Lawrence, (Washington,) Mahaffey, Patterson, Pinkerton, Ramsdell, Rose, Smith, (Berks,) Stuart, Styer, Taylor, Wagenseller, Walker, Witman, Williston and Withrow—25.

NAYS.—Messrs. Abbott, Acker, Barlow, Boyer, (Clearfield,) Brodhead, Bryson, Church, Custer, Dismant, Dodds, Evans, Fisher, Fleming, Foster, Galley, Glatz, Good, Gratz, Gray, Hamersly, Irish, Jackson, Ketchum, Laird, Mann, M'Clure, M'Dowell, Neall, Oaks, Proudfoot, Pughe, Quigley, Rohrer, Shafer, Sheppard, Stoneback, Thompson, Thorn, Walborn, War-

den, Wigton, Wiley, Williams, (Bucks,) Wilson, Wolf and Lawrence, *Speaker*—46.

So the question was determined in the negative.

The question now recurring,

Shall the bill pass?

Mr. KINNEY asked, but did not obtain the unanimous consent of the House, so to amend the forty-fifth section as to make the additional pay of Assistant-Clerks one hundred and twenty-five dollars.

Mr. SMITH (Berks,) moved to postpone the further consideration of the same for the present.

Mr. HAMERSLY moved that the House do now adjourn; which was not agreed to.

Mr. M'CLURE called for the previous question; which was seconded.

And on the question,

Shall the bill under consideration pass?

The yeas and nays were required by Mr. SMITH, (Berks,) and Mr. WILCOX, and were as follow, viz :

YEAS.—Messrs. Abbott, Barnsley, Barlow, Boyer, (Clearfield,) Brodhead, Burley, Campbell, Dismant, Dodds, Durboraw, Eckman, Evans, Fisher, Foster, Galley, Good, Graham, Gratz, Irish, Jackson, Ketchum, Kinney, Lawrence, (Washington,) Mahaffey, M'Curdy, Neall, Oaks, Proudfoot, Pughe, Quigley, Rohrer, Shafer, Sheppard, Styer, Taylor, Thompson, Thorn, Walborn, Walker, Warden, Witman, Wigton, Wilcox, Williams, (Bucks,) and Lawrence, *Speaker*—45.

NAYS.—Messrs. Acker, Bryson, Church, Custer, Fleming, Glatz, Hamersly, Hill, Hottenstine, Keneagy, Laird, Mann, M'Clure, M'Dowell, Patterson, Peirce, Pinkerton, Ramsdell, Smith, (Berks,) Stephens, Stuart, Wagenseller, Wiley, Williston, Wilson, Withrow and Wolf—27.

So the question was determined in the affirmative.

Mr. WILEY offered a resolution that when this House adjourn, it do so to meet on Monday afternoon at three o'clock.

And on the question,

Will the House proceed to the second reading of the same?

The yeas and nays were required by Mr. WILLIAMS (Bucks,) and Mr. ECKMAN, and were as follow, viz :

YEAS.—Messrs. Abbott, Barnsley, Boyer, (Clearfield,) Chase, Good, Gratz, Keneagy, Ketchum, Mann, Pughe, Rohrer, Sheppard, Styer, Thompson, Thorn, Walborn, Witman, Wiley and Williston—19.

NAYS.—Messrs. Acker, Barlow, Brodhead, Bryson, Burley, Campbell, Church, Custer, Dismant, Dodds, Eckman, Evans, Fisher, Fleming, Foster, Glatz, Graham, Hamersly, Jackson, Kinney, Laird, Lawrence, (Washington,) M'Clure, M'Curdy, M'Dowell, Neall, Oaks, Peirce, Pinkerton, Proudfoot, Quigley, Ramsdell, Rose, Rouse, Shafer, Smith, (Berks,) Stoneback, Stuart, Taylor, Wagenseller, Walker, Warden, Wigton, Wilcox, Williams, (Bucks,) Wilson, Withrow, Wolf and Lawrence, *Speaker*—48.

So the question was determined in the negative.

Mr. PATTERSON offered a resolution, that the House adjourn to-morrow at 12 o'clock, and meet again on Monday next at three o'clock; which was read the second time; when, Mr. LAWRENCE, (Washington,) moved to amend the same by meeting on Monday morning at 9 A. M.; which was not agreed to.

Mr. WARDEN moved so to amend as to make the time of meeting on Monday at 11 o'clock, A. M.; which was not agreed to.

And on the question,

Shall the resolution pass?

The yeas and nays were required by Mr. FOSTER and Mr. WILLIAMS, (Bucks,) and were as follow, viz :



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 47.

**YEAS**—Messrs. Abbott, Acker, Barnsley, Boyer, (Clearfield,) Chase, Dismant, Evans, Galley, Glatz, Gratz, Hill, Hottenstine, Keneagy, Mann, M'Dowell, Patterson, Peirce, Proudfoot, Pughe, Ramsdell, Rohrer, Shafer, Sheppard, Smead, Styer, Taylor, Thompson, Thorn, Walborn, Warden, Witman, Wiley, Williston, Wilson and Withrow—35.

**NAYS**—Messrs. Barlow, Brodhead, Bryson, Burley, Campbell, Custer, Dodds, Eckman, Fisher, Fleming, Foster, Graham, Hamersly, Jackson, Ketchum, Kinney, Laird, Lawrence, (Washington,) M'Clure, M'Curdy, Neall, Oaks, Pinkerton, Rose, Smith, (Berks,) Stoneback, Stuart, Wagenseller, Walker, Wigton, Williams, (Buks,) Wolf and Lawrence, *Speaker*—32.

So the question was determined in the affirmative.

On motion, the **SPEAKER** adjourned the House until to-morrow morning at 9 o'clock.

## SENATE.

SATURDAY, March 5, 1859.

The Senate met and was called to order by the **SPEAKER** at the usual hour.

Prayer was offered by Rev. J. G. Miles, of the First Baptist church, Harrisburg.

The Journal was read and approved.

## LEAVE OF ABSENCE.

Mr. **WRIGHT** asked and obtained leave of absence for Mr. **KELLER** for to-day.

## REPORTS OF COMMITTEES.

Mr. **TURNER**, (Finance,) reported as committed, "A joint resolution relative to the salary of **GEORGE W. WOOD**, late a member of the House of Representatives;" and, on his motion, said resolution was read, considered and passed.

Mr. **FRANCIS**, from the Committee to Compare Bills, made a report.

## BILLS IN PLACE.

Mr. **YARDLEY** read in his place and presented to the Chair, a bill, entitled "An Act to prevent the sale of coal by retail from canal boats on the Delaware Division canal, in Bucks county."

Also, "A supplement to the act incorporating the Quakerstown and Spinnerstown turnpike road company."

Mr. **SCHINDEL**, "An Act for the relief of Mrs. Sabina Bachman, of Northampton county."

Mr. **SCHELL**, "An Act for the relief of the sureties of A. B. Snyder, treasurer of Somerset county."

Also, "Resolution proposing an amendment to the Constitution of the Commonwealth."

It is as follows:

Resolution proposing an amendment to the Constitution of the Commonwealth:

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the following amendment is proposed to the Constitution of the Commonwealth, in accordance with the provisions of the tenth article thereof—Article VI, section VI, shall be amended, as follows, viz:*

The State Treasurer shall, at the times and places of election of Representatives, be chosen by the qualified electors of the Commonwealth.

Mr. **RANDALL**, "A further supplement to the act incorporating the city of Philadelphia."

Mr. **BALDWIN**, "A supplement to the act incorporating the Middletown and Harrisburg turnpike road company."

Mr. **BLOOD**, "An Act to repeal an act relative to the Susquehanna and Waterford turnpike road."

Mr. **BELL**, "A supplement to an act incorporating the Cochranville hall association of Chester county."

Also, "An Act to incorporate the American piano and melodeon saving company of Pennsylvania."

House amendments to Senate bill No. 150, "A further supplement to the act consolidating the city of Philadelphia," were taken up and considered.

The usual resolution being before the Senate to concur in the amendments of the House.

Mr. **RANDALL** rose and stated that he desired to say a few words as to the bill, and for a correct understanding it is necessary to enter somewhat into its history.

He said the bill, as introduced by me, and passed unanimously through the Senate, was placed in my hands by a joint committee of the councils of the city of Philadelphia. After its passage in this chamber, it was sent to the House of Representatives, and had the accustomed reference to a committee. It was then allowed to slumber for a period of three or four weeks, and was only awakened by the loud clamors of an indignant constituency, and when allowed to come forth it was in a shape entirely different from what was desired by the citizens of Philadelphia. The original bill would have divested the board of guardians and the board of health of every political complexion in their future management. With this idea in view, I urged its passage, and although I received the bill from a gentleman occupying a prominent position in the Republican party, I was not less warm in its advocacy, and yet the majority of the House, which is Republican, have stripped it of that equality of action, as between the two contending parties of the day, and have, by their course, sought one of two things—either no action, or else to throw the government of these two institutions again into the political arena. I trust this conservative Senate will prevent this. The bill, as first passed, has met the approval of the press, and I believe of all unbiased people in our city.

The Senator from Indiana, (Mr. **COFFEY**.) asks me why the supreme court should appoint persons to control these municipal departments of our city government? I will answer—while I have perfect confidence in each of the two other courts, and while the original bill confided a portion of the appointments to those two courts, still the time might arrive when such a high auxiliary power as the supreme court might be of service. In no event is it likely to have the power placed in them improperly used. The people of Philadelphia, judging from the appointments made by this court, of prison inspectors, &c., have much confidence in their sagacity of choosing between good and indifferent men. Moreover, whenever a misuse occurs, the Legislature has the same power of repealing which they are now about to exercise.

Yesterday this bill came before the House, and was actually, for a time, defeated by a vote of 39 yeas, 41 nays. But reason seemed to return, and the bill was subsequently passed in an obnoxious form to a vast majority of our people.

In conclusion, I have only to say, that the delay of the passage of this bill (and if its

ultimate defeat should occur) rests exclusively upon the Republican party, who, by the action of party discipline, have put upon it purely a party impress.

Mr. **WRIGHT** concurred in the views expressed by the Senator from the city, (Mr. **RANDALL**.) and regretted that the House had endeavored to give it a party bias. At it passed the Senate the political division, as to the power of making the appointments, was equal. He feared, in the event of the bill passing, as amended, by the House, that a majority of those who were now so obnoxious to public sentiment, as officers in these departments, would be retained, as these parties had been up here with an eye to retaining their power, and had secured such amendments as suited their purpose. The bill, as it passed the Senate, was sent here by a joint committee of councils, without distinction of party, and he hoped, as it had already received an unanimous vote in the Senate, that there would be no change of front in rejecting the House amendments.

On the motion to concur,

The yeas and nays were required by Mr. **PARKER** and Mr. **RANDALL**, and were as follow, viz:

**YEAS**—Messrs. Baldwin, Coffey, Finney, Gaz-zam, Gregg, Harris, Palmer, Parker, Penney, Rutherford and Thompson—11.

**NAYS**—Messrs. Bell, Blood, Brewer, Craig, Marselis, Nunemacher, Randall, Schell, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—14.

So the question was determined in the negative.

Mr. **FRANCIS** paired off with Mr. **KELLER**.

## ORDERS OF THE DAY.

"An Act to increase the salaries of the judges of the supreme court and the law judges of this Commonwealth;" came up in order on third reading.

Mr. **HARRIS** said—

Mr. **SPEAKER**:—We are called upon, at this time, to give a final vote on a bill that proposes to increase the salaries of the law judges of the city of Philadelphia, and of the several judicial districts of this Commonwealth, from \$2,000 to \$2,500—making, in the aggregate, an increase of \$20,000 annually. Now, sir, I ask any Senator on this floor, to tell me who is asking for this increase? Has any of those incumbents asked for it? or has there been a single petition presented from the people of any of the judicial districts, asking for it? Not one I believe.

Then, sir, how are we to justify ourselves, in thus appropriating the people's money, unasked, and, I believe, uncalled for? We have been told a great deal about the inadequacy of these judges' salaries, and about our constitutional obligations to provide for them an adequate salary. Sir, I remember this same siren song about six or seven years ago, when their salary was \$16.00, they asked for it to be increased to \$2,000; and now they ask for an increase of \$500 more. Sir, is this Senate prepared to vote away this amount of the people's money to the law judges of this Commonwealth, whilst the people themselves are borne down under a heavy State debt, and are not able, many of them, to pay the tax that is already assessed on them to meet the interest on that debt, which falls due semi-annually? Sir, the time of this Senate is taken up almost every day, in discussing the impropriety of appropriating a few hundred



dollars to some poor claimants that have lost all they have in damages sustained by the State; and in consideration of a paltry sum to some benevolent institutions; whilst, at the same time, we are about appropriating thousands to build up an aristocracy, which is already reveling in affluence and wealth. Sir, the sovereign people will hold their servants accountable for the way and manner in which they disburse the public money. We are told by Senators, that if we increase the salary we will have better men, and that justice will be meted out more even-handed to all classes of our fellow citizens. Sir, I don't believe a word of it. I ask any Senator here to show one instance in which a single law judge has refused to serve, on account of the inadequacy of his salary. On the contrary they are anxious to occupy the position, and nine out of ten, if their term had expired, would be anxious for a re-election. And now, sir, the simple question is, is this Senate prepared to vote away \$20,000 of the people's money annually, to increase the salaries of the law judges, unasked and uncalled for? I am not prepared to do it.

On its final passage,

The yeas and nays were required by Mr. WRIGHT and Mr. HARRIS, and were as follows, viz:

YEAS—Messrs. Bell, Coffey, Finney, Gazzam, Marselis, Palmer, Parker, Penney, Randall, Turney and Cresswell, *Speaker*—11.

NAYS—Messrs. Baldwin, Blood, Craig, Gregg, Harris, Nunemacher, Rutherford, Schell, Schindell, Steele, Thompson, Wright and Yardley—13.

So the question was determined in the negative.

Mr. WELSH paired off with Mr. SHAEFFER.

Mr. BREWER paired off with Mr. MYER.

Mr. FRANCIS paired off with Mr. KELLER.

"An Act to attach Somerset county to the Middle district of the supreme court of Pennsylvania," came up in order and passed finally.

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. PALMER, Senate bill No. 395, "An Act to incorporate the Mahanoy railroad company."

On motion of Mr. TURNEY, House bill No. 275, "An Act to incorporate the Newry railroad company."

On motion of Mr. CRAIG, House bill, No. 428, "An Act authorizing the citizens of Hamilton township, Monroe county, to elect two additional supervisors."

On motion of Mr. PENNEY, House bill, No. 226, "An Act to provide for the election of an additional law judge in the county of Allegheny. This bill lies over on second reading."

On motion of Mr. HARRIS, Senate bill, No. 298, "A supplement to the act for the regulation of the militia of this Commonwealth, approved April 21, 1858."

The provisions of the bill were discussed by Messrs. GREGG and HARRIS, in favor, and Mr. FINNEY against.

On the final passage of the bill, the yeas and nays were required by Mr. HARRIS and Mr. BREWER, and were as follows, viz:

YEAS—Messrs. Bell, Coffey, Francis, Gregg, Harris, Palmer, Penney, Randall, and Thompson—9.

NAYS—Messrs. Baldwin, Blood, Brewer, Craig, Finney, Marselis, Nunemacher, Parker, Rutherford, Schell, Schindell, Steele, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—17.

So the question was determined in the negative.

On motion of Mr. PARKER, Senate bill No. 319, "A supplement to an act incorporating the mutual saving and loan association of Philadelphia."

On motion of Mr. GAZZAM, Senate bill No.

268, "An Act to incorporate the Commercial Bank of Pittsburgh."

[This bill, having passed to second reading, was postponed for the present.]

On motion of Mr. RANDALL, Senate bill No. 447, "A further supplement to the act incorporating the Cambria iron company."

On motion of Mr. RUTHERFORD, "An Act to change the place of holding elections in Upper Paxton township, Dauphin county."

On motion of Mr. SCHELL, Senate bill No. 205, "An Act to authorize the payment of the claim of John B. Couch, of Huntingdon county."

[This bill lies over on third reading.]

On motion of Mr. STEELE, Senate bill No. 154, "An Act to incorporate the Pennsylvania Mining and Miners' benevolent association."

[This bill was variously amended on motion of Mr. STEELE, and a new section added; and, on motion of Mr. PALMER, the following proviso was added: *Provided*, That no such organization shall be formed outside of Luzerne county.]

On motion of Mr. THOMPSON, Senate bill No. 329, "A supplement to the act incorporating the Plymouth railroad company, approved March 19, 1856."

On motion of Mr. TURNEY, Senate bill No. 562, "An Act to extend the charter of the Dauphin Deposit Bank."

On its final passage,

The yeas and nays were required by Mr. WRIGHT and Mr. TURNEY, and were as follows, viz:

YEAS—Messrs. Baldwin, Blood, Brewer, Craig, Finney, Gazzam, Gregg, Harris, Parker, Penney, Rutherford, Schindell, Thompson, Turney, Welsh, Yardley and Cresswell, *Speaker*—17.

NAYS—Messrs. Marselis, Nunemacher, Randall, Steele and Wright—5.

So the question was determined in the affirmative.

On motion of Mr. WELSH, Senate bill No. 438, "An Act to incorporate the Union Evangelical Lutheran congregation of the borough of York." [The bill was slightly amended.]

On motion of Mr. BELL, Senate bill No. 277, "An Act to extend the jurisdiction of the orphan's courts in case of testamentary trusts." [This bill lies over.]

On motion of Mr. BLOOD, Senate bill No. 405, "An Act to appoint a commissioner to take charge of a portion of the Warrea and Brookville, and Warren and Strattonville State roads, in Forest county."

On motion of Mr. YARDLEY, Senate bill No. 332, "An Act to incorporate the Centreville and Pineville turnpike road company."

On motion of Mr. RANDALL, House bill No. 339, "An Act to incorporate the Suffolk park association."

A message from the Governor was received and read. It is as follows:

EXECUTIVE CHAMBER,

Harrisburg, March 5, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

Gentlemen—I have approved and signed the following acts of the General Assembly, viz:

"A further supplement to the act incorporating the Tyrone and Lock Haven railroad company."

"An Act to incorporate the Ironton railroad company."

WM. F. PACKER.

On motion, the Senate adjourned until Monday, at three o'clock, P. M.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, March 5, 1859.

The SPEAKER called the House to order at 9 o'clock, A. M.

Prayer by Rev. Dr. Wangh.

Mr. WITHROW called up House bill No. 214, relative to the sale of certain real estate belonging to the Keystone Division Seas of Temperance.

The bill passed.

Mr. OAKS moved to consider Senate bill No. 341, to incorporate the Columbia County agricultural, horticultural and botanical association. Motion withdrawn.

Mr. MAHAFFEY moved that House bill No. 714 be placed on Private Calendar for Tuesday next. Agreed to.

Mr. CHASE, from the Committee of Ways and Means, offered a report, being as committed, "Resolutions relative to tonnage tax on the Pennsylvania railroad."

The resolutions were read.

Mr. CHASE called up House bill No. 377.

Withdrawn for the present.

Mr. IRISH called for the reading of the resolutions, and offered a remonstrance from the Pittsburgh board of trade vs. the repeal of the tonnage tax.

Mr. WALBORN moved that the tonnage tax resolutions just read be re-committed to the Committee of Ways and Means. He had not been in the committee when the resolutions were considered. They must have been passed at the only meeting of the committee during which he was not present. He and his constituents, (who paid their just obligations,) were particularly interested in the road, and he desired an opportunity of discussion in the committee.—He made several intimations that the citizens of Allegheny county repudiated their just and legal debts.

Mr. CHASE said that when the resolutions were considered, there was a full committee, except the gentleman from Philadelphia, (Mr. WALBORN.)

Mr. WALBORN said that he had been absent at the funeral of a friend.

Mr. CHURCH hoped they would be re-committed. Philadelphia represented a large amount of capital, and should be heard.

Mr. IRISH hoped the motion to re-commit would not prevail, and desired the resolutions should take the usual course and be acted on in their regular order. He repelled the charges and insinuations of the gentleman from Philadelphia, against the people of Allegheny county. Mr. WALBORN had boasted that he represented on this floor, a large amount of capital and capitalists, who were deeply interested in this question. Mr. IRISH would reply, that if he did not represent capital, he believed he did represent the people, and was ready at all times to defend their rights and interests against the encroachments of the monied power, whether wielded by individuals or corporations.

Mr. THOMPSON seconded the views of Mr. IRISH. The resolutions only contemplated the payment of a just debt.

Mr. CHURCH said that as a courtesy to the member of the committee who had been unavoidably absent, he solicited the re-commitment.

Mr. HAMERSLY said that one or two colleagues who were interested in the matter, were not present. He hoped they would be re-committed or postponed.

Mr. WALBORN represented a people, like the gentleman from Allegheny, but he represented a constituency which paid their just obligations. He would say that if the Pennsylvania Legislature did not repeal the tonnage tax, they would be obliged to pay back every cent which they had received into the treasury.

Mr. WILLISTON hoped that members would not be frightened by any such assertion as this.

The question being taken on the motion to re-commit.

The yeas and nays were required by Mr. CHURCH and Mr. PATTERSON, and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Boyer,



(Schuylkill,) Burley, Church, Green, Hamersly, Neall, Price, Shafer, Sheppard, Styer and Walborn—14.

**YAYS**—Messrs. Barnsley, Bayard, Bertolet, Boyer, (Clearfield,) Brodhead, Bryson, Campbell, Chase, Custer, Dismant, Dodds, Durboraw, Eckman, Eilmaker, Fleming, Foster, Galley, Goepf, Graham, Gray, Hottenstine, Irish, Jackson, Kenegy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, M'Curdy, Nill, Oaks, Patterson, Peirce, Pinkerton, Proudfoot, Pughe, Ramsdell, Rohrer, Shields, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thompson, Wagen-seller, Walker, Warden, Wilcox, Wiley, Williams, (Bucks,) Williston, Wilson, Withrow Wolf, Woodring and Lawrence, *Speaker*—60.

So the question was determined in the negative.

Mr. BOYER, (Schuylkill,) said—

My reason for casting my vote in this case, is, that I desire that my friend Mr. WALBORN may be heard, he having been absent when the matter was under discussion before the committee. I am in favor of the resolutions when they come before the House.

#### COMMITTEE OF THE WHOLE.

Mr. CHASE called up House bill No. 377, "An Act to provide for a more speedy method of enforcing claims against corporations.

The House went into committee of the whole, (Mr. TAYLOR in the Chair.)

The first section was agreed to, as follows:

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That any sum of money due to the Commonwealth, from any corporation, for bonus on capital, for taxes on dividends or capital stock, shall, after the settlement by the Auditor General and State Treasurer of the amount so due, be a lien upon the real estate of said corporation, and shall have priority over all liens created, subsequent to the accruing of said taxes.*

The second section was read, as follows:

**SEC. 2.** That whenever said taxes shall remain due and unpaid, for the period of sixty days from the date of said settlement, the Attorney General may bring suit to recover the same, either in the county where the corporation is located, or in the court of common pleas of the county of Dauphin, and in either case, all laws now in force, applicable to suits against defaulters, shall apply to the suits brought against corporations under this act: *Provided, That if, in opinion of the Attorney General, it is necessary to the security of the claim, he may commence suit before the expiration of the sixty days from the settlement of the account.*

Mr. THOMPSON moved to amend by striking out all after the word "located," where it first occurred in the fourth line, and also to strike out "either" and insert such."

Mr. CHASE opposed the amendment; alleged that it would destroy the whole force of the section.

Mr. THOMPSON was satisfied with the first section, but insisted upon his amendments to the second.

Mr. HAMERSLY said that if the corporations refused to pay what was due, the Commonwealth ought to be put to the expense of running into different counties to hunt them up.

Mr. WILSON wished to know who was to serve the process.

Mr. CHASE said that this was provided for in the law of 1857.

Mr. WILSON said that it was an extraordinary movement to attempt to bring persons from different counties of the Commonwealth, as witnesses, &c; it was monstrous.

Mr. IRISH was surprised at proposition in bill, and at the source from which it came, viz: the chairman of the Committee of Ways and

Means, who had heretofore expressed the opinion that the law should be brought home to every man's door. This last principle had been the policy of the State, and he hoped would so continue. Let the suits be brought in the counties in which the defaulters were.

Mr. NILL, in some lengthy remarks, opposed the amendment of Mr. THOMPSON, and alleged the utter impossibility of pursuing the defaulters to the different counties.

On the amendment, it was not agreed to.

Mr. WALBORN offered the following amendment:

*Provided further, That the jurymen summoned to try the aforesaid cases, be taken from the county or counties in which the corporations sued are located, except they be municipal corporations.*

Discussion ensued between Messrs. NILL and WALBORN.

The amendment was withdrawn.

The second section was agreed to.

The committee rose, and the SPEAKER assumed the Chair.

The bill being before the House, Mr. FOSTER offered an amendment to the first section, as follows: after the word "due," to insert "and after having been entered of record in the county where such real estate is situated."

The amendment was agreed to.

Mr. THOMPSON renewed his amendment to the second section.

On the amendment,

The yeas and nays were required by Mr. THOMPSON and Mr. LAWRENCE, (Washington,) and were as follow, viz:

**YAYS**—Messrs. Barnsley, Bayard, Boyer, (Schuylkill,) Campbell, Dodds, Eilmaker, Evans, Foster, Galley, Gray, Gritman, Irish, Kenegy, Laird, M'Dowell, Sheppard, Smith, (Berks,) Thompson, Wiley and Wilson—20.

**NAYS**—Messrs. Abbott, Acker, Brodhead, Chase, Church, Custer, Durboraw, Eckman, Goepf, Graham, Green, Hamersly, Hottenstine, Jackson, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, M'Clure, M'Curdy, Neall, Nill, Oaks, Patterson, Pinkerton, Proudfoot, Pughe, Ramsdell, Rohrer, Shafer, Shields, Smead, Stephens, Stoneback, Stuart, Wagen-seller, Walker, Warden, Witman, Wilcox, Wolf, Woodring and Lawrence, *Speaker*—43.

So the question was determined in the negative.

The second section was agreed to.

The bill passed.

Mr. BURLEY called up House bill No. 149.

The bill passed.

Mr. WITMAN withdrew certain papers. Agreed to.

Mr. HAMERSLY offered a report from the Divorce Committee, accompanied with an act divorcing Anna Priestly and Wm. R. Priestly.

The petition of Anna Priestly in the said case, was read.

Mr. HAMERSLY said that due notice had been served upon the respondent.

Mr. FOSTER regretted he was compelled to oppose the passage of the bill at the present time. It is alleged this petitioner is a girl of fourteen, drawn hastily into an indiscreet marriage. Now, it appears from the record that the parties were married a month ago, the petition was presented three days ago, notice served on the husband but yesterday, and to-day the bill is on its final passage! If all this petition alleges were true, (and one side of a story is always good till the other was heard,) was not the House about to act with all the haste and want of discretion which characterized this school girl, in contracting this marriage, in the hurry with which they were now (without reasonable notice to the other party) about to dissolve it. He might vote for the bill in a week or two hence, after hearing both parties, but if pressed to a vote now, must record himself

against it, or any other hasty and impulsive legislation.

The first, and only section of the bill, was agreed to.

On the final passage,

The yeas and nays were required by Mr. RAMSDELL and Mr. HAMERSLY, and were as follow, viz:

**YAYS**—Messrs. Abbott, Acker, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Church, Custer, Dismant, Durboraw, Eckman, Eilmaker, Fleming, Goepf, Gray, Green, Hamersly, Jackson, Kenegy, Ketchum, Kinney, Laird, Mann, Mehaffey, M'Clure, M'Curdy, M'Dowell, Neall, Nill, Oaks, Patterson, Price, Proudfoot, Pughe, Shafer, Sheppard, Smead, Stephens, Styer, Wagen-seller, Warden, Witman, Wigton, Wilcox, Wiley, Williams, (Bucks,) Williston, Withrow, Woodring and Lawrence, *Speaker*—52.

**NAYS**—Messrs. Evans, Foster, Graham, Lawrence, (Washington,) Ramsdell, Shields, Smith (Berks,) and Wilson—8.

So the question was determined in the affirmative.

Mr. WALBORN before voting "no" gave his reasons. He was greatly disposed to favor the applicant, and had long and favorably known her father. But a sense of justice obliged him, even unwillingly, to cast his vote in the negative, on the ground that a notice of but two days to the respondent was not ample.

Mr. NILL called up House bill No. 326, relative to the Fairmount market company of Philadelphia. (Mr. PATTERSON in the Chair.)

Mr. NILL moved to amend the first section by striking out all after the word "company," and inserting, as follows: "with a capital stock of \$100,000 divided into 2000 shares of \$50 each; and the said Fairmount market company, shall have and enjoy all the rights, privileges and immunities, and be subject to all the liabilities and restrictions contained in an act to incorporate the Eastern market company of Philadelphia, approved February 18, 1859, not inconsistent with this act: *Provided, That the said Fairmount market company, shall be located in the Fifteenth ward of the city of Philadelphia.*"

Mr. WILCOX called up House bill No. 310, relative to the pay of damages sustained by Burke and Gonder, contractors.

The bill being on second reading,

Mr. LAWRENCE, (Dauphin,) and THOMPSON engaged in a lengthy argument, the latter denying that the State was responsible.

Senate amendments to House bill No. 7 were concurred in.

Senate amendments to House bill No. 122 were read and concurred in.

A message from the Governor was read, stating that he had approved the following acts: "A supplement to the Tyrone and Lockhaven railroad company."

Also, one to the Ironton railroad company.

Mr. LAWRENCE, (Washington,) offered a resolution giving the use of the House to Gen. Duff Green, on Monday evening next, for the purpose of explaining his improvement and loan bill.

Mr. WAGENSELLER hoped it would not be adopted. He hoped the House would itself use the hall on Monday evening.

The resolution was agreed to.

The House adjourned until Monday afternoon at 3 P. M.

Mr. STYER'S reasons for voting against the bill re-organizing the board of guardians of the poor:

Although asserted here that a majority of the people of Philadelphia desire that the appointment of the board of guardians of the poor of said city shall be vested in the courts and council, and that the delegation from Philadelphia, though



opposed to the principle involved, must bow to the wishes of their constituents. I deny that we have any evidence whatever that such is the desire of our constituents. Not a petition asking for the passage of this bill has been presented to this House; not a public meeting has been held, nor has any other manifestation of their sentiments been made, from which we are authorized to infer that they are ready to yield up their vested right to elect these officers, and confer upon the courts a power of political influence that cannot fail to prove disastrous to the purity and incorruptibility of the judiciary. That political papers have made charges of corruption against the present board of guardians of poor—that a hue and cry has been raised against individual members of that board, is no reason whatever for the passage of a bill which establishes the anti-democratic principle of taking power from the people, and concentrating it in the few; a bill, the tendency of which is to corruption of a far worse kind than any that can now exist. There may be, and in fact I believe there is, a necessity for a re-organization of the present board, but let it not be done by the perpetration of an error far more grave and far more disastrous in its consequences to our institutions and to the rights of the community. I regret to be compelled to differ from my colleagues, but I feel assured that I can only discharge my duties to my constituents and myself satisfactorily by pursuing that course which my conscience tells me to be right, regardless of consequences; and I will never vote, while I hold a seat in this body, to take power from the people to confer it upon the few; and have, therefore, voted against this bill, because it contravenes the great principles that lie at the foundation of all our institutions.

On the final passage of the appropriation bill on Friday, Mr. FLEMING gave the following reasons for his vote:

Mr. FLEMING—Mr. Speaker, before recording my vote on the final passage of the bill now under consideration, I desire to give my reasons, which are that having made an ineffectual effort to amend the fourth section of this bill by reducing the pay of members, for the session, to \$500, the sum which I consider adequate for the time we ought to stay here, and also providing for the repeal of that part of the law of last year, increasing the compensation to \$700, a measure which I believe is called for by our tax burdened people, being all they can afford to pay in the present condition of the finances of this Commonwealth, and a measure that would meet the views of my constituents, hoping this bill may be defeated, and we may have an opportunity of perfecting another one, more in accordance with my own views, and I am convinced, in accordance with the views of other members of this House, and as the bill contains several provisions which I cannot sustain, I therefore vote "no."

#### REMARKS OF MR. NILL,

OF FRANKLIN COUNTY,

On the amendment offered by Mr. LAWRENCE, (Dauphin,) to the appropriation bill, appropriating the sum of twenty-four thousand dollars for the building of a monument in commemoration of those citizens who lost their lives in Mexico during the late war.

Mr. NILL said—

Mr. SPEAKER: The gentleman from Dauphin complains that members have, by their suggestions in the shape of amendments, attempted to throw ridicule on his project of putting up a monument in this place. I do not know whether he alludes to me or not. If he does, I assure him that—although the amendment I suggested in regard to embracing those who might be killed in the Paraguay war might seem to render me liable to the imputation—I do not mean

to treat the question in that way. It is my purpose to give it that consideration which it merits. I trust the time will never come in which I shall attempt to cast any reflection on the officers or soldiers of my country who have distinguished themselves as those who have fought in Mexico have done. The officers and privates of that war won honors from its commencement to its close. No man with the heart of an American—no man at all actuated by the spirit of patriotism, can, in my judgment, too highly applaud their heroic deeds, or too highly value their important services. From the first victory at Palo Alto to the succeeding ones at Bena Vista, Monterey, the capture of Vera Cruz, hitherto deemed impregnable; the battle of Cerro Gordo, Jalapa, Chapultepac, Molina del Rey, and the fight in the streets of Mexico, which ended in the success of the American arms and in the unfurling of the United States standard on the citadel of the Montezumas, our armies were unrivalled in their martial achievements. Such uninterrupted successes have scarcely a parallel in history. The gentleman has adverted, with emotions of sympathy, to the departure of the Dauphin county volunteers from this place to the scene of their arduous labors. I can assure him that I well remember when this company passed through Chambersburg; also, when Captain Naylor's company and a large company of United States troops under Colonel Sumner, marched through the same town for their campaigns in Mexico. I can, too, remember with what demonstrations of friendship and of approbation the citizens of Chambersburg received them. But I do not stop here. In our county, Capt. C. T. Campbell recruited as fine a company as ever marched to the field of war. His call for recruits was met with alacrity. The farmer, mechanic, laborer, merchant and student, with cheerfulness, abandoned their respective vocations, donned the habiliments of war, and took up the line of march to regions beyond our southern borders. These men fought at Tampico, at the siege of Vera Cruz, and in many of the battles between that and the city of Mexico. They were brave and energetic, and fully proved themselves deserving of the highest commendation.

The bones of some men of this noble company remain on the plains and in the valleys of Mexico. Pennsylvania, from the Revolutionary war to this day, has always, by her contributions of money and of men, testified her devotion to the national welfare in the most trying times. Her sons, although often misrepresented, may well be proud of her patriotic position. Again, I tell the gentleman that in reference to the Mexican war, I go further than he does—I demand the consideration of its glorious results in our acquisition of territory in including a treaty of peace with that turbulent and distracted nation. It furnished us with a noble harbor on the Pacific, with territory for the large State of California, and with the immense territory of Utah and New Mexico. California, in an almost incredible short space of time, came into the Union as a free State, and no one can estimate the benefit derived from the auriferous products of this golden State on the monetary relations, not only of our own country, but of the civilized world. Again, I assert that we have reason to congratulate ourselves on the great results of the war with Mexico, and on the triumphant success of President Polk's administration, under which these acquisitions were obtained.

The gentleman has said that the officers and soldiers of the Revolution have had paeans of praise at all times and on all occasions sung to their honor. This is true so far as praise goes. The gentleman also alleges that the Revolutionary heroes have been pensioned, and that their declining years have been smoothed by the contributions of national bounty. Does he not

know that for many years no soldiers were worse treated than the patriots of the Revolution? The government repudiated the continental currency, and by this act consigned many to the vale of poverty. Many a man of a martial bearing and spirit equal to Belisarius, was, through his country's neglect, left to suffer the greatest deprivation, and in sorrow and poverty, like the great Roman, permitted to wander from door to door, begging pennies to obtain a subsistence. This was greatly to the national discredit. Our SPEAKER ought also to call to his recollection that the pension laws granting appropriations to the soldiers of the Revolution were enacted long after the greater number of them had gone down to obscure but honored graves. Since about 1830 or 1831, pensions have been granted, and some eight or ten years after, they were extended to the widows of the warriors of that eventful period. So much for the accuracy of the gentleman's Revolutionary statements.

Here I will suggest what has often occurred to me; that is, that it would be advisable for our national government to imitate the French in the erection of a large establishment like the Hotel de Invalides, (I believe that is the name,) for the comfortable maintenance through life of the war-worn veterans of this powerful republic.

Now for the gentleman's arguments in relation to the Pennsylvania volunteers of the war of 1812. He has asserted at least twice, and he sticks to it, that no volunteers of this State in that war distinguished themselves. He has adverted to the defeat at Bladensburg, and seems to believe that that was the only battle in which militia and volunteers were engaged.—He should bear in mind that scarcely any from this State were at Bladensburg. But even the private soldiers at that place were, it is supposed, not all liable to censure. Whether they were or not, some of them, to my own knowledge, have obtained, within a few years, one hundred and sixty acres of land for their services. It is, however, not my duty to vindicate those who fought or ran at Bladensburg. It is my duty to set the gentleman right in regard to the bravery of Pennsylvania volunteers; to prove that they courageously maintained the honor of their native Commonwealth. Pennsylvania has at all times been noted for her military ardor. Brandywine, Valley Forge and Paoli are historical mementoes of her sufferings in the Revolution; while Generals Scott, Taylor, Worth and Butler bore testimony to the bravery of her sons in Mexico. This the gentleman concedes.

I will endeavor to correct his historical reminiscences of the war of 1812—justly called the second war of our Independence. With deference, I will inform him that the section of the State in which I reside raised a regiment that marched to Canada. This body of men were raised in Adams, Cumberland and Franklin counties. Col. Bull, who, I believe, was from Adams, commanded it.

Mr. LAWRENCE. I wish to ask the gentleman a question. He refers to a distinguished hero of Adams county as being in the war of 1812. I ask him if he does not mean the Buck-shot war?

Mr. NILL. Well, I believe there was hard fighting in that war. I presume the gentleman intends to perpetuate the memory of the soldiers of that war, as the scene of the principal battle was in Harrisburg.

Lieutenant Colonel Fenton was from Cumberland; Major James Wood was from Franklin; Captains Gordon, Steck and Dunn were also of Franklin, and so were Lieutenants Dick, Patton and Burns. Thomas Poe was adjutant, and a neighbor of mine (Mr. Hugh Davison) was one of the orderly sergeants. Samuel White was a captain from Adams. This debate having been



sprung upon me, without giving time for examination, I cannot now name any other officers. This regiment volunteered to cross the line into Canada. It fought at Chippewa and at Lundy's Lane. There Col. Bull and Adjutant Poe, and a private, named M'Lelland, were killed. These men, with bravery and great heroism, fell in defence of their country, and now fill honorable graves, without a monument to point out their last resting place. Their virtues and patriotism are, and ever will be, cherished by their numerous friends and dear relatives.

At the same battle Major Wood and Lieutenant Dick were wounded. Capts. Dunn, and Gordon, and Lieutenant, now Gen. Burns, still live, and if it were needed, would corroborate my statement. None of these men ever entered the regular service. They served six months, were honorably discharged and returned to their respective homes. It is my impression that other parts of the State furnished their quota of volunteers, who were distinguished in the achievements of the times.

The gentleman also speaks reproachfully of the men who went as volunteers to defend Baltimore, and asserts that they returned without firing a gun. Does not he know that the British bombarded Baltimore; that their barges were destroyed at Fort M'Henry; and that General Ross, their commander, who had won laurels in Spain and Portugal, was shot? His death caused them to abandon that city. Had he lived, there might have been fighting enough for all the men our country had there. Is there any good reason for casting censure on the brave Pennsylvanians who, from patriotic motives, marched to Baltimore? I think not. My friend, however, appears to attach but little credit to the events of the war of 1812. Has he forgotten that in that war Gen. Scott first won his way to distinction? Has he forgotten that Generals Brown and Macomb gained their laurels in that war, and that for their eminent services they were promoted—Brown first, and Macomb next, to the office of Commander-in-chief of the American army? This office they respectively held through life. Has the gentleman forgotten Gen. Harrison? Or does he not know that when the savages and Indians at Fort Meigs, on our then south-western frontier, inhumanly slaughtered men, women and children, Gen. Andrew Jackson, as a militia General, was called into service; and showed such great talents that he, in a few months, was promoted to the office of Major General in the United States army, and terminated the war by the decisive victory at New Orleans—one of the greatest achievements recorded in history?—When the people of the nation were jubilant over the victory at Orleans, news that peace had been made was proclaimed, which furnished reasons for additional rejoicings. This closes my remarks on the war of 1812.

In the gentlemen's observations there is one thing that struck me as a curiosity. In enumerating his soldier heroes he began with Cain. As I have always been taught to believe that Cain was the first murderer, and I never was led to believe that the military men were associated with murderers, it caused me to doubt his appreciation of military genius. I can see no good cause, at any rate, for going back to such remote periods for examples. The old time warriors are so fabulous that in the language of a great poet, it may well be asked

"Where were the loves and war of earth,  
Before Pelide's death and Homer's birth."

[Here Mr. LAWRENCE asked if the gentleman was quoting from the Bible? Mr. NILL replied that he was not, but that it was as good authority as any quoted by him. Mr. LAWRENCE said it was from Homer. Mr. NILL answered he believed it was from Byron.]

Again, I must give a passing notice to the gentleman's extraordinary views of what is re-

quired to secure a soldier's salvation. I understood him to say, and he did say, that as soon as a soldier died on the battle field, his disembodied spirit winged its way immediately to the pearly gates of Heaven, and that on its arrival St. Peter threw open the gate and it passed to a seat in bliss near the throne of God! What an expression! It induced me to believe that he had just been reading Byron's "Vision of Judgment." He, however, gets ahead of Byron; for this great poet, when George III. died, who had, as king, been commander-in-chief of the British army during all the wars that had their origin in the French revolution, allowed him, through much tribulation, almost against the will of St. Peter, to enter Heaven, where he left him singing the Hundredth Psalm! The gentleman, more irreverent than Byron, leaves us to infer that he would have put George at "Britannia Rules the Wave," or left an American soldier singing to the air of "Yankee Doodle!" What claims has the gentleman to orthodox faith? Are not his principles in this matter, to say the least of them, very singular? But with his religious sentiments I have no business; for them he is alone responsible.

During the last session of the Legislature I voted for an appropriation of six thousand dollars for this monument. I then deemed it a measure of doubtful expediency. The persons appointed to supervise its erection met, and decided that nothing less than thirty thousand dollars would be sufficient. They received and adopted a plan, and concluded that it should be erected of Italian marble, between eighty and ninety feet high, on the public grounds. This bill, by amendments, provides that it shall be put up by Pennsylvania workmen. This is right. But I am persuaded that if we commence with thirty thousand dollars it will not be more than half enough to complete it. At the next session it will be unfinished, and will stand as a memorial of discredit to the State, unless it is finished. Then, through importunity, another appropriation of perhaps thirty thousand dollars will be obtained, and that will prove inadequate. Then it will be so near to completion that it would be unwise not to give another; and in this manner the cost to the State will nearly reach one hundred thousand dollars.

I base my estimate of expenditures upon our past experience. It will be remembered that the Commonwealth had expended some millions on the North Branch canal—that she continued to appropriate money for its completion until she exhausted her credit, and was unable to pay the interest on her debt. Then this canal was abandoned and given for nothing to a company. It remained in the hands of the company until Governor Johnston's administration; then it was abandoned and once more taken under State protection. The people were assured that it would not cost much to finish it, and that when it was finished it would prove a profitable work. Year after year through the administrations of Governors Johnston, Bigler and Pollock, appropriations were made to it; every one, at the time, to be the last, until over four millions of dollars were expended; and when the canal was sold, it was still not quite finished! I admit that this monument is not a work of as much magnitude as the canal referred to, but I maintain that the same principle on a less scale, if we make this appropriation, will be resorted to to get money out of the treasury. The gentleman, in a threatening manner, says he means to have our votes put on the record on this subject. I assure him that I will cheerfully agree to have my name recorded against this project. I will abide the consequence. He has asked in a tone of triumph whether we will for thirty thousand dollars deny this monument to the memory of deceased soldiers, because of their wives and children.

He grew quite pathetic on this point. In reply I ask whether he believes that monumental marble can dry the tears or assuage the suffering and sorrow of the widow, or alleviate the afflictions or satisfy the hunger of the orphan. If he can prove that it will have this effect, I will cordially give it my support. It is hoped that the committee of the whole will negative this appropriation, but with whatever disposition they make of it, I will rest contented by being satisfied that I have discharged my duty by voting against it.

#### REMARKS OF MR. WARDEN, OF WESTMORELAND,

Delivered in Committee of the Whole of the House of Representatives, on Friday, Feb. 25, on his amendment to the section offered by Mr. LAWRENCE, (Dauphin,) to the General Appropriation Bill, for the purpose of appropriating money to construct a monument in memory of those Pennsylvanians who fell in the Mexican war.

Mr. WARDEN said—

Mr. CHAIRMAN:—Inasmuch as I had the honor of offering the amendment, now pending before the committee, and as I have been charged with offering it for the purpose of embarrassing this section, I have thought proper to make a few remarks in regard to the matter. Sir, I offered it in good faith, and not for the purpose of embarrassing the section, as the gentleman, (Mr. LAWRENCE, of Dauphin,) has charged, but to relieve it from embarrassment and to meet objections that have been raised, and will be raised to it, in its original shape, on account of its partiality or discrimination in favor of one portion of our citizens over others who are equally worthy and meritorious.

Sir, we have Pennsylvanians with hearts large enough to include the soldiers of all our wars. We have Pennsylvanians, with hearts large enough to include in the proposed memento of honor, not only those brave and heroic Pennsylvanians who lost their lives in the late war with Mexico, but also those who fell in defence of their country in the war of 1812, as well as those brave and heroic men who crossed the ice-clad Delaware with their frost-bitten feet, amidst privations and sufferings unheard of before in the annals of history, and in the darkest hour of their country's need, turned the scales of war in their country's favor; or those brave men of the Pennsylvania Line, who, in obedience of their officers, had gone in a body to seek redress at their country's hands and demand supplies for their suffering wants—and were met by British emissaries, who attempted to bribe and seduce them from their duty—took those very emissaries and delivered them up to their officers, and when their country met their demands, returned to duty. For this reason I offered the proposed amendment to the section.

But, Mr. Chairman, I do not propose to make a lengthy speech. I will, however, while up, make a few remarks in reply to some charges that have been made by the gentleman from Dauphin, (Mr. LAWRENCE.) But first, let me say to that gentleman, that I am sorry I am placed in the unpleasant position of standing about half-way between him and his opponents.

But, sir, did not the gentleman make some very serious charges against the soldiers of the war of 1812? Did he not tell me that I had better not bring up the name of any Pennsylvanian who fought in that war, because it might not redound to the honor of Pennsylvania?

Now, sir, as a citizen of Westmoreland county, I feel bound to stand by and defend the honor of her citizens; and I do know that two companies went from that county, and were actively engaged in the war of 1812, and also, that they both did good service—one, a company of cavalry, commanded by Captain Markle;



the other a foot company, commanded by Captain Alexander. I also know that Captain Markle's troop was engaged in the bloody massacre of Miesasiniwa, and that Lieutenant Watts, the second in command, fell, whilst leading his men to the charge; and further, that Westmoreland county boasts of no prouder or nobler name than his. And, sir, there are living in that county the remnants of those two veteran companies; and their friends, who, if they had heard my friend from Dauphin make the assertion he made here to day, would have set him down lower in their estimation than I trust, for the sake of his honor, he ever will be set. Because he, by "one fell-swoop" of his hand, has attempted to pass the dark curtain of disgrace over their honor, and bury it.

I know more, sir. I know that Col. Miller, who fought at Lundy's Lane, and who immortalized himself, when being asked if he could take the battery on the hill, coolly replied "I will try, General," and he did it—was a native of Pennsylvania, and a citizen of Fayette county, and it is fair to presume that, in that charge, he commanded or led on Pennsylvanians!

There is also living in Westmoreland county, a man whose name is Cooper, who occupied the position of Captain in the battle of Chippewa, whom I have heard describe the position of the Americans, and tell how the officer commanding his regiment, rode along the line, as the British columns advanced to the attack, with the words of "caution—steady men; steady men; steady men; they come;" and that one well-directed fire caused those advancing columns to recoil, that they rallied and advanced again, when they met a second and equally bloody reception, at the hands of the Americans; before which they broke and fled, leaving the field in possession of the victors. Need anything more be said in defence of the soldiers of 1812?

But, sir, the gentleman from Dauphin, has done honor to my county, in the course of his remarks, relative to the soldiers of the Mexican war, in mentioning the name of Col. Drum, one of the "bravest of the brave;" a name of which Westmoreland is truly and justly proud, as well as the company, which served in that war, under Captain Johnston, of which, perhaps, one-third of the number returned, after having acquitted themselves, honorably and bravely, on the field of battle.

Sir, I deny the charge that Pennsylvanians are cowardly! I do not believe that there was a Pennsylvanian at Bladenburg. And I defy the gentleman from Dauphin to point me to one place, where any large number of Pennsylvanians turned their backs to the enemy. Now, sir, I have seen fit to repel this charge, not only because the men of that war, are men I am bound to honor, but because there are soldiers still living in my own county, who fought in that war; and, sir, in honor of those brave men, now dead, who fell in both those wars—in honor of their names and memories, I will vote for this appropriation.

Now, sir, in regard to the question,—"Does Pennsylvania owe anything to her sons and soldiers, who went out and laid down their lives for their country, and whose bones are now bleaching upon the battle-fields of Mexico?" Those places, sir, where lie the precious, yet mortal remains of our brothers and fellow citizens, are not within the confines—the boundaries of our country—they are in the enemy's country, and therefore, those places cannot be held sacred or hallowed by us, as the sepulchre of our illustrious and heroic dead.

But, sir, the memories of many of those gallant soldiers are near and dear to us, and the only act we can do in honor of their names, and which their friends have a right to demand, is to erect this Monument, and thereby perpetuate their honor and fame. That this can, and should be done, in the hearts and memories of

us all, and also of future generations, I am free to admit.

But, sir, it is fair to presume that three thousand Pennsylvanians lost their lives in the war with Mexico, alone, and the amount of this appropriation, divided amongst that number, would be but ten dollars to each man, which certainly is but a small remuneration for the services they rendered and the hardships they endured in the cause of their country. I trust there is not a citizen of Pennsylvania, who would not cheerfully give that small sum towards the erection of a Monument of the kind proposed, in the public grounds of the capitol, in order that the families of those men, and after they are dead and gone, their countrymen may point to the spot, and say, "erected in honor of the memory of the men who fell in the war with Mexico;" and (if the amendment carries,) "in honor of the men who lost their lives in the late war with Great Britain, and in honor of those men who died in the war of American Independence, and who contributed largely by their self-sacrificing patriotism, to give us one of the proudest destinies on the face of the earth." But, Mr. Chairman, as a large portion of the time of the committee has already been consumed in this discussion, I will not further trespass upon their time. In conclusion, I would say that I deemed it my duty to give utterance to the sentiments I have expressed, because I felt that the honor of my country was at stake. Trusting that the members of this committee will give this important matter the serious reflection to which it is entitled, I will now resume my seat.

#### No. 433.—FILE OF THE HOUSE.

IRISH, Judiciary—Feb. 23.

AN ACT to alter the districts of the Supreme Court and regulate proceedings therein.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of holding the supreme court of Pennsylvania, the Commonwealth is hereby divided into three districts, denominated the Eastern district, the Middle district and the Western district; the Eastern district consists of the city of Philadelphia, and the counties of Delaware, Chester, Montgomery, Berks, Bucks, Lehigh, Schuylkill, Carbon, Northampton, Monroe, Luzerne, Pike, Wayne, Wyoming, Susquehanna and Bradford; the Middle district consists of the city and county of Lancaster, and the counties of Potter, Tioga, Clinton, Lycoming, Sullivan, Columbia, Montour, Northumberland, Union, Snyder, Centre, Blair, Huntingdon, Mifflin, Juniata, Perry, Dauphin, Lebanon, York, Adams, Cumberland, Franklin, Bedford and Fulton; the Western district consists of the cities of Pittsburgh and Allegheny, and the counties of Allegheny, Erie, Crawford, Warren, McKean, Elk, Clearfield, Jefferson, Forest, Clarion, Venango, Mercer, Beaver, Lawrence, Butler, Armstrong, Indiana, Cambria, Somerset, Westmoreland, Fayette, Green and Washington.

SEC. 2. That the judges of the said supreme court shall annually hold three terms of the said court at the places and during the times hereinafter specified, if the business pending in the said court shall require it, to wit: one term in the city of Philadelphia, for the Eastern district, commencing on the first Monday of January; and one term in the borough of Harrisburg, for the Middle district, commencing on the fourth Monday of April; and one term in the city of Pittsburgh, for the Western district, commencing on the first Monday of October; each of the said terms to continue as long as the business of the particular district may require, yet so as not to interfere with the commencement of the other

terms, except in case of absolute necessity in the discretion of the said judges.

SEC. 3. That no writ, order or process of any kind shall be issued by said court, or any of the judges thereof requiring any party, respondent or defendant, to appear at any place not within the district where such respondent or defendant resides or is located.

SEC. 4. That the said judges may adjourn and continue the said terms respectively, as the condition of business and the convenience of the suitors may require; and the said court shall also have power to order special terms to be holden at the seat of justice of any county within this Commonwealth, for the purpose of hearing arguments and for the disposition of causes pending in the said court from the said county, or any other counties within the same judicial district.

SEC. 5. That the office of prothonotary of the said supreme court for the Northern district, is hereby abolished, and the books, papers, records and documents heretofore pertaining to and kept within the said district, shall be forthwith conveyed to and deposited in the office and placed in the custody of the prothonotary in and for the said Middle district, by the said late prothonotary of the said Northern district, or under his discretion or control; for which service he shall receive adequate compensation to be paid out of any moneys in the treasury not otherwise appropriated.

SEC. 6. That all existing laws inconsistent herewith are hereby repealed.

#### No. 445.—FILE OF THE HOUSE.

GRATZ, Judiciary—Feb. 10.

AN ACT in reference to promissory notes, bills of exchange, et cetera.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases, where suit at law may be instituted for the recovery of the amount due on any promissory note, due bill, bill of exchange, draft, check, or any other instrument of writing, in the nature thereof, no plea shall be held to be available, and to defence, shall be made or taken by the defendant or defendants, for want of proper and timely demand of payment or acceptance, or proper and timely notice of non-acceptance, or non-payment of the same, unless the respective places where such demand is to be made, and where such notice is to be given or served, or the place or places of residence or business of the respective parties thereto, shall be legibly and distinctly set forth thereon, unless the place where such demand should have been made, or where such notice should have been given or served, could have been ascertained by reasonable search and inquiry of the bank, or of the person or parties holding the same.

SEC. 2. That in all cases of omission, as aforesaid, promissory notes, due bills, bills of exchange, drafts, and such like instruments, shall be held to be payable and protestable at the places where they may be dated; and if they contain no place of date or demand, then at the place where they are deposited or held for collection; and in no case shall a notary public be required to go beyond the limits of the city or county, in which he may reside, for the purpose of making a demand of acceptance or payment.

SEC. 3. That in all cases where there is more than one endorsement on a promissory note, due bill, bill of exchange, draft, check, or any other instrument of writing in the nature thereof, and the party or parties entitled to notice thereon cannot be found, after reasonable search and inquiry, a notice of non-payment or of non-acceptance, for



such party or parties, if left at the place of business or residence of the last endorser, shall be deemed and held sufficient to exonerate the notary public, who shall protest the paper in question, from all responsibility, for want of due and timely notice of the non-payment or non-acceptance thereof: *Provided*, That if the place of business or residence of the last endorser, shall be beyond the limits of the city or county where the demand was made, or where the obligation was payable, the notice may be sent by mail.

SEC. 4. That none of the provisions of this act, except the proviso to the third section, shall apply to paper which may have been issued prior to the date of its passage.

#### No. 150.—FILE OF THE HOUSE.

GRATZ, Judiciary—March 4.

A FURTHER SUPPLEMENT to the act incorporating the city of Philadelphia, providing for the abolishment of the board of guardians of the poor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the present board of guardians of the poor of the city of Philadelphia, as constituted and organized by and under an act, entitled "A further supplement to incorporate the city of Philadelphia, passed February 2, 1854," shall be abolished, and shall cease and determine from and after the first Monday in July next, A. D. 1859; and that all laws and parts of laws providing for the organization of said board as now established, and under and by virtue of which said board of guardians of the poor is now constituted by the election of its members by the qualified electors of the several wards of the city of Philadelphia, mentioned in the eighteenth section of the act to which this is a further supplement, shall, from and after the said first Monday of July, 1859, be repealed, and thereafter be of no force or effect, so far as the same shall conflict in the provisions of this act; and that so much of said act as authorizes the qualified electors of said wards of the city of Philadelphia, annually, on the first Tuesday in May, to elect one citizen to serve as a member of said board, be and the same is hereby repealed.

SECTION 2. That on the first Monday in July next, A. D. 1859, and forever thereafter, until otherwise provided by law, the powers, duties, rights, liberties, authorities and immunities of the board of guardians of the poor of the city of Philadelphia, as constituted and organized under the provisions of the act mentioned in the first section of this act, shall be transferred and assigned to, and be assumed and exercised by nine reputable citizens and electors of said city of Philadelphia, to be selected in the following manner, to wit:—On the first Monday in June, 1858, the judges of the district courts, for the city and county of Philadelphia, shall appoint three reputable citizens, and electors of said city, to be members of the board of guardians of the poor, as constituted under the provisions of this act; one to serve one year; one to serve two years, and one to serve three years; and annually thereafter the said court shall appoint one person to be a member of said board. The court of common pleas shall, in like manner, and at the same time, appoint the same number of members of said board; and annually thereafter the said court shall appoint one member of said board. The select and common council of the city of Philadelphia, in joint convention, at any stated meeting, in June next, shall elect the same number of members of said board; one to serve one year; one to serve two years, and one to serve three years; and annually there-

after, at any stated meeting, in June, said councils, in joint convention, shall elect one member of said board to serve for three years.

SECTION 3. The members of said board, thus appointed and elected, shall meet on the first Monday in July next, 1849, at ten o'clock in the morning; and shall then assume and exercise all the powers, duties, rights, liberties, authorities and immunities of the present board of guardians of the poor.

SEC. 4. The present board of health of the city of Philadelphia, as constituted and organized by and under an act for establishing a health office, and to secure the port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes, passed January 29, 18—, and an act, entitled "A further supplement to an act to incorporate the city of Philadelphia, passed February 2, 1854," shall be abolished, and shall cease and determine from and after the first Monday in July next, 1859; and all laws and parts of laws providing for the organization of said board as now established, and under and by virtue of which said board of health is now constituted, by the elections of its members by the qualified electors of the several wards of the city of Philadelphia, shall from and after the said first Monday in July, 1849, be repealed, and thereafter be of no force or effect, so far as the same shall conflict with the provisions of this act; and so much of said act as authorizes the qualified electors of each of the wards of the city of Philadelphia annually, on the first Tuesday in May, to elect one citizen to serve as a member of the said board of health, be and the same is hereby repealed.

SEC. 5. On the first Monday in July next, 1849, and forever thereafter, until otherwise provided by law, the powers, duties, rights, liberties, authorities and immunities of the board of health of the city and port of Philadelphia, as constituted and organized under the provisions of the act of Assembly mentioned in the fourth section of this act, and any and all other laws in relation to said board of health, shall be transferred and assigned to, and be assumed and exercised by nine reputable citizens and electors of said city of Philadelphia, who shall be elected in the following manner, to wit: on the first Monday in June, A. D. 1849, the judges of the district court for the city and county of Philadelphia shall appoint three reputable citizens and electors of said city to be members of the board of health, as constituted under the provisions of this act—one to serve one year, one to serve two years, and one to serve three years; and annually thereafter the said court shall appoint one person to be a member of said board of health; the court of common pleas shall in like manner and at the same time appoint the same number of members of said board; and annually thereafter the said court shall appoint one person to be a member of said board; the select and common councils of the city of Philadelphia, in joint convention, at any stated meeting in June next, shall elect the same number of members of said board—one to serve one year, one to serve two years, and one to serve three years; and annually thereafter, at any stated meeting in June next, said councils, in joint convention, shall elect one member of said board for three years.

SEC. 6. The members of said board of health, thus appointed and elected, shall meet on the first Monday in July next, A. D. 1849, at ten o'clock in the morning, and shall then assume and exercise all the powers, duties, rights, liberties, authorities and immunities of the present board of health.

SEC. 7. That in case a vacancy occur in the said board of guardians of the poor, or the said board of health, from death, resignation or otherwise, it shall be supplied and filled for the unexpired term of such member by the court

which appointed, or the councils which elected, the member thus dying, resigning, or otherwise vacating his seat in the board of which he was a member.

SEC. 8. That upon conviction, in any court of criminal jurisdiction, of any member or members said board of guardians of the poor, or the said board of health, of any wilful misapplication of the funds or property of the said boards, or funds or property of the city of Philadelphia, or of any fraudulent and corrupt official act, he or they so offending and convicted, shall be sentenced to pay a fine of not less than one hundred, nor more than one thousand dollars, and undergo an imprisonment for a term not exceeding one year, at the discretion of the court.

#### No. 262.—FILE OF THE SENATE.

GAZZAM, Corporations—Feb. 9.

AN ACT relative to the city of Pittsburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That no suit shall hereafter be brought by any city officer in the name of said city without notice in writing or in person to the regularly chosen solicitor of said city, who shall keep a regular docket of all such suits, and hand the same over to his successor in office.

SEC. 2. The councils of said city are hereby authorized to assess all the cost and expenses paid or assumed by said city of putting in force sections eleventh, twelfth, thirteenth and fourteenth of an act of Assembly, approved May sixteenth, Anno Domini one thousand eight hundred and fifty-seven, entitled "An Act supplementary to an act to incorporate the city of Pittsburg," and furnish the same to the commissioners of the sinking fund; and if the said commissioners shall find the same to be correct, they shall pay the amount of said assessment into the city treasury out of the fund arising under said sections.

SEC. 3. The taxes and public assessments, made payable at the treasurer's office in said city by section four of an act approved May sixteenth, one thousand eight hundred and fifty-seven, shall be payable between the first day of June and the first day of October in each year, subject to a deduction of five per centum if paid on or before the first of August, and two per centum if paid between the first of August and fifteenth of September; on the third Monday in September annually, the treasurer shall give public notice in the newspapers, authorized as public printers, to all persons who have omitted to pay their taxes, that if not paid, without deduction, on or before the first day of October following, that five per centum will be added thereto; and that if not paid by the first of November following, warrants will be issued to collect the same, with ten per centum added to the original assessment—five per centum for the use of the city, and five per centum as compensation to the collector—which said additions are hereby authorized; and it shall be the duty of the treasurer to issue his warrants, as authorized in the fourth section of the said act of May sixteenth, one thousand eight hundred and fifty-seven, on or before the fifth of November in each year, directed to any competent citizen or citizens whom he may appoint for the collection of the unpaid taxes and assessments; and the said warrants shall be made returnable on or before the fifteenth day of January following, which return shall be final and complete; and all acts or parts of acts of Assembly hereby altered or supplied, or inconsistent with this act, are hereby repealed.

SEC. 4. The fiscal year of said city shall hereafter begin on the first day of February; the terms of all city officers shall also begin on that day; and the terms of those now holding



office in said city is hereby extended to the first day of February, one thousand eight hundred and sixty; the time for making the annual appropriations as now provided for in an act approved April sixth, one thousand eight hundred and fifty, is hereby changed; and the said appropriations shall hereafter be made in the month of January, subject to all the other provisions of the said act of Assembly.

**No. 280.—FILE OF THE SENATE.**

BREWER, Judiciary—Feb. 10.

**AN ACT relating to costs.**

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That in all cases upon indictments in the courts of oyer and terminer and quarter sessions of this Commonwealth, when the defendant or defendants are acquitted, the court may in their discretion, direct the witnesses of defendant or defendants and costs of subpoenas, to be paid out of the county funds, when the defendant or defendants is or are insolvent, or for any cause unable to pay the same.*

**No. 306.—FILE OF THE HOUSE.**

WIGTON, Ways and Means—Feb. 11.

AN ACT relating to the licenses of billiard tables and ten-pin alleys used at watering places and summer resorts, in this Commonwealth.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall be lawful for all persons owning or occupying watering places and summer resorts in this Commonwealth, to be licensed for the privilege of using billiard tables and ten-pin alleys for the term of three months in a year, and pay in that proportion of the rates now or hereafter required to be paid per annum.*

SEC. 2. That all laws conflicting with the foregoing section are hereby repealed, so far as relates to alterations made by this act.

**No. 303.—FILE OF THE HOUSE.**

GREEN, Ways and Means—Feb. 11.

AN ACT to repeal so much of the act of one thousand eight hundred and fifty-eight as increases the compensation of members of the Legislature.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the fourth section of the act of twenty-first of April, one thousand eight hundred and fifty-eight, entitled "An Act to provide for the ordinary expenses of government, the repairs of the public canals, and other general and special appropriations," as increases the compensation of members of the Legislature, be and the same is hereby repealed.*

**No. 451.—FILE OF THE SENATE.**

MARSELIS, Banks—Feb. 25.

AN ACT relating to the banks of this Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the cashiers of the several banks of this Commonwealth shall, on the day of the first meeting of the board of directors of their respective banks in each month, make out a full and*

accurate statement or exhibit of the amount of the liabilities to the bank of the directors thereof, specifying the aggregate amount of such liabilities of each director, as maker, drawer and endorser for his own benefit, contracted either in his separate capacity, or as a member of a firm or copartnership, and the aggregate amount of such liabilities as endorser or surety for the benefit of any other person; which said statement or exhibit shall be certified by the cashier to be correct, and placed before the board of directors at said first meeting in each month, and be filed with the official papers of said bank, and preserved for reference by the directors; and when required to be exhibited to the stockholders at any general meeting of the same, held at the banking house in pursuance of any call allowed by the laws regulating said bank.

**No. 305.—FILE OF THE HOUSE.**

SMITH, (Berks,) Ways and Means—Feb. 11.

AN ACT to increase the compensation of the judges of the supreme court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the annual salary of the judges of the supreme court shall be increased six hundred dollars each, and their per diem allowance to six dollars.*

**No. 320.—FILE OF THE SENATE.**

MARSELIS, Banks—Feb. 16.

AN ACT relative to the banks of this Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the several banks of this Commonwealth, from and after the passage of this act, be and they are hereby required to receive at par on deposit, and in payment of all debts due or to become due to them, and in payment of all claims or commercial paper received by them for collection, the notes of all solvent and specie paying banks of this Commonwealth; and the said banks are also hereby authorized to pay out in their discounts and all their business transactions, the notes of all such solvent and specie paying banks.*

**No. 258.—FILE OF THE SENATE.**

SHAEFFER, Corporations—Feb. 9, 1859.

A FURTHER SUPPLEMENT to the act incorporating the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the sixth section of an act, entitled "A further supplement to the act incorporating the city of Philadelphia," approved the twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight, be, and the same is hereby repealed, and all proceedings thereunder, not finally adjudicated, be, and the same are hereby set aside and annulled.*

**No. 466.—FILE OF THE SENATE.**

GAZZAM, Judiciary—Feb. 25, 1859.

SUPPLEMENT to the general banking law.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be obligatory on the several banks of this Commonwealth to keep their notes, respectively, at par, in the cities of Philadelphia and Pittsburgh, to wit: those located east of the Allegheny mountains shall keep their notes at par in the city of Philadelphia; and those located west of the Allegheny mountains, shall keep*

their notes at par in the city of Pittsburgh; any bank failing to comply with the provisions of this section, shall, for such length of time as its notes may be under par, as aforesaid, forfeit and pay to the State Treasurer, for the use of the Commonwealth of Pennsylvania, at a rate of two per cent. per annum, on every dollar of the average amount of the circulation of such bank for the preceding year; such forfeiture to be paid on or before the third Monday in November, in each year; it shall be the duty of the cashier of the several banks, to state in their annual exhibits, made to the Auditor General, the length of time that their notes have been under par as aforesaid: *Provided*, That no forfeiture or penalty shall be incurred under the provisions of this section until after the first day of August next.

**No. 460.—FILE OF THE HOUSE.**

WILLIAMS, (Bucks,) Claims—Feb. 25.

AN ACT to authorize the appointment of commissioners to examine and adjust certain claims, *et cetera*.

WHEREAS, It is just and proper that the Commonwealth of Pennsylvania should afford such of her citizens as have legal or equitable claims against her, an opportunity of showing the same:

AND WHEREAS, The said Commonwealth hath certain sums of money justly due and owing to her from James J. Dull, which claims are not disputed, but the said Dull alleges that the said Commonwealth is justly indebted to him as assignee of J. K. Moorhead and Henry L. Patterson, contractors on the Allegheny Portage railroad, for work, labor and materials done and furnished upon and to said road; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Governor of this Commonwealth be, and is hereby authorized to appoint three good and disinterested citizens of Pennsylvania, one of whom at least shall be a civil engineer, commissioners to settle and adjust the mutual claims of the parties aforesaid.*

SEC. 2. That said commissioners shall as soon as practicable after their appointment by the Governor, sit at Harrisburg, and shall proceed with the duties imposed upon them by this act, by hearing evidence, *et cetera*; and shall, after adjusting claims of each of the parties aforesaid, strike a balance; which claims and balance they shall report to this or the next succeeding Legislature: *Provided however*, That if the just or legal claims of the said Dull, as proven before the said commissioners, shall exceed the sums owing by him to the Commonwealth, then and in such case the said Commonwealth shall charge him with the whole of any sum or sums which may be due from him and others, as joint contractors or co-obligors, leaving to said Dull his legal remedy over against such other joint contractors or co-obligors: *Provided*, That the expense of this commission shall be paid jointly by the parties interested.

**No. 138.—FILE OF THE SENATE.**

RUTHERFORD, Roads and Bridges—Jan. 29.

A SUPPLEMENT to the act relating to roads, highways and bridges.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That provisions of the thirty-fifth section of an act entitled "An Act relating to roads, highways and bridges," passed the thirteenth day of June, Anno Domini one thousand eight hundred and thirty-six, is hereby extended to boroughs in the county of Fayette.*



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PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 48.

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## SENATE.

MONDAY, March 7, 1859.

The Senate met and was called to order by the SPEAKER at 3 o'clock P. M.

The Journal of Saturday was read and approved.

Mr. KELLER appeared in his seat.

## REPORTS OF COMMITTEES.

Mr. BELL, (Judiciary,) reported as committed, "An Act relative to executors and administrators."

Mr. SCHELL, (Private Claims and Damages,) as committed, "An Act relative to the claim of William Porter, for damages sustained by the construction of the Erie extension of the Pennsylvania canal."

Mr. BALDWIN, (Roads and Bridges,) as committed, "A supplement to the act incorporating the Middletown and Harrisburg turnpike road company."

Mr. RUTHERFORD, (same,) as committed, House bill No. 59, "An Act to appoint a road and bridge viewer in Somerset county."

## BILLS IN PLACE.

Mr. WRIGHT read in his place and presented to the chair a bill, entitled "An Act authorizing the erection of a new election division in the Twenty-third ward of the city of Philadelphia."

Also, "A further supplement to an act incorporating the directors of the poor and house of employment, for the townships of Oxford and Lower Dublin, in the county of Philadelphia."

Mr. STEELE, "An Act authorizing the Governor to appoint an auctioneer for the borough of Scranton."

Also, "A supplement to an act creating Denison township, Luzerne county, into a separate district, for road purposes."

Mr. GAZZAM, "An Act to incorporate the Pittsburg and East Liberty passenger railway company."

Also, "A further supplement to the act incorporating the Pittsburg and Steubenville railroad company."

Mr. FETTER, "An Act authorizing the State

Treasurer to settle the accounts of the president judge of the Twentieth judicial district."

Mr. SHEAFFER, "An Act to incorporate the New Ephrata and Lititz turnpike road company."

Mr. PALMER, "A supplement to the acts incorporating the borough of Pottsville."

Also, "A supplement to an act incorporating the village of Port Carbon into a borough."

## ORIGINAL RESOLUTIONS.

Mr. GREGG offered the following resolution; which was twice read, considered and adopted:

*Resolved*, That one thousand copies of the report of the trustees and superintendent of the Farmers' high school of Pennsylvania, for the year 1858, be printed for the use of the Senate."

Mr. FRANCIS offered the following; which was twice read, considered and adopted:

*Resolved*, That the House of Representatives be requested to return to the Senate, bill on the Senate file No. 22.

## BILLS CONSIDERED AND PASSED.

On motion of Mr. COFFEY, House bill No. 232, "An Act to refund to William Coulter certain moneys and expenses paid by him to the commissioners of the Nicholson court."

On motion of Mr. BELL, Senate bill No. 400, "An Act to incorporate the Delaware County passenger railway company."

On motion of Mr. BREWER, Senate bill No. 403, "An Act relating to deer in the counties of Adams, Berks, Franklin and Fulton."

On leave given, Mr. WRIGHT, from the Committee on Corporations, reported, as committed, "A further supplement to an act incorporating the directors of the poor and house of employment for the townships of Oxford and Lower Dublin, in the county of Philadelphia;" and, on his motion, said bill was taken up, and after being duly considered, passed finally.

On motion of Mr. MYER, House bill No. 217, "An Act relative to pathmasters in the township of Great Bend, Susquehanna county."

On motion of Mr. GREGG, Senate bill No. 439, "A supplement to an act, entitled 'An Act to incorporate the Lewisburg building association, having for its object the accumulation of a fund which shall be loaned to its members, to enable them to buy or build their own houses.'"

[This bill lies over on third reading.]

On motion of Mr. KELLER, House bill No. 164, "An Act to incorporate the Farmers' fire mutual insurance company, of Middle Pennsylvania."

On motion of Mr. STEELE, House bill No. 420, "An Act relative to elections in the First ward of the city of Carbondale, in Luzerne county."

On motion of Mr. PALMER, Senate bill No. 398, "An Act to incorporate the Mahanoy and Broad Mountain railroad company."

On motion of Mr. SCHINDEL, Senate bill No. 418, "An Act to authorize the Auditor General and State Treasurer to re-examine the account between the Commonwealth and the Northampton bridge company."

On motion of Mr. RUTHERFORD, Senate bill No. 567, "A supplement to an act incorporating the Middletown and Harrisburg turnpike road company."

On motion of Mr. RANDALL, Senate bill No. 109, "An Act to incorporate a company for the improvement of the drama."

On motion of Mr. GAZZAM, Senate bill No.

496, "An Act to repeal the second section of an act providing for the expenses of roads and poor in Pitt township, in the county of Allegheny, approved April 21, 1846."

On motion of Mr. FRANCIS, House bill No. 355, "An Act relative to the claim of William Porter, for damages sustained by the construction of the Erie extension of the Pennsylvania canal."

On the final passage,

The yeas and nays were required by Mr. SCOFIELD and Mr. FRANCIS, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Blood, Coffey, Craig, Fetter, Francis, Gazzam, Gregg, Keller, Myer, Palmer, Parker, Penney, Randall, Rutherford, Schell, Scofield, Sheaffer, Schindel, Steele, Thompson, Turvey, Wright, Yardley and Cresswell. *Speaker*—26

NAYS—Messrs. Brewer and Nunnemacher—2.

So the question was determined in the affirmative.

On motion of Mr. SCHELL, House bill No. 59, "An Act to appoint road and bridge viewers in the county of Somerset."

On motion of Mr. SCOFIELD, "An Act in regard to collectors in Tioga county."

On motion of Mr. SHAEFFER, (the Committee on Roads and Bridges having been discharged from its consideration,) "An Act to incorporate the New Ephrata and Lititz turnpike road company."

On motion of Mr. SCHINDEL, House bill No. 181, "An Act to regulate the compensation of county commissioners, poor directors, auditors and jurymen in the county of Northampton."

On motion of Mr. STEELE, House bill No. 421, "An Act relative to elections in Carbondale."

On motion of Mr. THOMPSON, House bill No. 342, "An Act to amend the road laws of Montgomery county."

On motion of Mr. BELL, House bill No. 331, "An Act to incorporate the Farmers' market company."

Mr. WRIGHT moved to amend by adding the following at the close of the first section:

"And said market house shall be located west of Sixth street and north of Market."

The amendment was briefly supported by Mr. WRIGHT, and opposed by Messrs. GAZZAM and BELL.

Pending its discussion, Mr. SCHELL moved a postponement of the bill; which was agreed to.

On leave given, Mr. SCHELL made the following statement:

I ask leave to read the following bill in place:

"An Act to authorize the school directors of Bedford to borrow money."

Some days ago I presented a similar bill, which passed both Houses, and received the signature of the Governor. On procuring a certified copy of the act, I discovered that the clerks, in transcribing the bill, had omitted the clause exempting from taxation for a period of five years, the bonds which the school directors of Bedford borough were authorized to issue in making the loan. For the purpose of correcting this mistake, I desire the passage of this bill, which is a copy of the first section of the original bill.

## VETO MESSAGE.

A message from the Governor was received and read.

It is as follows:



EXECUTIVE CHAMBER,  
Harrisburg, March 7, 1859. }

To the Senate and House of Representatives of  
the Commonwealth of Pennsylvania:

GENTLEMEN:—I have carefully considered the bill presented for my approval, entitled "An Act to incorporate the City building association," and, as I cannot approve its provisions, it is herewith returned to the House of Representatives, in which it originated, for re-consideration.

From the title of the bill, no other rational inference could be drawn, than that the object of the proposed corporation was to erect buildings for sale, or for the use of the corporators; but upon a careful examination of its provisions it will be discovered that the business contemplated is the loan of money to such of the shareholders as will bid upon competition the highest premium for its use. By this system, it is morally certain that he whose necessities are the greatest, will be the highest bidder, whilst it is equally certain that he can, of all others, the least afford to pay an exorbitant interest for the use or loan of money. The result will necessarily be, that the stockholders who have money to lend will make very large profits from the association, whilst those who are compelled to borrow will not only lose the capital paid by them, but, through the means of fines, assessments, forfeitures and premiums, will greatly endanger the loss of any other property they may own, and thus encumber.

Building associations in the city of Philadelphia, where it is proposed to locate the company named in this bill, may be incorporated by the court of common pleas of that city; but the court would be powerless to incorporate such an association as this bill contemplates, for in no proper sense could it be called a building association. If it is the province of the title to indicate truly the purposes of the enactment, this bill should be entitled "An Act to incorporate a company to loan money to such stockholders as will pay the highest premium for the loan."

At the last session of the General Assembly, a bill somewhat similar in its provisions to the one now before me, received the reluctant approval of the Executive; but subsequent information and reflection have entirely satisfied me that the incorporation of such associations is wrong in principle, and productive, practically, of the most mischievous results.

Entertaining these views, the bill under consideration cannot receive the Executive approval.

WM. F. PACKER.

On motion, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

MONDAY, March 7, 1859:

The SPEAKER called the House to order at 3 o'clock P. M.

The Clerk proceeded to read the Journal of Saturday.

Mr. WAGONSELLER moved to dispense with reading; agreed to.

Mr. WALKER offered a report from committee of conference, relative to House bill No. 280.

The report was read and accepted.

Mr. MEHAFFEY moved that House bill No. 494 be re-committed to the Committee on Canals and Inland Navigation; agreed to.

Mr. WILLIAMS, (Bucks,) offered a report from select committee, to whom was referred bill authorizing the appointment of measurer of paving stones.

The report was accepted.

Mr. PROUDFOOT moved to take up House bill No. 713; not agreed to.

Mr. LAWRENCE moved to re-consider House bill 343, being the appropriation bill; agreed to.

Mr. THOMPSON wished to know reasons for this course.

Mr. LAWRENCE said that it was merely to amend a section of the bill.

On the final passage of the bill, Mr. LAWRENCE moved to amend in third section, thirtieth line, by inserting the words: "the State Treasurer to detail one of his clerks to act as clerk to the commissioners of the sinking fund, without extra cost to the Commonwealth."

The amendment was agreed to.

The bill passed.

Mr. ROSE moved to re-consider House bill No. 22, "An Act repealing an act relative to roads and bridges in Mercer county:" agreed to.

Mr. ROSE moved to amend the second section of the bill, so as to make it read "the court of quarter sessions shall have power," instead of "it shall be the duty,"

The amendment was agreed to.

Mr. ROSE offered to amend in the seventh line of the second section, by inserting "may" instead of "shall."

Agreed to; and the bill passed.

Mr. GRITMAN moved to consider House bill No. 552, relative to the improvement of the navigation of the river Lackawaxen; agreed to.

The bill was considered section by section.

Mr. PENNELL moved to consider Senate bill No. 304, relative to the powers of the high constable of the borough of Media.

Agreed to; and the bill passed.

Mr. MILLER moved to take up House bill No. 77, relative to the Meadville railroad company.

Agreed to; the bill passed finally.

Mr. McCLURE asked to make a statement. He disliked to call the orders of the day, and suggested that the regular orders of the day be at once proceeded with.

Mr. McDOWELL moved to proceed to the consideration of Senate bill No. 264, to incorporate the Birmingham insurance company.

The bill passed.

#### PETITIONS AND REMONSTRANCES.

Mr. BRODHEAD, one signed by nineteen citizens of Tunkhannock township, Monroe county, for the passage of an act to prevent the gathering and picking of cranberries in said township.

Also, one remonstrance against the passage of any acts authorizing any companies or individuals to construct any dam or dams across the Delaware river.

Mr. PROUDFOOT, six from citizens of Cambria county, to repeal the tonnage tax.

Also, one from the committee of the select and common council of Johnstown, for the passage of an act fixing permanently the location of certain streets, alleys and lots.

Also, two remonstrances against the passage of the same.

Also, one for the removal of the seat of justice from Ebensburg to Wilmore.

Mr. GALLEY, one from twenty-eight citizens of South Union township, Fayette county, for a change of place of holding elections in said township.

Also, a remonstrance of eighty-three citizens of said township against the same.

Also, a petition from citizens of Fayette county, for the repeal of all laws allowing a premium for scalps, and for the repeal of a law increasing the pay of commissioners, jurors and witnesses in said county.

Mr. WILCOX, one from citizens of Elk county, for a law to declare Johnston's run, in said county, a public highway.

Mr. STONEBACK, one from citizens of Pennsylvania, for the passage of a law making it obligatory on the several country banks of this Commonwealth to keep their notes at par in the cities of Pittsburgh and Philadelphia.

Mr. FLEMING, seven petitions of citizens of

Clarion county, asking for a law submitting the continuance of the present school system to a vote of the people of said county.

Mr. BRYSON, petitions signed by six hundred citizens of Lawrence county, for the passage of an act giving the courts discretionary power in the granting of licenses, and for other modifications in the license law; which were read.

Mr. DODDS, four from citizens of Butler county, for a law authorizing the commissioners of said county to pay W. T. White the same compensation which was paid to his predecessors in the same office in recording the general returns of said county.

Also, a remonstrance of citizens of Franklin township, Butler county, against all appropriations for local normal schools, or sectarian purposes.

Mr. THOMPSON, four of like import.

Also, one from citizens of Butler county, for a change in the militia law.

Mr. SHAFER, one from citizens of Chester county, for a prohibitory liquor law.

Mr. GRAHAM, one from three hundred and eleven citizens of Washington county, of like import.

Mr. WILLIAMS, (Bucks,) a remonstrance from citizens of Philadelphia, against the passage of the supplement to the Germantown passenger railroad charter.

Mr. PRICE, three of like import.

Mr. PINKERTON, one from citizens of Philadelphia, of like import.

Also, one from citizens of Schuylkill county, for an act for the better securing the payment of the wages of labor in Schuylkill county.

Mr. WIGTON, a remonstrance of citizens of Dublin township, Huntingdon county, against being annexed to Fulton county.

Also, a petition of citizens of Bedford county, for the repeal of the tonnage tax on freights passing over the Pennsylvania railroad.

Also, a remonstrance of citizens of Shirley township, Huntingdon county, against any change in the law for collecting taxes in said county, and extending the term of county treasurer.

Also, one of like import from citizens of Jackson township, Huntingdon county.

Also, a petition of citizens of Orbisanka, Huntingdon county, against fishing with nets and seines in the Anghwick creek.

Also, one from citizens of Shnleysburg, Huntingdon county, of like import.

Mr. ROSE, three from citizens of Mercer county, praying for the passage of an act to review the Mercer and Emlenton State road.

Also, two remonstrances from citizens of Findley township, Mercer county, against the passage of an act annexing the borough of Leesburg to Findley township, for school purposes.

Mr. IRISH, one from forty-seven citizens of Pittsburgh, for the abolition of the high school in said city.

Mr. WALKER, one from citizens of Southampton township, Somerset county, for the passage of an act reducing the term of teaching in the common schools in said county.

Also, one from citizens of Somerset county, for a law abolishing the office of county school superintendent in said county.

Mr. TAYLOR, one from citizens of Indiana county, for an act to abolish the office of county school superintendent.

Mr. SHIELDS, one from citizens of Westmoreland county, for the erection of the new county of "Ligonier."

Mr. PRICE, one from citizens of Lancaster county, for the incorporation of the New Ephrata and Litiz turnpike road company.

Mr. OAKS, one from citizens of Montour county, for the repeal of the act, entitled "An Act for the resumption of specie payments."



Mr. WITHROW, three remonstrances against the passage of an act to tax certain farms in the borough of M'Veytown, Mifflin county, for school purposes.

Mr. ELLMAKER, one from citizens of Lancaster county, praying that the Pennsylvania railroad and Valley railroad be required to fence in their roads.

Mr. GALLEY, remonstrance of eighty-three citizens of South Union township, against any change in the place of holding elections.

Mr. OAKS, one from citizens of the county of Montour, praying for the repeal of the act, entitled "An Act providing for the resumption of specie payments by the banks and for the relief of insolvent debtors, approved October 14th, 1857."

Mr. STONEBACK, one for the passage of a law making it obligatory upon banks of the Commonwealth, to keep their notes at par in the cities of Philadelphia and Pittsburg.

Mr. WALBORN, one from citizens of Philadelphia, for the repeal of the charter of the Germantown passenger railway company.

Mr. SHEPPARD, one from fifty-seven citizens of Philadelphia, for the passage of the supplement to the Green and Coates Street passenger railway.

Mr. BOYER, (Schuylkill,) one from citizens of Schuylkill county, for a law requiring the Little Schuylkill railroad company to fence their road.

Mr. WALKER, one from citizens of Somerset county, for the abolition of the office of county school superintendent.

Mr. WAGENSELLER, two remonstrances from citizens of Buffalo, West Buffalo and Lewisburg, against the passage of an act prohibiting fishing in Buffalo creek with seines or hoop-nets.

Mr. PUGHE, one from citizens of Blakeley township, Luzerne county, for a division of said township into two election districts.

Mr. JACKSON, four petitions of fifty-two citizens of Sullivan county, for a law authorizing suitable booms at and near the mouth of Loyalsock creek, and asking that the interests of lumbermen and the company may be protected.

Also, a petition of citizens of said county, asking for an act to prevent hunting deer with dogs in said county.

Mr. WILEY, one for the passage of a law prohibiting the surrender of human beings claimed as slaves on the soil of Pennsylvania.

Mr. WALBORN, one of like import.

Mr. CUSTER, four from citizens of Berks county, for the passage of an act to authorize and require the treasurer of the city of Reading to pay certain fees and costs in reference to the arrest of vagrants in said city.

Mr. THORN, one of citizens of Frankford, in favor of a modification of the Sunday law, so as to legalize the transit of passengers by public conveyance on Sunday.

Mr. WIGTON, two remonstrances of citizens of Huntingdon county, against any change in the law for collecting State and county taxes, and extending time of county treasurer.

Mr. SMITH, (Berks,) one for the passage of an act exempting the armory of the Ringold light artillery of said city from taxation.

Mr. BARLOW, one from citizens of Centre county, for the passage of a law authorizing the laying out of a State road in Centre county.

Mr. FOSTER, three from one hundred and ninety-eight citizens of Allegheny county, in favor of abolishing the high school.

Also, five remonstrances against the same.

Also, one for prohibiting the rendition of fugitive slaves.

Mr. PROUDFOOT, five from citizens of Cambria county, in favor of the repeal of the tonnage tax.

Mr. THOMPSON, one for a change of militia laws, by citizens of Butler county.

Mr. TAYLOR, one from citizens of Indiana county, for the abolishment of the office of county school superintendent.

Mr. WILSON, one from citizens of Beaver county, of like import.

Mr. WALKER, one of like import.

Mr. KETCHUM, one from citizens of Luzerne county, of like import.

Mr. NILL, one from citizens of Franklin county, of like import.

Mr. ECKMAN, one from stockholders of the Shaffertown academy, Lebanon county, for a reduction in the amount of their capital stock.

Mr. GRAHAM, one from six hundred citizens of Lawrence county, for the passage of an act giving the courts discretionary power in the granting of licenses, and for other modifications in the license law.

Mr. NILL, a remonstrance of citizens of Quincy township, Franklin county, against the passage of a law dividing said township into three election districts.

Mr. MEHAFFEY, one from citizens of Lycoming county, remonstrating against the passage of an act annexing part of Brady township to Union county.

Mr. NILL, one from citizens of Franklin county, against the enactment of a law taxing dogs.

Mr. MILLER, one from citizens of Crawford and Venango counties, for a change in the present license law.

Mr. THOMPSON, one from the treasurer and commissioners of Butler county, for the passage of an act now before the House relative to the collection of taxes.

Mr. CHURCH, two from citizens of Philadelphia, for a law compelling coal dealers to carry upon their carts a properly tested scale, so that those purchasing coal may satisfy themselves that they have received the quantity paid for.

Mr. EVANS, four of like import.

Mr. HAMERSLY, two of like import.

Mr. FISHER, two of like import.

Mr. THORN, two of like import.

Mr. WILEY, two of like import.

Mr. MATTHEWS, two of like import.

Mr. OAKS, two of like import.

Mr. SHEPPARD, four of like import.

Mr. NEALL, two of like import.

Mr. ABBOTT, two of like import.

Mr. GRATZ, two of like import.

Mr. WILLISTON, one from members of the bar of Tioga county, for the abolition of the arbitration law by the enactment of a referee law.

#### ORIGINAL RESOLUTION.

Mr. WILLISTON offered the following:

WHEREAS, The Susquehanna river is a public highway, and drains part of the territory of New York: *And whereas*, There are several dams across the channel of said river that impede and destroy much of the property descending said river, and wholly obstruct shad and other fish in ascending, whereby not only the citizens of this State, but all the citizens of the State of New York are greatly injured in their rights; therefore,

*Resolved*, That the Judiciary Committee be instructed to inquire into the right to keep up and maintain said dams, and report to this House, by bill or otherwise, as they may deem proper.

Mr. WILLISTON favored his resolution in some remarks.

The resolution passed.

Mr. MILLER offered the following:

*Resolved*, That two thousand copies of the report of the committee, appointed by the House of Representatives in the session of 1858, to investigate the condition of certain banks, be printed for the use of the House.

Mr. GRITMAN offered to amend, by inserting "report and accompanying evidence."

Mr. KENEAGY moved to amend the amendment, by making it five thousand copies.

The amendment to the amendment was lost.

The amendment was agreed to.

On the final passage of the resolution,

The yeas and nays were required by Mr. WILLISTON and Mr. MILLER, and were as follow, viz:

YEAS—Messrs. Bertolet, Brodhead, Campbell, Church, Ellmaker, Evans, Foster, Goepp, Green, Gritman, Keneagy, Laird, Matthews, M'Dowell, Miller, Neall, Peirce, Price, Pughe, Smith, (Berks,) Stephens, Thorn, Wilson and Woodring—24.

NAYS—Messrs. Abbott, Barnsley, Barlow, Boyer, (Schuylkill,) Burley, Custer, Dismant, Dodds, Eckman, Fleming, Galley, Glatz, Graham, Gratz, Gray, Hamersly, Hottenstine, Irish, Jackson, Kinney, Lawrence, (Washington,) Mann, MehaFFEY, M'Clure, M'Curdy, Nill, Oaks, Palm, Patterson, Pennell, Pinkerton, Proudfoot, Ramsdell, Rose, Shafer, Sheppard, Shields, Sinead, Stoneback, Stuart, Taylor, Thompson, Wageuseller, Walborn, Walker, Warden, Witman, Wigton, Wilcox, Williams, (Bucks,) Williston, Withrow, Zoller, and Lawrence, *Speaker*—54.

So the question was determined in the negative.

Mr. PINKERTON moved to consider Senate bill No. 39.

Mr. M'CLURE asked that it be postponed until to-morrow.

Mr. PINKERTON inquired whether it would ever come up again if it was now postponed. The gentleman from Franklin had already had it postponed for three weeks.

Mr. M'CLURE said that he would have to move to postpone, if his request was not complied with.

The SPEAKER said that a motion to postpone would be out of order.

On suspending the rules to proceed to consideration, it was not agreed to.

Mr. WALBORN asked the use of the Hall for the pupils of the blind asylum of Philadelphia on the afternoon of the 15th inst., and made a motion to that effect.

Mr. THORN moved to insert evening instead of afternoon.

Mr. WALBORN defended his motion.

Mr. THORN offered his amendment.

Mr. IRISH said that the public business should not be delayed.

The resolution as amended was agreed to.

#### LEAVE OF ABSENCE.

Mr. MANN asked leave of absence for Mr. GOOD.

Mr. WALKER for Mr. WILLIAMS, (Bedford.)

Mr. KINNEY for Mr. BALLIET.

Mr. KENEAGY asked leave to withdraw certain papers; agreed to.

Mr. CHURCH called for the reading of a paper relative to the State Library, suggesting that three sets of the laws of this Commonwealth be obtained for the use of the House; and offered a resolution to this effect.

The resolution was postponed.

Mr. LAWRENCE, (Washington,) from Committee of Ways and Means, reported as committed, "An Act for the relief of John S. Miller."

Mr. PATTERSON moved that the bill be put on Private Calendar for Tuesday; agreed to.

Reports of committees and bills in place were presented, both of which, together with the remainder of the petitions will be given in to-morrow's *Record*.

Mr. WILCOX moved to adjourn; agreed to.

The House insisted on its amendments to Senate bill No. 150.

A message from the Governor was received, which will be found in the report of the Senate proceedings of to-day.

The SPEAKER adjourned the House until to-morrow at 9½ o'clock, A. M.



## No. 18.—FILE OF THE SENATE.

MARSELIS, Banks—March 5.

## AN ACT to establish a general banking law.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That there is hereby established a separate and distinct department, which shall be charged with the execution of the laws heretofore passed, or that may be hereafter passed in relation to the banks of this Commonwealth, as well as with the execution of the provisions of this act.

SEC. 2. That the chief officer of the said department shall be denominated the superintendent of the banking department. He shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold his office for the term of three years. He shall receive an annual salary of three thousand dollars, to be paid quarterly in the first instance out of the treasury on the warrant of the Auditor General. He shall employ from time to time the necessary clerks, not exceeding three, to discharge such duties as he shall assign them, whose compensation shall be paid in the first instance monthly, on his certificate and upon the warrant of the Auditor General, out of the treasury. He shall appoint one of the said clerks to be his deputy, who shall possess the powers and perform the duties attached by law to the office of the principal during a vacancy in said office, and during the absence or inability of his principal. Within fifteen days from the time of notice of their appointments, respectively, the superintendent and his deputy shall take and subscribe the oath of office prescribed by the Constitution, and file the same in the office of the Secretary of the Commonwealth. The salary of the clerk who shall be appointed deputy shall be fifteen hundred dollars per annum, and that of the other clerks one thousand dollars per annum. The said superintendent shall give to the Commonwealth a bond in the penalty of fifty thousand dollars with two sureties, to be approved by the Governor, conditioned for the faithful discharge of the duties of his office, and he shall not, directly or indirectly, be interested in any bank during his continuance in office.

SEC. 3. That the superintendent of the banking department shall possess all the powers, perform all the duties, and be subject to all the obligations now conferred by law upon the Auditor General, or to which the Auditor General is subject in relation to banks; and all former laws are hereby so modified and amended that every power and duty thereby conferred on the Auditor General in any manner whatsoever relating to banks, shall, from and after the appointment of said superintendent, be transferred to and conferred upon him.

SEC. 4. That the said superintendent, with the approval of the Governor, shall devise a seal with suitable inscriptions for his office, a description of which, with a certificate of approval by the Governor, shall be filed in the office of the Secretary of the Commonwealth, with an impression thereof, which shall thereupon be and become the seal of office of the superintendent of the banking department, and the same may be renewed whenever necessary. Every certificate, assignment and conveyance executed by the said superintendent, in pursuance of any authority conferred on him by law, and sealed with his said seal of office, shall be received in evidence, and may be recorded in the proper recording offices in the same manner and with the like effect as a deed regularly acknowledged or proved; and all copies of papers in the office of the said superintendent, certified by him under the said seal, shall in all cases be evidence, in like manner as the original.

SEC. 5. That the rooms in the State capitol, heretofore occupied by the Canal Commissioners, are hereby assigned to the banking department; and the said superintendent shall, from time to time, furnish the necessary furniture, stationery, fuel, lights, and other proper conveniences for the transaction of the said business, the expense of which shall be paid on the certificate of the superintendent and the warrant of the Auditor General in the first instance out of the treasury.

SEC. 6. That all the expenses incurred, in and about the conducting the business of the said department, including the salary of said superintendent and his clerks, shall be defrayed and paid by the incorporated banks and banking institutions, in whose behalf they are incurred. The expenses incurred and services performed specially for any incorporated bank or banking institution, shall be charged to such incorporated bank or banking institution, and all other expenses of the said department, shall be charged to the said incorporated banks and banking institutions in proportion to the amount of capital stock of the same. If such charges are not paid, after due notice, the superintendent may apply the interest or any bonds in his hands belonging to said defaulting bank to the payment of the same; but if there be no bonds bearing interest in the hands of the superintendent, he may maintain an action in his name of office against the delinquent bank for the recovery of such charges, which, when received, shall be paid into the State Treasury. The superintendent nor any clerk in his office, shall take or receive, directly or indirectly, any compensation, or pay for any services rendered in the banking department, other than the compensation allowed by law; and any person violating this provision shall be deemed guilty of a misdemeanor.

SEC. 7. That it shall be the duty of the superintendent of the banking department to report annually to the Legislature, within three days from the commencement of the session, a summary of the state and condition of every incorporated bank or banking institution from which reports have been received for the preceding year, (at the several dates to which such reports refer,) with an abstract of the whole amount of banking capital returned by them, of the whole amount of their debts and liabilities; specifying particularly the amount of circulating notes outstanding, and the total amount of means and resources; specifying the amount of specie held by them at the time of the several returns, and such other information in relation to said banks and associations, as in his judgment may be useful. The said report shall also contain a statement of the amount of the expenses of the department during the year, and the amount, if any, for which the treasury shall be in advance; such number of copies of said report for the use of the Legislature as it may direct, and two hundred and fifty copies for the use of the department, shall be printed by the public printer, in readiness for distribution within twenty days from the commencement of the legislative session.

SEC. 8. That any person or association of persons may establish offices of discount, deposit and circulation upon the terms and conditions, and subject to the liabilities prescribed in this act; but the amount of the capital stock invested for banking purposes, shall not be less than fifty thousand dollars.

SEC. 9. That such person or persons, under his or their hands and seals, shall make a certificate, which shall specify

1. The name of such banking institute or association.

2. The place of business, designating the particular city, town or village, with the county where the said institution is to be located, and which location shall not be thereafter changed, without the consent of the Legislature.

3. The amount of the capital stock of such institution, or in case of an association, the number of shares into which the same shall be divided, together with any contemplated increase of capital stock.

4. The names and places of residence of the shareholders, and the number of shares held by each of them respectively.

5. The time of the commencement and the termination of said institution, the said certificate shall be proven or acknowledged and recorded in the office for recording of deeds, in the county where the said institution is to be located, and filed in the office of the superintendent of the banking department, certified copies of which, either from the record or from the superintendent's office may be used as evidence, in all courts or places for and against any such institution: *Provided*, That the superintendent of the banking department shall not receive and file in his department the certificate aforesaid, unless the same is accompanied with proof that at least six months previous public notice had been given of the intention of the person or persons named in said certificate, to establish him or themselves for the purposes mentioned in said certificate, and to apply for corporate powers in pursuance of this act.

SEC. 10. That the notice referred to in the preceding section, shall contain the name of the institution, the place of its location, the amount of the capital, the contemplated increase of capital, and the time when it is proposed to commence the business of banking, together with the length of time it is proposed to continue said business; and the said notice shall be published at least once a week for six months in one newspaper published in the county where the business of the institution is to be carried on.

SEC. 11. That when the certificate shall have been recorded and filed as aforesaid, the person or persons who shall have signed and acknowledged the same, and his or their successors, shall, for the term designated, not exceeding twenty years from the filing of said certificate in the office of the superintendent of the banking department, be a body politic and corporate, in fact and in law, by the name stated in such certificate; and by that name have succession, and be capable of suing and being sued; and the Governor shall, upon a certified copy of said certificate being produced before him, cause letters patent under the great seal of the Commonwealth to be issued to said corporation.

SEC. 12. That every person or association authorized to carry on the business of banking under this act, shall be held and adjudged to be a body corporate, with succession for the term mentioned in said certificate, and thereafter only so long as is necessary to close the affairs of such institution; and by its corporate name shall be competent to contract, prosecute and defend actions of every description as fully as natural persons; and process against such banking institution may be served upon its president or cashier, or by leaving a copy thereof at its usual place of business, during the usual hours of business; it shall have power to make and adopt a corporate seal, and to change and renew the same at pleasure; and shall, during the term aforesaid, if the said institution shall so long comply with the provisions of this act, have power to loan money, buy, sell and discount bills of exchange, notes and all other written evidences of debt, except such as it shall be prohibited by this act from buying, selling or discounting, receive deposits, buy and sell gold and silver coin and bullion, collect and pay over money, and transact every such other business as shall appertain to the business of banking, subject, however, to the provisions of this act; it may acquire and hold and convey such real estate as may be necessary to the proper transaction of business, and no



more; but may, however, acquire title to any real estate pledged to secure any debt previously contracted or purchased, on an execution or order of sale, to satisfy any judgment or decree in its favor, or which shall have been conveyed to it in payment of any previous debt; but it shall hold any such real estate no longer than is necessary to secure the payment of said debt, interest and costs, for the collection and securing of the debt for which it was acquired: *Provided*, That if at any time before selling the same, the last preceding owner, his, her or their heirs or alienees, shall tender to said banking institution a sum sufficient to satisfy such debt, with interest, costs, taxes, and other necessary charges for the collection or securing of said debt, for which said real estate was acquired; then the said institution shall convey or release to such owner, his, her or their heirs or alienees, all right, title and interest therein.

SEC. 13. That the superintendent of the banking department shall cause to be engraved and printed in the best manner, to guard against counterfeiting, such number of circulating notes, commonly known as bank notes, in blank, of different denominations of not less than five dollars, to be issued by the banking institutions incorporated under this act, as he may deem necessary from time to time to carry into effect the provisions of this act; said notes shall be countersigned by the superintendent or his deputy, numbered and registered in his office, in such manner as may be directed by him, in a book or books kept for the purpose; and all notes issued by him shall be uniform; and they shall have stamped on them the words, "secured by the deposit of the public loan of the Commonwealth of Pennsylvania;" the plates, dies and materials used in making said notes, shall remain in the custody of the said superintendent and under his direction.

SEC. 14. That every bank established under this act, upon legally assigning to and depositing with the superintendent of the banking department bonds or evidences of debt of this Commonwealth, shall be entitled to receive an equal amount of such notes of circulation, in blank, of the denomination such as it may desire, numbered, registered, countersigned and stamped as is herein provided, for the bonds and evidences of public debt, to be taken at their market value, not exceeding, however, the par value thereof.

SEC. 15. That the superintendent of the banking department may, at his discretion, exchange such bonds and evidences of public debt, or any of them, on receiving other bonds or evidences of public debt of this Commonwealth; and when any sum of the principal of the bonds and evidences of debt aforesaid shall be paid to him, he shall notify the banking association which transferred the same of such payment, and shall pay the same to such banking association on receiving other bonds or evidences of public debt aforesaid of an equal amount, or on returning an equal amount of the bills or notes delivered by him to such association for circulation; which bills, when delivered, shall be cancelled; and all bonds and evidences of debt of this Commonwealth received by the superintendent under the provisions of this section, shall be subject to all the regulations and restrictions prescribed by the different sections of this act.

SEC. 16. That any banking institution transferring the bonds or other evidences of public debt of this Commonwealth to the superintendent of the banking department, may receive the interest that shall accrue thereon, unless default shall be made in paying the bills or notes to be countersigned as aforesaid, or unless the said bonds or evidences of public debt so pledged shall become insufficient security for the payment of such bills or notes; and whenever in the opinion of the superintendent, the securities deposited according to the provisions

of this act, shall become from any cause insufficient for the redemption of the notes or bills issued by him to such association, he shall thereupon immediately notify the president or cashier thereof, and require such banking institution within ten days, to place in his hands such an amount of securities of the description named in this act, together with that already paid in, not to exceed in the whole the market value first paid in, to secure in full the notes or bills issued as aforesaid; and if upon notice as aforesaid, such banking institution shall neglect to comply with the requirements made by the superintendent of the banking department, he shall without delay, proceed to redeem the notes of such banking institution, as prescribed by the several provisions of this act, in case any banking institution fail or neglect to pay their notes on demand made at the proper time and place.

SEC. 17. That the affairs of every banking institution, consisting of a corporation aggregate of not less than members, shall be managed by directors; the number to be fixed by by-laws to be enacted by the stockholders; and the said directors shall choose one of their number as president of the bank; every director shall be a citizen of this Commonwealth, and shall be a stockholder in the institution of which he is a director; and shall take an oath or affirmation that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of the institution, and not knowingly violate or willingly permit to be violated any of the provisions of this act; and that he is the *bona fide* owner in his own right, of the stock standing in his name on the books of the bank, and that the same is not hypothecated or in any way pledged as security for any loan obtained or debt owing; which oath, subscribed by himself and certified by the officer before whom it was taken, shall be filed and carefully preserved in the office of the recorder of deeds in the county in which the institution is located; but no person shall be president, cashier or director, or either, of more than one such institution at the same time; when such association shall consist of

or a less number of associates, they may all act as directors or managers of the affairs of the bank; or the said associates may designate one or more of their number so to act; and each of the persons so acting, shall take, subscribe and cause to be filed the oath or affirmation prescribed by this section, and be in all respects subject to the provisions of this act relating to directors and officers.

SEC. 18. That the directors first elected shall hold their places until the first Monday in November next thereafter, and until their successors shall be elected and qualified; all subsequent elections shall be held annually upon the first Monday in November, and the directors so elected shall hold their places for one year, and until their successors are elected and qualified; but any director removing from the State, or ceasing to be the owner of stock, shall thereby vacate his place; any vacancy in the board shall be filled by appointment by the remaining directors; the director so appointed shall hold his place until the next annual election; and if from any cause an election of directors should not be made at the time appointed, the corporation shall not for that cause be dissolved, but an election may be held on any subsequent day; thirty days' notice thereof having been given in a newspaper printed in the county where the company is located.

SEC. 19. That in all elections for directors, and in deciding all questions at meetings of stockholders, each share shall entitle the holder thereof to one vote; stockholders may vote by proxy duly authorized in writing if executed within thirty days; but no officer, clerk, teller

or bookkeeper of the company shall act as proxy; and no stockholder whose liability to the association is past due and unpaid, shall be allowed to vote.

SEC. 20. That no person or association of persons shall be permitted to commence or carry on the business of banking, under this act, unless its capital stock shall be at least fifty thousand dollars; nor shall the capital stock of any such company ever be increased to exceed one million. At least twenty-five per centum of the capital stock shall be paid in gold or silver coin, or their equivalent; but one-half, at least of which, twenty five per centum shall be in gold or silver coin, and shall be in the actual possession and *bona fide* the property of the bank at the time of commencing the business of banking, and at the place designated for carrying on such business.

SEC. 21. That the capital stock of each of the said corporations aggregate, shall be divided into shares of fifty dollars each, and shall be assignable on the books of the company, in such manner as the by-laws shall prescribe; but no shareholder shall have power to sell or transfer any shares held in his own right so long as he shall be liable either as principal, debtor, surety or otherwise, to the association for any debt, without the consent of a majority of the directors; nor shall such shareholder, when liable to the association for any debt that is overdue and unpaid, be entitled to receive any dividend, interest or profit, on such shares as long as such liabilities shall continue, but all such dividends, interests or profits, shall be retained and applied to the discharge of such liabilities.

SEC. 22. That if any shareholder or his assignee shall fail to pay any installment on his stock, when the same shall be required to be paid, the association may sell such stock at public auction, having given three weeks' previous notice thereof, in any newspaper in the county where the same is located, to the highest and best bidder for the same; and the excess, if any, after paying the expense of the sale, shall be refunded to the delinquent stockholder.

SEC. 23. That if any association authorized by the provisions of this act, shall refuse to pay its notes of circulation, or any of them in gold or silver coin of the lawful currency of the United States, on which, payment shall be lawfully demanded at its banking house or customary place of doing banking business during usual banking hours, the holders of such notes may cause the same to be protested for non-payment by a notary public, under his official seal, in the usual manner; and the superintendent of the banking department, on receiving and filing in his office such protest, shall forthwith give notice in writing, to the maker of such note or notes, to pay the same; and if they omit to pay the same for ten days after such notice, he shall thereupon declare such association to have committed an act of insolvency.

SEC. 24. That the superintendent of the banking department, upon receiving information that any banking association has committed an act of insolvency, shall forthwith appoint a committee of three judicious and discreet citizens of this Commonwealth, who shall receive five dollars per day each, and their traveling and necessary expenses, all of which to be paid said association, who shall make immediate inquiry into the truth of such information and report thereon to the superintendent; and if the said committee, or a majority of them, shall report that such association has suspended payment of its notes in gold and silver, he shall forthwith appoint a suitable receiver, who shall take immediate possession of the books, records, money, choses in action and property of such association of every description, including the securities deposited with the superintendent, and hold the same for the joint use of the credi-



tors of the failing association; the compensation of such receiver shall be five dollars per day, and traveling and other necessary expenses, to be paid by said bank, whose assets they are appointed to take possession of.

SEC. 25. That the said receiver shall be required to give bond in such sum, and with such sureties as the superintendent and Governor shall deem sufficient; and under the direction of said superintendent, shall proceed to settle up the affairs of such association, and shall convert into money all its assets of every kind whatsoever, with the least possible delay, the money so made shall be applied

1. To pay all the liabilities incurred on account of the notes of circulation, to pay the same on demand, and set aside a sum sufficient to meet all the said notes outstanding.

2. Then to pay all the deposits of the institution.

3. To the payment and discharge of all the remaining liabilities of such association.

4. And the residue shall be divided among the stockholders in proportion to the stock by them respectively held

The said several classes of creditors to be paid in the order in which they are herein arranged and classified; but if it should happen that the assets and funds belonging to the said institution should prove insufficient to pay any of the said class of creditors, in the said order named, then the clear balance of assets remaining in the hands of the said receiver, shall be distributed among the creditors of that class, pro rata, according to the amount of their respective claims.

SEC. 26. That the directors of each association shall, semi-annually, on the first Monday in May and November, declare a dividend of so much of the net profits as they shall deem expedient, and pay the same to the stockholders on demand, at any time after the expiration of ten days therefrom; but such dividend shall, in no case, exceed the amount of the net profits actually acquired, so that the capital stock shall never be thereby impaired; and if the directors shall make any dividends which shall impair the capital stock, the directors consenting thereto shall be jointly and severally liable in any action of debt, *scire facias*, or bill in equity, in their individual capacities, to such corporation for the amount of the stock so divided; and each director present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend.

SEC. 27. That said banking institutions shall pay into the Treasury of the State, in the manner now directed by law for the payment of a tax on dividends, as follows: On all dividends which do not exceed six per centum per annum, eight per centum; on dividends exceeding six per centum, and not exceeding seven per centum, a tax of nine per centum; on dividends exceeding seven per centum, and not eight per centum per annum, a tax of ten per centum; on dividends exceeding eight per centum per annum, and not exceeding nine per centum, a tax of twelve per centum; on dividends exceeding nine per centum, and not exceeding ten per centum, a tax of thirteen per centum; on dividends exceeding ten per centum, and not exceeding eleven per centum, a tax of fifteen per centum; on dividends exceeding eleven per centum, and not exceeding twelve per centum, a tax of seventeen per centum; on dividends exceeding twelve per centum, and not exceeding fifteen per centum, a tax of twenty per centum; on dividends exceeding fifteen per centum, and not exceeding twenty per centum, a tax of twenty-five per centum; and on all dividends exceeding twenty-five per centum, a tax of thirty per centum.

SEC. 28. That the thirty-third section of the act, entitled "An Act to reduce the State debt,

and to incorporate the Pennsylvania canal and railroad company," approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and forty-four, be and the same is hereby declared in full force and effect, and applicable to all associations that may be framed under the provisions of this act: *Provided*, That the capital stock shall not be subject to taxation for any other than State purposes

SEC. 29. That on each dividend day the cashier shall make a full, clear and accurate statement or exhibit of the condition of the association, as it shall be on that day, after declaring the dividend, which shall be verified by the oath of the president and cashier, setting forth:

1. The amount of the capital stock actually paid in and then remaining as the actual capital stock of the association.

2. The amount of the bills and notes of the association then in circulation, specifying the amount of each denomination.

3. The greatest amount of notes in circulation at any time since the making of the last previous statement, specifying the time when the same occurred.

4. The balances and debts of every kind due to banks or banking associations of this State, and the amount due to banks not of this State

5. The amount due to depositors.

6. The total amount of debts and liabilities of every description, and the greatest amount since the last previous statement, specifying the time when the same occurred.

7. The total amount of dividends declared on the day of making the statement.

8. The amount of gold and silver coin and bullion belonging to such association, and in possession at the time of making the statement, designating the amount of each; and the lowest amount of coin and bullion at any intermediate period, specifying the time when the same occurred.

9. The amount on hand of bills, bonds, notes and other evidences of debts, discounted or purchased by the association, specifying particularly the amount of suspended debt, the amount considered bad, the amount considered doubtful, and the amount in suit or judgment.

10. The value of the real and personal property held for the convenience of the association, specifying the amount of each.

11. The amount of real estate taken for debts due the association.

12. The amount of the undivided profits of the association.

13. The total amount of the liabilities to the association by the directors thereof collectively, specifying the gross amount of such liabilities as principal debtors, and the gross amount as endorsers or sureties.

14. The total amount of liabilities to the association by the stockholders thereof collectively, specifying the gross amount of such liabilities as principal debtors, and the gross amount as endorsers or sureties; which statement shall be forthwith transmitted to the superintendent of the banking department, and a copy thereof immediately published three times in one newspaper of the county in which said association is located.

SEC. 30. If any banking institution, against which the superintendent shall have instituted proceedings on account of any supposed act of insolvency as prescribed in this act, shall deny having committed such act of insolvency, such institution may apply to any court of competent jurisdiction for a writ of injunction to suspend all further proceedings against such institution as an insolvent institution; and such court, after citing said superintendent to appear and show cause why such writ should not be granted; and after the finding of a jury, that such institution has at all times continued, and still continues to redeem in gold and silver coin its notes of circulation, shall make an order, enjoining

the superintendent from all further proceedings against such institution on account of the supposed act of insolvency on which such proceedings were instituted; and thereupon, all the property and assets of such institution shall be restored to its directors.

SEC. 31. That if the superintendent of the banking department in any case fail to proceed in the manner prescribed in the foregoing sections of this act, in providing for the payment of the outstanding notes of circulation and other liabilities of the failing institution, and in closing the affairs of any institution that shall have committed an act of insolvency, the holders of any of its notes of circulation, or other creditors of such institution, may, in case payment of such notes of circulation or other claim has been refused when lawfully demanded, and remain unpaid, apply to any court of competent jurisdiction for its writ commanding the superintendent so to proceed; and it shall be the duty of the said court, after citing such institution, to appear and show cause why such writ should not issue, and upon the finding of a jury that such act of insolvency has been committed, to issue their writ commanding said superintendent forthwith to proceed in the manner pointed out in this act, to provide for the payment of outstanding notes of such institution, close up its affairs and make application of its assets.

SEC. 32. That if any banking institutions shall neglect or refuse to comply with any order of the superintendent made in accordance with the provision of this act, requiring such institution to reduce its circulation or to provide a larger amount of specie or other means, or to pay in its stock, or to do or cease to do any other matter or thing which said superintendent may deem necessary for the security of the noteholders and other creditors, then the superintendent may apply to any judge of competent jurisdiction by petition, in which the superintendent shall be made the petitioner, and the institution implicated, defendant, setting forth the substance of such order or orders, and such neglect or refusal on the part of the institution, its officers or agents; and the superintendent having made affidavit of such neglect or refusal, then it shall be the duty of such judge to allow an injunction and to enjoin such institution, its officers, agents and all others in its employ, or connected therewith, from doing, or suffering, or permitting to be done any business whatever, as a banking institution; from intermeddling with or in any manner disposing of the books, papers, money, choses in action, assets or property of the same until the further order of the judge to whom application has been made.

SEC. 33. That upon the allowance of any such injunction, the property, credits, securities, leins and assets of every description of such institution shall forthwith vest in the superintendent of the banking department, who shall appoint a receiver or receivers to take possession of the same, as is provided heretofore by this act; a certificate of the appointment of such receiver from the superintendent, shall be sufficient authority to him to take possession of the books, property and rights of every description of such institution, and shall be full authority to the sheriff of the county where the same is located, to give such receiver full possession of such books, property and rights, with the aid of the county if required, and said receiver shall be governed by the provisions of this act.

SEC. 34. That each institution shall at all times have on hand, in gold and silver coin or its equivalent, in its vaults, an amount equal to twenty-five per centum of all its circulating notes of every description whatsoever; and whenever the amount of its outstanding circulating notes shall exceed the above named pro-



portion, no more of its notes shall be paid out or otherwise be put in circulation by such institution, nor shall it increase its liabilities by making any new loans or discounts, nor make any dividends of its profits, until the required proportion between its outstanding circulating notes and gold or silver coin or its equivalent shall be restored.

SEC. 35. That no banking institution shall at any time issue or have in circulation any note, draft, bill of exchange, acceptance, certificate of deposit, or other evidence of debt, which from its character or appearance shall be circulated, or intended to circulate as money, other than such notes of circulation as are by this act described, and which such institution is by this act authorized to issue for the purpose of being circulated as money.

SEC. 36. That every banking institution may take, reserve, receive and charge on any loan or discount made, or upon any note or bill of exchange, or other evidence of debt, at the rate of six per centum per annum on the amount of any such note, bill of exchange, or other evidence of debt so discounted, and no more: *Provided however*, That interest may be reserved or taken in advance at the time of making the loan or discount, according to the usual rules of banking; and the knowingly taking, reserving or charging on any debt or demand discounted or purchased by any banking institution, a rate of interest greater than that allowed by this section, shall be held and adjudged a forfeiture of such debt or demand; but the purchase or discount of a *bona fide* bill of exchange, or note payable at another place than the place of such purchase or discount, and the taking or reserving of interest thereon at the rate aforesaid, from the time of such purchase or discount, until the maturity of such bill or note shall not be held usurious, although exchange on the place where it is made payable, is at the time of such purchase or discount worth a premium; nor shall the discount or purchase of a *bona fide* bill or note payable at a place between which and the place of discount or purchase, exchange is in favor of the place of discount or purchase, and the taking in addition to the rate of interest aforesaid, the rate of exchange between such places, be deemed usurious.

SEC. 37. That all transfers of notes, bonds, bills of exchange, and other evidences of debt owing to any banking institution, or of deposits to its credit; all assignments of mortgages, or other securities on real estate or of judgments or decrees in its favor; all deposits of money, bullion or other valuable thing for its use, or for the use of any of its stockholders or creditors; all payments of money to either, made after the commission of an act of insolvency, or in contemplation thereof, with a view to prevent the application of its assets in the manner prescribed by this act, or with a view to the preference of one creditor to another, except in payment of its circulating notes, shall be held utterly null and void.

SEC. 38. That if the directors of any banking institution shall knowingly violate or knowingly permit any of the officers, agents or servants of such institution, to violate any of the provisions of this act, all the rights, privileges and franchises of such association shall thereby be forfeited; such violation shall, however, be determined and adjudged by a court of competent jurisdiction, agreeably to the laws of this State, and the practice of such court, before the corporation shall be declared dissolved; and in case of such violation, every director who participated in or assented to the same, shall be held liable in his personal and individual capacity for all damages which the institution, its shareholders or any other persons, body politic or corporate, shall have sustained in consequence of such violation.

SEC. 39. That every president, director, cashier, teller, clerk or agent of any bank institution, who shall embezzle, abstract or willfully misapply any of the moneys, funds or assets of such institution; or shall, without authority from the directors, issue or put in circulation any of the notes of such banking association; or shall, without such authority, issue or put forth any certificate of deposit, draw any order or bill of exchange, make any acceptance, sign any note, bond, draft, bill of exchange, mortgage or other instrument of writing; or shall make any false entry on any book, report or statement of the institution, with an intent to injure or defraud any other company, body corporate or politic, or any individual person, or to deceive any officer or agent appointed to inspect the affairs of any institution, shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be confined in the penitentiary, at hard labor, not less than one nor more than ten years.

SEC. 40. That no provision in any act of assembly heretofore passed relating to banks, shall be applicable to the banking institutions formed under this act; and the Legislature hereby reserves the power to alter, revoke or annul this act; and also to alter, revoke or annul any charter granted to any banking institution under this act; in such manner, however, that no injustice shall be done to the corporators thereof; and such legislative reservation shall be distinctly stated in all letters patent granted by the Governor under this act.

SEC. 41. That any bank in this Commonwealth now in existence, may at its option, accept the provisions of this act, enjoy its privileges and become subject to its restrictions, in the manner hereinbefore provided.

#### NO. 482.—FILE OF THE SENATE.

FINNEY, Judiciary—March 2.

#### AN ACT to establish the Penn Industrial reform school.

WHEREAS, A number of citizens of this Commonwealth have associated themselves together for the purpose of establishing an Industrial reform school, for the physical, mental and moral instruction and reform of destitute, ignorant, idle, and vicious, and criminal, and weak, as may be fit subjects of education in labor and improvement in the arts, and desire the Legislature to grant them a charter to that effect; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Ellis Lewis, Mordecai L. Dawson, William D. Kelly, J. J. Barclay, Cornelius S. Smith, Joseph R. Flanigen, Robert Morris, John Mason, William F. Murphy, Daniel L. Miller, John C. Murphy, James Tyson, A. L. Kennedy, Elijah Dallett, C. H. Rogers, Philip M. Price, John Reynolds, Alfred Huidekooper, John Barker, Gordon F. Mason, John Wilson, C. M. Reed, George A. Lyon, James Miles, George Griscom, G. J. Ball and their successors, and all who may become members, agreeably to the by-laws, are hereby incorporated as a body politic, known by the name, style and title of the Penn Industrial reform school, and by that style and title may sue and be sued, have a common seal purchase, receive, hold and convey any estate, real or personal, for the use and purposes of the said corporation, and to institute, erect and maintain a school or schools, embracing the departments of common school education, agriculture, the mechanic arts and labor, with such buildings, workshops, and such appurtenances, auxiliaries and instrumentalities, as in the judgment of the managers may best contribute to the safe keeping, instruction and reformation of

those committed to their custody and guardianship.

SEC. 2. That until otherwise directed by the by-laws, the officers shall be a president, six vice presidents, a secretary, a treasurer and twelve managers, who shall conduct the affairs of the corporation; and for the purpose of electing said officers, the corporators may meet at such time and place as five or more thereof may designate and appoint, in the city of Philadelphia, at any time after the passage of this act.

SEC. 3. That the time and manner of admitting and continuing members, the amounts payable by members annually, or for life; the manner of calling special meetings; the duties of the officers; the time and place of the annual meeting for the election of officers; the manner of electing the same, and such other matters as may be necessary to carry out the provisions of this act, and its true object and intent may be provided by the by-laws: *Provided*, They do not conflict with the true intent and meaning of this act, or of the constitution, or any other law of this Commonwealth: *And provided further*, That the annual election shall be held before or as early as the first day of November in each year.

SEC. 4. That it shall and may be lawful for the board of managers, at their discretion to receive into their care and guardianship, all such as may be committed to their custody, in the same manner, to the same extent, and on the same conditions as are provided for in the acts incorporating the houses of refuge, and the accounts to be kept and settled in the same manner; and, in addition thereto, they may receive, at their discretion, any person charged with crime in any of the courts mentioned in the said acts incorporating the houses of refuge, without regard to age, who may be adjudged by the court trying the cause to be a fit subject of reform; and on that question the said court shall bear the statement of the defendant, if requested, detailing the circumstances under which the offence was committed, together with the birth and parentage, place of birth and former residence, education, course of life, and such other matters as they may judge necessary to decide the question of fitness, for the care and guardianship of the managers, which shall be substantially taken down in writing and transmitted, with the commitment, to the managers, when such affirmative decision is made, the said court designating the sentence of the law; and in case the managers, on personal examination and investigation of the cases, or upon further trial, ascertain the defendant not to be a fit subject for their care and management, then, and in that case, they shall have power to commit according to the sentence so designated by the court as aforesaid; if found by the said managers to be a fit subject for their care and guardianship, and the defendant should so prove throughout the period of their control and instruction, then the sentence to be regarded to all intents as null and void, and the managers shall furnish a certificate to the defendant, setting forth the facts in as full a manner as they may adjudge right and proper, as described.

SEC. 5. That the managers may receive in the same manner, such persons as the legal authorities of the houses of refuge may determine to be fit subjects for their care and guardianship, for the purposes of education, culture and reformation.

SEC. 6. That they may receive such as may be committed as vagrants, idlers, intemperate and disorderly persons as may be committed to their care, under authority of any of the courts or magistrates under the examination of said commitment, by the president judge of the proper district; and also, all such persons as may have fallen into habits of intemperance or other vices



or errors, who may themselves or by their friends, without compulsion, commit themselves to the care and guardianship of the managers, as may be provided by the by-laws and as may be stipulated.

Sec. 7. That it shall be the duty of the managers, on or before the first day of December, in each and every year, to forward to the Governor and to each of the departments of State, a full detailed report of their proceedings during the year, up to the first day of November, with their views on the causes of crimes within the State, the most efficient means in their opinion of preventing and reforming it, and such other matters as they may deem of importance in furnishing information on that subject; and as soon thereafter as practicable, transmit a copy of said report to each of the judges of the several courts of record, to the president of each of the colleges, academies and high schools, and to each member of the Legislature.

Sec. 8. That the Governor, Attorney General, Superintendent of Common Schools, and the president of the Agricultural high school, for the time being, and the judges of the several courts, shall be entitled to visit freely all departments under the control and guardianship of the managers.

#### No. 481.—FILE OF THE SENATE.

FINNEY, Judiciary—March 2.

AN ACT to amend an act, entitled "An Act to apportion the city of Philadelphia into single senatorial and representative districts agreeably to the provisions of the Constitution," approved April twenty-second, one thousand eight hundred and fifty-eight.

WHEREAS, By the third section of the act, entitled "An Act to apportion the city of Philadelphia into single senatorial and representative districts, agreeably to the provisions of the Constitution," approved April twenty-second, one thousand eight hundred and fifty-eight, the third election division of the Sixth ward is made to compose a part both of the sixth and seventh representative districts; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act the said third election division of the Sixth ward shall be deemed and taken as composing a part of the sixth representative district, as provided in said third section of the act, approved April twenty-second, one thousand eight hundred and fifty-eight; and said act shall be so taken and construed as if said third election division had not been made to compose a part of said seventh representative district.

#### No. 486.—FILE OF THE SENATE.

FINNEY, Judiciary—March 2.

A SUPPLEMENT to an act in relation to certain public officers and their sureties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all the powers and duties enjoined upon the courts of common pleas by the first section of the act to which this is a supplement, be and hereby are vested in any two judges of said courts; and any one of said judges is hereby empowered and required, on petition as therein declared, to award a citation to any such officer to appear at a time and place designated, to answer the matters alleged in said petition, and show cause why said officer shall not give other and further security; and to grant rules, on short notice, to be served on the opposite party, his agent or attorney, to take the depositions

of witnesses, to be read on the hearing of the case.

Sec. 2. That upon due proof being made at the hearing of any of the facts or allegations specified in the said first section, and set forth in the petition and citation, the said judges shall, and they are hereby required forthwith to order and direct that said officer shall, within ten days thereafter, enter into a new official bond, with sureties, to be approved by any two of said judges, and to be recorded and filed, and held as and in lieu of the original bond, of which the sureties shall thereafter be fully discharged.

Sec. 3. That on the omission of said officer to give the new bond as aforesaid within the time required, the said judges shall immediately make an order as to the costs, and transmit an exemplification of the proceedings to the Governor, who shall forthwith remove such delinquent from office.

Sec. 4. That so much of the act to which this is a supplement, which is hereby altered or supplied, be and the same is hereby repealed.

#### No. 494.—FILE OF THE SENATE.

BEILL, Judiciary—March 2.

AN ACT to regulate the practice and fees of sheriffs in cases of attachments.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases of the attachment of a debt, obligation, duty or sum of money due and owing by a garnishee to the defendant, whether such attachment be made by virtue of a writ of foreign attachment or of a writ of attachment issued on a judgment, it shall not be lawful for the sheriff or other officer to whom such writ is or shall be directed, or his deputy, to require any bond or other security, to indemnify him against the execution of such writ or any fee therefor, nor any other or greater sum or fee for executing such writ, than is by law allowed for serving a writ of *scire facias*.

Sec. 2. That whenever the sheriff or other officer to whom any writ shall be directed, may by law demand a bond or obligation of indemnity before executing the same, it shall be lawful for such officer to demand or receive as a fee for preparing such bond or obligation, one dollar, and no more.

#### No. 211.—FILE OF THE HOUSE.

NILL, Judiciary—Feb. 4.

AN ACT supplementary to the several acts, relative to the liens of mechanics and materialmen.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That when any master workman or contractor, shall on demand, refuse to pay any journeymen or laborer, employed in erecting or constructing, repairing or extending any building or property belonging, or adjacent thereunto, the wages due to him, it shall be the duty of such journeyman or laborer to give notice in writing to the owner or owners of such building, of such refusal, and of the amount due to him and so demanded; and the owner or owners of such building, shall thereupon be authorized to retain the amount so due, and claimed by any such journeyman or laborer out of the amount, owing by him or them to such master workman or contractor, giving him written notice of such claim and demand; and if the same be not paid or settled by said master workman or contractor, such owner or owners shall retain the amount claimed by said journeyman or laborer until a suit for the recovery of the same shall have been adjudicated by the proper authority; such jour-

neyman or laborer for the same, judgment having first been obtained as aforesaid, shall entitle such owner or owners to any allowance thereof, in the settlement of accounts between him and such master workman or contractor, as so much paid on account: *Provided,* That the owner or owners of any building or buildings, against which such claim shall be made, shall not be required to pay the same until such journeyman or laborer shall have obtained final judgment against such contractor or contractors; and all costs shall be paid by such contractor or contractors; but if such contractor or contractors are unable to pay the costs, then and in that case, the costs to which the owner or owners may have been subjected, shall be deducted from the moneys coming to such journeyman, laborer or claimant, under the provisions of this act: *And it is further provided,* That such claimant or claimants, shall bring suit against such contractor or contractors, within one month after giving such notice; and if no suit is brought within said time, then the notice is to have no effect whatever.

#### No. 202.—FILE OF THE HOUSE.

Mr. THORN, Ways and Means—Feb. 4.

RESOLUTION relative to the payment of certain moneys into the State Treasury by the Manufacturers' and Mechanics' Bank of Philadelphia.

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That the Auditor General, in settling the per centage allowed by the act of twenty-second day of May, one thousand eight hundred and fifty-seven, on the increase of the capital of the Manufacturers' and Mechanics' Bank of the city and county of Philadelphia, be and is hereby directed to charge no per centage on the restoration of the capital of said bank, to the amount allowed by and for which it has already paid a per centage under the provisions of the act of twentieth day of May, one thousand eight hundred and thirty-six, but to charge only the per centage imposed by the act of one thousand eight hundred and fifty-seven, on such increase of capital beyond the amount allowed and already settled for under the act of one thousand eight hundred and thirty-six as may take place under the said act of one thousand eight hundred and fifty-seven.

#### No. 306.—FILE OF THE HOUSE.

WIGTON, Ways and Means—Feb. 11.

AN ACT relating to the licenses of billiard tables and ten-pin alleys used at watering places and summer resorts, in this Commonwealth.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall be lawful for all persons owning or occupying watering places and summer resorts in this Commonwealth, to be licensed for the privilege of using billiard tables and ten-pin alleys for the term of three months in a year, and pay in that proportion of the rates now or hereafter required to be paid per annum.

Sec. 2. That all laws conflicting with the foregoing section are hereby repealed, so far as relates to alterations made by this act.

#### No. 305.—FILE OF THE HOUSE.

SMITH, (Berks,) Ways and Means—Feb. 11.

AN ACT to increase the compensation of the judges of the supreme court. the annual salary of the judges of the supreme court shall be increased six hundred dollars each, and their per diem allowance to six dollars.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

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## HOUSE OF REPRESENTATIVES.

MONDAY, March 7, 1859.

### PETITIONS AND REMONSTRANCES.

The following petitions were presented on Monday, March 7th, in addition to those published in the *Record* of March 8th. Also, the following bills in place and reports of committees:

Mr. PIEHCE, one from citizens of West Goshen, Chester county, for a change in their road laws.

Also, a remonstrance of Mary Miller, of Chester county, against a divorce.

Mr. SHEPPARD, one from citizens of Philadelphia, in favor of the Green and Coates Street supplement.

Mr. GOEPP, one from citizens of Northampton county, for an act to incorporate a company for the manufacture of iron at Freemansburg.

Also, one from citizens of same county, for the relief of Sabina Bachman.

Also, one from citizens of same county, for the removal of the county seat from Easton to Nazareth.

Mr. WOODRING, one from citizens of Northampton county, remonstrating against the act relative to the Delaware Division canal company.

Mr. SHEPPARD, one from citizens of Philadelphia, in favor of the supplement to the Green and Coates Streets passenger railroad.

Mr. WALBORN, one from citizens of Philadelphia, for the repeal of the charter of the Germantown passenger railroad company.

Also, one from citizens of Pennsylvania, for a law to prevent the surrender of any human being as a slave.

Mr. WILEY, one of like import.

Mr. HAMERSLY, a communication from James Gowen, Esq., of Philadelphia, for a reduction of tax now levied on live stock: which was ordered to be published in the *Record*.

Mr. BARNSELY, one from the president and cashier of the Doylestown Bank, for a law compelling the country banks to keep their notes at par in Pittsburg and Philadelphia.

Mr. WILSON, one from one hundred and fifty-five citizens of Beaver, Butler and Lawrence counties, for the passage of a law requiring those having dams across Big Conoquessing creek, in said counties, to erect schutes on the same, that the passage of fish up and down said streams may not be impeded.

Also, one from seventy-two citizens of Hamel township, Beaver county, for the repeal of the law creating the county school superintendents, and also for such a modification of the law as will give school directors the power of choosing their own teachers.

Mr. SMEAD, one from citizens of Philadelphia, against the passage of the supplement to the charter of the Germantown passenger railway company.

Mr. BARLOW, one from citizens of Centre county, for a State road from Schroyer's Gap by way of McCall's mills.

Mr. ELLMAKER, one from citizens of Lancaster county, for a law requiring the Pennsylvania Valley railroad to fence their road.

Also, one from citizens of Lancaster, against the appropriation of further money to the erection of the monument to the Pennsylvanians who fell in Mexico.

Also, one from the Friends' monthly meeting of Sadsbury township, Lancaster county, of like import.

Mr. KENEAGY, one from citizens of East and West Lampeter townships, Lancaster county, for a turnpike road.

Mr. GRITMAN, one from citizens of Blakely township, Luzerne county, for a division of said townships into two election districts.

Mr. PUGHE, one of like import.

Mr. RAMSDELL, one from citizens of Venango county, for a change in their road laws.

Mr. STEPHENS, one from citizens of Wayne county, remonstrating against the passage of an act relative to the Delaware Division canal company.

Mr. M'DOWELL, a remonstrance from the board of trade of Pittsburg, against the repeal of the tonnage tax; which was read.

Also, one from citizens of Pittsburg, for an act to incorporate the Penn Avenue passenger railroad company.

Mr. SMITH, (Berks.) one from citizens of Philadelphia, in favor of the passage of the supplement to the Green and Coates Street passenger railroad.

Also, one from citizens of Windsor township, Berks county, for an extension of the borough of Hamburg, in said county.

Also, one from citizens of Reading; for a law to exempt the armory of the Ringgold artillery company from taxation.

Also, one from citizens of Berks county, for a State road from Hammershotz church to a point near Haine's tavern.

Mr. SHAFER, one from citizens of Chester county, for a prohibitory liquor law.

Mr. GRAHAM, one from three hundred and eleven citizens of Washington county, of like import.

Mr. WILLIAMS, (Bucks.) a remonstrance from citizens of Philadelphia, against the passage of the supplement to the Germantown passenger railroad charter.

Mr. PRICE, three of like import.

Mr. PINKERTON, one from citizens of Philadelphia, of like import.

Also, one from citizens of Schuylkill county, asking for an act for the better securing the

payment of the wages of labor in Schuylkill county.

Mr. IRISH, one from forty-seven citizens of Pittsburg, for the abolition of the high school in said city.

Mr. FAYLOR, one from citizens of Indiana county, for an act to abolish the office of county school superintendents.

Mr. SHIELDS, one from citizens of Westmoreland county, for the erection of the new county of Ligonier.

### BILLS IN PLACE.

Mr. PROUDFOOT, one to pay the claim of Henry E. Fendson.

Also, "An Act establishing the location of the streets, alleys and lots in a certain part of Johnstown, Cambria county."

Mr. WILCOX, one to declare Johnson's run, in Fox township, Elk county, a public highway.

Mr. CAMPBELL, one relating to the fees of registrars of wills and recorders of deeds.

Mr. IRISH, one to incorporate the Sewickly cemetery of Allegheny county.

Mr. PINKERTON, one to regulate the weighing of anthracite, bituminous and semi-bituminous coal.

Mr. PRICE, one incorporating the New Ephrata and Litiz turnpike road company.

Mr. LAIRD, a supplement to the act incorporating the Farmers' mutual fire insurance company of Harbor Creek, Erie county.

Also, one incorporating the Erie city hall association, approved April 2d, 1852.

Also, a further supplement to an act relating to incorporations, approved April 15, 1835.

Mr. STUART, one authorizing the trustees of the corporation of the Presbyterian church at Mechanicsburg, Cumberland county, to borrow a certain amount of money.

Also, one requiring the sheriff of Cumberland county to compel all persons committed to the jail of said county for vagrancy, to work.

Mr. ECKMAN, one authorizing the Auditor General to cancel any balance standing open against the Lebanon Bank, on dividends of said bank.

Mr. PEIRCE, one relating to roads in West Goshen, Chester county.

Mr. WILLIAMS, (Bucks.) joint resolutions relative to the removal of the seat of government of Pennsylvania, from Harrisburg to Philadelphia; which were read.

Mr. BARNSELY, one to reduce the State tax on real and personal estate.

Mr. ECKMAN, a supplement to the act incorporating the Shaffertown academy, in Lebanon county.

Mr. GOEPP, one relating to the appeal from the judgments of aldermen and justices of the peace.

Also, one relating to sealer of weights and measures.

Also, one for the relief of Sabina Bachman.

Mr. BARLOW, one for the better security of the payment of wages of laborers, mechanics, &c.

Mr. JACKSON, one to incorporate the LaPorte gas and water company.

Mr. M'CLURE, one to repeal the fourth section of an act establishing the new judicial district, approved March 27, 1842.

Also, one relative to elections in Letterkenny township, Franklin county.

Mr. KENEAGY, one to incorporate the Lampeter and Bridgeport turnpike company.



Also, a supplement to the act incorporating the Willow Street turnpike company.

Mr. BRODHEAD, a supplement to the act incorporating the Lehigh and Delaware railroad company.

Also, one to prevent the destruction of deer in Wayne, Pike and Montour counties.

Also, one to prevent the picking of Cranberries in Tunkhannock township, Monroe county.

Mr. HOTTENSTINE, a supplement to the act relating to the Treverton coal and railroad company, in Northumberland county.

Mr. GRATZ, a supplement to the act relative to attachments and executions.

Mr. THORN, one relating to the purchase of certain real estate by the Philadelphia Bank.

Mr. WALBORN, one to incorporate the Green Hill market company.

Mr. FISHER, a further supplement to the act incorporating the city of Philadelphia.

Mr. MANN, one to extend the time for commencing the Coudersport railroad.

Mr. PALM, one to incorporate the Anthracite improvement company.

Mr. WAGENSELLER, one to change the place of holding elections in Union township, Union county.

Mr. WALKER, one to change the place of holding elections in Shade township, Somerset county.

Mr. LAWRENCE, (Washington,) one to repeal the thirtieth section of an act passed April 16, 1850, entitled "An Act relating to banks."

Mr. WILSON, one authorizing the courts of common pleas to appoint trustees of sales of real estate in case of partition.

Mr. SMITH, (Berks,) one authorizing the laying out of a State road from Hemmershotz church to a point near Haine's tavern.

Also, one to exempt the armory of the Ringgold artillery of Reading, from taxation.

Mr. PRICE, one to incorporate the New Ephrata and Litiz turnpike company.

Also, one to increase the capital stock of the Columbia Bank.

#### REPORTS OF COMMITTEES.

Mr. GOEPP, (Judiciary,) as committed, "An Act relating to fees of justices of the peace."

Also, (same,) as committed, "An Act relating to the distribution of the proceeds of real estate sold by the sheriff."

Also, (same,) as committed, "A further supplement to the act relative to the courts of justice."

Also, (same,) "An Act to preserve the lien of mortgages in certain cases."

Also, (same,) with a negative recommendation, "An Act relative to sheriffs' sales of real estate by order of the orphans' courts in Philadelphia."

Also, (same,) with a negative recommendation, "Resolution proposing amendments to the Constitution."

Mr. DODDS, (Pensions and Gratuities,) as amended, "An Act for the relief of Catharine Keller, widow of a revolutionary soldier."

Mr. BRODHEAD, (same,) as committed, "An Act for the relief of Joseph Brady, a soldier in the Indian war."

Mr. ELLMAKER, (Canals and Inland Navigation,) as committed, "An Act to incorporate the Montour navigation improvement company."

Mr. THORN, (Railroads,) with amendment, "An Act to incorporate the Richland and Schnylkill passenger railroad company."

Mr. LAWRENCE, (Washington,) (same,) as committed, "An Act to incorporate the East Berlin railroad company."

Mr. LAWRENCE, (Washington,) (Ways and Means,) as committed, "An Act for the relief of John S. Miller."

Mr. Smith, (Berks,) (same,) with a negative

recommendation, "An Act relating to county and township rates and levies."

#### SENATE.

TUESDAY, March 8, 1850.

A quorum of Senators being present, the SPEAKER called the Senate to order at the usual hour.

The Journal was read and approved.

The SPEAKER presented four petitions of citizens of Cambria county, praying for the passage of an act repealing the tonnage tax on the Pennsylvania railroad, under the conditions of the bill read by the Senator from Bedford.

Also, two petitions of citizens of Blair county, of like import.

Also, a petition of citizens of Cambria, in favor of the repeal of the tonnage tax.

#### PETITIONS, MEMORIALS, &c.

Mr. THOMPSON presented a remonstrance from the managers and stockholders of the Plymouth and Upper Dublin turnpike road company, against any law to alter their rates of toll.

Also, a petition of citizens and stockholders of the Spinnerstown and Goshenhoppen turnpike road company, for an extension of their road.

Also, two remonstrances from citizens of Montgomery county, against the passage of an act changing the mode of collecting taxes, so far as relates to said county.

Also, seven petitions of citizens of Pennsylvania, for a law to compel banks to keep their notes at par in Philadelphia and Pittsburg.

Mr. STEELE, a petition signed by one hundred citizens of Huntingdon township, Luzerne county, praying for an alteration of the common school law, so far as the appointment of county superintendent is concerned.

Mr. FETTER, a petition of citizens of New Buffalo and Watts townships, Perry county, praying for the passage of an act chartering the Northumberland and Juniata railroad company.

Also, a petition of citizens of Perry and Juniata counties, of like import.

Also, a petition of the president judge of the Twentieth judicial district, for the refunding of certain taxes illegally assessed and paid.

Mr. SCHELL, two petitions of citizens of Huntingdon county, praying for the passage of an act to prohibit fishing in Aughwick creek and its tributaries, in said county, with seines and nets.

Also, a remonstrance of citizens of the borough of Johnstown, against the passage of an act legalizing a partial survey of said borough, made by John Brawley, Esq.

Also, a petition of citizens of Mount Union, Huntingdon county, praying for the passage of a law declaring the streets of said town public highways.

Also, two remonstrances of citizens of Huntingdon county, against the passage of the act providing for a change in the mode of collecting State and county taxes in said county, and extending the term of the county treasurer.

Also, a remonstrance of citizens of Bedford county, against the annexation of Middle Woodbury township, in said county, to Blair county.

Mr. YARDLEY, a petition of one hundred and twenty citizens of this Commonwealth, for a law compelling banks to keep their notes at par in Philadelphia and Pittsburg.

Also, a petition of the Doylestown Bank, of like import.

Also, a petition of citizens of Bucks county, for a law prohibiting persons from selling coal from canal boats along the Delaware Division canal, in said county.

Also, a petition of eighty-nine citizens of this Commonwealth, for a law authorizing the appointment of a measurer of paving stones in the city of Philadelphia.

Mr. MARSELIS, a petition of citizens of Frankford and vicinity, in favor of a modification of the Sunday laws.

Messrs. WRIGHT, RANDALL and PARKER, petitions of like import.

Mr. WRIGHT, four petition of citizens of the rural districts in Philadelphia county, for free roads in the rural wards of said county.

Also, a remonstrance of citizens of Philadelphia, living along the line of the Germantown passenger railway, against a supplement to their charter.

Mr. BELL, one of like import.

Mr. PARKER, a remonstrance of citizens of Philadelphia, living on Green street, against the Green and Coates Streets supplement.

Mr. BELL, a petition of citizens of Chester county, in favor of a prohibitory liquor law.

Also, a petition of citizens of the same county, for the passage of a law enabling the Lodge of Odd Fellows of Pennsylvania to acquire stock in the Cochranville hall association.

Mr. SCHINDEL, a petition of citizens of Northampton county, in favor of an act for the relief of Mrs. Sabina Bachman.

Also, a petition of citizens of Allentown, in favor of an act now before the Legislature, to restrict sales by auction in Lehigh and Northampton counties.

Also, a petition of citizens of Northampton, Lehigh and Carbon counties, for the erection of a furnace or furnaces in Freemansburg.

Also, a petition of citizens of Northampton county, for a law requiring banks to keep their notes at par in Philadelphia and Pittsburg.

Also, a petition of citizens of Lehigh and Bucks counties, for the appointment of road commissioners, to lay out a State road in said counties.

Also, three remonstrances against the incorporation of the Delaware Division canal company.

Also, two petitions of citizens of Northampton county, for a law authorizing them to vote on the removal of the seat of justice of said county.

Mr. NUNEMACHER, eight petitions of citizens of Berks county, in favor of a law requiring the city of Reading to pay the fees for arresting vagrants in said city.

Also, a petition of one hundred and fifty citizens of Berks county, for a law prohibiting the hunting of deer in said county.

Mr. PALMER, four petitions of citizens of East Brunswick township, Schnylkill county, in favor of a law changing the place of holding elections in said township.

Also, a petition of citizens of Schnylkill county, for a law requiring the Little Schnylkill railroad to fence their road.

Mr. KELLER, a petition of citizens of Danville, for an act compelling the banks of this Commonwealth to resume specie payments.

Also, a petition of citizens of Snyder county, for a law securing a bounty on the scalps of minks and musk rats.

Mr. RUTHERFORD, three petitions of citizens of Harrisburg, in favor of a change in their borough charter.

Mr. SHAEFFER, a petition of citizens of Lancaster county, for the reduction of the tolls on turnpike and plank road companies.

Also, the petition of the president and cashier of the Columbia Bank, requiring the banks of this Commonwealth to keep their notes at par in Philadelphia and Pittsburg.

Also, a petition of citizens of Lancaster county, in favor of the act incorporating the New Ephrata and Litiz turnpike road company.

Also, petitions of citizens of East and West Lampeter townships, Lancaster county, for an act to incorporate a turnpike road from Bridgeport to Lampeter Square.

Mr. WELSH, a remonstrance of citizens of the borough of York and vicinity, against a law relative to fishing in said county.



Mr. COFFEY, a petition of citizens of Allegheny county, in favor of the incorporation of a passenger railway along Pennsylvania avenue, in the city of Pittsburgh.

Also, a petition of citizens of Cambria county, for the repeal of the tonnage tax on the Pennsylvania railroad, and praying that any unjust discrimination against local trade, may be prohibited.

Mr. PENNEY, three petitions of citizens of Pittsburgh, in favor of the abolition of the high school in said city.

Also, two remonstrances against the same.

Mr. GAZZAM, a petition of citizens of the same city, in favor of the repeal of the act establishing the high school in said city.

Also, a remonstrance of inhabitants of Pennsylvania, against the surrender of persons claimed as slaves.

Also, the resolutions of the board trade of Pittsburgh, against the repeal of the tonnage tax.

Also, a remonstrance of three hundred citizens of Fayette county, against the repeal of the tonnage tax; which, by request, was read.

Mr. FINNEY, a petition of citizens of Warren county, in favor of a new county, to be erected out of parts of Crawford, Warren and Venango.

Mr. BLOOD, a remonstrance of citizens of Brookville, against any enlargement of their borough limits.

Also, a petition of citizens of Burnside township, Clearfield county, in favor of a law incorporating the village of New Washington into a borough.

A communication from Dr. Parish, inviting the members of the Senate to the exhibition of some of the pupils of the Pennsylvania training school for imbecile children, in the Hall of the House of Representatives this evening, was presented by the SPEAKER, and read.

Mr. GREGG, the petition of citizens of New Washington, Clearfield county, in favor of the erection of said village into a borough.

Also, a petition of citizens of Lycoming county, for a law to secure the more prompt payment on the part of insurance companies.

Also, a petition of citizens of the same county, for a law authorizing the erection of a boom in Loyalsock creek, in said county.

#### REPORTS OF COMMITTEES.

Mr. BELL, (Judiciary,) reported as committed, "Resolutions supplementary to a resolution authorizing the appointment of commissioners to revise the penal code."

Also, (same,) with a negative recommendation, "An Act relative to writs of error, appeals and certioraries, and to abolish the court of nisi prius."

Also, (same,) with a negative recommendation, "An Act requiring notice of sales of real and personal estate, by executors and other trustees, to be given by handbills."

Also, (same,) with a negative recommendation, "A supplement to the act providing for the regulation and inspection of buildings in the city of Philadelphia."

Also, (same,) as committed, "An Act providing for the challenging of jurors in civil cases."

Also, (same,) with a negative recommendation, "A supplement to an act relative to the limitation of actions."

Also, (same,) with a negative recommendation, "An Act relative to the claim of James Malone."

Mr. FINNEY, (same,) with a negative recommendation, "An Act to prohibit the sale of coal by retail from canal boats on the Delaware division canal."

Also, (same,) with a negative recommendation, "An Act relative to the administration of justice in Mercer county."

Also, (same,) with a negative recommendation, "An Act requiring the payment of road

and school tax by electors, at township elections."

Also, (same,) with a negative recommendation, "An Act relative to the partition of real estate in the several courts of this Commonwealth."

Also, (same,) with a negative recommendation, "An Act authorizing inspectors of prisons to let the labor of convicts by contract."

Also, (same,) as committed, "An Act to annul the marriage contract between William R. Priestly and Annie V. Priestly."

Mr. BREWER, (same,) as committed, "A supplement to an act providing for the erection of a house for the employment and support of the poor, in Carbon county."

Also, (same,) with a negative recommendation, "An Act to increase the compensation of the erier in the district court of Allegheny county."

Also, (same,) as committed, "An Act to repeal an act relative to the Susquehanna and Waterford turnpike road company."

Also, (same,) as committed, "An Act to legalize the township election in Terrytown, Bradford county."

Also, (same,) with a negative recommendation, "An Act authorizing the commissioners of Washington county to pay certain moneys to Wm. Greenfield."

Mr. SCOFIELD, (same,) with a negative recommendation, "An Act relative to the heirs of James Rankin, dec'd."

Also, (same,) with a negative recommendation, House bill No. 364, "An Act relative to the sale of burial lots in New Bethlehem, Clarion county."

Also, (same,) with a negative recommendation, House bill No. 366, "An Act relative to lists of voters in Washington county."

Also, (same,) with a negative recommendation, "A further supplement to an act relative to supervisors and overseers of the poor in Wilkesbarre township, Luzerne county."

Also, (same,) as committed, "An Act relative to the removal of the dead to the Norristown City cemetery."

Also, (same,) as committed, "A supplement to the act providing for the erection of a house for the employment and support of the poor in Allegheny county."

Mr. BREWER, (Judiciary,) with amendment, "A supplement to the act incorporating the West Philadelphia passenger railway company."

Mr. WRIGHT, (Corporations,) as committed, House bill No. 261, "A supplement to the act incorporating the St. Paul's church, of Philadelphia."

Mr. SHAEFFER, (same,) as committed, "An Act to amend the charter of the Chestnut Hill iron ore company, Lancaster county."

Mr. STEELE, (Canals and Inland Navigation,) as committed, "An Act authorizing the master warden of the city of Philadelphia to remove sunken vessels in the Delaware and Schuylkill rivers."

Mr. THOMPSON, (same,) as committed, House bill No. 132, "A supplement to an act approved April 10, 1826, entitled 'An Act to protect the public in the full benefit and enjoyment of the works constructed for the purposes of inland navigation.'"

On motion of Mr. PALMER, said bill was taken up, and after being duly considered, passed finally.

House amendments to Senate bill No. 167, "An Act to incorporate the Newtown Square and Paoli plank road company," were, on motion of Mr. BELL, concurred in.

Mr. KELLER, from the Committee to Compare Bills, made report.

#### BILLS IN PLACE.

Mr. SCOFIELD read in his place and presented to the Chair, a bill, entitled "An Act

relative to the board of prisoners in Warren county."

Mr. SCHINDEL, "An Act to establish the Fogelsville male and female academy, in Lehigh county."

Mr. FINNEY, "A supplement to the act incorporating the Meadville gas and water company."

Mr. KELLER, "An Act widening the eastern extension of Third street, in the town of Bloomsburg."

Mr. RUTHERFORD, "An Act authorizing the Auditor General to cancel the balance standing open against the Lehanon Bank, as a tax on dividends."

Also, "A supplement to the act incorporating the Shafferstown academy, in Lehigh county."

#### ORDERS OF THE DAY.

Senate bill No. 277, "An Act to extend the jurisdiction of the orphans' courts in cases of testamentary trusts," came up in order on third reading and passed finally.

Senate bill No. 439, "A supplement to an act incorporating the Lewisburg building association, having for its object the accumulation of a fund, which shall be loaned to its members to enable them to buy or build their own houses," came up in order and passed finally.

House bill No. 331, "An Act to incorporate the Farmers' market company," came up in order, the question being upon the amendment offered by Mr. WRIGHT, "that said market house shall be located west of Sixth street and north of Market street."

Mr. WRIGHT stated that he would not insist upon the amendment, and it was voted down; whereupon, he offered the following proviso, to come in at the end of the first section:

*Provided*, That the said company shall complete the erection of the market house within two years from the approval of this act, or otherwise forfeit their charter.

On motion of Mr. BELL, the amendment was amended, by striking out the word "two" and inserting the word "three."

The amendment as amended was agreed to, as also the section as amended, and the bill passed finally.

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. TURNEY, the Senate proceeded to consider House bill No. 741, "An Act to annul the marriage contract between William R. Priestly and Annie V. Priestly."

Mr. COFFEY desired to call the attention of the Senate to one fact, previous to the consideration of this bill. So far as he was acquainted with the merits of the case, he was favorable to the bill; but he found upon his desk—and he presumed they had been placed upon the desks of all Senators and Representatives—a copy of the Philadelphia *Ledger*, containing a card of the husband of this lady, Mr. Priestly, asking for a suspension of public opinion, until such time as he could prepare a statement of facts in justification of himself. He presumed, from this circumstance, that he had some statement to make, and facts to present, in the case, which would seem to call for a postponement of the bill. He merely made the statement for the information of Senators.

Mr. TURNEY said the husband, Mr. Priestly, had been duly notified of the contemplated proceedings, but had taken no notice of it until he did so by the publication of the card alluded to. Every Senator was satisfied, he thought, of the merits of the case, and was as well prepared to act upon it to-day as they would be at any other time.

Mr. BELL remarked that when the bill was before the Judiciary Committee, they had been assured by the parents of the young lady, that although notice had been given to the husband of the contemplated proceedings, he was perfectly indifferent, and had paid no attention to it. He now finds that he has published a card



asking for a suspension of public opinion, and conveying the information that he is desirous of preparing a statement of facts in his own vindication; and although he had no hesitation in voting for the bill, if the statements of the parents of the lady, and the lady herself were true, he thought it but fair and just, after the publication of the card of Mr. Priestly, that he should be afforded an opportunity of being heard, before its passage. For the purpose of testing the sense of the Senate upon the subject, he would move for its postponement for the present.

Mr. GAZZAM was under the impression, from his present knowledge of the case, that he would vote for the bill; but under the circumstances, he should vote for a postponement, in order to afford an opportunity to the other party of being heard.

Mr. SCHELL, also, so far as his knowledge of the facts extended, was prepared to vote for the bill; but he was willing that the husband should have an opportunity of being heard, and would, therefore, vote for a postponement.

Mr. PALMER said there could be no question of the fact, that this child of fourteen years, had been enticed, by this man Priestly into a marriage, without the knowledge or consent of her parents. He had been told that the husband had received eight day's notice of the fact that this application would be made, to which he had paid no attention.

Mr. FRANCIS did not know but that he should vote for the bill; but he would never vote for it, if both parties desire a hearing, until that he might have been afforded.

Mr. GREGG said the nature of the bill was perfectly understood by the Senate. The husband had received sufficient notice to have had a hearing; but he had paid no attention to that notice, and may not be here this session, even if the bill is postponed for the purpose of giving him a hearing. It was a case which ought to be acted upon with promptness and decision, and he hoped its consideration would not be postponed.

Mr. SCOFIELD remarked that no Senator, with his present knowledge of facts, will pretend to say that this bill ought not to pass. The Legislature has jurisdiction, and the case is one which recommends itself to them with peculiar force. No one pretended to deny that this man Priestly had clandestinely married a child—that he had met her on her way from school, and induced her to go with him to an obscure clergyman's, where they were married, after which she was sent home, with the understanding that they were not to cohabit for three years. It has been proved that notice was given him to appear; but even if notice had not been given, he knows about the application made for annulling the marriage, and has now published a card in the public papers, for the purpose of giving himself a little importance, and indulging in a little slander, for the purpose of annoying this child and her friends. He was prepared to vote for the bill now, and he hoped it would not be postponed.

Mr. GAZZAM said that however much he felt disposed to do justice towards this lady, he could not forget that the evidence upon which their favorable judgments had been predicated, was only *ex parte*; and although there might be nothing due to Priestly, there was something due to public policy. He should, he thought, upon the simple principle of justice, be afforded a fair opportunity of controverting the facts alleged by the applicants for this divorce. He had understood, from the statement of the Senator from Westmoreland, that the notice had been served upon him only three days ago, and that, too, by a man who can't write his own name, and attests the service by his mark. He preferred that the bill should be postponed. He might, then, be prepared to vote for it.

The motion to postpone was not agreed, and On the question,

Shall the bill pass?

The yeas and nays were required by Mr. RANDALL and Mr. TURNER, and were as follows, viz:

Yeas.—Messrs. Blood, Brewer, Craig, Fetter, Finney, Gregg, Keller, Myer, Nunemacher, Palmer, Parker, Penney, Schell, Scofield, Shaeffer, Schindel, Steele, Thompson, Turney, Welsh, Wright and Cresswell, *Speaker*—22.

Nays.—Messrs. Francis, Gazzam, Randall and Yardley—4.

So the question was determined in the affirmative.

Mr. RANDALL moved that the Senate proceed to the second reading and consideration of Senate bill No. 18, as reported by the special committee, entitled "An Act to establish a general banking law."

Mr. MYER said, he did not wish to do anything which would have a tendency to defeat the bill, or prolong discussion. When the bill had been before the Senate, before its reference to the select committee, there had been many objections made and amendments offered; and he was opposed to proceeding with the substitute reported, until ample opportunity had been afforded of examining it. He would, therefore, make a motion to postpone its consideration for the present.

Mr. RANDALL said, his simple object was to have the substitute read to the Senate. The question involved was an important one; and, as the session was drawing to a close, it was desirable that the bill should be put in some shape of forwardness as soon as possible. He had no wish, however, to press the matter today; but he hoped the Senator from Bradford would not make his motion to postpone, but allow the bill to go to third reading.

Mr. MYER withdrew his motion to postpone.

Mr. SCOFIELD expressed himself favorable to the first section of the bill. If it is voted down now, he said, it would be fatal to any bill of a similar character this session.

Mr. PENNEY was in favor of the bill, so far as he was acquainted with its provisions; but he was opposed to voting upon it with but a moment's warning, and without having had time to examine it.

Some questions of order arose between the SPEAKER and Senators, as to the manner of proceeding with the consideration of the bill, during which,

Mr. MYER renewed his motion to postpone for the present.

Mr. SCOFIELD said the first section was the leading feature of the bill, and if any amendment is desired, it can be proposed as well now as to-morrow. The question is, whether we will create a bank department, and no one can say he is not prepared to give his views today upon that question, as well as he will be by the proposed delay.

Mr. RANDALL said that this was a most important bill, and its provisions cannot be better understood, than by having it read to the Senate. His only object was to have it read, and for that purpose he would suggest that the Senate go into committee of the whole. He inquired of the SPEAKER, whether such a motion could be made.

Mr. FINNEY remarked that the only alteration of the bill is in creating a department through which all banks can come in. There were some features differing from the old bill, but the principal change was that contained in the first section. Unless it was taken up and disposed of now, it could not pass this session.

On the motion to postpone,

The yeas and nays were required by Mr. RANDALL and Mr. FINNEY, and were as follows, viz:

Yeas.—Messrs. Brewer, Fetter, Gregg, Mar-

selis, Rutherford, Schell, Turney, Welsh, Yardley and Cresswell, *Speaker*—10.

Nays.—Messrs. Baldwin, Bell, Blood, Coffey, Craig, Finney, Francis, Gazzam, Keller, Nunemacher, Palmer, Parker, Penney, Randall, Scofield, Shaeffer, Schindel, Steele, Thompson and Wright—20.

So the question was determined in the negative.

Mr. MYER moved that the bill be postponed until to-morrow, and that it be made the special order for every day until disposed of.

On motion of Mr. BREWER, the latter part of the resolution, "for every day until disposed of," was stricken out.

On the adoption of the resolution,

The yeas and nays were required by Mr. WRIGHT and Mr. RANDALL, and were as follows, viz:

Yeas.—Messrs. Baldwin, Bell, Brewer, Coffey, Craig, Fetter, Finney, Francis, Gazzam, Keller, Marselis, Myer, Palmer, Parker, Penney, Randall, Rutherford, Schell, Scofield, Shaeffer, Schindel, Steele, Thompson, Turney and Yardley—25.

Nays.—Messrs. Blood, Nunemacher, Welsh, Wright and Cresswell, *Speaker*—5.

So the question was determined in the affirmative.

On motion of Mr. BREWER, the Senate proceeded to consider Senate bill No. 451, "An Act relating to the banks of this Commonwealth."

On its final passage,

The yeas and nays were required by Mr. BREWER and Mr. COFFEY, and were as follows, viz:

Yeas.—Messrs. Brewer, Fetter, Keller, Marselis, Schell, Scofield, Schindel, Steele, Turney, Wright and Cresswell, *Speaker*—11.

Nays.—Messrs. Baldwin, Blood, Coffey, Craig, Finney, Francis, Gazzam, Gregg, Nunemacher, Palmer, Penney, Randall, Rutherford, Thompson, Welsh and Yardley—16.

So the question was determined in the negative.

On motion of Mr. SCOFIELD, Senate bill No. 498, "An Act relative to the publication of the opinions of the judges of the supreme court in certain cases," was taken up, and having passed to third reading, lies over.

On motion of Mr. PENNEY, Senate bill No. 182, "A supplement to an act relative to the sale and conveyance of real estate," approved April 18, 1853, was brought before the Senate, and having gone through its various readings, passed finally.

Senate bill No. 481, "An Act to amend an act to apportion the city of Philadelphia into single senatorial and representative districts," approved April 22, 1853, came up, on motion of Mr. RANDALL, and, having passed to third reading, lies over.

Bills entitled as follows, passed finally:

"An Act relating to the limits of the borough of Wrightsville, York county." (On motion of Mr. WELSH.)

"An Act to authorize the school directors of Bedford to borrow money." (On motion of Mr. SCHELL.)

"An Act relative to vacating an alley in Columbia borough." (On motion of Mr. BALDWIN.)

House amendments to Senate amendments to Senate bill No. 22, "An Act relative to roads and bridges in Mercer county," were, on motion of Mr. FRANCIS, concurred in.

On motion of Mr. YARDLEY, the Senate proceeded to consider Senate bill No. 477, "An Act relating to the collection of State and county taxes in Bucks county."

The bill passed committee of the whole, when the hour of one having arrived, the Senate adjourned until ten o'clock to-morrow morning.



## HOUSE OF REPRESENTATIVES.

TUESDAY, March 8, 1859.

The SPEAKER called the House to order at 9½ o'clock, A. M.

Prayer was offered by Rev. Dr. DeWitt.

Mr. LAWRENCE, (Washington,) moved to dispense with the reading of the Journal; agreed to.

Mr. WILLIAMS, (Bucks,) from Committee on Claims, as committed, Senate bill No. 203; which was ordered to be placed on the Private Calendar.

Mr. HAMERSLY moved that the auction bill be re committed; agreed to.

Mr. HILL moved to consider Senate bill No. 149, relative to the borough of Pottstown; agreed to.

The bill passed.

Mr. HOTTENSTINE moved to consider House bill No. 255.

The motion was withdrawn.

Mr. WARDEN read in his place, "A supplement to the act incorporating the Pennsylvania railroad company." (Referred to Committee on Railroads.)

Mr. WILLISTON read "An Act amending the road laws of the county of Tioga." (Referred to Committee on Roads and Bridges.)

Mr. CHURCH moved that the Committee on Railroads be discharged from the consideration of the supplement to the Pennsylvania railroad, just read; agreed to.

The bill was ordered to be placed on the Private Calendar.

Mr. WILLISTON moved to discharge the committee from the further consideration of the bill just read by him; which was agreed to.

The bill was ordered on the Private Calendar.

Mr. GREEN read in place an act to vacate an alley in Columbia, and moved to proceed to a consideration of the bill; which was agreed to, and the bill passed.

Mr. OAKS moved to consider Senate bill No. 341, entitled "An Act to incorporate the Columbia County agricultural, horticultural and botanical association."

The committee was discharged from the consideration of said bill, and it was passed finally.

Mr. VAGENSELLER moved to take up House bill No. 235, entitled "An Act to pay the claim of Charles Fisher for damages sustained on the Susquehanna canal."

On final passage of bill,

The yeas and nays were required by Mr. EVANS and Mr. WILLISTON, and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Brodhead, Bryson, Burley, Campbell, Durboraw, Ellmaker, Fearon, Fisher, Foster, Galley, Glatz, Goepp, Gratz, Gray, Green, Hamersly, Harding, Keneagy, Laird, Lawrence, (Washington,) Mann, Miller, Palm, Patterson, Peirce, Pinkerton, Proudfoot, Price, Quigley, Rohrer, Shafer, Stuart, Thorn, Wagenseller, Walborn, Witman, Wigton, Wiley, Williams, (Bucks,) Wilson, Wolf, Woodring, Zoller, and Lawrence, *Speaker*—45.

NAYS—Messrs. Bertolet, Boyer, (Clearfield,) Custer, Dodds, Eckman, Evans, Fleming, Good, Graham, Hill, Jackson, Neall, Nill, Ramsdell, Rose, Shields, Smead, Smith, (Berks,) Stephens, Stoneback, Thompson, Walker, Warden and Williston—24.

So the question was determined in the affirmative.

Mr. ABBOTT moved to place House bill No. 709 on the Private Calendar for to-day; agreed to.

Mr. WIGTON moved to consider "An Act relative to the roads and bridges in Jackson township, Huntingdon county."

Agreed to; and the bill passed.

Mr. THORN asked leave to withdraw certain papers.

Leave was given.

## PRIVATE CALENDAR.

The order of the day being the Private Calendar, it was taken up, and the following bills from the preceding Calendar were read, and prepared for a second reading.

House bill No. 556, "An Act to encourage the destruction of foxes in the county of Beaver."

No. 557. "A further supplement to an act regulating auctions in the city of Lancaster and other towns," passed April 7, 1834.

Senate bill, No. 563, "An Act for the relief of Augustus J. Kuhn, of Lancaster county, a soldier of the war of 1812."

No. 566. "An Act to incorporate the Pennsylvania annual conference of the Methodist Episcopal church."

Sen. No. 300, "An Act to provide for the appointment of auditors in the county of Wyoming, and changing the time of holding borough elections."

House bill No. 568, "An Act to prevent hunting deer with dogs in Morris township, in the county of Tioga."

No. 555, "An Act for the reformation and employment of vagrants and drunkards and other drinking persons in the county of Allegheny."

Sen. 54. "An Act relating to certain school taxes in the county of Jefferson."

Sen. 119. "A supplement to an act to incorporate the Allegheny and Buffalo Run plank road company."

No. 572. "A further supplement to an act to incorporate the city of Erie."

## OBJECTED BILLS FROM PRECEDING CALENDAR.

No. 269. "An Act erecting the county of Pine, out of parts of the counties of Indiana, Jefferson, Cambria and Clearfield."

Discussion ensued between Messrs. TAYLOR, ZOLLER, WILCOX, BOYER, (Clearfield,) WILLIAMS, (Bucks.) The bill was objected to.

No. 274. "An Act relative to passenger railway companies in the city of Philadelphia."

No. 329. "An Act to incorporate the Union market company of Philadelphia."

On motion of Mr. WILCOX, the House proceeded to the second reading and consideration of the following bills from the Private Calendar of Tuesday, March 1st. The bills passed, as follows:

No. 374. "An Act to incorporate the Lewisburg, Selinsgrove and Philadelphia railroad company."

No. 379. "An Act relative to taxing dogs in West Nottingham township, Chester county."

No. 381. "An Act for the relief of George D. Boyer, former treasurer of Schuylkill county."

No. 383. "An Act to provide for the collection of additional taxes in the township of Bingham, in the county of Potter."

No. 386. "An Act to liquidate the amount due on a certain judgment and to enforce the collection of the same."

No. 387. "An Act relative to foreign insurance companies in the county of Erie."

No. 390. "An Act annexing the borough of Leesburg, in Mercer county, to the township of Springfield, in said county, for school purposes."

No. 392. "An Act to divide the township of Wilkesbarre, in Luzerne county, into two wards."

No. 396. "An Act supplementary to an act incorporating the Milton savings institute."

On the final passage of the bill,

The yeas and nays were required by Mr. GRITMAN and Mr. EVANS, and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Boyer, (Schuylkill,) Burley, Campbell, Dismant, Eckman, Ellmaker, Fearon, Fisher, Fleming, Foster, Galley, Goepp, Graham, Green, Gratz, Hamersly, Harding, Hattenstine, Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann,

Mehaffey, Matthews, M'Clure, McCurdy, McDowell, Miller, Neall, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Price, Proudfoot, Ramsdell, Rose, Shafer, Shields, Stoneback, Stuart, Thorn, Wagenseller, Walborn, Walker, Warden, Witman, Wigton, Wilcox, Wiley, Williams, (Bucks,) Williston, Wilson, Wolf and Lawrence, *Speaker*—63.

NAYS—Messrs. Bertolet, Boyer, (Clearfield,) Custer, Glatz, Gritman, Quigley, and Smith, (Berks,)—7.

So the question was determined in the affirmative.

No. 397. "An Act to incorporate the Media Bank."

On the final passage of the bill,

The yeas and nays were required by Mr. FOSTER and Mr. ROSE, and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Burley, Eckman, Ellmaker, Fearon, Graham, Gratz, Green, Harding, Lawrence, (Washington,) Mann, Mehaffey, M'Dowell, Pennell, Peirce, Price, Shafer, Thompson, Wagenseller, Walborn, Witman, Wigton, Williams, (Bucks,) Willson, Wolf and Lawrence, *Speaker*—28.

NAYS—Messrs. Barnsley, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Church, Custer, Dismant, Dodds, Durboraw, Evans, Fisher, Fleming, Foster, Galley, Glatz, Goepp, Gray, Gritman, Hamersly, Hill, Hottenstine, Irish, Jackson, Ketchum, Laird, Matthews, M'Clure, M'Curdy, Miller, Neall, Nill, Oaks, Pinkerton, Proudfoot, Quigley, Ramsdell, Rohrer, Rose, Sheppard, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Thorn, Walker, Warden, Wilcox, Wiley, Williston, Woodring and Zoller—55.

So the question was determined in the negative.

No. 398. "A supplement to an act to incorporate the Mount Joy savings institution."

Mr. THORN moved to postpone for the present.

On the question,

The yeas and nays were required by Mr. GRITMAN and Mr. ABBOTT, and were as follows, viz:

YEAS—Messrs. Acker, Bayard, Burley, Ellmaker, Fearon, Graham, Gratz, Green, Hamersly, Harding, Keneagy, Lawrence, (Washington,) Mehaffey, Matthews, M'Clure, M'Curdy, M'Dowell, Miller, Palm, Patterson, Pennell, Proudfoot, Thorn, Wagenseller, Walborn, Walker, Witman, Wigton, Wiley, Williams, (Bucks,) Wilson, Zoller and Lawrence, *Speaker*—33.

NAYS—Messrs. Abbott, Barnsley, Bertolet, Boyer, (Clearfield,) Brodhead, Bryson, Custer, Dismant, Dodds, Durboraw, Eckman, Evans, Fisher, Fleming, Foster, Galley, Goepp, Gray, Gritman, Hill, Jackson, Ketchum, Kinney, Laird, Mann, Neall, Nill, Oaks, Peirce, Pughe, Quigley, Ramsdell, Rohrer, Rose, Shafer, Sheppard, Shields, Smead, Stephens, Stoneback, Stuart, Thompson, Warden, Wilcox, Williston and Woodring—47.

So the question was determined in the negative.

On the final passage of the bill,

The yeas and nays were required by Mr. GRITMAN and Mr. STEPHENS, and were as follows, viz:

YEAS—Messrs. Abbott, Burley, Campbell, Ellmaker, Fearon, Graham, Green, Harding, Keneagy, Palm, Pennell, Price, Wigton, Wiley, Wilson and Lawrence, *Speaker*—16.

NAYS—Messrs. Acker, Barnsley, Bertolet, Boyer, (Clearfield,) Brodhead, Bryson, Custer, Dismant, Dodds, Durboraw, Eckman, Evans, Fisher, Fleming, Foster, Galley, Goepp, Gratz, Gray, Gritman, Hamersly, Hill, Hottenstine, Irish, Jackson, Mann, Matthews, M'Clure, M'Curdy, M'Dowell, Miller, Neall, Nill, Oaks, Patterson, Peirce, Pughe, Ramsdell, Rohrer, Rose, Shafer, Sheppard, Shields, Smead, Smith,



(Berks.) Stephens, Stoneback, Stuart, Taylor, Thompson, Thorn, Walborn, Walker, Warden, Wilcox, Williams, (Bucks.) Williston and Woodring—58

So the question was determined in the negative.

On a motion to re-consider,

The yeas and nays were required by Mr. WITMAN and Mr. STEVENS, and were as follows, viz:

YEAS—Messrs. Abbott, Barlow, Bayard, Burley, Campbell, Eckman, Ellmaker, Featon, Glatz, Graham, Green, Harding, Keneagy, Lawrence, (Washington,) Mahaffey, Matthews, Palm, Patterson, Taylor, Thorn, Walborn, Walker, Witman, Wigton, Wilson, Wolf, Zoller and Lawrence, *Speaker*—28.

NAYS—Messrs. Barnsley, Boyer, (Clearfield,) Brodhead, Bryson, Caster, Dismant, Dodds, Durhoraw, Evans, Fisher, Fleming, Foster, Galley, Goepf, Gray, Gritman, Hamersly, Hill, Hottentustine, Jackson, Ketchum, Kinney, Maun, M'Curdy, Neall, Nill, Oaks, Peirce, Pinkerton, Proudfoot, Quigley, Ramsdell, Rohrer, Rose, Shafer, Sheppard, Shields, Smead, Smith, (Berks.) Stephens, Stoneback, Stuart, Thompson, Warden, Wilcox, Wiley, Williams, (Bucks,) Williston and Woodring—49.

So the question was determined in the negative.

No. 400. "An Act incorporating the Bald Eagle boom company in Clinton county."

No. 403. "A supplement to an act incorporating the Sancona iron company."

No. 404. "A further supplement to an act to incorporate the Philadelphia and Reading railroad."

Discussion ensued between Messrs. SMITH, (Berks.) WALBORN, THORN, PINKERTON and PALM. Pending the passage of the bill,

The SPEAKER then adjourned the House until 3 o'clock P. M.

#### AFTERNOON SESSION.

SPEAKER in the chair.

Mr. PEIRCE read in place, "An Act to authorize the State Treasurer to pay S. C. Williams certain claims for damages on the Philadelphia and Columbia railroad." (Referred to Committee on Claims.)

Mr. GLATZ moved to withdraw Senate bill No. 430, from the Committee on Corporations; agreed to.

Mr. PRICE stated that the assertion made during the morning session, that the general banking law had passed the Senate, was incorrect. The statement at the time had prejudiced certain bank bills on the Private Calendar.

Mr. WILLISTON explained that he had been misinformed during the morning session on the subject.

Mr. WOLF presented a petition from tax payers of York county, against the opening of a certain street.

Also, one for the abolition of county school superintendent.

#### PRIVATE CALENDER.

The Private Calendar being the order of the day, was taken up.

The bill which was pending at the adjournment of the morning session was considered, as follows:

A FURTHER SUPPLEMENT to an act to incorporate the Philadelphia and Reading railroad.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the president and managers of the Philadelphia and Reading railroad company to extend the Lebanon Valley branch of their railroad from its present termination in the borough of Harrisburg, so as to connect with the Northern Central railroad, at*

or near the town of Dauphin, in Dauphin county; and to enter in and upon and occupy such land, as may be necessary for the same, on the terms and conditions provided in the fourth section of the act, passed the first day of April, Anno Domini one thousand eight hundred and thirty-six, entitled "An Act to authorize the Governor to incorporate the Lebanon Valley railroad company;" and in the construction and use of the extension aforesaid, the said company shall have, hold and enjoy all the right, privileges and immunities that are at present secured to them; and shall be subject to the same liabilities, restrictions and provisions, as are now imposed upon them by law in other parts of the road; and the said company is hereby authorized to purchase any part of any existing railroad for the purpose of completing the connection aforesaid: *Provided, That before the said company shall avail themselves of the provisions of this act, they shall agree to pay into the Treasury of the Commonwealth, three mills per ton per mile on all tonnage passing over the whole length of their road, the same to be paid semi annually, and to continue in force as long as a similar tax is chargeable on the Pennsylvania railroad company.*

The question being on the motion to postpone,

Mr. PINKERTON alluded to influences which had been brought to bear upon the Dauphin and Susquehanna railroad, to make it, as a member had said in the morning, a "huckleberry" road. The object of the present bill was not to lay down the track for a new road, but simply to oblige the Dauphin and Susquehanna company to sell that portion of their line between Harrisburg and Dauphin to the Philadelphia and Reading company at a sacrifice. For a long time past, the latter corporation had been trying to make the purchase, but on account of not being willing to give a fair price, had been unsuccessful. The last movement which they were prompting, was the present one.

The SPEAKER said that a discussion on the merits of the bill was not now in order, inasmuch as the motion before the House was only to postpone for the present. A motion to postpone indefinitely would bring up the merits of the bill.

Mr. PINKERTON withdrew the motion to postpone for the present, and moved to postpone indefinitely.

The motion being before the House,

Mr. PINKERTON continued. The efforts of the Philadelphia and Reading railroad company, to break down the Dauphin and Susquehanna company, had been so successful, that over the latter road but a single car was now running daily, attached to a freight train, whereas two or three years ago three and four cars were taken. Even the little freight which was now carried between Dauphin and Harrisburg, was sought to be diverted by this proposition of the Reading company. The scheme, as he had before said, was one originated solely for the purpose of forcing the owners of the Dauphin and Susquehanna railroad into a sale at such prices as their opponents choose to give. Already a charter had been granted to a certain company to build a road between the points named.—Why was not this work constructed?

On the 2d of March the Dauphin and Susquehanna road had been sold to new parties, who knew nothing of the present proceedings, or of the injury which it was contemplated to inflict upon them. They were not here to defend themselves, and for this reason, if no other, the bill should be killed.

Mr. WILLIAMS, (Bucks,) had not much to say on the subject, but would simply assert that the Huckleberry road was good for nothing—never had been, and never would be—and he should vote to put it in the hands of men who would do something with it.

Mr. THORN, reviewing the arguments of Mr. PINKERTON, said that it was certainly true that at present not more than one car went over the road with passengers, and that it has had in fact no business at all. But the constituents of the gentleman from Schuylkill, (Mr. PINKERTON,) had lost nothing by the road, for they had never invested a cent. In fact, they had made money by its construction through their county. New York and Boston capital had been furnished, and \$3,000,000 had been sunk among the rocks. The owners, when they reached the coal seams, for which they were striving, found that they were not worth working, and gave up in despair. Every body who was acquainted with the locality, knew this to be the fact.

The road had been built for a specific purpose, viz: to supply the Baltimore market with coal, and it had never been contemplated that it would be of advantage to Philadelphia.

How would the present bill force the Dauphin and Susquehanna company to sell at a sacrifice a road which it was probable no one who was forced to run two trains over it daily would take as a gift? If it ever was to be worth anything, it would become so by means of the connection which it was contemplated to form with the Reading road.

The gentleman from Schuylkill, (Mr. PINKERTON,) had said that a charter for the construction of a road between the points named was already in existence, and had inquired why the road was not built? Grant the present application, and the work of constructing the new line would commence very soon.

It was due to citizens of Philadelphia, who were interested in the Sunbury and Erie railroad, to make this connection, in order that the lake trade, which otherwise, on account of the imposition of the tonnage tax on the Harrisburg and Lancaster railroad, would be directed to Baltimore, might reach Philadelphia by way of Dauphin and Reading.

Mr. GOEPP favored the bill. If any proposition was well established, it was that increased facility of communication tended to benefit the community; and the members being here, neither for the good of the Dauphin and Susquehanna or the Philadelphia and Reading railroad, should do justice to their constituents by voting for the proposed measure. If the incorporators were willing to build the road, and thereby add to the wealth of the State and benefit the country, let the charter be granted, even though another opposing route was injured. Admitting, for the sake of the argument, that the Dauphin and Susquehanna railroad would suffer, the community would be benefited.

Mr. SMITH, (Berks.) The gentleman from Schuylkill, (Mr. PINKERTON,) had said that the officers of the Dauphin and Susquehanna company knew nothing of the charter now before the House, and that he was not opposing the project by their authority or at their instigation. The information which he (Mr. SMITH) possessed upon this point was essentially different, for he understood that when the Dauphin and Susquehanna company sold their property, they were anxious that the Reading company should be the purchasers, and that the latter corporation was willing to buy, but had no power to do so without the passage of a supplement to their charter. He did not deny but that if the bill was passed, the Reading company might find it advisable to purchase the road already constructed, near Dauphin, instead of building one for themselves.

In regard to damage and loss that would accrue to the Dauphin and Susquehanna company, that obligation had been already refuted. The very fact that the Lebanon Valley railroad had injured the former road, was a proof that it should never have been built, and it was well known that the project had really been foolish and resulted in a large loss of money.



Mr. McCLURE inquired whether there really was an act of Assembly, (as had been stated during the morning, by Mr. WALBORN,) authorizing either the Pennsylvania Central or Harrisburg and Lancaster railroad to build a road from Harrisburg to Dauphin.

Mr. WALBORN said that there certainly was such an act, and surveys had been made, and workmen were to have been put upon the line last week.

Mr. McCLURE said that in that case it certainly appeared improper to give a new company the privilege already conceded to an old one. The bill now before the House, in his opinion, was a clever snake, and its true meaning was that the Philadelphia and Reading railroad company designed to kill the Dauphin and Susquehanna, by destroying the possibility of a connection which the latter thoroughfare would make, which would place it in the position of a link in the through line between Harrisburg and New York. A contest between the two parties had been going on for years, and this was the last step which had been made to retard and embarrass the proposed connection. The bill would effectually accomplish this, if it unfortunately passed.

At least \$300,000 had been expended to connect the Dauphin and Susquehanna railroad with the city of New York via Auburn and Allentown, and in a short time the thoroughfare would be one of the best and most important in the State. The gentleman on the opposing side, well knew that within five years the links from Harrisburg to New York would be complete, without their progress was interrupted by this proposed charter.

The Legislature of Pennsylvania had allowed many roads to be constructed, it was true, and after having given to the companies the right it was but just that they should be protected.

The aim of the present charter was to cut off a line which would be a rival to the Reading.

Mr. P/LM was glad that the true intents of the charter had been thus elucidated by the gentleman from Franklin. He coincided with the views which had just been expressed, and should himself have given them utterance had he not feared the power of the Philadelphia delegation.

Mr. WALBORN had reasons for asking the indefinite postponement, which were entirely different from any of those heretofore given. His objection to the charter was that it gave a key, by which roads paying no revenue to the Commonwealth might reach New York. The Dauphin and Susquehanna was a connecting link between Harrisburg and New York, and by allowing this connection to be made, freight could go over it to Elizabethport, without contributing one cent to the State revenues. The Pennsylvania and Harrisburg and Lancaster roads, from the high rates which they would be obliged to maintain, on account of the infliction of the tonnage tax, would lose business, and the State consequently would find her receipts from tolls between Harrisburg and Dillerville considerably diminished.

Mr. SMITH, (Berks,) wanted the gentleman to recollect that he had himself introduced a provision to the bill when it was in the hands of the committee, which inflicted a tonnage tax on the trade which would pass over the road contemplated by the supplement.

Mr. WALBORN admitted that he had made such a provision, and that the company would be obliged to pay three mills per ton per mile, as long as that tax was levied on the Pennsylvania railroad company.

The Lehigh Valley railroad, he said, would be completed so as to connect with the Sunbury and Erie railroad, almost as soon as the latter thoroughfare was opened to Erie. There would then be a line from Pittsburg to New York, in opposition to the Pennsylvania Central railroad,

which would carry freight through from point to point without rendering tribute to the amount of one cent to the State. Was it likely, then, that the tonnage tax of three mills per mile on the Pennsylvania Central would be paid? And what result would follow, except the crippling of one of the greatest corporations of this or any other country? The Pennsylvania Central now actually paid a tax on bonds of \$81,000, while for bonds of exactly the same amounts the Reading road paid but \$4,000 premium. Was this just? In the one case the tax was levied on the company, and in the other on the English bondholders. Let even-handed justice be done, and he would vote with the advocates of the supplement. If one was to be taxed, tax the other in the same proportion.

Mr. THORN said the gentleman from Philadelphia (Mr. WALBORN,) seemed to value his vote highly, and by the proviso which he had tacked on to the charter, reminded him of a certain quack physician, who had only one remedy. Being called upon to attend a patient suffering with chills, he prescribed the medicine usually given for fits: "for," said he, "I cannot cure the chills, but will throw her into fits; and I'm death on fits!" His colleague seemed to be unable to obtain the repeal of the tonnage tax on the Pennsylvania railroad, and therefore was endeavoring to tack it on to all other roads in the State, and throw them into fits, in the hope that by some peculiar remedy, he might afterwards cure the whole batch of them.

His colleague (Mr. WALBORN,) had talked of a certain connection to be made with New York. Why how many such connections were contemplated at points within thirty miles of Harrisburg? Did the gentleman not know that a road was projected from Pinegrove to Lancaster, and that there were at least half a dozen such plans?

If the Philadelphia and Reading railroad, with sixty miles down grade, and the freight in its cars would not take it to Philadelphia instead of New York, it would be singular. It certainly would do so if allowed to make this connection at Dauphin; but if otherwise, then the infliction of the heavy rates arising from the tonnage tax would drive trade down the Susquehanna on the Northern Central railroad to Baltimore. To avoid this, place the controlling link in the hands of the Philadelphia and Reading railroad, and let them seek the seaboard at Philadelphia.

The gentleman from Franklin (Mr. McCLURE,) had said that the Dauphin and Susquehanna railroad would be an important link, and the gentleman from Schuylkill (Mr. PALM,) had said that it would be worth nothing. This was a strange discrepancy.

He concluded by hoping that the bill would pass.

Mr. WALBORN said that the cars were now building to carry cattle over this road from Pittsburg to New York.

Since the year 1838 he had studied the railroad interests of the country, having at that time been connected with the Philadelphia and Columbia railroad. He had made himself acquainted with every fact, and had always advocated measures which would tend to benefit the metropolis of Pennsylvania.

As far as the question of revenue to the State was concerned, he was in reality opposed to taxing railroads; believing that duties levied upon them came directly from the pockets of the people. He had offered the proviso, however, to further the ends of justice. If it was, by any possibility, right for the Pennsylvania company to be taxed, it was equally so for the Reading.

If the House wanted to get rid of the bill they had better vote for its indefinite postponement.

Mr. SMITH, (Berks,) denied any intimation of having concealed the real objects of the bill, as alleged by the gentleman from Franklin,

(Mr. McCLURE.) If the object of the supplement was to make, and enable the Pennsylvania railroad company to make a connection with New York, he did not know it.

The natural effect would be to divert trade to Philadelphia, and it would be the object of the Philadelphia and Reading railroad to take freight over the Lebanon Valley railroad to Philadelphia instead of to New York. That would be their obvious policy, and with this fact so plainly before them, he was astonished that gentlemen, representing the metropolis, which was indebted more, perhaps, to the Philadelphia and Reading railroad than the Pennsylvania railroad, should offer any opposition.

As far as the question of revenue to the State was concerned, the gentleman from Philadelphia, (Mr. WALBORN,) had no reason to oppose the supplement on these grounds, because he had himself offered a proviso imposing a tax on the Lebanon Valley, and, in fact, the whole link. The bill, as it stood, would add to the revenue.

Mr. PINKERTON said, that while it was true that the supplement provided that the Philadelphia and Reading railroad might purchase, it also gave them the right to lay a track side by side with that of the Dauphin and Susquehanna company, thereby effectually, by the power of opposition, forcing the latter company into a sale or a ruinous competition. The Philadelphia and Reading railroad had tried repeatedly, as he had before said, to buy the work between Dauphin and Harrisburg, but had failed on account of not being willing to give a reasonable price.

He disagreed with the gentleman from Northampton, (Mr. GOEPP,) that railroads should be built whenever asked, and that no regard should be paid to the rights of stockholders of those already in existence. The very object of acts of incorporation had been to afford protection. Five or six years ago, the Legislature gave power to the Dauphin and Susquehanna railroad to lay their track. Now the Legislature sought to injure them by allowing competition. If every one was to be allowed to build a road whenever disposed, why not pass a general law?

Mr. PINKERTON withdrew his motion to postpone indefinitely, and moved to postpone for the present.

Mr. HAMERSLY said that the Pennsylvania Legislature had allowed New Yorkers to extend their road to within a few miles of Auburn.—New York interests also controlled the Dauphin and Susquehanna railroad. It was to allow the Reading road to obtain for Philadelphia her just share of the business of the west and northeast, in opposition to those New York projects, that the present charter was solicited.

On the question,  
Shall the bill be postponed?

It was not agreed to.

The bill being on second reading, it was moved that it be amended, so as to read that the tonnage tax should not apply to coal and lumber; carried.

Mr. THORN moved to amend the amendment, by striking out the entire proviso relative to the tonnage tax.

Further debate ensued between Messrs. WALBORN, THORN, NEALL, HAMERSLY, McCLURE and LAWRENCE, (Washington.)

Mr. THORN withdrew his amendment to the amendment.

The amendment exempting coal and lumber was accepted.

Mr. SMITH, (Berks,) offered to amend, by imposing the tonnage tax on that portion of the road to be purchased or constructed between Harrisburg and Dauphin.

Mr. THORN moved an amendment to the amendment, to strike out the entire tonnage tax proviso:



On the amendment to the amendment,  
The yeas and nays were required by Mr. WALBORN and Mr. PATTERSON, and were as follow, viz:

YEAS—Messrs. Church, Eckman, Evans, Fearon, Foster, Goepp, Hamersly, Laird, Matthews, Sheppard, Smith (Berks,) and Thorn—12.

NAYS—Messrs. Abbott, Acker, Barnesley, Barlow, Bayard, Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Custer, Dismant, Dodds, Durbinaw, Edmunker, Glatz, Graham, Gratz, Gray, Green, Harding, Hottenstine, Irish, Jackson, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mahaffey, McClure, McCurdy, McDowell, Miller, Neall, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Price, Proudfoot, Quigley, Ramsdell, Rohrer, Shafer, Smead, Stephens, Stoneback, Stuart, Thompson, Wagenseiler, Walhorn, Walker, Warden, Witman, Wigton, Williams, (Bucks,) Willistou, Wilson, Wolf and Lawrence, *Speaker*—62.

So the question was determined in the negative.

Mr. FOSTER entered the following reasons for his vote:

The bill on the file of the House, No. 404, entitled "A further supplement to an act to incorporate the Philadelphia and Reading railroad," (authorizing that road to extend their road,) being under consideration, Mr. THORN moved to strike out a proviso imposing a tonnage tax on the company on the whole length of their road, "as long as a similar tax is chargeable on the Pennsylvania railroad company." I voted "aye," because I believed said proviso was inserted in the Committee on Railroads for the purpose of hereafter obtaining the influence of the Philadelphia and Reading railroad company, in favor of abolishing the tax on tonnage on the Pennsylvania railroad, as necessary to their own relief; and because there were not the same reasons for imposing such tax upon the Philadelphia and Reading railroad as upon the Pennsylvania railroad company—the latter coming directly in competition with the public works, and compelling the State to dispose of them to that incorporation at its own price.

The question being, on the amendment of Mr. SMITH.

Mr. THOMPSON offered an amendment to the amendment: *Provided*, That the same tonnage should be charged on the Pennsylvania railroad.

The amendment to the amendment was accepted.

Mr. PATTERSON moved to amend the amendment of Mr. SMITH, by inserting the tax to be charged over the road from Dauphin to Reading; on this,

The yeas and nays were required by Mr. SMITH (Berks,) and Mr. PATTERSON, and were as follow, viz:

YEAS—Messrs. Acker, Barnesley, Barlow, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Custer, Dodds, Durbinaw, Edmunker, Foster, Glatz, Gray, Green, Hottenstine, Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Mann, Mahaffey, McClure, McCurdy, McDowell, Neall, Palm, Patterson, Peirce, Pinkerton, Proudfoot, Rohrer, Shafer, Shields, Smead, Stuart, Taylor, Wagenseiler, Walborn, Warden, Wigton and Wolf—46.

NAYS—Messrs. Abbott, Church, Dismant, Eckman, Evans, Fearon, Galley, Goepp, Gratz, Hamersly, Hill, Lawrence, (Washington,) Matthews, Nill, Oaks, Pennell, Quigley, Ramsdell, Sheppard, Smith, (Berks,) Stephens, Stoneback, Thompson, Thorn, Walker, Wilcox, Wiley, Williams, (Bucks,) Williston, Wilson and Lawrence, *Speaker*—30.

So the question was determined in the affirmative.

On the amendment as amended,

Mr. IRISH moved to strike out after the words "to be paid semi-annually."

Pending the question, the SPEAKER requested a suspension of the discussion.

Senate bill No. 625, authorizing school directors to borrow money, was passed.

House bill No. 402, to incorporate the Fall Brook railroad and coal company, was called up by Mr. WILLISTON.

Mr. SMITH, (Berks,) moved to amend by imposing a tonnage tax of three mills per mile.

The hour of five having arrived, the SPEAKER adjourned the House until 9½ o'clock, A. M.

#### COMMUNICATION

Of JAMES GOWEN, Esq., of Philadelphia, suggesting the propriety of a reduction of the tax now levied upon live stock.

MOUNT AIRY, March 4, 1859.

Hon. GEO. W. HAMERLY, H. R.:—

Dear Sir: Instead of memorializing the Legislature, I prefer invoking it through you, my immediate Representative, and shall esteem it a favor if you will present the grievance of the tax on cattle in such shape as will bring it before the Legislature, with the view of having the tax repealed.

Happily, the finances of the State are in a condition to justify the Legislature to attempt some reduction of the burdens so long and patiently borne by the citizens of Pennsylvania, and of which the broad shoulders of the farmers were made to carry the largest portion.

The condition and value of the cattle of Pennsylvania are far below the standard or estimate her soil and climate should warrant or suggest. I would not, however, be understood to maintain that this anomalous condition is wholly owing to the tax, but I have little hesitation in saying that it has retarded improvement in this important branch of the agricultural industry of the Commonwealth.

Had the tax been levied on each cow, without reference to her value, it might have led only to keeping fewer; but as it has been levied by a per centage on the value of the animals, it tended not only to limit their number, but to degrade them in character and quality.

It is a reproach to the husbandry of Pennsylvania that her product of beef, milk, butter and cheese, compares so unfavorably with that of New York and other States, to which Pennsylvania is made tributary, in the buying and consuming much of their beef, butter and cheese, all of which it should be her pride, as it is her interest, to produce a supply, at least for her own wants.

In conclusion, I pray you to make an effort to unuzzle the ox that treadeth out the corn, so far as the tax upon him is concerned.

Very respectfully,

Your obedient servant,

JAMES GOWAN.

No. 516.—FILE OF THE HOUSE.

GRITMAN, Judiciary—Feb. 25.

AN ACT securing more effectually prompt payment on the part of insurance companies.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That from and immediately after the passage of this act, all insurance companies in the State of Pennsylvania, whether they be stock, mutual or otherwise, which have insured, or may hereafter insure, against loss or losses by fire or otherwise, real, personal or any other kind of property, to whatever amount, and said property insured, or any part thereof has been heretofore or shall hereafter be destroyed by any of the means it is insured against, whereby the amount insured or any part thereof becomes due and

payable, or has at any time heretofore become due, and payable by the insurer to the insured, and any one or more of the said insurance companies thus liable, or to become liable, hath refused or shall hereafter refuse payment to the insured for the amount lost and insured against, for payment of which the insured have instituted suit or suits at law, pending and undetermined at the passage of this act, or may hereafter institute suit or suits at law, against the company or companies liable, and shall recover judgment for the amount insured or any part thereof, said company or companies sued shall from the time the amount or any part thereof shall become due, as contracted in the policy or policies of insurance, or where suits are now pending in such cases, from the date of the passage of this act until payment of the amount due and owing is made, be subject to and compelled to pay in addition to the principal and interest thereon claimed and recovered, or to be recovered on the policy itself, whatever damages a jury or arbitrators may choose to impose upon them; but in no case shall such damages exceed the rate of five per cent. per month, nor be less than two per cent. per month on the dollar; and whatever per cent. per month on the dollar shall be assessed as damages, under this act, shall be calculated on the principal sum due and owing the insured, in given judgment, in a suit or suits at law, to the day of judgment, rendered, and shall also be calculated on said judgment recovered, until paid the same as interest.

SEC. 2. That this act shall take effect immediately upon its passage and approval, and shall apply to all insurance companies against which suit or suits at law are now pending, except that the per cent. per month on the dollar above regulated, shall be calculated on suits brought heretofore and now pending only from the time of the passage and approval of this act.

No. 444.—FILE OF THE HOUSE.

GRATZ, Judiciary—Feb. 25.

AN ACT relative to the time in which courts are required to file their charges and decide motions for new trials.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That whenever a judge of any of the courts of this Commonwealth shall be requested to reduce the opinion of the court to writing and file the same, of record agreeably to the twenty-fifth section of the act of the twenty-fourth of February, one thousand eight hundred and six, entitled "An Act to alter the judiciary system of this Commonwealth;" it shall be the duty of the judge who delivers the opinion of the court to reduce the same to writing, and file the same of record within thirty days thereafter, and in all cases tried before the passage of this act, in which the court have been requested to reduce their opinion to writing, and file the same as aforesaid; and the opinion has not been reduced to writing and filed, it shall be the duty of the judge who delivered the same to reduce the opinion to writing, and file the same of record within thirty days after the passage of this act.

SEC. 2. That in all in all civil suits tried in the several courts of this Commonwealth, in which verdicts are rendered in favor of the plaintiffs, and motions are entertained by the court, or rules granted for new trials, it shall be the duty of the court to decide upon and dispose of such motions and rules within thirty days after argument of such rule or motion; otherwise judgment shall be entered on such verdict, by the prothonotaries or clerks of the respective courts.



# LEGISLATIVE RECORD.

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FOR THE SESSION OF 1859.

No. 50.

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## SENATE.

WEDNESDAY, March 9, 1859.

The Senate met and was called to order at the usual hour.

The SPEAKER in the Chair.

Prayer was offered by Rev. J. G. Martz.

The Journal of yesterday was partly read; when, on motion of Mr. FETTER, its further reading was dispensed with.

## REPORTS OF COMMITTEES.

Mr. WRIGHT, (Corporations,) reported with amendment, House bill No. 265, "An Act to incorporate the trustees of the Young Men's Christian association of Philadelphia."

Also, (same,) as committed, House bill No. 326, "An Act to incorporate the Fairmount market company."

Also, (same,) as committed, "A supplement to the act incorporating the poor house of Roxborough, in Philadelphia county."

Mr. STEELE, (same,) as committed, "A supplement to the act incorporating the borough of Pottsville."

Mr. SHAEFFER, (same,) as committed, "A supplement to an act incorporating the village of Port Carbon into a borough."

Also, (same,) as committed, "An Act authorizing the Tinklepaugh coal company to borrow money."

Mr. SCHELL, (same,) "A supplement to the several acts incorporating the Dauphin and Susquehanna coal company."

Also, (same,) as committed, "A supplement to the act incorporating the Big Meuntain improvement company."

Mr. GAZZAM, (same,) with a negative recommendation, "An Act to incorporate the American piano and melodeon savings company of Pennsylvania."

Also, (same,) as committed, "A supplement to the act incorporating the Cochranville hall association."

Mr. STEELE, (Canals and Inland Navigation,) as committed, House bill No. 552, "A supplement to the act for the improvement of the navigation of the Lackawaxen river."

Mr. PENNEY, (Education,) as committed, House bill No. 637, "An Act to provide for the payment of certain moneys by the school directors in Williams township, Northampton county."

Mr. SCHINDEL, (same,) with a negative recommendation, "An Act attaching the farm of Samuel Gladfelter, in Taylor township, Fulton county, to Clay Township school district, in Huntingdon county."

Mr. YARDLEY, (same,) as committed, House bill No. 360, "An Act to abolish a school district in Upper Salford township, Montgomery county."

Mr. CRAIG, (Private Claims and Damages,) with amendment, "An Act for the relief of Mrs. Sabina Bachman."

Mr. RUTHERFORD, (same,) with a negative recommendation, "An Act for the relief of Cookman and Brother, of Philadelphia."

Mr. YARDLEY, from the Committee to Compare Bills, made a report.

## BILLS IN PLACE.

Mr. TURNEY read in his place and presented to the Chair, a bill, entitled "An Act relative to verdicts and judgment in ejectment."

Mr. SHAEFFER, "A supplement to an act relative to common schools in the city of Lancaster."

Mr. THOMPSON, "An Act relative to the appointment of tax collectors in Montgomery county."

Also, "A supplement to the act incorporating the Chestnut Hill and Cheltenham railroad company."

Mr. COFFEY, "A supplement to the act incorporating the Ligonier bridge company."

## ORIGINAL RESOLUTION.

Mr. GAZZAM moved to reconsider the vote on Senate bill No. 451, "An Act relating to banks;" which was agreed to; and the further consideration of the bill was postponed for the present.

## SPECIAL ORDER.

Senate bill No. 18, "An Act to establish a general banking law," came up in order on second reading.

The question being upon the first section.

Mr. MYER moved to strike out all after the enacting clause, and insert the original bill.

On which,

The yeas and nays were required by Mr. MYER and Mr. RANDALL, and were as follow, viz:

YEAS—Messrs. Brewer, Gregg, Harris, Myer, Rutherford, Schell and Yardley—7.

NAYS—Messrs. Blood, Coffey, Craig, Fetter, Finney, Francis, Gazzam, Keller, Marselis, Nunemacher, Parker, Randall, Scofield, Shaeffer, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—20.

So the question was determined in the negative.

And the question recurring upon the first section of the bill, as reported by the special committee,

The yeas and nays were required by Mr. FETTER and Mr. SHAEFFER, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Finney, Francis, Gazzam, Myer, Parker, Randall, Scofield, Shaeffer, Schindel, Thompson and Cresswell, *Speaker*—13.

NAYS—Messrs. Blood, Brewer, Fetter, Harris, Keller, Marselis, Nunemacher, Palmer, Ru-

therford, Schell, Steele, Turney, Welsh, Wright and Yardley—15.

So the question was determined in the negative, and the bill fell.

Mr. CRAIG paired off with Mr. BELL.

## ORDERS OF THE DAY.

Senate bill No. 498, "An Act relative to the publication of the opinions of the supreme court in certain cases," came up in order on third reading.

Mr. TURNEY hoped the bill would not pass. It can effect no good, and may, possibly result in injury. The opinion of a minority of the judges of the supreme court is not law, although it may be very good argument. Our law books are already large and voluminous enough, without still further encumbering them with these opinions. He cited a single case, in which the minority opinion of one of the judges would occupy one hundred pages or more. There was no call for the passage of the bill—it was not demanded either by the people or the profession, and he hoped it would not pass.

Mr. SCOFIELD said the same bill was before the Senate at the last session, and he had stated, yesterday, that it had passed unanimously; but he since found that the Senator from Westmoreland and the present SPEAKER had voted against it. The profession, he said, did demand the publication of discussions on questions before the supreme court. Dissenting arguments ought sometimes to be spread before the people, as well as the majority opinions, which are alone given to them. He instanced cases in which the publication of these opinions would have resulted beneficially. The volumes of reports will not be enlarged by their publication, for the law only authorizes the reporter to select such cases of minority decisions as he may deem necessary and important to the public and the profession.

Mr. TURNEY still further opposed the bill. He had no doubt the reporter would like to have it pass; it was of the same cloth as another bill which had been negatived, to bind the reports in sheep skin instead of calf, by which there was a speculation of some forty cents per volume.

On the final passage of the bill,

The yeas and nays were required by Mr. FETTER and Mr. SCOFIELD, and were as follow, viz:

YEAS—Messrs. Coffey, Finney, Francis, Gregg, Harris, Miller, Myer, Palmer, Parker, Rutherford, Schell, Scofield, Shaeffer, Steele, Welsh, Wright and Yardley—17.

NAYS—Messrs. Blood, Brewer, Craig, Fetter, Gazzam, Keller, Marselis, Nunemacher, Penney, Randall, Schindel, Thompson, Turney and Cresswell, *Speaker*—14.

So the question was determined in the affirmative.

Senate bill No. 481, "An Act to amend an act to apportion the city of Philadelphia into single senatorial and representative districts," approved April 22, 1858, came up in order on third reading.

Mr. COFFEY opposed the bill upon constitutional grounds, and entered into a brief argument in support of his position, which

Mr. FINNEY answered, and supported the passage of the bill.

Mr. GAZZAM thought the case presented in the bill, was almost analogous to the correction of a clerical error. He saw no objection to the passage of the bill.



Mr. SCOFIELD seconded the views of Mr. COFFEY in opposition to the bill. The defect which it is proposed to remedy, looked like a mistake; but the Legislature is supposed to make no mistakes of that character. The passage of the bill, he thought, would establish a dangerous precedent.

On the final passage of the bill,

The yeas and nays were required by Mr. SCOFIELD and Mr. RANDALL, and were as follow, viz:

YEAS—Messrs. Blood, Brewer, Craig, Fetter, Finney, Keller, Marselis, Nunemacher, Randall, Schell, Shaeffer, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—17.

NAYS—Messrs. Baldwin, Coffey, Gregg, Harris, Miller, Palmer, Parker, Penny, Rutherford, Scofield, Thompson and Yardley—12.

So the question was determined in the affirmative.

House bill No. 226, "An Act to provide for the election of an additional law judge in Allegheny county" came up in order.

Mr. TURNEY did not wish to oppose the passage of the bill strenuously, but he thought there were good reasons why it should be voted down. He had gleaned some statistics, with regard to the judicial districts, which showed the following facts:

Westmoreland .....	51,726	
Indiana .....	27,170	
Armstrong.....	29,561	108,561
Washington.....	44,939	
Fayette.....	39,112	
Green.....	22,186	106,187
Somerset.....	24,416	
Bedford.....	23,052	
Fulton.....	7,597	
Franklin.....	29,904	88,518
Beaver.....	26,689	
Butler.....	30,346	
Lawrence.....	21,079	78,114
Huntingdon.....	24,786	
Blair.....	21,777	
Cambria.....	17,773	64,335
Mercer.....	33,172	
Venango.....	18,310	
Clarion.....	23,565	
Jefferson.....	13,518	88,568
Dauphin.....	35,754	
Lebanon.....	26,071	61,825

In the city of Philadelphia the population, by the census of 1850, was 408,752. They have seven law judges, three in the common pleas, three in the district court, and one nisi prius. The population, divided by the number of judges, leaves 56,964 to each judge.

In Allegheny county, where it is proposed to create a new judge on account of the amount of business, there is a population of 138,290, with three law judges—one in the common pleas, and two in the district court, which gives to each judge a population of 46,096, which is less than any of the districts enumerated, and less than one-half of several. The population of a district is a fair test of the amount of business.

Mr. SCHELL said it was true that the county of Allegheny has less population than some other judicial districts of the Commonwealth; but the Senate must remember that cases of litigation are much greater in number in manufacturing localities than in agricultural. He considered the bill to provide an additional law judge just, and should vote for it.

Mr. PENNEY was willing that the Senator from Westmoreland, or any other Senator, should call attention to the relative position of

Allegheny and other judicial districts. There was, he said, from three to five fold more litigation in the district of Allegheny than in any other district in western Pennsylvania.

Mr. GAZZAM said the statistics of the Senator from Westmoreland might do well enough, if they were applicable to this year; but if he was not mistaken, they had been taken from tables prepared ten years ago. Since that time there had been a vast proportionate increase in the legal business of Allegheny over that of the districts which had been cited. The bar and people of the county were unanimous in its favor, and he hoped it would pass.

On the question,

Shall the bill pass?

It was determined in the affirmative.

Bills entitled as follow lie over: "An Act to incorporate the Northumberland and Juniata Railroad company," and "An Act to alter the districts of the supreme court."

Senate bill No. 477, "An Act relative to the collection of State and county taxes in Bucks county" came up in order, and passed finally.

On motion of Mr. SCOFIELD, the Senate receded from its amendments to "An Act relative to taxes in Tioga county," in which the House of Representatives had refused to concur.

House amendments to Senate bill No. 341, "An Act to incorporate the Columbia County agricultural, horticultural and mechanical association," having been read, were, on motion of Mr. KELLER, concurred in.

Mr. RANDALL moved that the Senate insist upon its amendments to "A further supplement to the act consolidating the city of Philadelphia," (in which the House of Representatives has refused to concur,) and that a committee of conference be appointed; which was agreed to.

BILLS CONSIDERED AND PASSED.

On motion of Mr. SCHELL, the Senate proceeded to consider House bill No. 205, "An Act authorizing the payment of the claim of John C. Couch, of Huntingdon."

Mr. SCHELL stated that since the bill had been before the Senate, yesterday, he had examined the evidence relative to the claim, in the Canal Commissioners' office, and had satisfied himself that it was just. He gave a statement of the circumstances under which it originated, and the grounds upon which he urged its passage.

Mr. SCOFIELD said it was time to put a stop to the allowance of these claims. The public works have been disposed of, and yet almost countless claims are presented for alleged damages, or based upon other pleas; and unless the Legislature closes the door upon them, and refuses to pay them, there is no telling how long the State may be called upon to pay immense sums out of the treasury, without knowing whether the claimants are entitled to them or not. He was prepared to take a stand at once, and say to them all that the door is closed, and you cannot come in with these interminable demands.

Mr. SCHELL was not disposed to go so far as to repudiate an honest claim. The claim here presented is one for lumber furnished to the State; not for damages. It was founded upon a book account, and the evidence of its justness was on file. If the Senate was not satisfied, he was perfectly willing that the bill should lie over for a week, in order to afford time for a thorough examination of the facts.

Mr. SCOFIELD did not wish the bill to lie over on his account. He might not know any more of it at the end of a week than he does now. His objection was not to this claim, particularly, but to general claims of this character. He had about made up his mind to vote for no more, and he thought it was about time they should close the door upon them, and say the hole is stopped, the sink-hole is gone. He would vote against the bill.

The bill passed finally.

On motion of Mr. TURNEY, Senate bill No. 540, "A supplement to the law providing for the continuance of a system of education by common schools," was taken up, and having passed committee of the whole, lies over.

On motion of Mr. SCHELL, the Senate proceeded to consider Senate bill No. 11, "An Act to prohibit the issuing and circulation of bank notes of a less denomination than twenty dollars."

The first section being before the Senate, in committee of the whole,

Mr. SCOFIELD moved to amend, so that banks shall not be allowed to issue notes of any description.

Mr. SCOFIELD, in proposing his amendment, briefly advocated it, remarking that its adoption would put a stop to all this objectionable system, as it ought to, and effectually relieve the public of the whole series of evils, of which so many complaints are heard, and which so many propositions are made to remedy. Instead of taking the half-way steps proposed by the Senator from Bedford, they should strike at once at the roots of the system, as his amendment proposed.

The amendment was agreed to, as also the section as amended.

The second section was adopted.

After some time the committee rose, and the bill being upon second reading,

Mr. SCHELL moved to re-insert the part of the first section stricken out in committee of the whole.

Mr. MYER moved to postpone consideration of the bill indefinitely.

Mr. MILLER hoped the motion to postpone indefinitely would not prevail. He was glad to hear the Senator from Warren express such radical views upon the question of banking; but it was strange that parties who had done so much, to entail the banking system upon the State, should, all at once, become so radical that nothing was too bad to say against it.

Mr. MYER wished to ask the Senator from Washington a question. He desired to know to what party he alluded, in the action of the Legislature heretofore.

Mr. MILLER explained. The position occupied by the Democratic party, was in favor of a specie basis. They might, in many cases, have departed from that principle, but they have, at all times, been extremely careful in creating banks. He then entered into an advocacy of Mr. SCHELL'S amendment, as one which was designed to go still further than the present law in benefiting the people. No man, he said, can say that the five dollar note law has not been beneficial, and that it has not driven out the shillings with which the State was previously flooded. That law was one which they would soon find every State in the Union adopting—Every man knows that the harvest of banks is during the circulation of small notes. Many of them live upon this kind of circulation. If the step already taken has worked a benefit, let us take one step further, and work a greater benefit. He was in favor of taking that step, and at once. In looking abroad, we find no bank issues of a small denomination. In England there is no note of a less denomination than twenty-five dollars—there are found no shillings in either France or England, and what are the benefits?

If the Senate vote against the proposition of the amendment, they will vote to go backward instead of forward. Objection has been made to it, that it cannot be carried into effect. This was the same objection which had been made to the law forbidding issues of a less denomination than five dollars. The principle of the bill was a correct one, and he would stand up for it so long as he had a vote in this body.

Mr. SCHELL did not desire to discuss the



subject, because he considered the bill as hopelessly lost. He was, however, confidently impressed with the benefits which would accrue from the passage of it, and briefly urged his reasons in favor of the propositions contained in the section which he had moved to restore to the bill.

Mr. SCOFIELD said the laws which had been gotten up for the regulation of banks afford no protection, under the present system, to the note-holder. He regarded the protection which they received, just such as would be afforded by a cobweb fence, which was designed to guard the inclosure from a whole herd of buffaloes.—And yet the Senator from Washington wants us to stand up to the work. That is just what we want him to do. We want him to come up and say if he is prepared to cut off all the objectionable features at once. In his propositions towards remedying the defects in our banking system, he reminded him of a drunken man who was desirous of reform. If he were to go to the Senator from Washington as a doctor, he would say to him, after ascertaining that he had been in the habit of taking a quart a day, that he must come down to a pint. He would advise reformation step by step, instead of saying to him—

"Lock your teeth, and ne'er undo 'em,  
To suffer wet damnation to run through 'em."

He hoped the amendment would be voted down, and that the Senate would come to a direct vote upon the proposition to wipe out the worthless system at once.

Mr. MARSELIS did not desire to say much upon the question. He felt dull with regard to it, for the reason that he considered the course of the Senator from Warren and others, as intended to burlesque the whole matter. The views expressed by the Senator from Warren, he felt convinced, were insincere and ironical. He briefly advocated the amendment proposed by Mr. SCHELL, and concluded by saying that an opportunity was now presented to Senators, who were honest in their position upon the bank question, of carrying out their views.

Mr. RANDALL was sorry to hear the Senator from Bedford express himself so hopelessly as to the fate of his bill. For himself, he should not weary in well doing, and should persevere until the propositions of that bill succeed. He considered the proposition of the Senator from Warren an absurdity. It was impossible to cut off the circulation of all notes, and the inconveniences to trade and commerce which would result from such a course, would be incalculable.

A short and witty discussion, irrelevant to the question, took place between Messrs. SCOFIELD, SCHELL, COFFEY, MYER and GAZZAM, after which

Mr. GAZZAM advocated the proposition of the Senator from Warren, and expressed his opposition to the amendment of the Senator from Bedford.

Mr. SCOFIELD said he was a little mortified that the Senator from Philadelphia, (Mr. MARSELIS,) should doubt his sincerity in the expression of his sentiments with reference to the system of banking. He had but uttered the sentiments which he had cherished for years. He was serious in those views. He looked upon bank charters as deceitful. So long as we send out charters, we give to parties the opportunity of deceiving the people, and offer them temptations to defraud the public. The restraints placed upon them have no more power in controlling them, than had the green withs with which they sought to fetter the giant limbs of Samson. We are taught by our Savior, when we pray, to say, lead us not into temptation; and yet we send out these bank charters, and lead men into temptation, from which they often fall into errors, where

friends and fortunes may be lost and swallowed up, and reputation forever ruined.

Mr. WELSH spoke at length upon the question, during which he said, that no man upon the floor of the Senate would go further than he in the support and advocacy of reform in the banking system of the Commonwealth.—But he deemed that all such measures, to be effectual and productive of good results, should be properly digested and most carefully discussed. The practical effect of all reforms should be calmly considered; and he held that it was unwise to deal in mere abstractions, no matter how correct they might appear in theory. He was in favor of radical reforms in the banking system, but he did not think the measure proposed by the Senator from Bedford of practical value, so long as the other States in the Union permitted their banking institutions to issue notes under the denomination of twenty dollars. He did not wonder at Senators from the city of Philadelphia advocating this proposition, because he regarded it as a positive discrimination in favor of the city banks, and against those in the country. As such, it was, in effect, no reform. It was well known that the city banks issued but few notes under twenty dollars, and banked almost entirely upon their immense deposits; while those in the rural districts were forced to rely almost altogether upon their circulation, which was principally in five and ten dollar notes, and depended but very little upon their depositors. As a practical question, the tendency of this measure would be to destroy the efficiency of the country banks, which, if they be of any use to the communities in which they are located, should be permitted to enjoy the privileges granted to them by their charters. As regards the system itself, he would not attempt to discuss that point at the present time, but he would simply say that, since he occupied a seat upon that floor, he had steadily opposed the increase of banking capital. He alluded to the argument of the Senator from Washington, that the absence of notes of a less denomination than five pounds in England, had tended to avert the financial storm which swept over this country, and asked the Senator if he had read the reports of ruin, disaster and bankruptcy in the Old World, that were brought to the United States at that fearful crisis? Did not the storm in all its remorseless fury reach England and other portions of Europe? Were there no large commercial houses in that country which had tottered to the ground, and became like reeds shaken by the wind? Some of the best and proudest commercial fabrics were forced to yield to the storm that had been felt so disastrously in this country; and among the number in some degree effected at that terrible crisis, was even the powerful and influential house of George Peabody, of London.

Mr. MILLER wished to ask the Senator from York where the storm had commenced?

Mr. WELSH replied that it made no difference where the breeze first started. The question was, whether, when the crisis came, the system advocated had been able to withstand the violence of the storm. It was a stronger argument to show the fallacy of the gentleman's position, that in spite of the restriction, in the very face of the English system, the merchants and people of England had been compelled to succumb to the blast. The mere fact that the banks in this country issued notes under the denomination of twenty dollars, had nothing to do with the recent revolutions in our currency. The cause was deeper and wider, and more general in its nature; which cause, at this time, he could not stop to discuss. He was clearly in favor of a specie currency, and would do anything in his power to protect the people from the growing evils which result from indiscriminate paper issues. If any reform be needed, and he did not

question this fact, let it fall equally and alike upon all the banking institutions of this Commonwealth, which were established upon the same common basis, and belonged to the same common system. The point at issue was, would this measure correct the evils alluded to, when other States around us did not restrict their circulation in the same manner. It was purely a practical question, not an abstract one, and as such, should be treated in a practical manner. He did not ask for the adoption of any measure in reference to this subject, which was not calculated to benefit all classes in Pennsylvania; and it would always be his pride and pleasure to support and advocate any proposition which would result in the prosperity and happiness of her thriving and industrious citizens.

Mr. SCHELL said there were no banks in the district he represented. In his course upon the question of banks, he was only carrying out the views of his constituents; and he had no wish to quarrel with any one who goes against the bill proposed by him, or who complies with the wish of his constituents in laboring for any privileges demanded by them.

Mr. MILLER explained, that for the three years he had occupied a seat here, he had never voted for the charter of a single bank. An application for a charter had been made last winter from his district, and he had been written to and requested to take charge of the bill. He had called it up, but he had, at the same time, requested that it might be killed. That was his record upon the bank question.

Pending the discussion of this bill and the amendments, (Mr. MILLER having the floor,) a message was received from the Governor, and read, as follows:

EXECUTIVE CHAMBER.  
Harrisburg, March 9, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following acts of the General Assembly, viz:

"A supplement to an act to incorporate the borough of York."

"An Act relating to road views and damages in Northumberland county."

"An Act to authorize the Schuylkill Valley railroad company, in the county of Schuylkill, to extend their railroad from some suitable point near the town of Tuscarora, to connect with the Little Schuylkill railroad, at or near the town of Tamaqua."

"A supplement to the act to incorporate the Byberry and Bensalem turnpike road company, approved March 10, 1848."

"An Act to empower the judges of the court of common pleas of the counties of Beaver, Butler and Lawrence, to establish a tariff of fees and costs in equity cases."

"A supplement to an act to incorporate the Delaware and Schuylkill basin company, passed April 9, 1855."

"An Act to incorporate the Port Kennedy railroad company, of Montgomery county."

"A further supplement to an act to incorporate the Buffalo and Bradford railroad company," approved March 14, 1856.

"A further supplement to an act regulating the manner of voting at the general election in the counties of Wayne and Schuylkill."

"A further supplement to the act incorporating the Marshall savings institution of Philadelphia."

"A further supplement for the division of the borough of Allentown into wards."

"An Act to change the place of holding the general and township elections in the township of Upper Paxton, in Dauphin county."

"An Act for the sale of the real estate of Wm. H. Richter, deceased."

"An Act relating to the borough of Pottstown."

"An Act to annul the marriage contract be-



tween William R. Priestly and Annie V. M. Priestly."

"A supplement to an act to incorporate the Johnstown woolen manufacturing company."

"Resolution to pay D. R. McClain, late a member of the House of Representatives."

"Resolution to pay the expenses of the late committee, appointed by a resolution of the House of Representatives of 1858, to investigate the condition of certain banks."

"Resolution relative to the salary of George W. Wood, deceased, as a member of the House of Representatives."

"An Act relative to elections in Somerset county."

WM. F. PACKER.

On leave given, Mr. FINNEY read in his place, "An Act relative to the collection of additional road tax in the borough of Titusville, in Crawford county."

The hour of one having arrived, Senate adjourned to meet at three P. M.

#### AFTERNOON SESSION.

Agreeably to order, the Senate met at 3 o'clock.

#### REPORTS OF COMMITTEES.

Mr. MARSELIS, (Banks,) reported as committed, "An Act authorizing the Philadelphia Bank to buy additional real estate."

Mr. BLOOD, (Pensions and Gratuities,) as committed, "An Act for the relief of Mary Washington, a widow of an old soldier."

#### BILLS IN PLACE.

Mr. GREGG read in his place and presented to the chair, "An Act authorizing the construction of a ferry on the West Branch of the Susquehanna river, at Beaver's furnace, in Union county."

Mr. FETTER, "An Act to change the place of holding elections in Newville, Cumberland county."

Mr. FINNEY, "A supplement to an act relative to the regulation and limitation of sequestrations in case of the Erie canal company."

#### ORIGINAL RESOLUTION.

Mr. HARRIS moved to reconsider the vote on Senate bill No. 18, "An Act to establish a general banking law;" and on his motion, consideration of the same was postponed for the present.

#### BILLS CONSIDERED AND PASSED.

Bills entitled as follow passed:

On motion of Mr. SCHELL, House bill No. 184, "An Act to exonerate James T. Leonard, prothonotary of Clearfield county, from the payment of costs, taxes, &c., on his commission."

On motion of Mr. WRIGHT, Senate bill No. 556, "A supplement to an act to incorporate the Blockley and Merion turnpike and plank road company."

On motion of Mr. BLOOD, Senate bill No. 426, "An Act to increase the pay of county commissioners and auditors of the county of Clarion."

On motion of Mr. COFFEY, Senate bill No. 402, "A supplement to an act incorporating the University of Kittanning."

On motion of Mr. FETTER, Senate bill No. 514, "An Act repealing a supplement to an act incorporating the borough of Newport, Perry county."

On motion of Mr. FINNEY, Senate bill No. 487, "An Act relative to the fees of the sheriff of Crawford county."

On motion of Mr. FRANCIS, House bill No. 553, "A supplement to the act incorporating the Venango railroad company."

On motion of Mr. GREGG, House bill No. 271, "An Act authorizing a change of the name, style and title of the Allegheny and Bald Eagle

railroad, coal and iron company, in Centre county."

On motion of Mr. HARRIS, House bill No. 287, "A supplement to an act relative to the North Western coal and iron company."

On motion of Mr. KELLER, House bill No. 297, "An Act authorizing the judges of the court of quarter sessions of Columbia county, to settle the accounts of Cunningham township."

House bill No. 46, "An Act authorizing the registration of all inventories exhibited in the register's office of Lancaster county," passed committee of the whole, after being amended variously, and lies over on second reading.

On motion of Mr. MILLER, House bill No. 569, "An Act relative to the election of additional supervisors in Cross Creek township, Washington county."

On motion of Mr. SCHINDEL, "An Act to incorporate the Ario iron company."

On motion of Mr. PALM, House bill No. 281, "A supplement to the several acts incorporating the borough of Schuylkill Haven."

On motion of Mr. PARKER, House bill No. 260, "An Act to incorporate the People's insurance company, to be located in the city of Philadelphia."

On motion of Mr. MYER, Senate bill No. 423, "An Act in relation to Edith T. Greeno, of Cauton township, Bradford county."

On motion of Mr. PENNEY, Senate bill No. 528, "An Act to exempt certain real estate in Allegheny county from the payment of collateral inheritance tax."

On motion of Mr. RANDALL, Senate bill No. 131, "An Act to incorporate the Union railroad company."

On motion of Mr. STEELE, House bill No. 552, "A supplement to an act for the improvement of the navigation of the Lackawaxen river."

On motion of Mr. RANDALL, "An Act authorizing the Philadelphia Bank to buy additional real estate."

On motion of Mr. FETTER, "An Act to change the place of holding elections in Newville, Cumberland county."

On motion of Mr. SHAEFFER, Senate bill No. 557, "A supplement to the act incorporating the Dock coal company under the act of assembly of April 7, 1849, entitled 'An Act to encourage manufacturing operations in this Commonwealth, and the several supplements thereto.'"

On motion of Mr. SCHINDEL, Senate bill No. 91, "An Act to incorporate the Eastern iron company."

On motion of Mr. SCOFIELD, House bill No. 527, "A supplement to an act incorporating the Wellsboro and Tioga plank road company."

On motion of Mr. RUTHERFORD, "An Act relative to the register of wills in Dauphin county."

House amendments to "A supplement to the act incorporating the Middletown and Harrisburg turnpike road company," were, on motion of Mr. RUTHERFORD, concurred in.

On motion of Mr. THOMPSON, House bill No. 473, "A supplement to an act to incorporate the president and managers of the Belmont Avenue and Plank road company."

On motion of Mr. GAZZAM, "An Act to incorporate the Boatmen's insurance company."

On motion of Mr. TURNEY, "An Act for the relief of Mary Washington, a widow of an old soldier."

On motion of Mr. WELSH, Senate bill No. 518, "An Act to incorporate the Hanover gas company," came up, and passed committee of the whole.

The hour of five o'clock having arrived, its consideration was postponed, and the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 9, 1859.

The SPEAKER called the House to order at 9½ o'clock.

Prayer by the Rev. Mr. Hay, of the Lutheran church.

Mr. WILLIAMS, (Bucks,) moved to dispense with the reading of the Journal of yesterday.

Mr. HAMERSLY objected.

The Clerk read the Journal of Tuesday.

Mr. GLATZ moved to consider Senate bill No. 438, relative to the incorporation of the Union Evangelical Lutheran congregation of the borough of York.

The motion of Mr. GLATZ was agreed to.

The bill was considered section by section, and passed finally.

Mr. PINKERTON, leave being given, called up Senate bill No. 39, entitled "A further supplement to an act relative to a burial ground and school lot in Pottsville."

The bill being on third reading, it was amended so as to exempt the bonds and mortgages from taxation.

Mr. M'CLURE offered an amendment that the premises should be properly enclosed, and used for no other purpose than the one specified.

The amendment was agreed to.

The bill passed as amended.

Mr. FLEMING moved to consider Senate bill 407, entitled "An Act to repeal a part of the fourth section of an act to appoint road commissioners to take charge of a portion of the Warren and Ridgeway turnpike road, in Elk and Forest counties," approved the 15th day of April, A. D. 1858.

The motion was agreed to.

The bill not being on file, the motion was withdrawn.

Mr. BOYER, (Schuylkill,) moved to reconsider the vote had upon the bill incorporating the Media Bank.

On this question,

The yeas and nays were required by Mr. GRITMAN, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Dodds, Durboraw, Eckman, Ellmaker, Fearon, Glatz, Graham, Gratz, Green, Harding, Ketchum, Kinaey, Lawrence, (Washington,) Mehaffey, Matthews, Palm, Patterson, Pennell, Peirce, Price, Prondfoot, Ronse, Shaffer, Styer, Thompson, Wagenseiler, Walborn, Walker, Witman, Wigton, Williams, (Bucks,) Wilson, Withrow, Wolf, and Lawrence, *Speaker*—44.

NAYS—Messrs. Boyer, (Clearfield,) Brodhead, Church, Custer, Evans, Fisher, Fleming, Foster, Galley, Goepp, Gray, Gritman, Hill, Jackson, Laird, Miller, Neall, Nill, Oaks, Pnghe, Quigley, Ramsdell, Rohrer, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thorn, Warden, Williams, (Bedford,) Willistoa, Woodring and Zoller—36.

So the question was determined in the affirmative.

Mr. PENNELL moved to postpone consideration for the present.

Mr. GRITMAN moved to amend by postponing indefinitely.

On the amendment of Mr. GRITMAN,

The yeas and nays were required by Mr. GRITMAN and Mr. STEVENS, and were as follow, viz:

YEAS—Messrs. Church, Custer, Dodds, Evans, Fleming, Foster, Goepp, Gritman, Hill, Jackson, Ketchum, Laird, Miller, Neall, Nill, Oaks, Pnghe, Quigley, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Warden, Williston and Woodring—26.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Campbell, Dismant, Durboraw, Eckman, Ellmaker, Fearon, Fisher, Galley, Graham, Gratz, Gray, Green, Harding, Lawrence,



(Washington,) Mann, Mehaffey, Matthews, M'Curdy, Palm, Patterson, Pennell, Peirce, Pinkerton, Price, Rouse, Shafer, Taylor, Thompson, Thorn, Walborn, Walker, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf, Zoller and Lawrence, *Speaker*—50.

So the question was determined in the negative.

The question being taken on the motion to postpone for the present, it was agreed to.

Mr. ACKER, from Committee on Corporations, reported as committed, "A supplement to an act to incorporate the Cochransville Hall association of Chester county, Pa."

Mr. ACKER moved to proceed to the consideration of the above; which was agreed to.

The bill passed finally.

Mr. WALBORN moved to consider House bill No. 405, "A supplement to an act to incorporate the Fairmount and Arch Street railroad company of Philadelphia."

The bill being upon second reading.

The bill passed.

Mr. M'CLURE read in place "An Act relative to costs in certain criminal cases;" and moved that the House now proceed to a re-consideration of the vote had relative to the Green and Coates Street railroad company of Philadelphia, being House bill No. 160.

The motion was withdrawn.

#### PRIVATE CALENDAR.

Mr. M'CLURE moved to proceed to the consideration of Private Calendar. Agreed to.

House bill No. 404, "A further supplement to the act incorporating the Philadelphia and Reading railroad company," was first in order.

The bill was read, as follows:

A FURTHER SUPPLEMENT to an act to incorporate the Philadelphia and Reading railroad.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the president and managers of the Philadelphia and Reading railroad company to extend the Lebanon Valley branch of their railroad from its present termination in the borough of Harrisburg, so as to connect with the Northern Central railroad, at or near the town of Dauphin, Dauphin county, and to enter in and upon and occupy such land as may be necessary for the same on the terms and conditions provided in the fourth section of the act passed the first day of April, Anno Domini one thousand eight hundred and thirty-six, entitled "An Act to authorize the Governor to incorporate the Lebanon Valley railroad company;" and in the construction and use of the extension aforesaid, the said company shall have, hold and enjoy all the right, privileges and immunities that are at present secured to them; and shall be subject to the same liabilities, restrictions and provisions, as are now imposed upon them by law in other parts of the road; and the said company is hereby authorized to purchase any part of any existing railroad for the purpose of completing the connection aforesaid: *Provided,* That before the said company shall avail themselves of the provisions of this act, they shall agree to pay into the treasury of the Commonwealth, three mills per ton per mile on all tonnage passing over the whole length of their road, the same to be paid semi-annually, and to continue in force as long as a similar tax is chargeable on the Pennsylvania railroad company.

The question was on the amendment of Mr. IRISH, to strike out all after the word "semi-annually."

Mr. THORN. The gentleman from Schuylkill had said that the bill would operate injuriously to the interests of his county, and the Dauphin and Susquehanna railroad. He did not believe

that such would be the case. Another gentleman had opposed the bill because he imagined that its provisions were antagonistic to the Pennsylvania railroad company. Neither did he believe this to be the fact, but thought, on the contrary, that it would enure to the benefit of the metropolis of the Commonwealth and her people.

The bill had long been on file, and the people of the State knew what it contemplated. If it was opposed by any of the officers of the Pennsylvania railroad, he had yet to hear of it. Not one word had been written by them to him, and that was the fact with reference to a majority of his colleagues; and now there were sixteen members upon the floor from the city of Philadelphia. The gentleman from Blair perhaps had, but his constituents were only interested in the road to a certain extent. It passed through their county, but it happened to be the property of Philadelphians, in their individual and corporate capacities.

Repeated opinions had been expressed here, that the members from Philadelphia were sent expressly to look after the interests of the Pennsylvania railroad company, and astonishment has been evinced that those members would favor a bill, whose provisions were inimical to the interests of that corporation. He did not care for the opinions of the Pennsylvania railroad as conflicting with those of his constituents, but they were largely interested in its success. From these same constituents not one word of instruction relative to this matter had been forwarded to their representatives. He desired this fact especially to be known.

He did not believe that the interests of the Pennsylvania company were invaded by this bill. It seemed to provide merely for a fair and honorable rivalry, which would tend, either directly or indirectly, to benefit Philadelphia, and to give to her people their only desire, which was to reap some return for their outlay of capital.

The extension of the road, as proposed, would bring trade to Philadelphia, which would otherwise seek an outlet at Baltimore. This trade was that which would naturally follow the completion of the Sunbury and Erie railroad.

If gentlemen supposed that by the proviso contained in the supplement before the House, they could obtain an additional reason for the repeal of the tonnage tax, they were mistaken. Every day that that tax remained, the chances for its repeal were lessened, and if it was not repealed, and the additional one was imposed on the Lebanon Valley railroad, the people of the State would soon, like those of New Jersey, look entirely to railroads in the Commonwealth to pay their taxes; a result to be avoided by all possible means. The present amendment then, if it carried, would have a tendency, not to repeal the tax on the Pennsylvania railroad, but to fasten an incubus on the trade of the State.

Mr. WALBORN did not desire to discuss this question further, but having been referred to, could not but reply. Every one knew that he was opposed to the imposition of a tax on any railroad in the Commonwealth. His object in insisting upon the proviso to the present bill was to protect Philadelphia, and the interests of the Commonwealth, as long as the tax remained on the Pennsylvania railroad. If the bill was allowed to pass, and if by any circumstance the Reading railroad could build the road to Dauphin, a link would be formed that now, by its non-completion, prevents freight from passing to New York through our whole State, without paying any tribute. That little link of nine miles would afford a means of direct communication via the Allegheny Valley, Sunbury and Erie, Lebanon Valley and East Pennsylvania railroads, between Pittsburgh, Erie and New York. He would ask gentlemen who were in-

terested in the welfare of the State, whether it was right thus to allow a free avenue of trade to be opened from east and west through Pennsylvania.

He was not upon the floor now to argue the repeal of the tonnage tax, but only asked that the interests of the Commonwealth, as far as they rested in existing roads, should be protected. If the bill under consideration passed without the proviso, the treasury would lose thousands of dollars, and serious injury would result to that great corporation, the Pennsylvania railroad company.

As regarded the interests of the Pennsylvania company, he was sorry that his colleague, (Mr. THORN,) had stated that the bill was not opposed by the officers of that corporation. His information was different; for in conversation with both the president and vice-president of the company, he had learned that they fully appreciated the injury which would result to their property.

Mr. IRISH offered an amendment to the amendment, to strike out the whole proviso, after the word "connection."

Mr. WALBORN said that by this the whole proviso would be destroyed.

Mr. HAMERSLY said that the gentleman from Philadelphia, (Mr. WALBORN,) used strange arguments. He did not insist upon the proviso because it was an act of justice or right, or because it was constitutional, but because he desired to embarrass gentlemen in voting on the bill. Now the gentleman was Chairman of the Railroad Committee, and the supposition was that when bills were reported from that committee, they were in good faith. The gentleman professed to be in favor of the repeal of the tonnage tax, and yet imposed it on the present bill. He should vote for the bill without the clause relative to the tax, and otherwise should oppose it.

Mr. WALBORN should vote against the bill, even in its present shape. His object in inserting the proviso had been to put it in such a shape that the corporators would not use it. They would never consent to pay the tonnage tax.

Mr. THORN said that this was an extraordinary admission, and he hoped would be put upon the record. Here was a gentleman clamoring for the repeal of the tonnage tax, and asserting that in this course he was sustained by his constituents, and yet he was opposing free trade, which would benefit Philadelphia, upon a road forty miles in length. This was consistency with a vengeance. From such hypocrisy, "Good Lord deliver us."

Mr. IRISH had offered his amendment that the House might act consistently. He was not aware that the people wanted the tonnage tax imposed on this road, or on any other road on which it did not already exist.

Where did the proposal come from to impose this tonnage tax, except from a corporation who attempted to dictate to the Legislature what they should do?

The question being on the amendment to the amendment,

The yeas and nays were required by Mr. WALBORN and Mr. HARDING, and were as follow, viz:

YEAS—Messrs. Abbott, Bayard, Boyer, (Clearfield,) Brodhead, Bryson, Campbell, Church, Durboraw, Eckman, Evans, Fearon, Fisher, Fleming, Foster, Goepf, Good, Gratz, Hamersly, Irish, Kinney, Laird, Lawrence, (Washington,) Matthews, Nill, Quigley, Shepard, Smith, (Berks,) Styer, Taylor, Thorn, Walker, Warden, Wilcox, Williams, (Bedford,) Williston, Wilson, Zoller and Lawrence, *Speaker*—38.

NAYS—Messrs. Aoker, Barnsley, Boyer, (Schuylkill,) Burley, Custer, Dismant, Dodds, Ellmaker, Glatz, Graham, Green, Gray, Harding,



Hill, Hottenstine, Keneagy, Ketchum, Mann, McClure, Neall, Palm, Patterson, Peirce, Pinkerton, Proudfoot, Pugh, Ramsdell, Rohrer, Rouse, Shields, Smead, Stoneback, Thompson, Wagenseller, Walborn, Wigton, Wiley, Williams, (Bucks,) Withrow, Wolf and Woodring—41.

So the question was determined in the negative.

The question being on the amendment,  
It was disagreed to.

The question then being on the section as before amended.

Mr. PINKERTON offered an amendment, authorizing the Pennsylvania and Reading railroad to purchase the road, but not to construct a new one.

The amendment was lost.

The bill being on second reading,

The question, shall the bill pass?

The yeas and nays were required by Mr. PATTERSON and Mr. HARDING, and were as follow, viz:

YEAS—Messrs. Acker, Boyer, (Clearfield,) Custer, Dismant, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Goepf, Good, Gritman, Hill, Hottenstine, Jackson, Ketchum, Lawrence, (Washington,) Mann, Mehaffey, McClure, McCurdy, Neall, Nill, Oaks, Patterson, Peirce, Proudfoot, Rohrer, Sheppard, Shields, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Thorn, Wagenseller, Walker, Warden, Witman, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wolf, Woodring and Lawrence, *Speaker*—50.

NAYS—Messrs. Abbott, Barnsley, Bayard, Brodhead, Bryson, Burley, Campbell, Church, Douds, Durbarow, Foster, Galley, Graham, Green, Hamersly, Harding, Irish, Keneagy, Kinney, Laird, Matthews, Miller, Palm, Pennell, Pinkerton, Price, Quigley, Rouse, Taylor, Thompson, Walborn, Wiley and Zoller—33.

So the question was determined in the affirmative.

It was moved that the rules be suspended, and that the bill pass to a third reading; not agreed to.

#### PRIVATE CALENDAR.

The following bills being on second reading, were passed finally.

No. 406. "An supplement to an act incorporating the Philadelphia and Reading railroad company."

No. 411. "An Act changing the name of Prescott Packard Peck."

No. 412. "An Act relating to the records of Union county."

No. 415. "An Act authorizing the school directors of the borough of Auburn, in the county of Schuylkill, to borrow money."

No. 430. "An Act repealing an act relative to licenses on vehicles in the cities of Pittsburg and Allegheny, and the boroughs thereto adjoining."

No. 435. "An Act to authorize A. H. McHenry, guardian of minor children of the late Thomas Baab, to invest certain moneys belonging to such minor children in real estate."

No. 436. "An Act to provide for the recording of a plot in the town of Ridgway, Elk county."

No. 437. "An Act to abolish the office of sealer of weights and measures in Clearfield county," amended to include Green, Lebanon, Huntingdon, Elk and McKean counties.

Sen. 222. "An Act relative to the township of Croyle, in the county of Cambria."

Sen. 220. "A supplement to an act authorizing the appointment of an auctioneer in the borough and township of Wilkesbarre, Luzerne county, approved the 5th day of March, 1858."

No. 446. "A further supplement to the act consolidating the city of Philadelphia."

No. 128. "An Act to authorize the citizens

of Butler township, Schuylkill county, hereafter to elect but one supervisor."

No. 271. "An Act to confer on Henry Broderick, of Carbon county, the rights and privileges of a child born in lawful wedlock."

No. 198. "An Act relating to trustees of Farmers' high school of Pennsylvania."

Mr. BARLOW moved to amend so as to make it illegal for the courts to grant licenses for the sale of liquor within two miles of the building.

Also, an amendment authorizing the transfer of the minerals belonging to the State, now in the Insane Asylum at Harrisburg, to be transferred to the Farmer's high school.

A rambling debate took place on these amendments.

Mr. M'CLURE called the previous question. The call was sustained.

The question being on the first amendment, The yeas and nays were required by Mr.

BARLOW and Mr. RAMSDELL, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barnsley, Barlow, Bayard, Bertolct, Bryson, Burley, Campbell, Custer, Dismant, Dodds, Durbarow, Eckman, Ellmaker, Fearon, Fisher, Fleming, Foster, Galley, Graham, Gratz, Gritman, Hamersly, Hottenstine, Irish, Jackson, Kinney, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Clure, M'Curdy, Miller, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Proudfoot, Price, Pugh, Quigley, Ramsdell, Rohrer, Rose, Rouse, Shaffer, Sheppard, Shields, Stoneback, Stuart, Taylor, Thompson, Walborn, Walker, Warden, Witman, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow and Woodring—68.

NAYS—Messrs. Boyer, (Clearfield,) Boyer, (Schuylkill,) Glatz, Good, Gray, Harding, Keneagy, Laird, Neall, Smith, (Berks,) Styer, Thorn, Wolf, Zoller and Lawrence, *Speaker*—15.

So the question was determined in the affirmative.

The question being on the second amendment, The yeas and nays were required by Mr. WILLISTON and Mr. ECKMAN, and were as follow, viz:

YEAS—Messrs. Acker, Barlow, Bayard, Bryson, Burley, Campbell, Dodds, Durbarow, Eckman, Ellmaker, Fearon, Fisher, Fleming, Foster, Graham, Irish, Kinney, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Clure, M'Curdy, M'Dowell, Miller, Oaks, Patterson, Pennell, Peirce, Proudfoot, Quigley, Ramsdell, Rose, Shaffer, Stuart, Taylor, Thompson, Wagenseller, Walker, Wigton, Williams, (Bedford,) Williston, Willson, Withrow, and Zoller—45.

NAYS—Messrs. Abbott, Boyer, (Clearfield,) Brodhead, Church, Custer, Dismant, Galley, Glatz, Good, Gratz, Gray, Gritman, Harding, Hill, Hottenstine, Jackson, Keneagy, Ketchum, Laird, Neall, Nill, Palm, Pinkerton, Price, Pugh, Rohrer, Rouse, Sheppard, Shields, Smith, (Berks,) Stephens, Stoneback, Styer, Thorn, Walborn, Warden, Witman, Wilcox, Wiley, Williams, (Bucks,) Wolf, Woodring and Lawrence, *Speaker*—43.

So the question was determined in the affirmative.

The bill as amended passed finally.

Mr. M'CLURE asked leave to make a motion. Leave being given, he moved that when the House adjourns, it do so meet this afternoon at 3 o'clock; agreed to.

No. 451. "An Act to authorize the election of two additional supervisors in Washington and Richhill townships, Greene county."

No. 452. "An Act conferring upon Sarah Ann, Melissa, Warren B., Nancy, Ellen and Nicholas D. Evans, minor children of David C. Evans, deceased, and Catharine Evans, all the rights of children born in lawful wedlock."

No. 521. "An Act to incorporate the Boatman's life, stock and fire insurance annuity and trust company."

No. 523. "An Act supplementary to an act relating to roads, highways and bridges, in the counties of Warren, Venango and McKean, approved 9th of April, 1844."

No. 524. "An Act to make George William Eshelman an heir of J. Middleton Whitehill and his wife, Elizabeth S. Whitehill, and to confer on him the name of George William Whitehill."

No. 525. "An Act to incorporate the Boatman's insurance company."

House bill No. 503. "Supplement to an act incorporating the Mercer and New Castle railroad company."

No. 556. "An Act to incorporate the Pennsylvania annual conference of the Methodist Protestant church."

Senate No. 300. "An Act for the appointment of auditors in Tunkhannock, and changing the time of holding borough elections."

Mr. PRICE asked unanimous consent of House, to re-consider the vote on the final passage of House bill 398, to incorporate the Mount Joy savings institution.

The House granted its consent.

On the final passage of the bill, the further consideration was postponed for the present.

House bill No. 568. "An Act relative to the hunting of deer with dogs in Morris township, Tioga county."

No. 555. "An Act for the employment of vagrants in Allegheny county."

No. 54. "An Act relative to school taxes in the county of Jefferson."

Senate bill No. 119. "A supplement to an act to incorporate the Allegheny and Buffalo Run plank road company."

House bill No. 572. "A supplement to an act to incorporate the city of Erie."

Mr. LAIRD offered a new section; which was agreed to.

Mr. WILLISTON, leave being given, read in place a bill authorizing the collecting of taxes for support of the poor in Tioga county.

Also, petitions.

Mr. WILLIAMS, (Bucks,) read "An Act relative to justices of the peace in Pennsylvania."

Also, "An Act to authorize the managers of the Richland turnpike company to borrow money."

Mr. GLATZ, (from Committee of Corporations,) reported as committed, Senate bill No. 525. "An Act relative to Wrightsville, York county."

Mr. CHURCH read in place, "A supplement to an act to incorporate the Eastern market company of Philadelphia."

Mr. EVANS offered a resolution requiring the Auditor General to give a statement of the present condition of accounts between the Commonwealth and Pittsburg and Connellsville railroad company, and moved to proceed to its consideration.

The motion was not agreed to.

#### MESSAGES FROM THE GOVERNOR.

The Deputy Secretary of the Commonwealth being introduced, presented messages from the Governor, in writing, which was read, as follows:

EXECUTIVE CHAMBER,  
Harrisburg March 9, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following acts of the General Assembly, viz: On the 7th inst.:

"A supplement to an act to incorporate the borough of York."

On the 8th inst.:

"An Act relating to road views and road damages in Northumberland county."

"An Act to authorize the Schuylkill Valley railroad company, in the county of Schuylkill, to extend their railroad from some suitable point near the town of Tascara, to connect



with the Little Schuylkill railroad, at or near the town of Tamaqua."

"A supplement to the act to incorporate the Byberry and Bensalem turnpike road company, approved March 10, 1848."

"An Act to empower the judges of the court of common pleas of the counties of Beaver, Butler and Lawrence, to establish a tariff of fees and costs in equity cases."

"A supplement to an act to incorporate the Delaware and Schuylkill basin company, passed April 9th, 1858."

"An Act to incorporate the Port Kennedy railroad company, of Montgomery county."

"A further supplement to an act to incorporate the Buffalo and Bradford railroad company," approved the 14th of March, A. D. 1856.

"A further supplement to an act regulating the manner of voting at the general election, in the counties of Wayne and Schuylkill, approved April 8, 1857."

"A further supplement to the act incorporating the Marshall savings institution of Philadelphia."

"A further supplement for the division of the borough of Allentown into wards."

"An Act to change the place of holding the general and township elections, in the township of Upper Paxton, Dauphin county."

"An Act for the sale of the real estate of Wm. H. Richter, deceased."

"An Act relating to the borough of Pottstown."

"An Act to annul the marriage contract between William R. Priestly and Anna V. M. Priestly."

"A supplement to an act to incorporate the Johnstown woolen manufacturing company."

On the 5th inst.:

"Resolution to pay D. R. McClain, late a member of the House of Representatives."

"Resolution to pay the expenses of the late committee appointed by a resolution of the House of Representatives of 1858, to investigate the condition of certain banks."

On the 8th inst.:

"Resolution relative to the salary of George M. Wood, dec'd, as a member of the House."

On the 9th inst.:

"An Act relative to elections in Somerset county,"

WM. F. PACKER.

EXECUTIVE CHAMBER.

Harrisburg, March 7, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have carefully considered the bill presented for my approval, entitled "An Act to incorporate the City building association," and, as I cannot approve its provisions, it is herewith returned to the House of Representatives, in which it originated, for reconsideration.

From the title of the bill, no other rational inference could be drawn, than that the object of the proposed corporation was to erect buildings for sale, or for the use of the corporators; but upon a careful examination of its provisions it will be discovered that the business contemplated is the loan of money to such of the shareholders as will bid upon competition the highest premium for its use. By this system, it is morally certain that he whose necessities are the greatest, will be the highest bidder, whilst it is equally certain that he can, of all others, the least afford to pay an exorbitant interest for the use or loan of money. The result will necessarily be, that the stockholders who have money to lend will make very large profits from the association, whilst those who are compelled to borrow will not only lose the capital paid by them, but, through the means of fines, assessments, forfeitures and premiums, will greatly endanger the loss of any other property they may own, and thus encumber.

Building associations in the city of Philadelphia, where it is proposed to locate the company named in this bill, may be incorporated by the court of common pleas of that city; but the court would be powerless to incorporate such an association as this bill contemplates, for in no proper sense could it be called a building association. If it is the province of the title to indicate truly the purposes of the enactment, this bill should be entitled "An Act to incorporate a company to loan money to such stockholders as will pay the highest premium for the loan."

At the last session of the General Assembly, a bill somewhat similar in its provisions to the one now before me, received the reluctant approval of the Executive; but subsequent information and reflection have entirely satisfied me that the incorporation of such associations is wrong in principle, and productive, practically, of the most mischievous results.

Entertaining these views, the bill under consideration cannot receive the Executive approval.

WM. F. PACKER.

On motion of Mr. GOEPP, it was agreed to consider the bill referred to in the veto message on Friday next.

Senate bill relative to the Middletown and Harrisburg turnpike road, was considered, on motion of Mr. WITMAN. The bill passed with an amendment, vacating a certain portion.

Mr. HAMERSLY read in place, "An Act to incorporate the Philadelphia and Foreign steamship company."

Mr. QUIGLEY read in place, "An Act to incorporate the Delaware and Schuylkill steam tug company."

Also, one to incorporate the Union building association.

Mr. HARDING, read in place, "An Act to change the name of W. C. Teviss, and moved to proceed to its consideration; agreed to, and the bill passed.

The SPEAKER adjourned the House until this afternoon at 3 P. M.

ERRATA.—In Mr. WALBORN'S speech of Tuesday, March 7, insert "Allegheny Valley railroad," as making a connection between New York and Pittsburg, instead of "Lehigh Valley railroad," or strike out the sentence "the Dauphin and Susquehanna was a connecting link between Harrisburg and New York," and insert "the roads east of Reading were connecting links between Harrisburg and New York."

#### AFTERNOON SESSION.

The House convened again at 3 o'clock, and was called to order by the SPEAKER.

Mr. BARNESLEY, from the Committee to Compare Bills, made report; which was read.

#### BILLS IN PLACE.

The following bills, on leave, were read in place and presented to the Chair.

Mr. NILL, "An Act to incorporate a ferry across the Susquehanna river."

Mr. LAWRENCE, (Washington,) "An Act extending the limits of the borough of Bellville, Washington county, for school purposes."

Mr. PATTERSON, "An Act to incorporate the Odd Fellows' hall association, of Thompsonstown, Juniata county."

Also, "An Act annexing buildings of Wm. Brulton, to Beale township, Juniata county."

Also, "An Act to require the overseers of the poor of Delaware township, Juniata county, to give bonds."

Mr. WILCOX, "A supplement to an act for the greater security of title," &c.

Mr. MILLER, "Supplement to an act to incorporate the Meadville gas and water company," was taken up, and, on his motion, passed.

Mr. WITMAN, "An Act relative to the office of register of wills in Dauphin county," which, on his motion, was taken up and passed.

Mr. WALKER, "An Act to change the manner of voting in Somerset county."

#### REPORTS OF COMMITTEES.

Mr. LAWRENCE, of Washington, (Ways and Means,) as committed, "An Act to authorize the Auditor General to re-open and adjust the account of James Mitchell, late treasurer of Lawrence county."

Mr. THORN, (Railroads,) as committed, "A further supplement to an act to incorporate the Lykens Valley railroad and coal company."

Mr. SIYER, (same,) with amendment, "Supplement to an act to incorporate the Citizens' passenger railroad company."

#### BILL PASSED.

On motion of Mr. THOMPSON, the House took up and passed the act erecting a certain part of Middlesex township, Butler county, into an independent school district.

#### ORIGINAL RESOLUTION.

Mr. SMITH, (of Berks,) on leave, offered a resolution, that when the House adjourns, it do so to meet to-morrow morning at 9½ o'clock; which was read the second time.

Mr. WILLISTON stated the object for which it was proposed to hold the evening session, viz, to consider the personal liberty bill. He appealed to the American sentiment in the House to insist upon the consideration of the bill.

Mr. IRISH defended the evening session, and considered that after the House had fixed a certain evening for the bill, they should adhere to it.

Mr. SMITH, (Berks,) denied that his resolution had been intended to injure or affect the bill. His object had been solely to give expression to what he believed to be the sentiment of the majority of the House, that the night session was inconvenient.

Mr. GOEPP coincided with the views of Mr. SMITH in deprecating the session of to night.

Mr. WILLISTON admitted that as a rule three sessions per diem was too many. If the motion to dispense with this evening session, was modified so as to fix a certain time, it would be acceptable.

The resolution as modified by Mr. SMITH (Berks,) to dispense with the night session and fixing next Monday evening for the consideration of the bill, was agreed to, and the resolution passed.

On motion of Mr. ECKMAN, the rules being in this case dispensed with, the House took up and passed finally Senate bill No. 219, "An Act confirming the sale of the German school house and lot of ground in Myerstown, Lebanon county."

Mr. BOYER, (Clearfield,) on leave, read a bill to remove the seat of justice in Clearfield county from Clearfield to Curwensville."

#### BILLS ON SECOND READING.

Agreeably to order, the House proceeded to the second reading and consideration of bills on the unfinished Calendar of last Tuesday.

The following were then passed, and sent to the Senate for concurrence:

"An Act to encourage the destruction of foxes in Beaver county."

"A further supplement to the act regulating auctions in the city of Lancaster, &c."

"An Act for the relief of Augustus J. Koons of Lancaster county, a soldier of the war of 1812"

"A supplement to the act establishing and changing the places for holding the general elections throughout this Commonwealth."

Senate bill No. 151, "An Act to incorporate the Newtown gas light company," was passed finally.

"Supplement to an act consolidating the city of Philadelphia," was laid over under the rule.

"An Act incorporating the Union market company of Philadelphia."

"An Act erecting the county of Pine out of parts of Clearfield, Indiana, Cambria and Jefferson counties," came up in order.



Mr. TAYLOR offered the following amendment: Strike out all after the word "beginning," in the first section, till the word "three," in the eighth line, and insert the following:

"At a point on the line of Indiana and Jefferson counties, midway between the line of Clearfield county and the corner of Canoe and North Mahoning townships, in Indiana county, and running thence along the said line of Indiana and Jefferson counties, to the corner of the townships of Canoe and North Mahoning, in said county line, and to continue the same course of the line between said townships of Canoe and North Mahoning."

Mr. TAYLOR said—

There seems to be quite a rage for the erection of new counties, at the present session, as well as for the removal of seats of justice.—These new county projects are, doubtless, sometimes meritorious; but frequently they are not. In my opinion, speaking generally, new counties should only be erected where the public interests require their erection. They should not be erected, as they sometimes are, merely to promote the personal aggrandizement of a few speculators in town lots. Very frequently the formation of a small county, is a decided injury to the people. It multiplies courts and officers, and increases the burdens of taxation. Moreover, sir, there is another consideration of vastly more importance than is sometimes supposed. That is, the feebleness of a small county, in the councils of this great State. The county that has but one voice and one vote on this floor, is certainly sufficiently powerless; but divide your counties up into mere townships, until it requires two or three counties to send a single representative here, and such counties might almost as well be without a member in this House.

The large and populous counties always have, and do now, control legislation affecting the interests of the whole people. Sir, have our great public improvements, our railroads and canals, always sought the shortest and least expensive routes, the routes best calculated to develop the resources of our noble State? Certainly not. And why? Because of the controlling influence of the large and populous counties. The same is true in regard to other matters of legislation affecting the interests of every citizen. Let the city of Philadelphia have seventeen able and experienced representatives on this floor, and let them act in concert, which, whether fortunately or unfortunately, is not for me to say, they do not appear to do at present; and who can estimate the influence Philadelphia would exercise on our legislation? A power, sir, far beyond her mere numerical strength.

This Pine county project has been time and again before the Legislature during the last twelve years, and in a much less exceptionable shape than at present, and has been rejected by Legislatures of every political complexion. Now, sir, permit me briefly to examine its merits with the proposed boundaries. It is composed of parts of Clearfield, Cambria, Indiana and Jefferson counties. Clearfield is the only inconveniently large county of the four, and contains about twelve hundred square miles. Cambria, in length, thirty three miles; breadth nineteen miles; area six hundred and seventy square miles—a mountainous county—and Ebensburg, the seat of justice, is centrally situated. Indiana county, greatest length, thirty-three miles; breadth twenty-three miles; area seven hundred and seventy square miles; symmetrical in form; the seat of justice centrally located. Jefferson county has heretofore been clipped down by Elk and Forest counties to a small area. Now, it will be observed, that Clearfield is the only inconveniently large county. Yet, sir, Pine county clips the corners of these four counties, taking less than two hundred square miles of her territory, and still

leaving a large portion of her people remote from her seat of justice, whilst Indiana county is asked to contribute about one hundred and sixty square miles, embracing part of Pine, most of Green, and all of Montgomery and Canoe townships, leaving Indiana county, at her northern extremity, a boot-leg about eleven miles in width. I cannot agree to any such mutilation of the noble little county I represent. Look at the diagram of Pine and the adjoining counties which I here present, and I think, sir, you will behold

"A monster of such hideous mien,  
That, to be opposed, need but to be seen."

It bears on its face the evidence that speculations in town lots have more to do with it than the interests and convenience of the people.

Now, sir, as to the amendment which I have offered. It proposes to run a straight line from the point where Pine township intersects the line of Green to the Jefferson county line, giving Pine county part of Pine township, more than half of Green, and half of Montgomery and Canoe townships; sufficient for three conveniently sized townships—an area of about ninety square miles. The line which I propose runs along the ridge, or table land, dividing the eastern and western waters, and is a natural boundary. More than this I cannot agree to. I offer this amendment in sincerity and good faith. Let the advocates of Pine county, if they really desire to accommodate the people remote from the seat of justice, accept this amendment, and extend the lines somewhat into Clearfield county, and Pine county shall receive my vote and my support. I believe the people of Indiana generally, would be satisfied with the line I propose. Besides, since the construction of the branch of the Pennsylvania railroad to the borough of Indiana, there is, perhaps, less necessity than formerly for clipping Indiana county, because the business and trading interests of the people of that portion of the county embraced in Pine county, will draw them to Indiana, despite any county lines.

In conclusion, sir, allow me to say, that I have the honor to represent a people, who, for substantial thrift, intelligence, and unity of sentiment and feeling, are not excelled by those of any county in the Commonwealth. It is not without regret, that I consent to part with a citizen of our county, or a foot of our territory. But, believing that the line which I propose will not greatly injure Indiana county, whilst it will gratify a portion of my constituents, who believe that the erection of Pine county would be a benefit, I have submitted this amendment.

Mr. BOYER, (Clearfield,) said—

Mr. SPEAKER:—I do not know that I shall attempt to reply at length to the arguments of the gentleman from Indiana, (Mr. TAYLOR,) for any discerning mind cannot help but see at a glance, the certain fate of this meritorious question; for this simple matter of right and justice which the people praying for this new county have so long had refused them, at the hands of succeeding Legislatures, has not, I am confident, suffered much from the arguments advanced by the gentleman from Indiana.

I only desire to raise at this moment my earnest objections to the amendment offered by the gentlemen representing the opposition to this bill; for this under-handed mode of slaughter, is certainly extremely unkind; for the gentleman well knows that this amendment has the virtual effect to killing the bill, and we would prefer resting the matter here, to having it slaughtered by this side thrust, under the hypocritical pretence of good feeling and sincerity towards those who are asking this new county, and who have long suffered great inconveniences for the want of it. Now I sincerely hope this House will do us the justice of voting down this

amendment, and allow us to come to a direct vote on the original bill; it will then at least have the honor of a free fight over it and a decent burial.

One word in reply to the assertions that the people of Indiana county, embraced in the proposed boundaries of this new county, are generally all opposed to it. Now the facts are just the reverse, for more than nine-tenths of all the people of Indiana county included in the lines of Pine county have petitioned this House for, and asked to be included in, the boundaries of the new county, which, however, this House, as well as the gentleman of Indiana, well knows; but we see the influences against this bill, and therefore can only ask this last simple act of justice, and that is, that this bill be not defeated, by accepting the amendment of the gentleman of Indiana, but permit the bill to fall, if fall it must, as originally prepared; for it is the only bill we can offer consistent with the constitution, and can therefore not consent to any other proposition.

On the amendment,

The yeas and nays were required by Mr. TAYLOR and Mr. WILCOX, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Burley, Campbell, Dodds, Dnboraw, Eckman, Ellmaker, Fisher, Foster, Galley, Graham, Gratz, Hamersly, Harding, Irish, Kinney, Mann, M'Clure, M'Curdy, M'Dowell, Nill, Patterson, Peirce, Prondfoot, Qoigley, Ramsdell, Rohrer, Rose, Ronse, Shafer, Taylor, Thompson, Thorn, Walker, Warden, Wigton, Williams, (Bucks,) Williston, Wilson, Withrow and Zoller—46.

NAYS—Messrs. Bertolet, Boyer, (Clearfield,) Brodhead, Custer, Dismant, Evans, Fleming, Gritman, Hill, Hottenstine, Jackson, Keneagy, Laird, Lawrence, (Washington,) Mehaffey, Matthews, Neall, Oaks, Price, Sheppard, Smith, (Berks,) Stephens, Stoneback, Stuart, Styer, Walhorn, Witman, Wilcox, Wiley, Williams, (Bedford,) Wolf, Woodring, and Lawrence, Speaker—33.

So the question was determined in the affirmative.

Mr. PROUDFOOT offered the following amendment; which was agreed to:—Strike out the words after the words, "county line," in the fourteenth line of the first section to wit: "thence south-west to the south-east corner of Chest township, in Cambria county; thence along the eastern and southern line of said township," and insert the following, viz: "thence west along the Clearfield and Cambria county line to the north-west corner of Chest township; thence south along the line of Chest and Susquehanna townships."

The question now being, will the House agree to the bill as amended? it was determined in the negative.

"An Act relative to passenger railways in the city of Philadelphia," came up in order.

Mr. THORN moved to strike out the word "now" in the fourth line; which was agreed to.

Mr. EVANS moved to amend, as follows:

Provided, That this act shall not effect any proceedings now pending, or judgments obtained in the city of Philadelphia; which was agreed to, and the bill as amended passed.

Mr. WILLIAMS asked and obtained the unanimous consent of the House to strike from the act incorporating the Union market company certain words.

On motion of Mr. WILLISTON, the House resumed the consideration of the act to incorporate the Fall Brook railroad and coal company.

The bill, on motion of Mr. HAMERSLY, was so amended as to bring it under the provisions of the general railroad law; and by fixing the capital stock at two thousand shares, with the privilege of increasing to four thousand shares; and by inserting the usual tax clause.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 51.

The fourth section of the bill, giving the said company certain privileges, on his motion, was struck out.

On motion of Mr. FOSTER, the individual liability clause was inserted.

The bill, as amended, was then passed, and sent to the Senate for concurrence.

On motion of Messrs. WILLIAMS, (Bucks,) and CHURCH, the House re-considered the vote had on the final passage of the act to incorporate the Union market company of Philadelphia.

On motion of Mr. WILLIAMS, (Bucks,) said bill was so amended as to locate the house east of Eighth and north of Market streets.

On motion of Mr. STUART, the rules being in this case dispensed with, the House proceeded to the consideration of House bill No. 756, "An Act to authorize the trustees of the corporation of the Presbyterian church and congregation of Mechanicsburg, Cumberland county, to borrow money;" which was passed and sent to the Senate for concurrence.

Mr. RAMSDELL moved that the rules be suspended, and that the House proceed to the consideration of bill No. 107, "An Act relative to reserved tracts or outlots in the borough of Franklin, Venango county."

Mr. FOSTER moved to amend the same by striking out "twenty cents per acre" and inserting "the original purchase money."

Mr. NILL moved that the further consideration of the bill be postponed for the present.

Mr. RAMSDELL strongly and zealously advocated the passage of the bill. And a discussion ensued between Messrs. RAMSDELL, NILL, FOSTER and ROSE.

Pending whose remarks, the Clerk of the Senate being introduced, House bill No. 431, "An Act to incorporate the Farmers' market company, with amendments;" which were read and non-concurred in.

The hour of five having arrived, the SPEAKER adjourned the House until to-morrow morning at 9½ o'clock.

## SENATE.

THURSDAY, March 10, 1859.

The Senate met and was called to order by the SPEAKER at the usual hour.

Prayer by Rev. James Colder, of the Fourth Street Bethel, Harrisburg.

## REPORTS OF COMMITTEES.

Mr. TURNEY, (Finance,) reported as committed, "An Act to settle the accounts of the president judge of the Twentieth judicial district."

On motion of Mr. TURNEY, (the committee of the whole being dispensed with,) the Senate proceeded to consider the same; which, having gone through its various readings, passed finally.

Mr. HARRIS, (Pensions and Gratuities,) as committed, House bill No. 372, "An Act for the relief of Rachel George, a widow of an old soldier."

Mr. NUNEMACHER, (Roads and Bridges,) as committed, "A supplement to an act to incorporate the Quakerstown and Spinnerstown turnpike road company."

Mr. FETTER, (same,) with amendment, "A supplement to the act to authorize the sale and purchase of the falls of Schuylkill bridge."

Mr. RUTHERFORD, (same,) as committed, "An Act to widen the eastern extension of Third

street, in the town of Bloomsburg, Columbia county."

Mr. STEELE, (same,) as committed, "A supplement to an act to erect part of the township of Denison, in the county of Luzerne, into a separate district, for road purposes, &c."

Mr. BREWER, (Militia,) with a negative recommendation, "An Act authorizing the Adjutant General to issue arms to the Scott Legion, of Philadelphia."

## BILLS IN PLACE.

Mr. STEELE, "An Act to incorporate the Wilkesbarre and Pittston railroad company."

Mr. THOMPSON, "A supplement to the act incorporating the Spinnerstown and Goshenhoppen turnpike road company."

Mr. TURNEY, "A supplement to an act incorporating the Altoona gas company."

Mr. MILLER, "An Act to authorize an additional notary public in the borough of Causburg, Washington county."

Mr. SCHELL, "An Act authorizing the payment of the claim of Andrew Wise, of Huntingdon county."

Mr. SCHINDEL, "An Act to erect the borough of Catasaqua, in Lehigh county, into a separate independent school district."

Mr. MILLER, "An Act to authorize appeals in pauper cases."

Mr. CRAIG, "An Act to authorize the laying out of a State road in Carbon and Monroe counties."

Mr. WRIGHT, "A supplement to an act to incorporate the Chestnut Hill water company."

Mr. BLOOD, "An Act relative to certain school accounts of Porter township school district, in the county of Jefferson."

On motion of Mr. KELLER, "An Act for the relief of the heirs of Conrad Weiser, deceased," was re-committed to the Committee on Finance.

On motion of Mr. FRANCIS, "An Act relative to the administration of justice in Mercer county," was re-committed to the Committee on Judiciary.

## ORDERS OF THE DAY.

"An Act to incorporate the Eastern iron company," came up in order on third reading.

On its final passage,

The yeas and nays were required by Mr. WRIGHT and Mr. SCHINDEL, and were as follow, viz:

YEAS—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Fetter, Finney, Gazzam, Gregg, Harris, Miller, Nunemacher, Palmer, Parker, Penney, Rutherford, Schell, Scofield, Schaeffer, Schindel, Thompson, Turney, Welsh, Yardley and Cresswell, *Speaker*—25.

NAYS—Messrs. Keller, Marselis and Wright—3.

So the question was determined in the affirmative.

Senate bill No. 518, "An Act to incorporate the Hanover gas light company," came up in order, and (the latter clause of the second section having been stricken out,) passed finally.

Senate bill No. 11, "An Act to prohibit the issue and circulation of bank notes of less denomination than twenty dollars," came up in order; the question being upon the motion to postpone consideration of the bill indefinitely.

Mr. HARRIS said the time of the Senate had been taken up in the discussion of this subject, upon former occasions, and this bill had been discussed at some length yesterday. He had no disposition to occupy the time of the Senate in its further discussion now. He would vote for the

indefinite postponement of the bill for several reasons. He was satisfied that the bill is wrong, and that the proposition submitted yesterday, by the Senator from Warren, was still more wrong. That proposition was to cut off at one fell-swoop, all notes, of whatever denomination, thus destroying our entire currency. He regarded it as an *ex post facto* law, and that it was, therefore, unconstitutional and unjust. He was opposed to this eternal tinkering with our currency, and this ceaseless attempt to regulate our banks. The Senate had been told, at different times, that the banks had been the cause of all our business depressions and difficulties; that they were responsible for all contractions and expansions. He did not believe a word of it. The same bill was introduced last session, and voted down, after having been discussed ably and at length. He was in favor of the indefinite postponement, and he would vote for the motion.

On the motion to postpone indefinitely.

The yeas and nays were required by Mr. SCHELL and Mr. HARRIS, and were as follow, viz:

YEAS.—Messrs. Baldwin, Coffey, Craig, Finney, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penney, Rutherford, Shaeffer, Schindel, Thompson, Welsh and Yardley—18.

NAYS.—Messrs. Blood, Brewer, Fetter, Keller, Marselis, Miller, Nunemacher, Randall, Schell, Scofield, Steele, Turney, Wright and Cresswell, *Speaker*—14.

So the question was determined in the affirmative.

House bill No. 46, "An Act authorizing the registration of all inventories exhibited in the registers' office of the several counties of this Commonwealth," came up in order on second reading.

On its final passage,

The yeas and nays were required by Mr. BREWER and Mr. COFFEY, and were as follow, viz:

YEAS—Messrs. Brewer, Keller, Miller, Palmer, Shaeffer and Thompson—6.

NAYS—Messrs. Blood, Coffey, Craig, Fetter, Francis, Gazzam, Gregg, Harris, Marselis, Myer, Nunemacher, Parker, Penney, Randall, Rutherford, Schell, Scofield, Schindel, Steele, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—24.

So the question was determined in the negative.

Senate bills Nos. 4 and 540, lie over.

On motion of Mr. RANDALL, the Senate re-considered its vote on the final passage of Senate bill No. 131, "An Act to incorporate the Union railroad company."

The bill being again before the Senate, Mr. RANDALL offered the following proviso, to come in at the end of the first section:

*Provided*, That said company shall not have the right to occupy the surface of any street for the laying of a railroad track east of Twenty-second street or west of Front street.

The proviso was adopted, and the bill passed finally.

## BILLS CONSIDERED AND PASSED.

On motion of Mr. YARDLEY, Senate bill No. 367, "An Act to incorporate the Centre Valley turnpike road company."

On motion of Mr. TURNEY, "An Act for the relief of Rachel George, a widow of an old soldier."

On motion of Mr. BLOOD, (the Committee on



Roads and Bridges having been discharged from its consideration,) House bill No. 317, "An Act to appoint road commissioners to take charge of a portion of the Milesburg and Smethport turnpike road, in the counties of Clearfield and Elk."

[This bill lies over on second reading.]

On motion of Mr. BALDWIN, Senate bill No. 490, "An Act to annex part of the lands of Eli Liebieuberger, in Elizabeth township, Lancaster county, to Pean township, in the same county."

On motion of Mr. COFFEY, Senate bill No. 443, "A supplement to an act to incorporate the Kittanning gas company."

On motion of Mr. CRAIG, (the Committee on Roads and Bridges having been discharged from its consideration,) "An Act authorizing the laying out of a State road in Carbon and Monroe counties."

On motion of Mr. WRIGHT, House bill No. 326, "An Act to incorporate the Fairmount market company."

On motion of Mr. MARSELIS, Senate bill No. 504, "A supplement to an act to incorporate the Commercial fire insurance company of Pennsylvania."

On motion of Mr. GAZZAM, Senate bill No. 524, "An Act to incorporate the Western coal and iron company," was taken up.

Mr. TURNEY opposed the bill, upon the ground that there was no limit to the amount of its capital, and because it was calculated to strike a fatal blow at private enterprises, which are now carried on by private capital. He also denounced it as calculated to establish a monopoly, dangerous and disastrous.

Mr. GAZZAM defended the bill, as one calculated only to do good; to develop the resources of four counties, and in no wise tending to create a monopoly, such as is feared by the Senator from Westmoreland.

Mr. SCHELL opposed the bill, upon the ground that its capital was unlimited; one of its sections empowering the company to borrow money to an unlimited extent. He was not opposed to the general features of the bill, but he could not go for any grant of such unheard of unlimited privileges. If the objectionable features were stricken out, he had no wish to prevent its passage.

Mr. GAZZAM explained the provisions of the bill, and defended it from the injurious tendencies ascribed to it by the Senators from Westmoreland and Bedford.

Mr. TURNEY again spoke in opposition to the bill, as one designed to interfere with the interests of others already engaged in business; and also because it gave to the company a monopoly. Its operations, he said, were restricted to no locality in the four counties enumerated; the company may erect their buildings in the city of Pittsburg or elsewhere. Nor were they restricted to any article of manufacture in iron. They may manufacture railroad iron, shovels, knives and forks, or any other article of iron, and with their unlimited capital and two thousand acres of land; they have power to do an immense amount of mischief. The bill, he said, contained a snake, not an ordinary snake, but one of the worst kind, whose hiss and rattle could already be heard. He hoped it would be voted down.

The unanimous consent of the Senate having been obtained, the bill was amended, on motion of Mr. COFFEY, by striking out the words "and other minerals," in the eleventh line of the first section.

On motion of Mr. PENNEY, the proviso to the sixth section was stricken out, and in the proviso to the fourth section, the words "and the sum so borrowed shall not exceed \$100,000," were inserted.

On the final passage of the bill,

The yeas and nays were required by Mr.

TURNEY and Mr. GAZZAM, and were as follows, viz:

YEAS—Messrs. Coffey, Finney, Gazzam, Gregg, Harris, Myer, Parker, Penney, Rutherford, Shaeffer, Thompson and Yardley—12.

NAYS—Messrs. Blood, Brewer, Fetter, Keller, Marselis, Nunemacher, Schell, Turney, Welsh, Wright and Crosswell, *Speaker*—11.

So the question was determined in the affirmative.

Mr. SCHINDEL paired off with Mr. RANDALL.

On motion of Mr. YARDLEY, "A supplement to the act incorporating the Harrisville and Centreville turnpike road company."

On motion of Mr. PALMER, House bill No. 224, "An Act to repeal an act regulating the manner of voting at the general election in the counties of Wayne and Schuylkill, so far as the same relates to Schuylkill county."

On motion of Mr. SHAEFFER, Senate bill No. 475, "An Act to incorporate the Lancaster and Sunbille turnpike road company."

On motion of Mr. SCHELL, (the Committee on Roads and Bridges having been discharged from its consideration,) "An Act to repeal certain road laws in Jackson township, Huntingdon county."

On motion of Mr. MILLER, House bill No. 240, "An Act to incorporate the California seminary and Normal school in Washington county."

On motion of Mr. MYER, Senate bill No. 511, "An Act to incorporate the Towanda and Athens telegraph company."

On motion of Mr. KELLER, Senate bill No. 627, "An Act to widen the eastern extension of Third street, in the town of Bloomsburg, Columbia county."

On the final passage of the bill,

The yeas and nays were required by Mr. GREGG and Mr. KELLER, and were as follows, viz:

YEAS—Messrs. Baldwin, Blood, Brewer, Keller, Marselis, Myer, Nunemacher, Palmer, Randall, Schell, Shaeffer, Schindel, Steele, Turney, Wright and Crosswell, *Speaker*—16.

NAYS—Messrs. Coffey, Finney, Gregg, Miller, Penney, Scofield and Welsh—7.

So the question was determined in the affirmative.

On motion of Mr. SCHINDEL, House bill No. 327, "An Act to change the name of the Denuska gas company, in the borough of Allentown, Lehigh county."

[This bill was variously amended on motion of Mr. SCHINDEL.]

Mr. FRANCIS, from the Committee to Compare Bills, made a report.

On motion of Mr. PALMER, Senate bill No. 436, "An Act extending the limits of the borough of Orwigsburg, Schuylkill county."

On motion of Mr. RANDALL, Senate bill No. 553, "A supplement to the act incorporating the Philadelphia and Trenton railroad company."

Mr. SCOFIELD, on leave given, reported from the Committee on Election Districts, "An Act to change the place of holding elections in Liberty township, Montour county;" and, on his motion, said bill was read, considered and passed finally.

The report of the committee of conference on House bill No. 336, "An Act relative to the appointment of an additional constable at Brady's Bend, Armstrong county," was read; and, on motion, adopted.

Mr. PALMER asked and obtained leave to withdraw the memorial of Edward Bayer, relative to the Wellsboro' and Tioga plank road company.

On leave given, Mr. RANDALL read in his place "A supplement to an act enabling joint tenants, tenants in common, and adjoining owners of mineral lands, to manage and develop the same."

Mr. SCHINDEL, "An Act to amend the charter of the borough of Catasqua."

The hour of one having arrived, the SPEAKER adjourned the Senate until to-morrow morning at 10 o'clock.

## HOUSE OF REPRESENTATIVES.

THURSDAY, March 10, 1859.

The SPEAKER called the House to order at 9½ o'clock, A. M.

Prayer was offered by Rev. Dr. Bartine, of the Methodist Episcopal church, Harrisburg.

The Clerk read the Journal of yesterday's proceedings.

Mr. HOTTENSTINE moved a suspension of the rules, and that the House proceed to the consideration of House bill No. 405, "An Act changing the venue of a certain case from Union to Northumberland county."

Mr. MCCLURE called for a division of the question.

On the suspension of the rules,

The yeas and nays were required by Mr. PATTERSON and Mr. HOTTENSTINE, and were as follows, viz:

YEAS—Messrs. Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Campbell, Church, Custer, Dismant, Fearon, Fleming, Galley, Glatz, Goepf, Hill, Hottenstine, Jackson, Laird, M'Curdy, Neall, Oaks, Palm, Pennell, Peirce, Pinkerton, Price, Proudfoot, Pughe, Quigley, Ramsdell, Rohrer, Shafer, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Styer, Warden, Witman, Wilcox, Williams, (Bucks,) Wolf, Woodring and Lawrence, *Speaker*—44.

NAYS—Messrs. Abbott, Barlow, Bryson, Burley, Dodds, Durboraw, Ellmaker, Evans, Foster, Graham, Gratz, Gray, Green, Hamersly, Kenagy, Lawrence, (Washington,) Mann, Matthews, M'Clure, Miller, Nill, Patterson, Sheppard, Thompson, Thorn, Wagenseller, Walborn, Walker, Wigton, Wiley, Williams, (Bedford,) and Withrow—32.

So the question was determined in the negative, two-thirds not voting affirmatively.

## ORIGINAL RESOLUTIONS.

Mr. GOEPP, on leave, offered a resolution, that those bills ordered to be placed on the Private Calendar, be printed and made the special order for next Monday afternoon, immediately after the reading of the Journal; which was adopted.

Mr. NILL, on leave, introduced a resolution, that Wednesday and Friday afternoons of each week be set apart for the purpose of considering public bills.

Mr. HAMERSLY moved so to amend as to make it Wednesday morning in lieu of afternoon; which was agreed to.

And the resolution, as amended, was adopted.

On motion of Messrs. ACKER and PENNELL, the vote by which the House non-concurred in the Senate amendment to House bill incorporating the Farmers' market company of Philadelphia, was re-considered.

The question recurring,

Will the House concur with Senate amendments?

It was determined in the negative.

## PETITIONS, &c., PRESENTED.

Mr. PROUDFOOT read in his place and presented to the Chair six petitions from citizens of the borough of Johnstown, county of Cambria, praying for the passage of an act legalizing a survey made of a portion of the streets, alleys and lots in said borough.

Mr. SHIELDS, one from citizens of Westmoreland, Indiana, Cambria and Somerset, in favor of the new county of Ligonier, from parts of said counties.

Mr. HOTTENSTINE, one from fifty-four citizens of Northumberland county, for the repeal of the present license law, and for the substitution of the act passed at the session of 1856.



Mr. HILL, a petition from citizens of Montgomery county, for an extension of the Spinnerstown and Goshenhoppen turnpike road.

Also, four petitions from citizens of same county, for an act making it obligatory on the several banks of this Commonwealth to keep their notes at par in Philadelphia and Pittsburgh.

Also, one from citizens of same county, requiring the commissioners to appoint the constables collectors of taxes.

Also, three remonstrances from citizens of same county, against any law changing the mode of collecting taxes in said county.

Also, three remonstrances from citizens of same county, against any act authorizing the Plymouth and Upper Duolin turnpike company to increase their rates of toll.

Mr. RAMSDELL, a petition from citizens of Venango and Mercer counties, praying for a law authorizing a re-survey of that part of the Emlenton and Mercer State road, leading from Mercer to Clintonville.

Also, the memorial of John A. Kilpatrick, Wm. Christy and James Scott, Jr., road commissioners of Clinton township, praying for a re-survey of said road.

Also, one from Geo. Crawford and Jno. Wareham, road commissioners of Irwin township, Venango county, of like import.

Also, one from James M'Kinley, a path-master in Irwin township, same county, of like import.

Mr. PROUDFOOT, one in favor of the removal of the seat of justice in Clearfield county, to the town of Curwensville.

Mr. ROHRER, a petition to remove the place of holding the election in South Buffalo township, Armstrong county.

Also, a remonstrance against granting a view of a State road leading from Kellersburg, Armstrong county, to New Bethlehem, Clarion county.

Also, the remonstrance of the hurgess and town council of Kittanning, against any curtailment of the limits thereof.

Also, the petition of the uniformed militia of Armstrong county, praying for their quota of military funds.

Mr. CUSTER, three petitions, signed by one hundred and seventy-seven citizens of the county of Berks, for the passage of an act to authorize and require the treasurer of Reading to pay certain fees and costs in reference to the arrest of vagrants in said city.

Also, one from citizens of Berks county, for the passage of an act to make it obligatory upon the several banks of this Commonwealth to keep their notes at par in the city of Philadelphia and Pittsburgh.

Mr. SHAFER, the petition of one hundred and six citizens of Chester county, praying for the passage of a law compelling the banks of this Commonwealth to keep their notes at par in Philadelphia and Pittsburgh.

Mr. ACKER, the petition of landholders on the line of the Philadelphia and Chester Valley railroad, asking the passage of a law requiring said companies to fence said roads.

Mr. FEARON, one from citizens of Clinton county, in favor of an appropriation to the Polytechnic college at Philadelphia.

Mr. TAYLOR, two petitions in favor of the new county, to be called Ligonier.

Mr. WILLIAMS, (Bucks,) one numerous signed by citizens of Bucks county, asking that a law may be passed authorizing the appointment of a measurer of paving stone in the city of Philadelphia.

Mr. WIGTON, a remonstrance from citizens of Clay township, Huntingdon county, against any part of Dublin township being annexed to Fulton county.

Mr. WAGENSELLER, the petition of Jacob

Seahold, for the passage of an act divorcing him from his wife Christie Ann.

Also, one from citizens of Juniata county, for a change in the place of holding elections in Monroe township, said county.

Also, one from citizens of Union county, asking the repeal of the law creating the office of county school superintendent.

Mr. KINNEY, two memorials and petitions from citizens of Bradford county, praying for a law assessing damages along the line of the North Branch canal.

Mr. SMEAD, two of like import.

Mr. ECKMAN, the petition of seventy citizens of Lebanon county, for the repeal of the present license law.

Mr. STONEBACK, two from citizens of Montgomery county, for a law to require country banks to keep their notes at par in Philadelphia and Pittsburgh.

Mr. NILL, two from citizens of Dublin township, Huntingdon county, praying that part of said township may be annexed to Fulton county.

Also, one from citizens of Franklin county, for the passage of a law taxing dogs.

Mr. WARDEN, one from citizens of Hempfield and East Huntingdon townships, Westmoreland county, asking for a modification of the present school law.

Mr. BOYER, (Clearfield,) eighteen petitions from citizens of Clearfield county, in favor of the removal of the seat of justice from Clearfield to Curwensville.

Mr. BURLEY, five of like import.

Mr. WILLIAMS, (Bedford,) three of like import.

Mr. WILCOX, three remonstrances numerous signed against the same.

Mr. BOYER, (Clearfield,) two remonstrances of like import.

Also, the petition of citizens of New Washington, Clearfield county, praying to be incorporated into a borough.

Also, one from citizens of Clearfield and Centre counties, praying for the incorporation of a plank road company.

Mr. KETCHUM, one of Richard Dimker, executor of John Wragg, for authority to sell certain real estate.

Also, one of citizens of Luzerne county, for the repeal of the act, relative to the appointment of collectors of State and county taxes, passed February 1, 1856.

Also, a remonstrance from citizens of Blakely township, Luzerne county, against the division of said township into two election districts.

Also, a petition of numerous citizens of Madison township, Luzerne county, for a change in the road laws relating to said township.

Mr. FISHER, petitions of citizens of Philadelphia, for the passage of an act to secure to the people of Philadelphia the right of free travel over certain highways.

Mr. HAMERSLY, one of like import.

Mr. WILEY, one of like import.

Mr. NEALL, one of like import.

Mr. THORN, one of like import.

Mr. WILEY, two petitions in favor of Sunday travel.

Mr. EVANS, one of like import, from the citizens of Frankford and vicinity.

Mr. JACKSON, two remonstrances from one hundred and seventy-five citizens of Sullivan county, against the repeal of the tonnage tax.

Mr. GRAHAM, six petitions of three hundred and seventy-seven citizens of Washington county, to prohibit the manufacture and sale of intoxicating liquors as a beverage.

Also, a remonstrance of citizens of Somerset township, against the passage of an act authorizing the election of an additional number of supervisors in said township.

Mr. OAKS, the remonstrance of the citizens of Pennsylvania living along the route of the

Germantown passenger railway, against granting them additional privileges

Mr. HAMERSLY stated that this petition, like many others purporting to be numerous signed by residents along the route of the Germantown passenger railroad, remonstrating against the granting of any further privileges to that company, was in reality only signed by two bona fide residents on the line. The signers gave their residences, and the fact just stated was apparent. It was a fraud upon the House.

Mr. LAWRENCE, (Washington,) the petition of citizens of Hanover township, Washington county, asking for power to elect one supervisor in each sub-school district in said township.

Also, one from citizens of West Pike Run, East Bethlehem and the borough of Beallsville, in the county of Washington, asking for the enlargement of the Beallsville school district.

Also, one from citizens of Canonsburg and vicinity, in favor of a law prohibiting the sale of ardent spirits.

Mr. TAYLOR, remonstrance from citizens of Indiana county, against the abolition of the office of county school superintendent.

Also, a remonstrance of citizens of Indiana county, against the abolition of the office of county school superintendent.

Mr. ELLMAKER, two petitions of citizens of Lancaster county, for a law authorizing the Governor to incorporate a company to survey, lay out and construct a turnpike road from the borough of New Ephrata, in said county, to be known as the New Ephrata and Litiz turnpike road company.

Also, two from citizens of West Chester and Sadsbury townships, Chester county, for the passage of an act authorizing a majority of commissioners to levy and collect a tax, for the purpose of defraying the expenses of constructing a State road in Lancaster and Chester counties.

Mr. PALM, two petitions from citizens of East Brunswick township, Schuylkill county, praying to have the place for holding their elections changed to the house of Geo. Dreihelbis.

Mr. STUART, a petition of numerous citizens of the borough of Newville, Cumberland county, to change their place of holding borough and general election, to the east end of the public school house in said borough.

Mr. BRODHEAD, three signed by three hundred and forty residents of Monroe county, asking for the passage of an act to compel the Delaware, Lackawanna and Western railroad company, to fence both sides of their road, or pay for the destruction of property.

Also, one for a State road from Kresgeville, Monroe county, to the State road from Stroudsburg to Mauch Chunk, near Lynford Troch, in Carbon county.

Mr. BARNSLY, one from citizens of Philadelphia and Bucks counties, asking that the Farmers' mutual fire insurance company of Philadelphia and Bucks, may be exempt from the provisions of a bill on file, entitled "An Act relating to insurance companies in Philadelphia and Allegheny."

Mr. BRYSON, petition of citizens of Pollock township, Lawrence county, for the passage of an act authorizing the election of three supervisors and overseers of the poor for said township.

Mr. FOSTER, a remonstrance from one hundred and thirty-two citizens of Indiana township, Allegheny county, against any change in their road laws.

Mr. WOLF presented a remonstrance from tax-payers of the borough of Loganville, York county, against the passage of the bill for the opening of certain streets and alleys in said borough.

Also, thirteen petitions from nineteen hun-



ded tax-payers of York county, asking for the repeal of the law authorizing the appointment of county school superintendent of common schools, so far as relates to York county.

Mr. GLATZ, six, with eight hundred names, of like import.

Mr. SMITH, (Berks,) one from citizens of Reading, vesting certain real estate to Rebecca Smith.

Also, one from citizens of Ountaunlee township, Berks county, for the repeal of the sixth section of an act passed 14th April, 1853, exonerating the supervisors of said township from repairing certain foot-bridges.

Mr. FLEMING, one from citizens of Piney township, Clarion county, for a change of place of holding the elections in said township.

Mr. PINKERTON, two petitions of the township of East Brunswick, Schuylkill county, asking to change the place of holding elections in said township.

Mr. M'CLURE, one of four hundred citizens of Franklin county, against the proposed tax on dogs.

Mr. KENEAGY, one from the managers, &c., of the Bear Valley turnpike road company, for a repeal of a portion of their charter.

Mr. PRICE, one from citizens of Lancaster county, making it obligatory upon the banks of this Commonwealth, to keep their notes at par in Philadelphia and Pittsburg.

Also, the petition of one hundred tax payers of Conestoga and Marietta townships, Lancaster county, praying that an act be passed to allow the county commissioners, to build a bridge over Pequa creek, where the citizens of said township have subscribed their quota for said purpose, according to law.

Mr. ROSE, a petition from citizens of Mercer county, for the passage of an act to revive the Mercer and Embleton State road.

Mr. WOODRING, the petition of citizens of Northampton county, for the passage of an act to compel the country banks to keep their notes at par in Philadelphia and Pittsburg.

Mr. GOEPP, one from same, for the passage of an act incorporating a company for the manufacture of iron, at Freemansburg, in said county.

Mr. QUIGLEY, a petition for the passage of a law regulating the weighing of coal at the consumers door; which was read, as follows:

PHILADELPHIA, Feb. 21, 1859.

*To the Honorable the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

GENTLEMEN:—The undersigned respectfully represents, that he is the inventor of apparatus to be carried and used with the ordinary cart, by which the load of coal can be weighed at the place of its delivery.

As most of the opposition coming from the honest part of the coal dealers, is through fear of being put in the power of a monopoly of one plan for weighing the coal, I have deemed it proper to state to your honorable body, that there are now three modes by which coal can be weighed at the place of delivery, and if a law is enacted for the protection of consumers of coal, there is no doubt that there will be more, so that competition will insure coal dealers being supplied with apparatus at a moderate cost.

One of my plans weighs a quarter of a ton at the time, in a box suspended from a scale attached to a light frame resting on the top sides of the tail of the cart body; this box is hung nearly on a balance, and when tilted the contents is discharged on the ground. By moving a lever, the box is held up to the body of the cart, to be carried with it.

In the other plan, the scale frame is long enough to rest on the top rims of the road wheels, which form its support, and the body of the cart is raised clear of the axle-tree, by

apparatus attached to the scale, and it is weighed with its contents, and the load is then dumped as usual.

In both plans, one wheel may be ten inches higher than the other, without altering the accuracy of the scale.

The light scale frame is carried on the front part of the cart, and when its contents is not required to be weighed, it may be detached and left at the coal yard.

In both arrangements, a single weight, sealed by the inspector, has a fixed place on the beam, so as to prevent confusion from the use of notches or figures.

Respectfully yours,

O. C. JONES.

Mr. THOMPSON, the petition of citizens of Butler county, for a change in the present militia law.

Mr. MEHAFFY, one from citizens of Burnside township, Clearfield county, for a law to incorporate the village of New Washington into a borough.

Mr. GALLEY, one of three hundred citizens of Fayette county, against the repeal of the tonnage tax.

Also, two of eighty-six citizens, for the repeal of the law exempting three hundred dollars' worth of property from execution.

Mr. ECKMAN, the petition of seventy-six citizens of the town of Myerstown, Lebanon county, to grade, curb and pave Main street in said town.

Mr. GOOD, a petition from citizens of Bucks and Lehigh counties, praying for a public road.

Also, three petitions from the officers of the Allentown Bank, for the passage of an act making it obligatory on the several banks of this Commonwealth to keep their notes at par in Philadelphia and Pittsburg.

Mr. HAMERSLY moved that the rules be suspended in order to receive reports from committees and bills in place; which was agreed to.

#### REPORTS OF COMMITTEES.

Mr. LAIRD, (Claims,) with amendment, "An Act to pay the claim of S. Miles Green, of Huntingdon county."

Mr. WILLIAMS, (Bucks,) (same,) as committed, "An Act to authorize the State Treasurer to pay J. C. Williamson for loss sustained on the Philadelphia and Columbia Railroad;" which was ordered to be placed on the Private Calendar.

Mr. FEARON, (Agriculture,) as committed, "An Act to prevent the killing of wild turkeys in Huntingdon county."

Mr. DISMANT, (same,) with amendment, "A further supplement to an act for the better preservation of game and insectivorous birds."

Mr. BERTOLET, (same,) with amendment, "An Act to regulate the standard weight of oats."

Also, as committed, Senate bill No. 403, "An Act relating to deer in certain counties."

Mr. GALLEY, (same,) with amendment, "An Act to prevent the destruction of deer in the counties of Wayne, Pike and Monroe."

Also, as committed, "An Act to prevent the gathering and picking cranberries in Tunkhannock township, Monroe county."

Mr. GOOD, (Militia System,) with a negative recommendation, "An Act relative to the State arsenal at Philadelphia."

Also, as committed, "An Act for the sale of the armory of the Fredericksburg Guards, of Lebanon county, a disbanded corps."

Also, as committed, "An Act for the relief of Thomas Richter, collector of military taxes in 1856."

Mr. WILEY, (same,) with a negative recommendation, "A supplement to the act to annul the fifth section of the militia law."

Also, with a negative recommendation, "An Act relative to the Scott Legion, of Philadelphia."

Mr. MATTHEWS, (Banks,) as committed, Senate bill No. 319, "A supplement to an act incorporating the mutual saving and loan association of Philadelphia."

Mr. GLATZ, (same,) as committed, Senate bill relative to the banks of this Commonwealth, &c.

Mr. MEHAFFY, (same,) as committed, "Supplement to an act to incorporate the West Philadelphia mutual saving fund and trust company."

Mr. PATTERSON, (same,) with amendment, "Supplement to the act to increase the capital stock of the Columbia Bank."

Also, as committed, "Supplement to an act incorporating the Six-Penny saving fund of Philadelphia."

Mr. BARLOW, (same,) as committed, "An Act to incorporate the Market Street saving fund of Philadelphia."

Mr. WILLIAMS, of Bucks, (same,) with amendment, "An Act to repeal the thirtieth section of the act of April 16, 1850, regulating banks."

Mr. STUART, (Roads and Bridges,) as committed, "A supplement to an act to incorporate the Watsonstown bridge company, approved the 9th day of May, 1854."

Mr. CHURCH, (Corporations,) as committed, "An Act to incorporate the Passenger Railroad relief association."

Mr. BOYER, of Schuylkill, (Mines and Minerals,) with amendment, "An Act to incorporate the Patterson coal company."

Mr. PINKERTON, (same,) as committed, "An Act to extend the charter of the Forest improvement company."

Mr. PROUDFOOT, (same,) with amendment, "An Act to incorporate the Cambria coal company."

Also, (same,) as committed, "A further supplement to an act to incorporate the Cambria iron company."

Mr. WILCOX, (same,) as committed, "An Act to authorize the Bostwick iron company to mine coal, &c."

Mr. NEALL, (same,) as committed, "An Act to incorporate the Lost Creek iron company."

Mr. PUGHE, (same,) with amendment, "An Act to incorporate the Mt. Alto iron company."

Mr. HILL, (same,) as committed, "An Act to incorporate the East Danville iron company."

Mr. HAMESLEY, (Divorcees,) with a negative recommendation, "An Act to annul the marriage contract between Elisha G. Ney and his wife Mary Ann."

Mr. FOSTER, (same,) with a negative recommendation, "An Act to annul the marriage contract between Jacob Koons and Esther his wife."

Mr. HAMERSLY, (select,) with amendment, "An Act modifying existing auctions laws of this Commonwealth."

#### BILLS IN PLACE.

Mr. IRISH, "An Act relating to livery stable keepers in Allegheny county."

Mr. ACKER, "A further supplement to an act laying a tax on dogs, &c., approved April 4, 1831."

Mr. FLEMING, "An Act for the removal of the place of holding elections in Piney township, Clarion county."

Mr. BOYER, (Clearfield,) "An Act to incorporate the village of New Washington into a borough."

Also, "An Act to incorporate the Coudersport and Allegheny River railroad company."

Also, "An Act to incorporate the Kylerstown, Morrisdale and Philipsburg plank road company."

Mr. WITMAN, "An Act to incorporate the Farmers' and Mechanics' mutual insurance company."

Mr. WILCOX, "An Act declaring Newells



creek, in M'Kean county, a public highway." Calendar for next Tuesday.

Mr. GRAY, "An Act for the erection of an alms house in Greene county."

Mr. PATTERSON, "A supplement to an act relating to roads and bridges in Jackson township, Huntingdon county. Calendar for Tuesday."

Mr. KENEAGY, "A supplement to an act incorporating the Beaver Valley turnpike road company."

Mr. PRICE, "An Act authorizing Adam Leferre, executor, to sell certain real estate."

Also, "An Act for the relief of the late firm of Loagnecker & Moderwell."

Also, "An Act to authorize the supervisors of Conestoga and Martic townships, in Lancaster county, to pay one third of the cost of the erection of a county bridge."

Mr. ECKMAN, "An Act to grade, curb and pave Maw street, of Myerstown, Lebanon county."

Mr. BRYSON, "An Act authorizing the electors of Pollock township, Lawrence county, to elect supervisors and overseers of the poor, for said township."

Mr. GOOD, "An Act to lay out a State road, in Bucks and Lehigh counties."

Mr. BRODHEAD, "An Act compelling the Delaware and Western railroad company to fence their road."

Mr. KETCHUM, "An Act to alter the road laws in Madison township, Luzerne county."

Also, "An Act authorizing the executors of John Wragg, late of Luzerne county, dec'd, to sell certain real estate."

Also, "A supplement to the act, entitled 'An Act incorporating the Valley and Mountain turnpike and plank road company.'"

Mr. SMITH, (Berks,) "An Act for the repair of certain foot bridges over the Maiden creek, in Ountaunlee township, Berks county."

Also, "An Act relative to the estate of William B. Smith, late of the city of Reading, Berks county, dec'd."

Mr. WOLF, "An Act to prevent the hawking and peddling without license, in the county of York."

Mr. HAMERSLY, "A supplement to an act to incorporate the Chestnut Hill water company, approved April 24, 1856."

Also, "A supplement to an act passed 27th of February, 1798, relative to the production of books and papers upon the trial of a cause."

Mr. QUIGLEY, "An Act to prohibit the importation of fish into Philadelphia at improper seasons of the year."

Mr. GRATZ, "An Act to authorize execution of process in certain cases in equity concerning property within the jurisdiction of the court, on defendants not resident or found therein."

Mr. GOEPP, "An Act to restrict sales by auction in the counties of Northampton and Lehigh."

Mr. CHURCH, "An Act to incorporate the Southwestern market company of Philadelphia."

Mr. HILL, "Supplement to the act incorporating the Spinnerstown and Goshenhoppen turnpike road company."

Also, "An Act supplementary to an act to incorporate the Chestnut Hill and Cheltenham railroad company."

Mr. STEPHENS, "A joint resolution relative to the payment of the annuity for the right of way through this Commonwealth by the New York and Erie railroad company."

Mr. ROHRER, "An Act relative to the limits of the borough of Kittanning being curtailed."

Also, "An Act fixing the place of holding elections in South Buffalo township, Armstrong county."

Mr. GRATZ, leave being given, from the Committee on Divorces, reported, with a negative recommendation, "An Act to annul the marriage

contract between J. B. Miles, of Clinton county, and his wife Mary."

Mr. LAWRENCE, of Washington, (Railroads,) as committed, Senate bill No. 398, "An Act to incorporate the Broad Mountain and Mahanoy railroad company."

Mr. EVANS, (Vice and Immorality,) with a negative recommendation, "An Act to prevent the manufacture, sale or gift of intoxicating liquors."

Mr. ROHRER, from the committee of conference, appointed on the part of the House, relative to the differences between the two Houses on the bill for the election of an additional constable for Brady's Bend, Armstrong county, made report; which was read and adopted.

#### BILLS CALLED UP.

Mr. ROHRER asked the unanimous consent of the House to call up Senate bill No. 294, "An Act relating to recorders of deeds."

Objections were made.

Mr. DISMANT called up the act for the relief of the estate of James Rogers, deceased; which was passed, and sent to the Senate for concurrence.

Mr. WILCOX called up House bill No. 210, "An Act authorizing the State to pay the claim of Gonder and Burke."

Mr. LAWRENCE, (Dauphin,) renewed the debate which had been pending when this question was previously before the House. He attempted to refute the arguments against the passage of the bill, which had been advanced on that occasion by the gentleman from Butler, (Mr. THOMPSON.) He urged the legality of the appropriation, and the justice of the claim of Messrs. Burke and Gonder.

Mr. THOMPSON replied. He denied the justice or legality of the claim set forth and advocated by Mr. LAWRENCE. The same application was urged in 1856, and was refused. If the claim was then considered unjust it was no better now.

Mr. NEALL called the previous question; which was not sustained.

Mr. THORN favored the views which had been expressed by Mr. THOMPSON. The courts of justice would not entertain the claim for five minutes.

Mr. ROSE thought that sufficient time had been occupied by this question, and he gave notice that after the forthcoming reply of the gentleman from Dauphin, (Mr. LAWRENCE,) he would call the previous question.

Mr. LAWRENCE, (Dauphin,) replied at length.

Mr. ROSE called the previous question.

Which was sustained.

On the question,

Shall the bill be read the second time.

The yeas and nays were required by Mr. M'CLURE and Mr. ROSE, and were as follow, viz:

YEAS—Messrs. Burley, Ellmaker, Green, Harding, Keneagy, Lawrence, (Washington,) Matthews, Patterson, Price, Quigley, Styer, Walborn, Wilcox, Wilson and Lawrence, *Speaker*—15.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Schuylkill,) Brodhead, Bryson, Campbell, Church, Custer, Dismant, Dods, Eckman, Evans, Fleming, Foster, Galley, Glatz, Good, Graham, Gratz, Gray, Gritman, Hamersly, Hill, Hottenstine, Jackson, Ketchum, Kinney, Mann, Mehaffey, M'Clure, M'Curdy, Miller, Neall, Nill, Oaks, Palm, Peirce, Pinkerton, Pughe, Ramsdell, Rohrer, Rose, Rouse, Shafer, Sheppard, Shields, Smead, Smith, (Berks,) Stephens, Stoneback, Taylor, Thompson, Thorn, Walker, Warden, Witman, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Withrow, Wolf, Woodring and Zoller—68.

So the question was determined in the negative.

Mr. BRYSON called up Senate bill 223, "An

Act relating to auctions and auctioneers within the county of Lawrence;" which was considered and passed finally.

Mr. BOYER, of Schuylkill, called up Senate bill No. 161, "An Act to incorporate the Greenwood cemetery company, in the borough of Tamaqua;" which was considered and passed finally.

Mr. BOYER, of Clearfield, called up House bill No. 544, "An Act to incorporate the Anderson Creek public road and navigation company;" which was considered and passed, and sent to the Senate for concurrence.

Mr. M'CLURE moved that the House reconsider the vote had on the final passage of the act, entitled "Supplement to an act to incorporate the Green and Coates Street passenger railroad."

Mr. WALBORN hoped that the friends of the bill would vote "aye" on the motion to reconsider.

Mr. M'CLURE could not see why they should vote "aye." He should vote "no" expressly to make the passage of the bill final.

Mr. WALBORN said that the friends of the bill were very well satisfied to allow it to remain where it was. He called upon its friends to vote "aye."

Mr. WILLIAMS, (Bucks,) said that he should vote "aye."

On the motion to re-consider,

The yeas and nays were required by Mr. M'CLURE and Mr. WILLIAMS, (Bucks,) and were as follow, viz:

YEAS—Messrs. Barnsley, Barlow, Boyer, (Schuylkill,) Bryson, Burley, Church, Durhoraw, Eckman, Ellmaker, Fearon, Glatz, Graham, Green, Harding, Hottenstine, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, M'Curdy, Miller, Nill, Oaks, Palm, Patterson, Peirce, Price, Pughe, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Styer, Taylor, Thompson, Wagenseller, Walborn, Walker, Witman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wolf, Zoller and Lawrence, *Speaker*—51.

NAYS—Messrs. Abbott, Acker, Bertolet, Brodhead, Campbell, Custer, Dismant, Dods, Evans, Fisher, Foster, Galley, Good, Gratz, Gray, Gritman, Hamersly, Hill, Jackson, Laird, Matthews, M'Clure, M'Dowell, Neall, Quigley, Ramsdell, Rohrer, Shields, Stephens, Stoneback, Thorn, Warden, Wiley and Woodring—34.

So the question was determined in the affirmative.

The question recurring on the final passage of the bill,

A motion was made by Mr. SMITH, (Berks,) that the further consideration of the bill be postponed for the present.

And on the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. THORN and Mr. NEALL, and were as follow, viz:

YEAS—Messrs. Barnsley, Barlow, Boyer, (Schuylkill,) Bryson, Burley, Durhoraw, Eckman, Ellmaker, Fearon, Glatz, Graham, Green, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, M'Curdy, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Price, Pughe, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Styer, Thompson, Wagenseller, Walborn, Walker, Witman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf, Zoller and Lawrence, *Speaker*—46.

NAYS—Messrs. Abbott, Acker, Boyer, (Clearfield,) Brodhead, Campbell, Custer, Dismant, Dods, Evans, Fisher, Foster, Galley, Good, Gratz, Gray, Gritman, Hamersly, Hill, Jackson, Laird, Matthews, M'Clure, M'Dowell, Neall, Quigley, Ramsdell, Rohrer, Shields, Stephens, Stoneback, Taylor, Thorn, Warden, Wiley, Williston and Woodring—36.



So the question was determined in the affirmative.

The Clerk of the Senate being introduced, informed the House that the Senate non concurred in the House amendments to the supplement to the act incorporating the city of Philadelphia, and that they had appointed a committee of conference.

On motion of Mr. GRATZ, a similar committee was appointed on the part of the House.

Mr. LAIRD obtained the unanimous consent of the House to make an amendment to the act, entitled "A further supplement to the act incorporating the city of Erie."

Adjourned till this afternoon at 3 o'clock.

#### AFTERNOON SESSION.

On motion of Mr. HAMERSLY, the House resumed the consideration of private bills, giving each member his call in alphabetical order.

#### CONSIDERATION OF PRIVATE BILLS.

Mr. BURLEY called House bill No. 376, "A supplement to an act to incorporate the Western transportation company;" which was considered and passed finally; and sent to the Senate for concurrence.

Mr. BAYARD called up the act to incorporate the Milford turnpike road company; which was considered and passed finally; and sent to the Senate for concurrence.

Mr. ECKMAN called up Senate bill No. 299, "Supplement to an act to incorporate the South Mountain railroad company, approved 6th day of May, 1854;" which was considered and passed finally.

Mr. BROBHEAD called up House bill No. 618, "An Act extending the provisions of an act concerning the appointment of road views and road damages in the county of Northampton to the county of Monroe;" which was considered and passed; and sent to the Senate for concurrence.

Mr. FEARON called up House bill No. 484, "Supplement to an act to incorporate the Flemington and Lock Haven plank road and turnpike road company;" which was considered and passed; and sent to the Senate for concurrence.

Mr. FLEMING called up Senate bill No. 405, "An Act to appoint a road commissioner to take charge of a portion of the Warren and Ridgway and of the Warren and Strattonville State roads, in Forest county;" which was considered and passed finally.

Mr. DURBORAW called up the act to incorporate the East Berlin railroad company; which was considered and passed, and sent to the Senate for concurrence.

Mr. HAMERSLY called up House bill No. 789, "An Act to incorporate the Philadelphia and Foreign steamship company;" which was considered and passed, and sent to the Senate for concurrence.

Mr. NEALL called up House bill No. 599, "A further supplement to the act consolidating the city of Philadelphia;" which was considered and passed, and sent to the Senate for concurrence.

Mr. FOSTER called up Senate bill No. 239, "An Act to incorporate the Chartiers and Robinson Township turnpike road company;" which was considered and passed finally.

Mr. GALLEY called up House bill No. 199, "An Act to reduce the expenses of collecting taxes in Fayette county;" which was considered and passed, and sent to the Senate for concurrence.

Mr. GLATZ called up Senate bill No. 382, "An Act relative to auctions in the borough of York;" which was considered and passed.

Mr. GOEPP called up House bill No. 510, "An Act to incorporate the Bethlehem mining company;" which was considered and passed, and sent to the Senate for concurrence.

Mr. WOLF called up Senate bill, entitled "An

Act authorizing the commissioners of York county to borrow money;" which was considered and passed finally.

Mr. GRAHAM called up House bill No. 516, entitled "An Act for the appointment of sequestrator on the Pittsburg and Washington turnpike road;" which was considered.

Mr. FOSTER moved that the further consideration of the bill be postponed for the present.

Mr. GRAHAM opposed the motion briefly, and urged the passage of the bill.

The motion to postpone was not agreed to, and the bill was passed, and sent to the Senate for concurrence.

Mr. THORN called up bill No. 795, "A further supplement to an act to incorporate the Lykens Valley railroad and coal company;" which was considered and passed, and sent to the Senate for concurrence.

Mr. PUGHE called up House bill No. 513, "An Act authorizing William Hull, of Blakeley township, Luzerne county, to sell certain real estate;" which was considered and passed finally, and sent to the Senate for concurrence.

Mr. THORN moved that the House resume the consideration of House bill No. 382, "An Act to adjust the account of F. Knox Morton, former treasurer of Philadelphia city and county;" which was agreed to.

Mr. THORN asked the unanimous consent of the House to insert a preamble to the bill; which was read.

Mr. GRITMAN objected.

Mr. THORN briefly explained the principal features of the preamble.

Mr. GRITMAN withdrew his objection, and the amendment was inserted.

The bill then passed, and was sent to the Senate for concurrence.

Mr. BARLOW called up Senate bill No. 336, "An Act relating to road and bridge viewers in Centre county;" which was considered and passed finally.

Mr. HARDING called up House bill No. 816, "An Act to incorporate the Market Street savings fund of Philadelphia;" which was considered.

On final passage,

The yeas and nays were required by Mr. HAMERSLY and Mr. GRITMAN, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Bayard, Burley, Campbell, Eckman, Fearon, Fisher, Goepf, Gratz, Hamersly, Harding, Keneagy, Lawrence, (Washington,) Mann, Mehaffey, M'Curdy, Nill, Patterson, Pennell, Peirce, Price, Rouse, Shafer, Styer, Thorn, Wagenseller, Walborn, Walker, Witman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson, Zoller and Lawrence, *Speaker*—37.

NAYS—Messrs. Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Custer, Dismant, Durboraw, Evans, Fleming, Galley, Glatz, Good, Graham, Gray, Gritman, Hill, Jackson, Laird, Miller, Neall, Oaks, Rohrer, Sheppard, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Warden, Wilcox, Wiley, Wolf and Woodring—35.

So the question was determined in the affirmative.

Mr. HILL called up House bill No. 543, "An Act to incorporate the Whitemarsh and Cheltenham turnpike road company;" which was considered and passed, and sent to the Senate for concurrence.

Mr. HOTTENSTINE called up House bill No. 205, "An Act changing the venue of a certain action from Union to Northumberland county;" which was read.

Mr. PATTERSON opposed the passage of the bill, and knew no reason why the venue should be changed.

Mr. HOTTENSTINE declared that the change was necessary, and offered an affidavit to this

effect, signed by the plaintiff, Mrs. Rebecca Quinn; which was read.

Mr. WAGENSELLER, feeling proud to be the representative of Union county, denied the necessity of the change of venue. The case was a painful one, but the course which he must adopt was clearly marked out. The affidavit, just read, did not recite the facts. The juries of Union county were not to be bought and sold as intimated in that affidavit. Judge Wilson was a man above reproach, and Judge Jordan, if he was called upon to try the case, would do so fairly.

The Judiciary Committee had reported the bill with a negative recommendation, and this was generally supposed to be equivalent to a legal decision.

He then read the brief of title under which the land was held by the parties whose cause he advocated, and who were the defendants in the suit, in which a change of venue was asked.

The petition of this defendant was then read, opposing the change of venue.

The hour of five having arrived, the SPEAKER adjourned the House until to-morrow morning at 9½ o'clock.

#### No. 313.—FILE OF THE HOUSE.

CHASE, Ways and Means—Feb. 12.

[AS PASSED THE HOUSE OF REPRESENTATIVES' MARCH 4, 1859.]

AN ACT to provide for the ordinary expenses of the Government, and other general and special appropriations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the following sums be, and the same are hereby specifically appropriated to the several objects hereinafter mentioned, for the year commencing on the first day of June, Anno Domini one thousand eight hundred and fifty-nine, to be paid out of any money in the treasury not otherwise appropriated.*

SEC. 2. For the salary of the Governor of the Commonwealth, four thousand dollars.

For the salary of the Secretary of the Commonwealth, inclusive of his compensation as commissioner of the sinking fund, seventeen hundred dollars.

For the salary of the Deputy Secretary of the Commonwealth, one thousand four hundred dollars.

For the salary of the Auditor General, inclusive of his compensation as commissioner of the sinking fund, one thousand seven hundred dollars.

For the salary of the Surveyor General, one thousand six hundred dollars.

For the salary of the Attorney General, three thousand dollars.

For the salary of the Adjutant General, six hundred dollars.

For the salary of the Superintendent of Common Schools, one thousand four hundred dollars.

For the salary of the State Librarian, eight hundred dollars.

For the salary of the State Treasurer, inclusive of his compensation as commissioner of the sinking fund, one thousand seven hundred dollars: *Provided, That the foregoing salaries shall be paid quarterly at the office of the State Treasurer.*

SEC. 3. For clerk and messenger hire, in the Executive and State departments, six thousand dollars.

For contingent expenses in the Executive and State departments, as follows: postage and telegraphic dispatches, one thousand seven hundred dollars; stationery, four hundred and fifty dollars; fuel and lights, one hundred and



twenty-five dollars; cleaning offices, one hundred dollars; blank books, fifty dollars; repairs, fifty dollars; geological survey, freights and packages, one hundred and fifty dollars; new carpets in Executive chamber, two hundred dollars; miscellaneous expenses, one hundred and fifty dollars.

For clerk and messenger hire in the Auditor General's office, eight thousand one hundred dollars.

For contingent expenses, as follows: postage and telegraphic dispatches, five hundred dollars; stationery, three hundred and fifty dollars; fuel, seventy-five dollars; miscellaneous, seventy-five dollars.

For clerk and message hire in the Surveyor General's office, eight thousand seven hundred dollars.

For contingent expenses, as follows: postage, four hundred dollars; stationery, two hundred dollars; fuel, seventy dollars; stove and repairs, sixty dollars; white-washing and scrubbing, fifty dollars; miscellaneous, fifty dollars, and for stationery furnished in one thousand eight hundred and fifty seven, by George Bergner, not heretofore provided for, fifty-seven dollars and eighty-six cents.

For clerk hire in the Attorney General's office, eight hundred dollars; and hereafter the Attorney General shall be allowed eight hundred dollars annually for clerk hire.

For clerk and message hire in the school department, three thousand nine hundred dollars.

For contingent expenses, as follows: stationery and blank books, three hundred and fifty dollars; postage, including telegraphic dispatches, one thousand two hundred dollars; fuel, light, and cleaning office, sixty dollars; packing and distributing blank forms, laws and decisions, reports, et cetera, to the several districts, six hundred dollars; miscellaneous, fifty dollars.

For clerks, messenger, and night-watch in the Treasurer's office, including compensation of clerk to commissioners of the sinking fund, five thousand four hundred and fifty dollars.

For contingent expenses, as follows: postage and telegraphic dispatches, four hundred and seventy-five dollars; express charges, one hundred dollars; stationery and blank books, two hundred and fifty dollars; fuel and light, seventy-five dollars; miscellaneous, one hundred and fifty dollars.

For miscellaneous expenses of the State Library as follows: repairing telescope, forty dollars; press for stamping, twenty-five dollars; making fires, sweeping, cleansing and white-washing, postage, freight, expenses of purchasing books, stationery, et cetera, three hundred dollars; miscellaneous books and newspapers, six hundred dollars; law books, English and Irish reports, elementary books and civil law, one thousand dollars; Pennsylvania Reports, for exchanges, three hundred and twenty dollars; binding, one hundred and fifty dollars; and assistant, one hundred and fifty dollars.

SEC. 4. For the payment of the expenses of the Legislature, including the pay and mileage of the members, clerks and officers thereof, and the amount authorized by law for stationery, newspapers and lights, the sum of one hundred and fifty thousand dollars.

SEC. 5. For packing and distributing the laws and journals of the Legislature, to be performed under the direction of the Secretary of the Commonwealth, seven hundred dollars.

SEC. 6. For the public printing, folding, stitching and binding, thirty thousand dollars, or so much thereof as may be necessary on the settlement of the account of the contractor under his contract entered into in pursuance of the act approved the ninth day of April, Anno Domini one thousand eight hundred and fifty-six, entitled "An Act in relation to public printing."

SEC. 7. For the payment to the borough of Harrisburg, for supplying the public buildings with water, as per act of twenty-eighth day of April, Anno Domini one thousand eight hundred and forty, six hundred dollars.

For payment to the Harrisburg gas company, for gas for public buildings and walks, two thousand dollars, or so much thereof as shall be found due by the Auditor General, under the contract with the company, in pursuance of the charter of said company and its supplement, to be paid on the warrant of the Governor.

SEC. 8. For miscellaneous expenses, to be accounted for in the usual manner, three thousand dollars.

SEC. 9. For the support of the common schools, to be paid on warrants drawn by the superintendent in favor of the several school districts of the Commonwealth, in proportion to the number of resident taxables therein, two hundred and eighty thousand dollars.

SEC. 10. For the payment of pensions and gratuities, ten thousand dollars.

SEC. 11. For the payment of the salaries and per diem allowance of the judges of the supreme court, eighteen thousand seven hundred dollars.

SEC. 12. For the payment of the salaries of the judges of the district court, and the president and associate law judges of the court of common pleas of the city of Philadelphia, sixteen thousand eight hundred dollars.

SEC. 13. For the payment of the salaries of the judges of the district court, and president judge of the court of common pleas of Allegheny county, eight thousand four hundred dollars.

SEC. 14. For the payment of the salaries and mileage of the president and associate law judges of the several courts of common pleas in this Commonwealth, except in the city of Philadelphia and the county of Allegheny, fifty-five thousand dollars.

SEC. 15. For the payment of the salaries and mileage of the associate judges of the several courts of this Commonwealth, twenty-five thousand dollars.

SEC. 16. For the payment of the interest on the funded debt of the Commonwealth, that will fall due on the first days of July and August next, and the first days of January and February, one thousand eight hundred and sixty, two millions of dollars, or so much thereof as may be necessary.

SEC. 17. For the payment of the guaranty of interest for the Danville and Pottsville railroad company, by the act of the eighth of April, one thousand eight hundred and thirty-four, and the act of twelfth April, one thousand eight hundred and fifty-one, eight thousand five hundred and seventeen dollars and fifty cents, being the interest in full, on said guaranty, up to the first day of August, Anno Domini one thousand eight hundred and fifty-nine; to the Bald Eagle and Spring Creek navigation company, by the act of seventh April, Anno Domini one thousand eight hundred and thirty-five, ten thousand dollars: *Provided however*, That said companies are hereby required to make it appear satisfactorily to the Attorney General that the said appropriations are due from the Commonwealth; and it shall be the duty of the Attorney General so to certify to the treasurer before any of the moneys herein appropriated are paid.

SEC. 18. For the payment of the salaries of the officers of the Western penitentiary, ten thousand one hundred and fifty dollars; also, for gratuities paid to discharged convicts for the year one thousand eight hundred and fifty-eight, agreeably to the eighth section of the act of twenty-second of April, one thousand eight hundred and twenty-nine, and the several supplements thereto, three hundred and eight dollars; and for paving in front of the prison, under the compulsory paving law of Allegheny

city, the further sum of three thousand one hundred and eighteen dollars.

SEC. 19. For the payment of the salaries of the officers of the Eastern penitentiary, twelve thousand eight hundred and ninety-five dollars; which sum may be drawn from the treasury in equal quarterly portions, on or after the fifteenth day of the months of June, September and December of the present year, and March of next year.

SEC. 20. For the house of refuge of Philadelphia, the sum of twenty thousand dollars.

SEC. 21. For the house of refuge of Western Pennsylvania, in the county of Allegheny, eighteen thousand and five hundred dollars, to be applied as follows: for the salaries of officers, eight thousand and five hundred dollars; additions and repairs, four thousand dollars; and for the payment of debts, six thousand dollars.

SEC. 22. For the Western Pennsylvania hospital, five thousand dollars; and for the purpose of erecting suitable buildings, the further sum of twenty thousand dollars, the last mentioned sum to be paid to said institution upon a bond being executed to the Commonwealth in said sum, with security to be approved by the Auditor General and State Treasurer, conditioned for the full erection and completion of said buildings without further aid from the Commonwealth.

SEC. 23. For the Pennsylvania State lunatic hospital, the sum of twenty thousand dollars; to be applied to the payment of salaries, the support of the house, the renewal of furniture and fixtures, and to such repairs and improvements as may be required: *Provided however*, That no part of the money appropriated in this section, except the salaries of its officers, shall be paid unless the accounts of repairs and expenses be found correct by the Auditor General.

SEC. 24. For the Pennsylvania institution for the instruction of the blind, twenty-two thousand dollars.

SEC. 25. For the instruction of indigent pupils in the Pennsylvania institution for the instruction of the deaf and dumb, twenty-three thousand dollars: *Provided*, That the sums appropriated for the instruction of the blind, and deaf and dumb, shall be paid to said institutions, in proportion to the number of indigent pupils received by each, from the several counties of this Commonwealth, at the rates prescribed by law; evidence of the number of pupils to be furnished to the State Treasurer.

SEC. 26. For the Pennsylvania training school for feeble minded children, such amount as said institution may be entitled to receive under the provisions of the sixth section of the act incorporating said school, approved the seventh of April, Anno Domini one thousand eight hundred and fifty-three; and for the purpose of completing the buildings now in progress, the further sum of twenty-five thousand dollars, to be paid to said institution upon a bond being executed to the Commonwealth in said sum, with security, to be approved by the Auditor General and State Treasurer, conditioned for the full completion of said buildings without further aid from the Commonwealth.

SEC. 27. For the Northern Home for friendless children, five thousand dollars: *Provided*, that the said Northern Home for friendless children shall be subject to the provisions contained in the third section of an act, entitled "A supplement to an act to incorporate the subscribers to the articles of association, for the purpose of establishing and conducting an institution for the confinement and reformation of youthful delinquents, under the title of the House of Refuge," approved March twenty-third, one thousand eight hundred and twenty-six.

SEC. 28. For the Penn Asylum for indigent widows and single women, five thousand dollars.

SEC. 29. For the Orphans' Home at Zelig-nople, one thousand dollars.



SEC. 30. For the salary of the superintendent of the public printing, eight hundred dollars.

SEC. 31. To Richard J. Haldeman, publisher of the *Legislative Record*, compensation at the rate of seven dollars per page, for the numbers published at the present session, the amount to be certified as due by the committee on printing of both Houses, and that the fortieth section of an act, entitled "An Act to provide for the ordinary expenses of government and other general and special appropriations," approved twenty-first April, Anno Domini one thousand eight hundred and fifty-eight, so far as it relates to the continuance of the contract, for the printing of a *Legislative Record*, with R. J. Haldeman, he and the same is hereby repealed: *Provided*, That the repeal hereby provided for shall not take effect until at the expiration of the present session.

SEC. 32. To each of the fire companies of Harrisburg, now organized and in operation, one hundred dollars.

SEC. 33. For the preservation and repairs of the capitol, and improvement of the public grounds, inclusive of the compensation of the superintendent and watchman of the public buildings and grounds, the sum of three thousand dollars: *Provided*, That all moneys expended and contracts made, shall be at the direction and under the authority of the Secretary of State and the Auditor General.

SEC. 34. For the payment of the expenses of the committee selected to try the contested election case, from the Third Representative district of Philadelphia, incurred by two sessions held in the city of Philadelphia, the sum of six hundred and seventy-five dollars.

SEC. 35. That the State Treasurer is hereby authorized to pay John A. Smull, for services rendered the House of Representatives, the same compensation now allowed by law for an assistant clerk; and for services performed during the last recess, in arranging the papers of last session, et cetera, and for the same services to be performed during the next recess, the further sum of three hundred dollars.

SEC. 36. That the State Treasurer is hereby authorized to pay the clerks of the Senate and House of Representatives, the amounts necessary to pay the pages and folders employed during the present session, at the rate of one dollar per day each, for the time the Legislature is in session, and the further sum of ten dollars each to said pages and folders, except J. P. Hoffman, and G. H. Lenhart, who shall be paid the same amount as the assistant door-keepers are entitled to by this bill.

SEC. 37. That the State Treasurer is hereby authorized to pay John C. Morgan, Andrew W. Kimmell, William R. Gardy, James Williams, Samuel M'Donnel and John D. Reese, assistant door-keepers, for extra services after night, in and about the Hall, during the present session, one hundred dollars each.

SEC. 38. That the State Treasurer is hereby authorized to pay L. Rogers three dollars per day, for thirty-eight days, with the usual mileage, for services in the contested election case of Matthews versus M'Clean, together with thirty dollars for expenses, while in the employ of the committee in Philadelphia.

SEC. 39. That the State Treasurer is hereby authorized to pay George Manley, at the rate of one dollar and fifty cents per day, for services in cleansing and keeping in order the out-building of the two houses; the actual number of days employed, to be certified to by the Clerk of the House.

But such is not their mission. For a wise purpose, upon the adoption of the Constitution, the States referred to merge themselves into one undistinguishable whole, but chose to preserve their individuality as separate and distinct States, the wisdom of which every day's experience does hourly reveal.

Whence, therefore, the Constitution is violated, it is their duty to resist the assault. In such an emergency, it behooves the States to exercise the powers they have reserved to themselves.

It is the only resource in our power—it is the only instrumentality by which the tendency to centralization and usurpation can be resisted. It is, in short, the only means by which the Constitution can be preserved. Then is it not the duty of the State to declare itself upon this occasion?

Have I not demonstrated—first, that the Constitution does provide for a trial, by jury, in the cases alluded to in the Constitution? second, that the Constitution, not having been repealed or altered in any part, the provision is still in force? third, that it is the duty of the State to see that this vital provision shall be uniformly enforced? Can we, in the face of the acknowledged truth of the facts alleged, escape this conclusion?

But I have consumed far more time than I had intended, and will give way for others who may wish to engage in this discussion.

I have endeavored to establish two propositions—first, that it is the legal right, and the moral duty of the State, to withhold her aid and her sanction, by forbidding the use of her jails and the services of her officers, in assisting to consign innocent human beings to the jaws of slavery; second, that there is such a thing as a constitutional right to a trial by jury, where the question is that of liberty, and that it is the solemn and imperative duty of the State to maintain that right at every cost and at all hazards.

If you believe this, support this bill; if you believe this, vote for it; and I predict that the day will come when you will look back upon that vote with pride and satisfaction.

In saying these things, sir, I do not present myself as the special champion of the colored people, or any other cast or class in society; but I loathe injustice and oppression, whoever may be its victims. Moreover, sir, I love my native State. The names of her early patriots are dear to me. I am proud of her benevolent institutions; of her system of common schools; of the industrious, patriotic and intelligent character of her people; to promote her welfare and preserve her good name, is the first wish of my heart. I love the glorious principles upon which her institutions are based, and cannot see her depart from them without raising my humble voice to prevent it.

#### No. 481.—FILE OF THE SENATE.

FINNEY, Judiciary—March 2.

AN ACT to amend an act, entitled "An Act to apportion the city of Philadelphia into single senatorial and representative districts agreeably to the provisions of the Constitution," approved April twenty-second, one thousand eight hundred and fifty-eight.

WHEREAS, By the third section of the act, entitled "An Act to apportion the city of Philadelphia into single senatorial and representative districts, agreeably to the provisions of the Constitution," approved April twenty-second, one thousand eight hundred and fifty-eight, the third election division of the Sixth ward is made to compose a part both of the sixth and seventh representative districts; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passage of this act the said third election division of the Sixth ward shall be deemed and taken as composing a part of the sixth representative district, as provided in said third section of the act, approved April twenty-

second, one thousand eight hundred and fifty-eight; and said act shall be so taken and construed as if said third election division had not been made to compose a part of said seventh representative district.

#### No. 486.—FILE OF THE SENATE.

FINNEY, Judiciary—March 2.

A SUPPLEMENT to an act in relation to certain public officers and their sureties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That all the powers and duties enjoined upon the courts of common pleas by the first section of the act to which this is a supplement, he and hereby are vested in any two judges of said courts; and any one of said judges is hereby empowered and required, on petition as therein declared, to award a citation to any such officer to appear at a time and place designated, to answer the matters alleged in said petition, and show cause why said officer shall not give other and further security; and to grant rules, on short notice, to be served on the opposite party, his agent or attorney, to take the depositions of witnesses, to be read on the bearing of the case.

SEC. 2. That upon due proof being made at the hearing of any of the facts or allegations specified in the said first section, and set forth in the petition and citation, the said judges shall, and they are hereby required forthwith to order and direct that said officer shall, within ten days thereafter, enter into a new official bond, with sureties, to be approved by any two of said judges, and to be recorded and filed, and held as and in lieu of the original bond, of which the sureties shall thereafter be fully discharged.

SEC. 3. That on the omission of said officer to give the new bond as aforesaid within the time required, the said judges shall immediately make an order as to the costs, and transmit an exemplification of the proceedings to the Governor, who shall forthwith remove such delinquent from office.

SEC. 4. That so much of the act to which this is a supplement, which is hereby altered or supplied, he and the same is hereby repealed.

#### No. 494.—FILE OF THE SENATE.

BEIL, Judiciary—March 2.

AN ACT to regulate the practice and fees of sheriffs in cases of attachments.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That in all cases of the attachment of a debt, obligation, duty or sum of money due and owing by a garnishee to the defendant, whether such attachment be made by virtue of a writ of foreign attachment or of a writ of attachment issued on a judgment, it shall not be lawful for the sheriff or other officer to whom such writ is or shall be directed, or his deputy, to require any bond or other security, to indemnify him against the execution of such writ or any fee therefor, nor any other or greater sum or fee for executing such writ, than is by law allowed for serving a writ of *scire facias*.

SEC. 2. That whenever the sheriff or other officer to whom any writ shall be directed, may by law demand a bond or obligation of indemnity before executing the same, it shall be lawful for such officer to demand or receive as a fee for preparing such bond or obligation, one dollar, and no more.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 52.

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## SENATE.

FRIDAY, March 11, 1859.

The Senate met at 10 o'clock, A. M. The SPEAKER in the Chair.

On motion of Mr. RANDALL, the reading of the Journal was dispensed with.

## LEAVE OF ABSENCE.

Mr. RANDALL asked and obtained leave of absence for Mr. BELL, for two days from to-day.

Mr. WRIGAT for Mr. BLOOD, for to-day.

Mr. TURNEY for Mr. SCHINDEL.

The SPEAKER presented an abstract of the accounts of the Philadelphia and Reading railroad company.

Also, the petition of the board of directors of the Glen Hope and Little Bald Eagle turnpike road company, for the repeal of the second section of an act relative to said company.

Also, the proceedings of the town council of the borough of Altoona, in relation to a bill to incorporate a gas and water company in said borough.

Also, a remonstrance against the removal of the county seat of Clearfield county, together with a brief statement concerning the same.

Also, a remonstrance of citizens of Clearfield county, against the passage of House bill No. 317, "An Act to appoint road commissioners to take charge of a portion of the Milesburg and Smethport turnpike road, in the counties of Clearfield and Elk."

## PETITIONS, MEMORIALS, &c.

Mr. THOMPSON presented four petitions of citizens of Pennsylvania, for a law to compel banks to keep their notes at par in Philadelphia and Pittsburgh.

Also, a petition from citizens of Montgomery county, for a law making constables tax collectors in said county.

Also, two remonstrances of citizens of the same county, against any change in the mode of collecting taxes.

Mr. MILLER, a petition of citizens of Washington county, for a law authorizing the payment of one dollar per day to school directors

while engaged in public service, and for a change in the manner of payment of the salary of county superintendent.

Mr. YARDLEY, a petition of sixty-nine citizens of the Commonwealth, for the passage of a law compelling banks to keep their notes at par in Philadelphia and Pittsburgh.

Also, a petition of the Farmers' mutual fire insurance company of Bucks and Philadelphia, praying to be exempted from the action of a bill regulating insurance companies in Philadelphia and Allegheny counties.

Mr. SCHINDEL, three petitions of citizens of Lehigh county, for a law compelling banks to keep their notes at par in Philadelphia and Pittsburgh.

Also, a petition of the officers and directors of the Allentown Bank, of like import.

Mr. BALDWIN, one from citizens of Pennsylvania, of similar import.

Mr. PENNEY, four remonstrances of citizens of Pittsburgh, against an act abolishing the high school of said city.

Also, a petition of citizens of Indiana township, Allegheny county, in favor of a law relating to roads in said township.

Also, four remonstrances against the same.

Mr. NUNEMACHER, two petitions of citizens of Berks county, for the passage of an act compelling banks to keep their notes at par in Philadelphia and Pittsburgh.

Also, three petitions of citizens of Berks county, for a law requiring the city of Reading to pay the fees for arresting vagrants in said city.

Mr. WRIGHT, a memorial of citizens around Fairmount, praying for a change of route in laying the track of the Race and Vine Streets railway.

Also, two petitions of citizens of Frankford and vicinity, praying for a modification of the Sunday laws.

Mr. MARSELIS, two of like import.

Mr. RANDALL, a petition of citizens of Philadelphia, in favor of an act allowing the Philadelphia and Trenton railroad company to extend their road to Third and Willow streets.

Mr. SCHELL, a remonstrance of citizens of Huntingdon county, against any change in the manner of collecting taxes in said county, and against any extension of the term of county treasurer.

Also, a remonstrance of citizens of Huntingdon county, against the annexation of any part of said county to Fulton county.

Also, a petition of citizens of Bedford county, praying for the repeal of the tonnage tax on the Pennsylvania railroad, on condition that said company lessen the charge on local freight five mills per ton per mile.

Mr. GAZZAM, a petition of citizens of Pittsburgh, praying that the high school in said city be abolished.

Also, a petition of citizens of Pittsburgh and vicinity, praying for an act to incorporate the Pittsburgh and East Liberty passenger railroad company.

Mr. PALMER, three petitions of citizens of Schuylkill county, for a law requiring the Little Schuylkill railroad company, to fence their road.

Mr. CRAIG, a remonstrance of citizens of Monroe county, against the repeal of the tonnage tax.

Mr. MYER, four memorials of H. W. Tracy, William Watkins, H. W. Patrick and others, a committee appointed at a public meeting called

to consider the question of the assessment of damages on the North Branch canal, said memorials signed by other citizens.

Also, the petition of citizens of Bradford county, representing that the Williamsport and Elmira railroad, did, when obtaining the right of way, agree to fence their road, and that they were compelled to do so by the terms of their charter, and asking that a law may be passed compelling said company to do so.

Also, four petitions of citizens of Sullivan county, in favor of the erection of a boom on Loyalsock creek.

Mr. SCOFIELD, a petition of citizens of Kinzua township, Warren county, for an act to increase their road tax.

Also, a remonstrance of citizens of M'Kean county, against a law declaring Knapp's creek, in said county, a public highway.

Mr. GREGG, a remonstrance of citizens of Hartleton, Union county, against any law interfering with their present charter granted by the courts.

Also, the proceedings of a meeting at Laporte, Sullivan county, in favor of the erection of a boom on Loyalsock creek.

Mr. SHAEFFER, a petition of the president, cashier and directors of the Lancaster Bank, in favor of a law compelling banks to keep their notes at par.

Mr. COFFEY, two petitions of citizens of Indiana and Westmoreland counties, in favor of the erection of a new county, to be called Ligonier.

Also, a number of petitions of citizens of Johnstown, praying for an act to legalize a survey of said borough.

Also, a number of petitions of citizens of Armstrong county, in favor of the supplement to the militia law.

Mr. RUTHERFORD, a petition of citizens of Shaferstown, Lebanon county, praying for an alteration in the charter of the Shaferstown academy.

Also, a petition of citizens of Myerstown, Lebanon county, for an act to better regulate streets in said town.

Also, a petition of citizens of Lebanon county, in favor of the repeal of the present license laws.

Also, a petition of citizens of Harrisburg, praying for an appropriation to M'Adamize State street in said borough.

## REPORTS OF COMMITTEES.

Mr. YARDLEY, (Education,) reported with a negative recommendation, "An Act to erect the borough of Catasqua into a separate independent school district."

Mr. PENNEY, (same,) as committed, "An Act relative to certain accounts in Portor township school district, Jefferson county."

Mr. WELSH, (same,) with a negative recommendation, House bill No. 390, "An Act annexing the borough of Leesburg, in Mercer county, to the township of Springfield, in said county, for school purposes."

Mr. BALDWIN, (Roads and Bridges,) as committed, "An Act for the extension of Lehman street, in the Twenty-second ward of the city of Philadelphia."

Mr. FETTER, (same,) as committed, "An Act authorizing the establishment of a ferry on the West Branch of the Susquehanna."

## BILL IN PLACE.

Mr. RUTHERFORD read in his place and presented to the Chair, a bill, entitled "An Ac



providing for the grading, curving and paving of Main street, in Myerstown, Lebanon county."

#### ORIGINAL RESOLUTION.

Mr. SCHELL offered the following resolution, which was twice read and considered.

*Resolved*, That when the Senate adjourns this afternoon, it adjourn to meet on Monday at the usual hour.

On its adoption,

The yeas and nays were required by Mr. SCOFIELD and Mr. WELSH, and were as follow, viz:

YEAS—Messrs. Coffey, Craig, Gazzam, Marselis, Palmer, Parker, Rutherford, Schell, Shaeffer, Schindel, Wright and Cresswell, *Speaker*—12.

NAYS—Messrs. Brewer, Fetter, Gregg, Harris, Miller, Myer, Nunemacher, Penney, Randall, Scofield, Steele, Thompson, Turney and Welsh—14.

So the question was determined in the negative.

#### ORDERS OF THE DAY.

Senate bills Nos. 4 and 540 and House bill No. 317 lie over.

On motion of Mr. PENNEY, House bill No. 36, "An Act relating to costs in certain cases," was re-committed to the Committee on the Judiciary.

#### BILLS CONSIDERED.

On motion of Mr. PENNEY, (the Committee on Corporations having been discharged from consideration of the same,) the Senate proceeded to consider House bill No. 576, "A supplement to the act incorporating the Western transportation company."

The bill having gone through its various readings, passed finally.

On motion of Mr. MYER, the Senate reconsidered its vote on the resolution to adjourn until Monday.

The resolution being again before the Senate, on its adoption,

The yeas and nays were required by Mr. WELSH and Mr. MYER, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Finney, Francis, Gazzam, Keller, Marselis, Palmer, Parker, Rutherford, Schell, Shaeffer, Schindel, Thompson, Wright, Yardley and Cresswell, *Speaker*—18.

NAYS—Messrs. Fetter, Gregg, Harris, Miller, Nunemacher, Penney, Randall, Scofield, Steele and Welsh—10.

So the question was determined in the affirmative.

Senate bill No. 280, "An Act relating to costs," was taken up, on motion of Mr. BREWER.

This bill, having passed committee of the whole and second reading, lies over.

On motion of Mr. MYER, the Senate proceeded to consider Senate bill No. 483, "A supplement to an act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent, approved April 9, 1849," as follows:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the widow or children of any decedent, entitled to retain three hundred dollars out of such decedent's estate, by the laws of this Commonwealth; and every person entitled to the exemption provided for in the act, entitled "An Act to exempt property to the value of three hundred dollars from levy and sale on execution for distress for rent," approved the ninth day of April, Anno Domini one thousand eight hundred and forty-nine, may elect to retain the same or any part thereof, out of any bank notes, money, stocks, judgments, or other indebtedness to such person: *Provided*, That the same

shall be taken at its nominal value without appraisalment.

SEC. 2. That any person otherwise entitled to the exemption provided for in this act and the act to which this act is a supplement, shall not be deprived thereof, in consequence of any contract hereafter made, by which the right to claim such exemption shall be waived or released.

The question being upon the first section of the bill,

Mr. PALMER moved to strike out the proviso, and insert, in lieu thereof, the following: "And that in all cases hereafter, when property shall be set apart for the widows and children of any decedents, the same shall be appraised and set apart to said widow and children by the appraisers of the other personal estate of said decedent."

Upon the motion to strike out the proviso, a brief discussion, in explanation of the legal effects of the bill and amendment, took place between Messrs. PALMER, FINNEY, SCOFIELD, and TURNEY—the first three favoring the motion, and the latter opposing the bill, as unnecessary and unjust.

The amendment was agreed to.

Mr. PENNEY moved further to amend, by striking out all from the word "Commonwealth," in the fifth line, to the word "forty-nine," in the ninth line, inclusive.

Upon this motion there was a further discussion between Senators.

Mr. MYER opposed the motion, briefly giving his reasons therefor.

Mr. PENNEY defended the propriety of his motion to strike out that portion of the section, and discussed the legal effects of the bill. He also gave his views upon the three hundred dollar law, adverted to by the Senator from Bradford.

Mr. SCOFIELD supported the bill as designed to operate beneficially for the poor, in its exemptions, and replied, briefly, to the arguments in support of the amendment.

Mr. PALMER addressed the Senate in reply to the legal arguments of the Senator from Allegheny, as to the operation of the law, and briefly in support of the original section.

Upon agreeing to the amendment,

The yeas and nays were required by Mr. PENNEY and Mr. SCOFIELD, and were as follow, viz:

YEAS—Messrs. Baldwin, Penney, Thompson and Cresswell, *Speaker*—4.

NAYS—Messrs. Brewer, Coffey, Craig, Fetter, Francis, Gazzam, Gregg, Harris, Keller, Marselis, Miller, Myer, Nunemacher, Palmer, Parker, Rutherford, Schell, Scofield, Shaeffer, Steele, Turney, Welsh, Wright and Yardley—24.

So the question was determined in the negative.

Upon the second section there was a continuation of the discussion—Mr. TURNEY in opposition to the bill, as designed to operate injuriously upon the very class which were intended to be benefitted, originally, by the three hundred exemption law.

Mr. SCHELL acknowledged there would be great weight in the position of the Senator from Westmoreland, if the question was the repeal of the exemption law. He was pleased with the section—it comes up to his idea of what the law should do to protect the poor man.

Mr. SCOFIELD seconded the views of the Senator from Bedford. The law, as it stands, is virtually repealed; and the object of the present bill is to give to the law the beneficial effects which it was intended to produce. He portrayed the gradual steps which had been taken by the Commonwealth in the work of protecting the poor and laboring classes from the rigors of former laws—from a period when even the body of a deceased debtor might be seized

by a relentless creditor, to the time when they came nobly up, and said that every man who was thrifty enough to save for himself and family a little home, should be protected in its enjoyment.

Mr. PALMER moved to amend the second section by adding the following proviso:

*Provided*, That the provisions of this section shall not apply to contracts made for the renting of a dwelling house, or for other things necessary for the support and maintenance of the wife or family of any such person.

Mr. PALMER explained the effects of his amendment, as designed still further to benefit the poor man. The family of a poor man must have a roof over their heads, and the wife and children must have bread; and without this guaranty they have but poor opportunities of obtaining these comforts.

Mr. FRANCIS did not intend occupying the attention of the Senate long. He would vote for the section without any amendment. Every exemption which had been made, for the last five years, had been made under the pretext of this amendment, that it was intended for the support of the family. He would deprive every man of the power to waive the exemption which has been extended to his family—he would say to them, you shall not wrong them by waving that exemption in favor of a remorseless creditor—you shall not have the power of sacrificing your home. He did not know but it would be better to-day, that all laws compelling the payment of debts were abolished, and the credit of every man put upon the ground of his character. If that were done, character would be worth something. Does any man trust another upon character now? No—it is not because of his character, but because of the power which the law gives him to exact payment. He was in favor of the section, and hoped it would be adopted without any amendment.

On the adoption of the amendment offered by Mr. PALMER,

The yeas and nays were required by Mr. PALMER and Mr. GREGG, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Fetter, Harris, Marselis, Miller, Nunemacher, Palmer, Penney, Randall, Shaeffer, Thompson, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—18.

NAYS—Messrs. Brewer, Francis, Gazzam, Gregg, Myer, Parker, Rutherford, Schell, Scofield and Steele—10.

So the question was determined in the affirmative.

Mr. MYER advocated the measure upon the simple principle that it would be beneficial not only to the poor man, but to the people of the Commonwealth. He was in favor of the section, and hoped it would be adopted.

Mr. GREGG briefly advocated the propriety of the original section, and could see no advantage which was to result from the amendment. He was opposed to the section, however, as amended, and should vote against it.

Mr. GAZZAM was more in favor of the section before it was amended, although he was not certain that he should not vote for it now. The section, originally, was honestly intended to effect the object of the Legislature, which was to protect the poor man in the rights of the three hundred exemption law.

The bill by consent lies over.

On leave given, Mr. TURNEY read in his place, "An Act to prevent the destruction of trout in the counties of Westmoreland, Somerset, Fayette and Blair."

House amendments to "An Act relative to a school lot and burial ground in the borough of Pottsville," were read, and on motion of Mr. PALMER, concurred in.

House amendments to Senate bill, "An Act



relative to the trustees of the Farmers' high school," were read, and on motion, lie over.

House amendments to "An Act relative to the township of Croyle, in Cambria county," were, on motion, concurred in.

The hour of one having arrived, the Senate adjourned until 3 o'clock, P. M.

#### AFTERNOON SESSION.

Agreeably to order, the Senate met at three o'clock.

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. PARKER, House bill No. 265, "An Act to incorporate the trustees of the Young Men's Christian building association of Philadelphia."

On motion of Mr. RUTHERFORD, Senate bill No. 308, "An Act to incorporate the Mutual fire insurance company of Annville, Lebanon county."

On motion of Mr. SCHELL, "An Act for the relief of the Somerset borough school district, in Somerset county."

On motion of Mr. SCOFIELD, Senate bill No. 561, "An Act to authorize Walter J. Smith to erect a ferry over the Allegheny river at Warren."

On motion of Mr. GREGG, the Senate concurred in House amendments to "An Act relative to the trustees of the Farmers' high school of Pennsylvania."

#### REPORTS OF COMMITTEES.

Mr. STEELE, from Committee on Corporations, reported, with amendment, "An Act to divide the borough of Scranton into two wards."

Mr. WRIGHT, from the Committee to Compare Bills, made a report; which was read.

#### BILLS IN PLACE.

On leave given, Mr. GAZZAM read in his place and presented to the Chair, a bill, entitled "A supplement to the act incorporating the borough of Duquesne, Allegheny county."

Also, a petition of citizens of the borough of Duquesne, for the passage of the said supplement.

Mr. WELSH, "A further supplement to the act incorporating the borough of York."

On motion of Mr. GAZZAM, (the Committee on Corporations having been discharged from its consideration,) "A supplement to an act incorporating the borough of Duquesne, Allegheny county."

On motion of Mr. STEELE, House bill No. 640, "An Act to divide the borough of Scranton into two wards."

On motion of Mr. THOMPSON, House bill No. 360, "An Act to abolish the separate school district erected out of a portion of the township of Upper Salford, in Montgomery county."

On motion of Mr. TURNEY, (the Committee on Roads and Bridges having been discharged from its consideration,) House bill No. 419, "An Act to incorporate the Layton bridge company, in Fayette county, and to authorize the commissioners of said county to make a donation to said company."

(This bill lies over on second reading.)

On motion of Mr. WELSH, (the Committee on Corporations having been discharged from its consideration,) "A further supplement to the act incorporating the borough of York."

On motion of Mr. WRIGHT, House bill No. 261, "A supplement to the act incorporating St. Paul's Church, in the city of Philadelphia."

On motion of Mr. FRANCIS, House bill No. 411, "An Act changing the name of Prescott Packard Peck."

On motion of Mr. BREWER, (the Committee on Railroads having been discharged from its consideration,) House bill No. 771, "An Act to incorporate the East Berlin railroad company."

On motion of Mr. STEELE, Senate bill No. 484, "An Act to divide the borough of Pittston, in Luzerne county, into two wards."

On motion of Mr. BALDWIN, (the Committee on Roads and Bridges having been discharged from its consideration,) House bill No. 541, "An Act to incorporate the Millport turnpike road company."

On motion of Mr. STEELE, Senate bill No. 226, "An act relating to the collection of State and county taxes in Luzerne county, and for other purposes."

On motion, the Senate adjourned until Monday at 3 o'clock, P. M.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, March 11, 1859.

The House was called to order at 9½ o'clock, A. M., by the SPEAKER.

The Clerk read the Journal of yesterday; when, on motion of Mr. WILCOX, the further reading of the same was dispensed with.

The SPEAKER laid before the House the annual report of the Philadelphia and Reading railroad company.

On motion of Mr. STUART, Senate bill, entitled "An Act relative to elections in the borough of Newville, Cumberland county, was taken up and passed finally.

Mr. PEIRCE, on leave, read a bill relative to roads in East Marlboro and New London townships, Chester county; which, on his motion, was taken up and passed, and ordered to be sent to the Senate for concurrence.

Mr. PINKERTON asked and obtained leave of absence for E. H. Rauch, one of the Transcribing Clerks for a few days from to-day.

Mr. WITHROW, on leave, read a bill to provide for the election of an additional supervisor in Wayne township, Mifflin county; which, on his motion, was taken up and passed, and ordered to be sent to the Senate for concurrence.

Mr. EVANS moved that the House proceed to the consideration of the resolution relative to the Pittsburg and Connellsville railroad; which was agreed to.

The resolution was again read.

And on the question,  
Shall the same pass?

It was determined in the affirmative.

Agreeably to order, the House resolved itself into committee of the whole, (Mr. FEARON in the Chair,) on bill No. 19, "An Act exempting parsonages from taxation."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That all lots of ground not exceeding one-half of an acre, belonging to and owned by one or more congregation of any religious denomination in said State, on which a parsonage building is erected for the use of the resident pastor of such congregation or congregations, and which is used and possessed for no other purpose, shall be exempted from the payment of all taxes now assessed, or which may hereafter be assessed for State, county, borough, road or school taxes.*

On motion of Mr. THORN, the committee rose, and asked leave to sit again on the second Monday in May.

Mr. NILL defended the bill, as being just and necessary.

On the motion of Mr. THORN to postpone,  
The yeas and nays were required by Mr. NILL and Mr. RAMSDALL, and were as follows, viz:

YEAS—Messrs. Barnsley, Custer, Dismant, Dodds, Foster, Galley, Goepp, Gratz, Gray, Hill, Kinney, Laird, Mann, Neall, Pennell, Peirce, Rouse, Shafer, Smead, Stoneback, Styer, Witman, Wolf and Woodring—24.

NAYS—Messrs. Abbott, Acker, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Church, Durhoraw, Eckman, Ellmaker, Evans, Fleming, Graham, Green, Gritman, Hamersly, Hottenstine, Irish, Kencagy, Lawrence,

(Washington,) M'Curdy, Nill, Oaks, Palm, Patterson, Pinkerton, Price, Proudfoot, Pughe, Quigley, Ramsdell, Rohrer, Sheppard, Shields, Smith, (Berks,) Stephens, Stuart, Thorn, Walborn, Walker, Warden, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow and Lawrence, *Speaker*—51.

So the question was determined in the negative.

The question recurring,

When shall the committee have leave to sit?

Mr. HAMERSLY moved that it have leave to sit again on Friday next; which was agreed to.

Mr. GRAY, on leave, read in his place and presented to the chair, "An Act to provide for the erection of a house for the support and employment of the poor in Greene county."

The House resolved itself into committee of the whole, (Mr. ROHRER in the chair,) on bill No. 31; which was read, as follows:

AN ACT to authorize commutation of the death penalty in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That when in any case of conviction and sentence, for murder in the first degree, facts shall come to the knowledge of the Governor, which raise a reasonable doubt as to the guilt of the person convicted, but not sufficient, in his judgement, to justify an absolute pardon, it shall be lawful for him to commute the penalty of death for that of imprisonment in the State penitentiary of the proper district, there to be kept in solitary confinement, at labor, during the natural life of said convict, and fed and clothed and treated as provided by the act, entitled "A further supplement to an act, entitled 'An Act to reform the penal laws of this Commonwealth,' approved the twenty-third day of April, Anno Domini one thousand eight hundred and twenty-nine."*

The bill was reported negatively by the committee of the whole.

On the question,

Will the House agree to the report of the committee?

The yeas and nays were required by Mr. PENNELL and Mr. NEALL, and were as follows, viz:

YEAS—Messrs. Abbott, Barnsley, Burley, Campbell, Church, Custer, Dismant, Dodds, Ellmaker, Evans, Fearon, Fleming, Glatz, Goepp, Graham, Gritman, Irish, Jackson, Ketchum, Laird, Lawrence, (Washington,) Mehaffey, M'Clure, Neall, Nill, Oaks, Quigley, Rohrer, Shields, Stephens, Stoneback, Taylor, Thompson, Walhorn, Warden, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Wolf, Woodring, Zoller and Lawrence, *Speaker*—45.

NAYS—Messrs. Acker, Barlow, Bayard, Bertollet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Durhoraw, Eckman, Foster, Galley, Gratz, Gray, Hamersly, Harding, Hill, Keneagy, Kinney, Mann, M'Curdy, Miller, Palm, Patterson, Pennell, Peirce, Pinkerton, Price, Proudfoot, Pughe, Ramsdell, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Stuart, Thorn, Wagenseller, Walker, Witman and Withrow—42.

So the question was determined in the affirmative.

Mr. THORN moved that the rules be suspended for the purpose of considering bills reported with an affirmative recommendation; which was agreed to.

The House resolved itself into committee of the whole (Mr. CHURCH in the Chair,) on bill No. 145, "An Act declaring dogs in this Commonwealth to be personal property."

Mr. PRICE moved to amend the bill, so as to read,



"That from and after the passage of this act, every dog or bitch owned by or belonging to any person in this Commonwealth, is and the same is hereby declared to be nuisances, and such dogs or bitches shall be as much the subject of extermination as any other kind of obnoxious animals; and any person not exterminating any such dog or bitch, shall be liable to prosecution and indictment in the court of quarter sessions of the proper county, and convicted thereof, shall be punished as in other cases of negligent duty."

Mr. HAMERSLY moved to postpone indefinitely.

Mr. WILLISTON moved its reference to the Divorce Committee.

Mr. HARDING said that the bill was one of importance to the residents of Philadelphia, where dog-stealing was practiced.

Mr. WILCOX moved further to amend by requiring all dogs to be registered.

Mr. PENNELL asked that the gentleman from Lancaster would withdraw his amendment, in order that he might introduce a new one.

The amendment to the amendment was not carried.

The amendment was also voted down.

Mr. ZOLLER was of opinion that to exterminate all dogs would be a harsh measure. In his county he had to pay a dog tax of one dollar. This fact rendered it evident that dogs were property. He advocated a general tax on canines throughout the State.

Mr. KINNEY wanted to know what the amendment of Mr. WILCOX meant. He offered an amendment, that a list of dogs be kept at each poll on election day in Philadelphia.

Ruled out of order.

The committee rose, reported progress, and asked leave to sit again; which was not agreed to.

Mr. NILL moved so to amend, by making it a misdemeanor to steal any such dog or bitch. Mr. WALBORN, alleging that dogs were valuable in many cases, advocated the bill.

Rambling remarks were made by Messrs. RAMSDALL, WILSON, PRICE and FOSTER.

Mr. PENNELL wished to make the law apply only to such counties in the State where its provisions might be desired. He moved an amendment to this effect.

Mr. NILL withdrew his amendment.

The Chair was of opinion that Mr. PENNELL'S amendment was not properly in order.

Mr. THORN moved that the further consideration of the bill be postponed indefinitely.

Mr. HARDING spoke a few words in favor of the bill.

On the motion of Mr. THORN, it was agreed to.

The House resolved itself into committee of the whole, (Mr. ZOLLER in the chair,) on bill No. 151, "An Act preventing the intermarriage of the white and black races," as follows:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall be unlawful for any black man to marry a white woman, or black woman to marry a white man.

SEC. 2. That any person or persons who shall marry in this Commonwealth contrary to the first section of this act, and any justice of the peace, alderman, clergyman, minister or other person, who shall join in marriage any person contrary to this act, and every person who shall be present at such marriage, shall be deemed guilty of a misdemeanor; and shall, upon conviction thereof in any court of quarter sessions having jurisdiction thereof, be fined, at the discretion of said court, any sum not exceeding five hundred dollars; which shall go, one half to the prosecutor, and the other half to such county as may have jurisdiction of such case;

and shall be imprisoned in the county jail of such county any time not exceeding one year.

Mr. WILLISTON moved to amend the first section, as follows: Strike out the word "white," where it occurs, and insert the word "democrat."

Mr. WILCOX moved to strike out "black," and insert "republican."

The amendments were not agreed to.

Mr. WALKER moved to amend the bill by striking out from the bill in the fourth line the words, "be present at" and insert "aid or abet in;" which was not agreed to.

On motion of Mr. HAMERSLY, the committee rose, reported progress, and asked leave to sit again; which was not granted.

Mr. SMITH, (Berks,) moved to insert the words, "yellow or colored," after the word "black" wherever it occurs.

Mr. WILLISTON moved to amend the amendment by substituting the word "Democrat" for the word "white," wherever it occurs; which was not agreed to.

The amendment to the amendment was not agreed to.

Mr. MILLER moved the indefinite postponement of the bill.

On the motion,

The yeas and nays were required by Mr. SMITH, (Berks,) and Mr. MILLER, and were as follow, viz:

YEAS—Messrs. Acker, Barlow, Bayard, Bryson, Burley, Church, Custer, Dismant, Dodds, Durhoraw, Fearon, Foster, Galley, Goepp, Graham, Gratz, Green, Hamersly, Hill, Irish, Kinney, Lawrence, (Washington,) Mann, Mehaffey, M'Dowell, Miller, Neall, Nill, Patterson, Peirce, Quigley, Ramsdell, Rohrer, Stonehack, Taylor, Thompson, Thorn, Wagenseller, Warden, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Woodring and Zoller—50.

NAYS—Messrs. Abbott, Barnsley, Bertolet, Boyer, (Clearfield,) Brodhead, Campbell, Eckman, Ellmaker, Fleming, Glatz, Good, Gray, Gritman, Harding, Hottenstine, Jackson, Ketchum, Laird, M'Clure, M'Curdy, Oaks, Palm, Pennell, Pinkerton, Price, Proudfoot, Rouse, Sheppard, Shields, Smith, (Berks,) Stuart, Walker, Wolf and Lawrence, *Speaker*—34.

So the question was determined in the affirmative.

Mr. M'CLURE, on leave, from the Committee on the Judiciary System, reported with amendment, "An Act relating to marriages;" and, on his motion, said bill was placed on Calendar for this morning.

The House resolved itself into Committee of the whole, (Mr. HARDING in the Chair,) on bill No. 180.

AN ACT to prevent the defacing of Bank notes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act it shall not be lawful for any person or persons, corporation or body corporate within this Commonwealth, to deface any bank note or acknowledgment of indebtedness of the nature, character and appearance of a bank note, issued by any bank lawfully incorporated by the Legislature of this Commonwealth, and authorized to issue the same, by writing, printing, stamping, or in any other way impressing or inscribing thereon, either on the face or the back thereof, any card, advertisement or other inscription calculated or intended to announce, and make known the occupation or place of any person, firm or corporation, and to pass off, pay out, or circulate any such bank note or other acknowledgment of indebtedness, as aforesaid, so defaced, as aforesaid.

SEC. 2. That every person who shall violate the provisions of the first section of this act,

shall be taken and deemed to have committed a misdemeanor, and shall upon conviction thereof, in the court of quarter sessions of the peace of the county wherein which the said violation shall have been committed, be fined in any sum not less than twenty dollars and not more than fifty dollars.

Mr. FOSTER thought that the bill might properly be entitled one to prevent men from paying their debts.

He moved to amend by adding the words, "except in payment of indebtedness."

Mr. GOEPP stated the object of the bill, which was to prevent brokers and others from using them as an advertising medium. It was, of course the right of a man to put what he chose on a bank note, if he did not afterwards issue it. The act merely sought to protect the banks by preventing their currency from being mutilated.

Mr. SMITH wished to know whether the act did not make it a penal offence for people to pass out notes which others had defaced.

Mr. GOEPP denied that the offence would be complete, unless the party both made and passed off the inscription.

Mr. KINNEY wished to know what defacing consisted in.

Mr. GOEPP replied, in putting on a note the card or place of business, and not in merely writing the name.

Mr. HAMERSLY moved that the committee rise, report progress, and ask leave to sit again. Leave to sit again was refused.

(Mr. M'CLURE in the Chair,) the bill was read to the House.

Mr. GOEPP moved to insert "place of business" instead of "place;" which was agreed to.

Mr. FOSTER renewed his amendment, which was made in committee of the whole, to add to the section "except in payment of indebtedness;" which was agreed to.

Mr. HAMERSLY moved to postpone indefinitely; which was agreed to.

The House, (Mr. M'CLURE in the Chair,) proceeded to the consideration of bill No. 47, "An Act relating to marriages."

Mr. MILLER moved to postpone the further consideration of the bill indefinitely.

On the motion,

The yeas and nays were required by Mr. MILLER and Mr. NILL, and were as follow, viz:

YEAS—Messrs. Acker, Barnsley, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Dismant, Fleming, Glatz, Gritman, Ketchum, Lawrence, (Washington,) Mann, Miller, Patterson, Pennell, Quigley, Ramsdell, Rouse, Smith, (Berks,) Stonehack, Styer, Taylor, Walhorn, Wiley, Williston, Wilson and Wolf—28.

NAYS—Messrs. Abbott, Barlow, Bayard, Brodhead, Burley, Campbell, Church, Custer, Dodds, Durhoraw, Eckman, Evans, Fearon, Foster, Galley, Goepp, Good, Graham, Gratz, Green, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Keneagy, Kinney, Laird, Mehaffey, M'Clure, M'Curdy, Neall, Nill, Oaks, Palm, Peirce, Pinkerton, Price, Proudfoot, Rohrer, Sheppard, Shields, Smead, Stephens, Thompson, Thorn, Wagenseller, Walker, Warden, Witman, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Withrow, Woodring, Zoller and Lawrence, *Speaker*—57.

So the question was determined in the negative.

The question recurring,

Will the House agree to the amendment of Mr. ROHRER, to strike out "or others," in the sixth line?

The bill reads as follows:

AN ACT relating to marriages.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it*



is hereby enacted by the authority of the same, That so much of the act approved the fourteenth day of February, Anno Domini one thousand seven hundred and thirty, as relates to the infliction of penalties on clergymen or others, for performing the marriage ceremony, contrary to said act, shall apply to such cases only, in which clergymen or others knowingly and wilfully violate the provisions of said act.

The amendment of Mr. ROHRER was withdrawn.

Mr. ABBOTT moved to substitute the word "negligently," for the word "knowingly," in the amendment made in the committee.

Mr. NILL thought the effect of the above amendment would be to defeat the objects of the bill. It would bring us back to the old law.

The amendment was withdrawn by Mr. ABBOTT.

Mr. GOEPP moved to amend by striking out the amendment inserted by the Judiciary Committee, which is as follows: "Shall apply to such cases only in which clergymen or others, knowingly and wilfully violate the provisions of said act," which would leave the bill as on the files.

Mr. GOEPP referred to the present law of marriage, and the expanded sense of which the words "marriage ceremony" were susceptible. He favored this bill.

Mr. WILLISTON said that instead of a repeal of the original act, as was contemplated by the amendment, it should be made more stringent. He cited the recent divorce case before the Legislature, and hoped that no action would be taken which would tend to weaken the bonds between parent and child.

Mr. GOEPP repeated the essentials of the marriage ceremony, and said that as the law in reference to ministers and justices of the peace now stood, it inflicted a penalty on persons who were merely present when two parties decided and agreed to enter into a marriage contract. The clergy desired the passage of the bill before the House.

Mr. WALBORN did not believe that any clergyman had suffered under existing laws.—He opposed any repeal of the stringent provision now enforced in relation to ministers and justices of the peace who performed improper marriage ceremonies.

Mr. WILLIAMS, (Bucks,) said that in the eastern States it was the law to publish the vows for three weeks. In Ohio a license was necessary. Was it proper to turn Pennsylvania into a Gretna Green? He hoped the law would be allowed to remain as it was.

Mr. WILLISTON did not doubt but that the clergymen desired the passage of the law, for it was them who it was designed to punish.

On the amendment of Mr. GOEPP,

The yeas and nays were required by Mr. GOEPP and Mr. WILCOX, and were as follow, viz:

YEAS—Messrs. Goepf, Irish, Keneagy, Kinney, Laird, M'Curdy, Nill, Price, Smead, Styer, Thompson and Wilcox—12.

NAYS—Messrs. Ahcott, Acker, Barnsley, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Evans, Fleming, Foster, Galley, Glatz, Good, Graham, Gratz, Gray, Green, Gritman, Hamersly, Harding, Hottenstine, Jackson, Ketchum, Lawrence, (Washington,) Mann, M'Clure, Miller, Neall, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Proudfoot, Pughe, Rohrer, Rouse, Shafer, Sheppard, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thorn, Wagenseller, Walker, Warden, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wolf and Zoller—70.

So the question was determined in the negative.

The question recurring on the bill, on second reading,

The yeas and nays were required by Mr. WILLISTON and Mr. SMITH, (Berks,) and were as follow, viz:

YEAS—Messrs. Barlow, Bayard, Brodhead, Campbell, Church, Durboraw, Fearon, Foster, Goepf, Gratz, Green, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Keneagy, Kinney, Mehaffey, M'Clure, M'Curdy, M'Dowell, Neall, Nill, Pinkerton, Price, Pughe, Rohrer, Sheppard, Shields, Smead, Thompson, Thorn, Wagenseller, Walker, Warden, Witman, Wilcox, Williams, (Bedford,) Withrow, Woodring, Zoller and Lawrence, *Speaker*—44.

NAYS—Messrs. Abbott, Acker, Barnsley, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Custer, Dismant, Dodds, Eckman, Fleming, Galley, Glatz, Good, Graham, Gray, Gritman, Ketchum, Lawrence, (Washington,) Mann, Miller, Oaks, Palm, Patterson, Pennell, Peirce, Proudfoot, Ramsdell, Rouse, Shafer, Smith, (Berks,) Stephens, Stoneback, Stuart, Styer, Taylor, Walborn, Wigton, Wiley, Williams, (Bucks,) Williston, Wilson and Wolf—45.

So the question was determined in the negative.

Mr. THORN moved that the House consider Senate bill No. 617, "An Act relative to the Philadelphia Bank," which was subsequently withdrawn.

The House resolved itself into committee of the whole, (Mr. STYER in the Chair,) on Senate bill No. 35, "An Act to extend to prothonotaries and clerks the power to administer oaths.

Mr. BARNESLEY moved to strike out the words "he compelled to," in the sixth line of the first section.

Mr. WILSON opposed the amendment; which was not agreed to.

The bill passed committee of the whole, as follows:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the prothonotaries and commissioned clerks of courts of this Commonwealth, shall have a general power to administer oaths and affirmations: *Provided,* That no prothonotary or clerk shall be compelled to administer the same in any matter not pertaining to the proper business of his office.

Sec. 2. That oaths and affirmations heretofore administered by the several prothonotaries and clerks of courts shall be valid and effectual, though not done in conducting the business of their respective offices: *Provided,* That this confirmation shall not include cases heretofore judicially acted upon and adversely decided.

The committee rose and reported the bill as committed.

The bill was read the second time, and passed finally.

The House next proceeded to the consideration, on second reading, of bill No. 195, "Resolution extending the time and continuing the salary of the editor of the *Colonial Records*."

The bill was again read.

Mr. THOMPSON moved to postpone the further consideration of this bill indefinitely.

On this motion,

The yeas and nays were required by Mr. DODDS and Mr. KINNEY, and were as follow, viz:

YEAS—Messrs. Acker, Barnsley, Barlow, Bryson, Burley, Custer, Dismant, Dodds, Durhoraw, Evans, Fleming, Glatz, Graham, Gray, Hottenstine, Kinney, Lawrence, (Washington,) Palm, Pinkerton, Proudfoot, Pughe, Rose, Shields, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thompson, Wagenseller, Walker, Warden, Witman, Wilcox, Williams, (Bedford,) Williston, Wolf and Lawrence, *Speaker*—39.

NAYS—Messrs. Abbott, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Campbell, Church, Eckman, Fearon, Foster, Galley, Goepf, Good, Gratz, Green, Hamersly, Harding, Hill, Irish, Jackson, Keneagy, Ketchum, Laird, Mann, Mehaffey, M'Clure, M'Curdy, McDowell, Neall, Nill, Oaks, Patterson, Pennell, Price, Quigley, Ramsdell, Rohrer, Shafer, Sheppard, Thorn, Walborn, Wigton, Wiley, Wilson, Withrow, and Woodring—45.

So the question was determined in the negative.

The question being,

Will the House agree to the amendment, providing that the salary of the said editor shall not be paid for a period beyond the 1st of June, 1859?

Mr. THOMPSON thought the bill was an imposition, and spoke against its passage.

Mr. THORN followed in a few remarks in favor of the bill.

Mr. LAWRENCE, (Washington,) wished to know how long since Mr. Hazard was appointed editor.

Mr. THORN could not accurately inform him, but thought about ten years since.

Mr. LAWRENCE, (Washington,) said Mr. Hazard had already received \$12,000.

Mr. THOMPSON considered the bill as an imposition. The salary of the editor had already been continued too long. The *Colonial Records* were of no use to any one. He hoped that members would vote against giving a single dime of additional salary.

Mr. THORN advocated the passage of the appropriation.

Mr. LAWRENCE, (Washington,) said that Samuel Hazard had already received some \$12,000 from the State, and he was opposed to having him pensioned thus any longer. Personally he had the kindest feelings towards the editor. He should vote against the pension.

Mr. HARDING deprecated the want of interest in the history of the State which was evinced by the gentleman.

The amendment was disagreed to.

Mr. WILSON offered the following amendment to the bill.

That the Secretary of the Commonwealth be and he is hereby directed to purchase for the use of those members and officers of the present Legislature, who have not heretofore received the same, full sets of the *Colonial Records* and *Pennsylvania Archives*: *Provided,* That the price shall not exceed the amount paid for the same in 1857.

Mr. WILSON, feeling an interest in the early history of the country, earnestly advocated the passage of the bill.

Mr. STEPHENS trusted that the system of members voting themselves salaries would not be inaugurated this session.

On the amendment,

The yeas and nays were required by Mr. QUIGLEY and Mr. BAYARD, and were as follow, viz:

YEAS—Messrs. Abbott, Bayard, Boyer, (Clearfield,) Brodhead, Bryson, Burley, Campbell, Church, Durboraw, Evans, Fearon, Galley, Good, Gratz, Gray, Hamersly, Harding, Hill, Irish, Ketchum, Kinney, Laird, Mahaffey, M'Clure, M'Dowell, Neall, Patterson, Peirce, Pinkerton, Price, Quigley, Ramsdell, Rouse, Shafer, Sheppard, Shields, Styer, Thorn, Wagenseller, Walborn, Walker, Wiley, Wilson, Zoller and Lawrence, *Speaker*—45.

NAYS—Messrs. Acker, Barnsley, Barlow, Custer, Dismant, Dodds, Eckman, Fleming, Foster, Glatz, Goepf, Graham, Green, Hottenstine, Jackson, Keneagy, Lawrence, (Washington,) Mann, M'Curdy, Nill, Oaks, Palm, Pennell, Proudfoot, Rohrer, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thompson, Warden, Witman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Withrow and Wolf—39.



So the question was determined in the affirmative.

The question recurring,

Will the House agree to the section as amended?

Mr. KINNEY had voted for the amendment, but hoped the whole bill would be voted down.

Mr. SMEAD opposed the passage of the bill.

On the section, as amended,

The yeas and nays were required by Mr. STEPHENS and Mr. WILLIAMS, (Bucks,) and were as follow, viz:

YEAS—Messrs. Abbott, Bayard, Bryson, Burley, Campbell, Church, Durboraw, Evans, Fearon, Goepf, Good, Gratz, Hamersly, Harding, Hill, Irish, Keneagy, Laird, Mahaffey, M'Clure, M'Dowell, Patterson, Price, Quigley, Ramsdell, Shafer, Sheppard, Shields, Styer, Thorn, Wagonseller, Walborn, Walker, Wiley, Wilson and Zoller—36.

NAYS—Messrs. Acker, Barnsley, Barlow, Boyer, (Clearfield,) Brodhead, Custer, Dismant, Dodds, Eesman, Foster, Galley, Graham, Gray, Hottensine, Jackson, Kerehum, Kinney, Lawrence, (Washington,) Mann, Nill, Oaks, Palm, Pennell, Peirce, Pinkerton, Proudfoot, Rohrer, Rose, Rouse, Smead, Smith, (Berks,) Stephens, Stonehack, Stuart, Taylor, Thompson, Warden, Witman, Wigton, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Williston, Withrow, Wolf and Lawrence, *Speaker*—46.

So the question was determined in the negative.

Mr. NILL moved that the rules be suspended, in order to enable him to make a motion; which was agreed to.

Mr. NILL moved that when this House adjourns, it will do so, to meet this afternoon at three o'clock, to consider public bills.

Mr. ROHRER moved to amend by making this afternoon's session in lieu of to-morrow afternoon's, and to adjourn to-morrow at twelve.

Mr. WILCOX moved to amend the amendment, by adjourning this afternoon at five o'clock.

Mr. FOSTER moved to amend, that when the House adjourns this afternoon at three o'clock, it do so to meet again at three o'clock, on Monday afternoon.

Pending the consideration of which, the SPEAKER adjourned the House until to-morrow morning, at nine and a half o'clock.

#### No. 516.—FILE OF THE HOUSE.

GRITMAN, Judiciary—Feb. 25.

AN ACT securing more effectually prompt payment on the part of insurance companies.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, all insurance companies in the State of Pennsylvania, whether they be stock, mutual or otherwise, which have insured, or may hereafter insure, against loss or losses by fire or otherwise, real, personal or any other kind of property, to whatever amount, and said property insured, or any part thereof has been heretofore or shall hereafter be destroyed by any of the means it is insured against, whereby the amount insured or any part thereof becomes due and payable, or has at any time heretofore become due and payable by the insurer to the insured, and any one or more of the said insurance companies thus liable, or to become liable, hath refused or shall hereafter refuse payment to the insured for the amount lost and insured against, for payment of which the insured have instituted suit or suits at law, pending and undetermined at the passage of this act, or may hereafter institute suit or suits at law, against the company or companies liable, and shall recover judgment*

*for the amount insured or any part thereof, said company or companies sued shall from the time the amount or any part thereof shall become due, as contracted in the policy or policies of insurance, or where suits are now pending in such cases, from the date of the passage of this act until payment of the amount due and owing is made, be subject to and compelled to pay in addition to the principal and interest thereon claimed and recovered, or to be recovered on the policy itself, whatever damages a jury or arbitrators may choose to impose upon them; but in no case shall such damages exceed the rate of five per cent. per month, nor be less than two per cent. per month on the dollar; and whatever per cent. per month on the dollar shall be assessed as damages, under this act, shall be calculated on the principal sum due and owing the insured, in given judgment, in a suit or suits at law, to the day of judgment, rendered, and shall also be calculated on said judgment recovered, until paid the same as interest.*

SEC. 2. That this act shall take effect immediately upon its passage and approval, and shall apply to all insurance companies against which suit or suits at law are now pending, except that the per cent. per month on the dollar above regulated, shall be calculated on suits brought heretofore and now pending only from the time of the passage and approval of this act.

#### No. 444.—FILE OF THE HOUSE.

GRATZ, Judiciary—Feb. 25.

AN ACT relative to the time in which courts are required to file their charges and decide motions for new trials.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That whenever a judge of any of the courts of this Commonwealth shall be requested to reduce the opinion of the court to writing and file the same, of record agreeably to the twenty-fifth section of the act of the twenty-fourth of February, one thousand eight hundred and six, entitled "An Act to alter the judiciary system of this Commonwealth;" it shall be the duty of the judge who delivers the opinion of the court to reduce the same to writing, and file the same of record within thirty days thereafter, and in all cases tried before the passage of this act, in which the court have been requested to reduce their opinion to writing, and file the same as aforesaid; and the opinion has not been reduced to writing and filed, it shall be the duty of the judge who delivered the same to reduce the opinion to writing, and file the same of record within thirty days after the passage of this act.*

SEC. 2. That in all in all civil suits tried in the several courts of this Commonwealth, in which verdicts are rendered in favor of the plaintiffs, and motions are entertained by the court, or rules granted for new trials, it shall be the duty of the court to decide upon and dispose of such motions and rules within thirty days after argument of such rule or motion; otherwise judgment shall be entered on such verdict, by the prothonotaries or clerks of the respective courts.

#### No. 483.—FILE OF THE SENATE.

FINNEY, Judiciary—March 2.

A SUPPLEMENT to an act in relation to certain public officers and their sureties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is*

*hereby enacted by the authority of the same, That all the powers and duties enjoined upon the courts of common pleas by the first section of the act to which this is a supplement, be and hereby are vested in any two judges of said courts; and any one of said judges is hereby empowered and required, on petition as therein declared, to award a citation to any such officer to appear at a time and place designated, to answer the matters alleged in said petition, and show cause why said officer shall not give other and further security; and to grant rules, on short notice, to be served on the opposite party, his agent or attorney, to take the depositions of witnesses, to be read on the hearing of the case.*

SEC. 2. That upon due proof being made at the hearing of any of the facts or allegations specified in the said first section, and set forth in the petition and citation, the said judges shall, and they are hereby required forthwith to order and direct that said officer shall, within ten days thereafter, enter into a new official bond, with sureties, to be approved by any two of said judges, and to be recorded and filed, and held as and in lieu of the original bond, of which the sureties shall thereafter be fully discharged.

SEC. 3. That on the omission of said officer to give the new bond as aforesaid within the time required, the said judges shall immediately make an order as to the costs, and transmit an exemplification of the proceedings to the Governor, who shall forthwith remove such delinquent from office.

SEC. 4. That so much of the act to which this is a supplement, which is hereby altered or supplied, be and the same is hereby repealed.

#### No. 306.—FILE OF THE HOUSE.

WIGTON, Ways and Means—Feb. 11.

AN ACT relating to the licenses of billiard tables and ten-pin alleys used at watering places and summer resorts, in this Commonwealth.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall be lawful for all persons owning or occupying watering places and summer resorts in this Commonwealth, to be licensed for the privilege of using billiard tables and ten-pin alleys for the term of three months in a year, and pay in that proportion of the rates now or hereafter required to be paid per annum.*

SEC. 2. That all laws conflicting with the foregoing section are hereby repealed, so far as relates to alterations made by this act.

#### No. 439.—FILE OF THE HOUSE.

M'CLURE, Judiciary—Feb. 25.

AN ACT relating to rate of interest.

*hereby enacted by the authority of the same, That the act regulating the rate of interest, passed the twenty-eighth day of May, Anno Domini one thousand eight hundred and fifty-eight, shall be so construed as not to affect actions pending under the former usury laws; and at the time of the passage of the act of the twenty-eighth May, Anno Domini one thousand eight hundred and fifty-eight; and it is the intention of the Legislature that no plaintiff, in any cause, shall be prejudiced by the passage of the last mentioned act, but that the said act is prospective only in its operation.*



## No. 432.—FILE OF THE HOUSE.

IRISH, Judiciary—Feb. 25, 1859.

AN ACT for the better security of personal liberty, to prohibit the use of the jails and prisons of this Commonwealth in the recapture of fugitive slaves, and to prevent persons holding office under the authority of the State, from engaging or assisting therein.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the meaning of the first, second and thirteen sections of an act, entitled "An Act for the better security of personal liberty, and preventing wrongful imprisonments," approved the eighteenth day of February, one thousand seven hundred and eighty-five, and the fifth section of an act, entitled "An Act to prevent kidnapping, preserve the public peace, prohibit the exercise of certain powers heretofore exercised by judges, justices of the peace, aldermen and jailors in this Commonwealth, and to repeal certain slave laws," approved the third day of March, one thousand eight hundred and forty-seven, is hereby declared to be that any person imprisoned or restrained of his liberty is entitled as of right and of course to the writ of habeas corpus, except in the cases mentioned in the first, fifth and sixth sections of the said act, approved the eighteenth day of February, one thousand seven hundred and eighty-five, and persons convicted or in execution upon civil or criminal process.

SEC. 2. That the provisions of the third section of the said act, entitled "An Act to prevent kidnapping, et cetera," approved the third day of March, one thousand eight hundred and forty-seven, shall apply to the act of Congress, approved the eighteenth day of September, one thousand eight hundred and fifty, entitled "An Act to amend and supplementary to the act, entitled 'An Act respecting fugitives from justice, and persons escaping from the service of their masters'."

SEC. 3. It shall be the duty of the courts having jurisdiction in cases of writs of habeas corpus under existing laws, or any judge thereof, except associate judges of the courts of common pleas, on application of any party to a proceeding, in any writ of habeas corpus, whether the court may be in session or not, and in term, time or vacation, to order a trial by jury, as to any facts stated in the return of the officer, or as to any facts alleged, if it shall appear by the return of the officer or otherwise, that the person whose restraint or imprisonment is in question is claimed to be held to service or labor in another State, and to have escaped from such service or labor, and may admit such person to bail in any sum, not exceeding one thousand dollars; in such case issue may be joined by a general denial of the facts alleged, the plea may be not guilty, and the jury shall have the right to return a general verdict, and the same discretion as juries have in the trial of criminal causes; and the finding of a verdict of not guilty shall be final and conclusive.

SEC. 4. That the court or judge before whom the writ of habeas corpus is made returnable, shall, unless a jury is already in attendance, award a venire, commanding the sheriff of the county to summon a jury in the manner provided in case of a challenge made and sustained to the array of jurors by the one hundred and forty-sixth and one hundred and forty-seventh sections of an act, entitled "An Act relative to the organization of the courts of justice," approved the fourteenth day of April, one thousand eight hundred and thirty-four; in case one jury shall disagree the issue may be submitted to another jury, or continued to the next term, at the discretion of the court; and in every case of disagreement another jury may be summoned and qualified as above provided forthwith, or at a future day in the

discretion of the court or judge before whom the writ is returned, until a verdict shall finally be rendered upon the issue; and if by reason of challenges or otherwise, there shall not be a full jury of persons summoned present, the deficiency shall be supplied in the manner provided by the one hundred and forty-fourth section of the aforesaid act, approved the fourteenth day of April, one thousand eight hundred and thirty-four.

SEC. 5. That if any claimant shall appear to demand the custody or possession of the person for whose benefit said writ is issued out, such claimant shall state in writing the facts on which he relies with precision and certainty; and neither the claimant of the alleged fugitive, nor any person interested in his alleged obligation to service or labor, nor the alleged fugitive, shall be permitted to testify at the trial of the issue; and no confessions, admissions or declarations of the alleged fugitive against himself shall be given in evidence; upon every question of fact, involved in the issue, the burden of proof shall be on the claimant; and the facts alleged and necessary to be established, must be proved by the testimony of at least two credible witnesses or legal evidence equivalent thereto, and by the rules of evidence known and secured by the common law; and no ex parte deposition or affidavit shall be received in proof in behalf of the claimant; and no presumption shall arise in favor of the claimant, from any proof that the alleged fugitive or any of his ancestors had been actually held as a slave, without proof that such holding was legal.

SEC. 6. That no sheriff, deputy sheriff, coroner, constable, jailer or other person holding office under authority of this Commonwealth; or the police of any city, town or borough; or any district, county, city, town or borough officer; or any officer or other member of the volunteer militia of this Commonwealth, shall hereafter arrest, imprison, detain or return, or aid in arresting, imprisoning, detaining or returning, any person for the reason that he is claimed or adjudged to be a fugitive from service or labor.

SEC. 7. That no jail, prison or other place of confinement, belonging to or used by either the Commonwealth of Pennsylvania or any county, city or borough therein, shall be used for the detention or imprisonment of any person for the reason that he is claimed or adjudged to be a fugitive from service or labor; or any person accused or convicted of any offence created by either of the said acts of Congress, mentioned in the second section of this act; or accused or convicted of obstructing or resisting any process, warrant or order, issued under either of said acts; or of rescuing or attempting to rescue any person arrested or detained under any of the provisions of either of said acts; nor for the imprisonment of any person arrested on mesne process or on execution, in any suit for damages or penalties accruing or being claimed to accrue in consequence of any aid rendered to any escaping fugitive from service or labor.

SEC. 8. That any sheriff, deputy sheriff, coroner, constable, jailer or other officer or person mentioned in the sixth section of this act, who shall violate or offend against the provisions of this law, shall, on conviction thereof, be punished by fine not less than five hundred nor more than one thousand dollars for the use of the county wherein the issue is tried; and undergo imprisonment in the county jail for any period not less than three nor more than twelve months, at the discretion of the court.

SEC. 9. That all the provisions of law, as to writ of habeas corpus, heretofore existing and in force, so far as applicable, and so far as not hereby changed, shall apply to the cases arising under this act.

SEC. 10. That nothing in this act shall be

construed to apply to so much of the said act, of the twelfth of February, one thousand seven hundred and ninety-three, as relates to fugitives from justice.

SEC. 11. That this act shall take effect from and after its passage; and all acts or parts of acts, inconsistent with the provisions of this act, are hereby repealed.

## No. 202.—FILE OF THE HOUSE.

MR. THORN, Ways and Means—Feb. 4.

RESOLUTION relative to the payment of certain moneys into the State Treasury by the Manufacturers' and Mechanics' Bank of Philadelphia.

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That the Auditor General, in settling the per centage allowed by the act of twenty-second day of May, one thousand eight hundred and fifty-seven, on the increase of the capital of the Manufacturers' and Mechanics' Bank of the city and county of Philadelphia, be and is hereby directed to charge no per centage on the restoration of the capital of said bank, to the amount allowed by and for which it has already paid a per centage under the provisions of the act of twentieth day of May, one thousand eight hundred and thirty-six, but to charge only the per centage imposed by the act of one thousand eight hundred and fifty-seven, on such increase of capital beyond the amount allowed and already settled for under the act of one thousand eight hundred and thirty-six as may take place under the said act of one thousand eight hundred and fifty-seven.

## No. 482.—FILE OF THE SENATE.

FINNEY, Judiciary—March 2.

AN ACT to establish the Penn Industrial reform school.

WHEREAS, A number of citizens of this Commonwealth have associated themselves together for the purpose of establishing an Industrial reform school, for the physical, mental and moral instruction and reform of destitute, ignorant, idle, and vicious, and criminal, and weak, as may be fit subjects of education in labor and improvement in the arts, and desire the Legislature to grant them a charter to that effect; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Ellis Lewis, Mordecai L. Dawson, William D. Kelly, J. J. Barclay, Cornelius S. Smith, Joseph R. Flanigen, Robert Morris, John Mason, William F. Murphy, Daniel L. Miller, John C. Murphy, James Tyson, A. L. Kennedy, Elijah Dallett, C. H. Rogers, Philip M. Price, John Reynolds, Alfred Huidekoopcr, John Barker, Gordon F. Mason, John Wilson, C. M. Reed, George A. Lyon, James Miles, George Griscom, G. J. Ball and their successors, and all who may become members, agreeably to the by-laws, are hereby incorporated as a body politic, known by the name, style and title of the Penn Industrial reform school, and by that style and title may sue and be sued, have a common seal purchased, receive, hold and convey any estate, real or personal, for the use and purposes of the said corporation, and to institute, erect and maintain a school or schools, embracing the departments of common school education, agriculture, the mechanic arts and labor, with such buildings, workshops, and such appurtenances, auxiliaries and instrumentalities, as in the judgment of the managers may best contribute to the safe keeping, instruction and reformation of those committed to their custody and guardianship.



SEC. 2. That until otherwise directed by the by-laws, the officers shall be a president, six vice presidents, a secretary, a treasurer and twelve managers, who shall conduct the affairs of the corporation; and for the purpose of electing said officers, the incorporators may meet at such time and place as five or more thereof may designate and appoint, in the city of Philadelphia, at any time after the passage of this act.

SEC. 3. That the time and manner of admitting and continuing members, the amounts payable by members annually, or for life; the manner of calling special meetings; the duties of the officers; the time and place of the annual meeting for the election of officers; the manner of electing the same, and such other matters as may be necessary to carry out the provisions of this act, and its true object and intent may be provided by the by-laws: *Provided*, They do not conflict with the true intent and meaning of this act, or of the constitution, or any other law of this Commonwealth: *And provided further*, That the annual election shall be held before or as early as the first day of November in each year.

SEC. 4. That it shall and may be lawful for the board of managers, at their discretion to receive into their care and guardianship, all such as may be committed to their custody, in the same manner, to the same extent, and on the same conditions as are provided for in the acts incorporating the houses of refuge, and the accounts to be kept and settled in the same manner; and, in addition thereto, they may receive, at their discretion, any person charged with crime in any of the courts mentioned in the said acts incorporating the houses of refuge, without regard to age, who may be adjudged by the court trying the cause to be a fit subject of reform; and on that question the said court shall hear the statement of the defendant, if requested, detailing the circumstances under which the offence was committed, together with the birth and parentage, place of birth and former residence, education, course of life, and such other matters as they may judge necessary to decide the question of fitness, for the care and guardianship of the managers, which shall be substantially taken down in writing and transmitted, with the commitment, to the managers, when such affirmative decision is made, the said court designating the sentence of the law; and in case the managers, on personal examination and investigation of the cases, or upon further trial, ascertain the defendant not to be a fit subject for their care and management, then, and in that case, they shall have power to commit according to the sentence so designated by the court as aforesaid; if found by the said managers to be a fit subject for their care and guardianship, and the defendant should so prove throughout the period of their control and instruction, then the sentence to be regarded to all intents as null and void, and the managers shall furnish a certificate to the defendant, setting forth the facts in as full a manner as they may adjudge right and proper, as described.

SEC. 5. That the managers may receive in the same manner, such persons as the legal authorities of the houses of refuge may determine to be fit subjects for their care and guardianship, for the purposes of education, culture and reformation.

SEC. 6. That they may receive such as may be committed as vagrants, idlers, intemperate and disorderly persons as may be committed to their care, under authority of any of the courts or magistrates under the examination of said commitment, by the president judge of the proper district; and also, all such persons as may have fallen into habits of intemperance or other vices or errors, who may themselves or by their friends, without compulsion, commit themselves

to the care and guardianship of the managers, as may be provided by the by-laws and as may be stipulated.

SEC. 7. That it shall be the duty of the managers, on or before the first day of December, in each and every year, to forward to the Governor and to each of the departments of State, a full detailed report of their proceedings during the year, up to the first day of November, with their views on the causes of crimes within the State, the most efficient means in their opinion of preventing and reforming it, and such other matters as they may deem of importance in furnishing information on that subject; and as soon thereafter as practicable, transmit a copy of said report to each of the judges of the several courts of record, to the president of each of the colleges, academies and high schools, and to each member of the Legislature.

SEC. 8. That the Governor, Attorney General, Superintendent of Common Schools, and the president of the Agricultural high school, for the time being, and the judges of the several courts, shall be entitled to visit freely all departments under the control and guardianship of the managers.

#### No. 433.—FILE OF THE HOUSE.

IRISH, Judiciary—Feb. 25.

AN ACT to alter the districts of the Supreme Court and regulate proceedings therein.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That for the purpose of holding the supreme court of Pennsylvania, the Commonwealth is hereby divided into three districts, denominated the Eastern district, the Middle district and the Western district; the Eastern district consists of the city of Philadelphia, and the counties of Delaware, Chester, Montgomery, Berks, Bucks, Lehigh, Schuylkill, Carbon, Northampton, Monroe, Luzerne, Pike, Wayne, Wyoming, Susquehanna and Bradford; the Middle district consists of the city and county of Lancaster, and the counties of Potter, Tioga, Clinton, Lycoming, Sullivan, Columbia, Montour, Northumberland, Union, Snyder, Centre, Blair, Huntingdon, Mifflin, Juniata, Perry, Dauphin, Lebanon, York, Adams, Cumberland, Franklin, Bedford and Fulton; the Western district consists of the cities of Pittsburgh and Allegheny, and the counties of Allegheny, Erie, Crawford, Warren, McKean, Elk, Clearfield, Jefferson, Forest, Clarion, Venango, Mercer, Beaver, Lawrence, Butler, Armstrong, Indiana, Cambria, Somerset, Westmoreland, Fayette, Green and Washington.

SEC. 2. That the judges of the said supreme court shall annually hold three terms of the said court at the places and during the times hereinafter specified, if the business pending in the said court shall require it, to wit: one term in the city of Philadelphia, for the Eastern district, commencing on the first Monday of January; and one term in the borough of Harrisburg, for the Middle district, commencing on the fourth Monday of April; and one term in the city of Pittsburgh, for the Western district, commencing on the first Monday of October; each of the said terms to continue as long as the business of the particular district may require, yet so as not to interfere with the commencement of the other terms, except in case of absolute necessity in the discretion of the said judges.

SEC. 3. That no writ, order or process of any kind shall be issued by said court, or any of the judges thereof requiring any party, respondent or defendant, to appear at any place not within the district where such respondent or defendant resides or is located.

SEC. 4. That the said judges may adjourn and continue the said terms respectively, as the con-

dition of business and the convenience of the suitors may require; and the said court shall also have power to order special terms to be holden at the seat of justice of any county within this Commonwealth, for the purpose of hearing arguments and for the disposition of causes pending in the said court from the said county, or any other counties within the same judicial district.

SEC. 5. That the office of prothonotary of the said supreme court for the Northern district, is hereby abolished, and the books, papers, records and documents heretofore pertaining to and kept within the said district, shall be forthwith conveyed to and deposited in the office and placed in the custody of the prothonotary in and for the said Middle district, by the said late prothonotary of the said Northern district, or under his discretion or control; for which service he shall receive adequate compensation to be paid out of any moneys in the treasury not otherwise appropriated.

SEC. 6. That all existing laws inconsistent herewith are hereby repealed.

#### No. 481.—FILE OF THE SENATE.

FINNEY, Judiciary—March 2.

AN ACT to amend an act, entitled "An Act to apportion the city of Philadelphia into single senatorial and representative districts agreeably to the provisions of the Constitution," approved April twenty-second, one thousand eight hundred and fifty-eight.

WHEREAS, By the third section of the act, entitled "An Act to apportion the city of Philadelphia into single senatorial and representative districts, agreeably to the provisions of the Constitution," approved April twenty-second, one thousand eight hundred and fifty-eight, the third election division of the Sixth ward is made to compose a part both of the sixth and seventh representative districts; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passage of this act the said third election division of the Sixth ward shall be deemed and taken as composing a part of the sixth representative district, as provided in said third section of the act, approved April twenty-second, one thousand eight hundred and fifty-eight; and said act shall be so taken and construed as if said third election division had not been made to compose a part of said seventh representative district.

#### No. 494.—FILE OF THE SENATE.

BELL, Judiciary—March 2.

AN ACT to regulate the practice and fees of sheriffs in cases of attachments.

in all cases of the attachment of a debt, obligation, duty or sum of money due and owing by a garnishee to the defendant, whether such attachment be made by virtue of a writ of foreign attachment or of a writ of attachment issued on a judgment, it shall not be lawful for the sheriff or other officer to whom such writ is or shall be directed, or his deputy, to require any bond or other security, to indemnify him against the execution of such writ or any fee therefor, nor any other or greater sum or fee for executing such writ, than is by law allowed for serving a writ of *scire facias*.

SEC. 2. That whenever the sheriff or other officer to whom any writ shall be directed, may by law demand a bond or obligation of indemnity before executing the same, it shall be lawful for such officer to demand or receive as a fee for preparing such bond or obligation, one dollar, and no more.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 53.

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## HOUSE OF REPRESENTATIVES.

SATURDAY, March 12, 1859.

The House was called to order at 9½ o'clock, by the SPEAKER.

Prayer was offered by the Rev. Dr. Miles of the Baptist church.

The Clerk read the Journal of yesterday.

### BILL CONSIDERED.

Mr. FEARON moved that the House proceed to the consideration of the act, entitled "A supplement to the act to incorporate the Clinton County coal company," &c.; which was agreed to; whereupon said bill was taken up and passed, and sent to the Senate for concurrence.

The bill is as follows:

WHEREAS, The Clinton County coal company were authorized by the eleventh section of an act of Assembly of this Commonwealth, passed the eighteenth of April, one thousand eight hundred and fifty-three, to borrow any sum or sums of money not exceeding two hundred and fifty thousand dollars, on bonds secured by mortgage of the whole or any part of the property or road belonging to the company, and the corporate privilege thereto belonging:

AND WHEREAS, The said Clinton County coal company did, on the first day of February, Anno Domini one thousand eight hundred and fifty-four, borrow the sum of two hundred and fifty thousand dollars, and did issue the bonds of the said company, and did execute a mortgage bearing even date with said bonds on the whole of the property and road belonging to the company, and the corporate privilege thereto belonging, to secure the payment of the said bonds and the interest thereon accruing:

AND WHEREAS, The said company failed to pay the interest or principal of said bonds, and the whole property, railroad and corporate privilege of said company having been sold on and in pursuance of the terms of said mortgage, and purchased by a trustee for the use of said bondholders; and the said bondholders, as such owners, being desirous to enjoy the corporate privileges of the said Clinton County coal company: therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the bondholders of the Clinton County coal company, for whose use the property, railroad and corporate privileges were purchased at sale under the mortgage, to have, hold and enjoy the said property and corporate franchise in as full and ample a manner as the same were held by said Clinton County coal company before said sale took place.*

SEC. 2. That it shall be lawful for said bondholders to organize a company under the name of the Eagleton coal company, and by that name may sue and be sued, plead and be impleaded, with the rights and privileges aforesaid.

SEC. 3. That the capital stock of said company shall be and consist of three hundred and fifty thousand dollars, and shall be divided into fourteen thousand shares of twenty-five dollars each, of which the property so purchased shall constitute part, at such price as may be agreed upon between said bondholders and those who may associate with them, and the balance of the stock to be paid by those who may subscribe for the same.

SEC. 4. That it shall be lawful for the said bondholders, for the purpose of organizing said company, to elect from their number, a president, treasurer and five directors, who shall hold their offices until the next annual election, and until other persons shall be duly elected to fill their places; and the subsequent elections of said company to be held at the times, places, and in the manner provided by the act of incorporation of the said Clinton County coal company.

SEC. 5. That the stockholders of the said Eagleton coal company, shall be jointly and severally liable in their individual capacities for all debts due mechanics, workmen and laborers employed by, and for materials furnished to said company; to be sued for and collected as provided in the twelfth, thirteenth and fourteenth sections of an act incorporating the Lackawana iron and coal company, approved April fifth, Anno Domini one thousand eight hundred and fifty-three, and shall pay such taxes on dividends as is or may be required by law.

Mr. FISHER moved that the House proceed to the consideration of Senate bill No. 174, "An Act to make decrees for the payment of money in equity proceeding, liens upon real estate, &c.; which was agreed to.

The bill could not be found.

Mr. PENNELL, on leave, read "An Act relating to dog tax in the township of Thornbury, Delaware county, and county of Crawford."

On his motion, said bill was taken up and passed, and sent to the Senate for concurrence.

Mr. CAMPBELL, (Roads and Bridges,) reported with amendment, "An Act incorporating the Robison and Eyster bridge company."

Also, as committed, "An Act relating to roads in West Goshenhoppen township, Chester county."

On motion of Mr. SHAFER, said bill was passed, and sent to the Senate for concurrence.

Mr. WILSON moved that the House proceed to the consideration of House bill No. 504, "An Act providing for the fencing of part of the Pittsburgh and Cleveland railroad, for the protection of property in Beaver county;" which was agreed to; whereupon said bill was taken up and passed

the House, and was sent to the Senate for concurrence.

Messrs. STYER and PATTERSON moved to re-consider the vote had upon the final passage of the bill erecting the new county of Pine out of parts of Indiana, Cambria, Jefferson and Clearfield counties.

Mr. M'CLURE moved that the motion to re-consider be postponed for the present, because those most interested in the bill were now absent.

Mr. STYER made the motion only to bring the bill within the prescribed limits.

Mr. KINNEY hoped the motion would not carry, as Mr. TAYLOR was out of his seat, and he had requested him to oppose any motion to take up the bill.

Mr. TAYLOR had made a like request of Mr. SHIELDS.

Mr. PATTERSON explained why he seconded the motion.

The motion to postpone was not agreed to.

The motion to re-consider was carried.

Mr. BRYSON, on leave, read an act, entitled "Supplement to an act to incorporate the Westminster collegiate institute, approved April 27, 1852;" which, on his motion, was taken up and passed the House, and was sent to the Senate for concurrence.

Mr. ROUSE moved that the House proceed to the consideration of House bill No. 662, "An Act to authorize the supervisors of Whetmore township, M'Kean county, to build a road;" which was agreed to; whereupon said bill was taken up and passed, and was sent to the Senate for concurrence.

Mr. SMITH, (Berks,) on leave, read "An Act vacating temporarily part of a public road in Berks county;" on his motion, said bill was taken up and passed, and was sent to the Senate for concurrence.

Mr. PRICE moved that the House proceed to the consideration of House bill No. 398, "A supplement to the act to incorporate the Mt. Joy savings institution;" which was agreed to; whereupon said bill was taken up.

On final passage,

The yeas and nays were required by Mr. EVANS and Mr. JACKSON, and were as follow, viz:

YEAS—Messrs. Acker, Balliet, Barlow, Bayard, Boyer, (Schuylkill,) Burley, Campbell, Church, Durboraw, Fearon, Green, Harding, Irish, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mahaffey, Palm, Patterson, Pennell, Price, Proudfoot, Ramsdell, Rouse, Shafer, Styer, Wagenseller, Walker, Witman, Wigton, Wiley, Williams, (Bedford,) Wilson, Withrow, Wolf, Zoller and Lawrence, *Speaker*—39.

NAYS—Messrs. Boyer, (Clearfield,) Chase, Custer, Dismant, Evans, Fleming, Foster, Graham, Gray, Hamersly, Hottenstine, Jackson, Laird, Rohrer, Shields, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Warden and Wiliston—22.

So the question was determined in the affirmative.

Mr. CHURCH desired to explain his vote.—He had all through the session voted against banks and saving funds, because he disliked the extreme system upon which, at present, they were organized. He thought banks should be free to all, subject to certain stringent provisions, and he was in hopes that a safe system would be inaugurated by the Legislature to



meet the demands of trade in the premises. The matter had been started in the upper House, but he was sorry to say the bill reported did not meet with such favor as gave assurance it would pass. Under the circumstances, believing that in certain localities greater banking facilities were wanted, and having no lively hope of a general law throwing banks open to all, Mr. CHURCH would vote "aye," and when the bill came up for final passage, if a general law is not in the Senate in fair progress, he would give it his undivided support.

Mr. MEHAFFEY moved that the House proceed to the consideration of House bill No. 461, "An Act authorizing the State Treasurer to pay the Towanda bridge company fifteen hundred dollars, &c.," which was agreed to, and the bill was read.

Mr. KINNEY moved to substitute a new bill, as follows:

WHEREAS, By the thirty-sixth section of "An Act to provide for the ordinary expenses of government," and passed 13th day of May, 1857, the sum of eighty thousand dollars was appropriated to the Upper North Branch canal, upon the estimate of Wm. R. Maffit, superintendent of that line of canal, included in which estimate was the sum of three thousand dollars to the Towanda bridge company:

AND WHEREAS, by the fifty-sixth section of the same act, the further sum of seven thousand five hundred dollars was appropriated to the Towanda bridge company, both of which was for the purpose of repairing said bridge and building a towing path attached thereto, for the use of the Commonwealth:

AND WHEREAS, The Board of Canal Commissioners did on the 12th day of July, A. D. 1856, in pursuance of the provisions of the act of assembly above mentioned, enter into a contract with the treasurer of the Towanda bridge company, for the repairing of their bridge with the towing path attached, for the use of the Commonwealth, for which said bridge company were to be paid the sum of nine thousand dollars out of the money appropriated as afore-said:

AND WHEREAS, There is a balance of fifteen hundred dollars remaining due and unpaid upon said contract; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the State Treasurer is hereby authorized and required to pay over to the Towanda bridge company, the sum of fifteen hundred dollars, being a balance due them in pursuance of a contract with the Board of Canal Commissioners, made the 12th day of July, 1856; said sum to be paid out of the balance remaining in the treasury by order of the Board of Canal Commissioners, for that purpose, out of the appropriations made by sections thirty-six and fifty-six of the "Act to provide for the ordinary expenses of government," approved May 13th, 1856.*

Mr. KETCHUM opposed the bill. It had been sufficiently discussed before. This fifteen hundred dollars was for the construction of a towing path, which was strictly a part of the Susquehanna canal. The Commonwealth was no longer liable for claims upon the canal. This claim evidently came within the provisions of the act of 1858 in regard to the sale of the State canals, and if it was not to be paid by the Commonwealth, the precedent would be one of the most prejudicial character.

Mr. HAMERSLY said that there was an understanding that none but private bills should be taken up this morning, and that none should be touched that would provoke discussion.

Mr. KINNEY did not design to enter into a long discussion. He said that the bridge was built before the North Branch canal was loca-

ted. The money asked for, was that belonging to the bridge company, and not that belonging to the State. The appropriation had been made, and the State Treasurer now only asked for authority to hand over to the county their own money. In pursuance of the act of the Legislature, the Canal Commissioners entered into a contract with this company to build the bridge for \$10,000; the amount was to be paid as the work progressed; \$7,500 was paid in pursuance of that contract.

Mr. WILISTON said that if he could vote for this bill without making it a precedent, which would result injuriously to the State, he would do so.

Mr. CHASE moved to re-commit to Committee on Ways and Means; agreed to.

Mr. JACKSON moved that the House proceed to the consideration of House bill No. 605, "An Act extending the general manufacturing laws for the manufacture of leather to the county of Sullivan," which was agreed to; whereupon said bill was taken up and passed.

On motion of Messrs. PATTERSON, WILCOX, WILISTON and MANN, the counties of Juniata, M'Kean, Tioga and Potter were embraced within the provisions of the above act.

Mr. PATTERSON offered a joint resolution to authorize the Surveyor General to issue a patent to Jno. William, Jr.; and on his motion, said bill was taken up and passed, and was sent to the Senate for concurrence.

Mr. CHURCH called up House bill No. 685, "An Act to incorporate the Industrial Home for girls, (Mr. M'CURDY in the Chair;) which was considered, and passed Committee of the Whole.

The bill being on second reading,

Mr. PINKERTON moved to amend the sixth section to come in in the seventh line, "or any other president judge of the courts of this Commonwealth;" which was agreed to; and the bill passed, and was sent to the Senate for concurrence.

Mr. IRISH called up House bill No. 431, "An Act entitled 'A further supplement to the act regulating banks,'" which was considered and passed, and was sent to the Senate for concurrence.

Mr. WALKER called up Senate bill No. 185, "An Act to incorporate the Johnstown and Ashtola tram road and railroad company," (Mr. BAYARD in the Chair.)

Mr. STEPHENS moved to amend the seventh section, by striking out all after the word "provided," and insert the following, "a tax of one half of one per centum on their capital stock;" which was not agreed to; and the bill as originally drawn was passed, and sent to the Senate for concurrence.

Mr. CHASE called up House bill No. 377, "An Act to provide for the more speedy payment of taxes against corporations."

Mr. HAMERSLY stated that as the bill was one in which several of his colleagues felt considerable interest, he moved that its further consideration for the present be postponed.

The motion to suspend the rules, in order to proceed to the consideration of the above bill, was not agreed to.

Messrs. GOEPP and BOYER (of Clearfield,) moved that the House re-consider the vote had upon final passage of the act relative to passenger railway companies in Philadelphia; agreed to.

Mr. SMITH (of Berks,) moved that the further consideration of the bill be postponed for the present; agreed to.

Mr. ZOLLER moved that the act providing for the publication of the laws of the Commonwealth be re-committed to the Judiciary Committee; which was agreed to.

Mr. BARLOW, on leave, read "An Act to incorporate the Pine Grove turnpike road compa-

ny, of Centre county," and on his motion, said bill was taken up and passed, and was sent to the Senate for concurrence.

Mr. CUSTER, on leave, read "An Act to change the name of the Keystone Lancers," and, on his motion, said bill was taken up and passed, and was sent to the Senate for concurrence.

Mr. WILLISTON called up bill No. 784, "An Act relative to the collection of poor tax on unseated lands in the county of Tioga;" which was considered and passed, and was sent to the Senate for concurrence.

Messrs. MANN and HOTTENSTINE amended the above bill, by making the provisions of the act apply to the counties of Potter and Northumberland.

Mr. KINNEY called up House bill No. 714, "An Act providing for the fencing of the Williamsport and Elmira railroad in the counties of Bradford and Lycoming;" which was considered.

Mr. SMITH, (Berks,) moved to amend the bill, as follows:

*Provided, That the fences hereby authorized and required to be erected, shall only be so erected upon lands the owners of which have not already received compensation for the erection of such fences.*

Which was agreed to; and the bill, as amended, passed; and was sent to the Senate for concurrence.

Mr. BALLIET called up Senate bill No. —, "An Act to incorporate the Perryville bridge company;" which was considered and passed finally.

Mr. WARDEN called up House bill No. —, "Further supplement to the act to incorporate the Pennsylvania Central railroad company;" which was considered and passed, and was sent to the Senate for concurrence.

Mr. SHEPPARD made report from the Committee to Compare Bills; which was read.

Mr. SHAFER called up House bill No. 497, "Supplement to the act to incorporate the Phoenix iron company."

Mr. ROHRER moved the House adjourn until Monday afternoon at 3 o'clock.

Mr. HAMERSLY moved to adjourn at 12 o'clock.

Mr. LAWRENCE, (Washington,) moved to amend the amendment, by adjourning to meet again at 9 o'clock on Monday morning; which was not agreed to.

The amendment was not agreed to.

The question being,

Will the House agree to the original motion?

It was not agreed to.

The above bill was then considered and passed, and was sent to the Senate for concurrence.

Mr. PROUDFOOT called up Senate bill, entitled "A further supplement to the act to incorporate the Cambria iron company;" which was considered and passed finally.

Mr. PALM called up Senate bill No. 395, "An Act to incorporate the Mahanoy railroad company." The Clerk was unable to find the bill.

Mr. HOTTENSTINE, on leave, read an act relating to a review of parts of a road in Northumberland county; which, on his motion, was taken up.

On motion of Mr. JACKSON, it was postponed for the present.

Mr. HAMERSLY called up Senate bill No. 248, "An Act relative to the Northumberland improvement company;" which was considered and passed finally.

Mr. WAGENSELLER called up House bill No. 542, "An Act relating to public roads in Snyder county;" which was considered and passed, and was sent to the Senate for concurrence.

Mr. PATTERSON amended the bill by em-



bracing the county of Juniata within the provisions of the bill.

Mr. M'CLURE, on leave, read an act to incorporate the ministers and elders constituting the First United Presbyterian synod of the west.

Also, "An Act to incorporate the ministers and elders of the General Assembly of the United Presbyterian church of North America;" and, on his motion, said bills were ordered to be placed on Calendar for Tuesday.

Mr. M'CLURE called up the act relative to elections in St. Thomas and Letterkenny townships, Franklin county; which was considered and passed, and sent to the Senate for concurrence.

Mr. SMEAD called up Senate bill No. 6, "An Act to incorporate the Towanda water company;" which was considered and passed finally.

Mr. KETCHUM called up House bill No. 69, "An Act to incorporate the borough of New Columbus, Luzerne county;" which was considered and passed, and was sent to the Senate for concurrence.

Mr. CHURCH, (Corporations,) reported with amendment, "An Act to incorporate the South Western market company."

Also, (as committed,) "An Act to incorporate the South Philadelphia steamboat company."

Also, (as committed,) Senate bill No. 259, "Supplement to an act to incorporate the Commonwealth insurance company of Harrisburg;" and on his motion, the above bill was taken up and passed finally.

Mr. LAWRENCE, (Washington,) on leave, read "An Act relative to directors of the poor and house of employment, in the county of Washington;" and on his motion, said bill was taken up and passed, and was sent to the Senate for concurrence.

Mr. M'CURDY called up House bill No. 464, "An Act for the relief of James Hamilton, of Carlisle, Pennsylvania;" which was considered and passed, and sent to the Senate for concurrence.

Mr. HAMERSLY, on leave, offered a resolution, that when this House adjourns it do so to meet on Monday at three, P. M.

Mr. SMITH, (Berks,) moved to amend, by adjourning to-day at twelve and a half o'clock.

Mr. LAWRENCE, (Washington,) moved to amend the amendment, by inserting "nine" instead of "3 P. M.;" which was not agreed to.

The amendment was agreed to.

On the resolution as amended,

The yeas and nays were required by Mr. LAWRENCE and Mr. GRAHAM, and were as follow, viz:

YEAS—Messrs. Acker, Bayard, Boyer, (Schuylkill,) Cnster, Dismant, Glatz, Goepp, Good, Gray, Green, Hamersly, Harding, Irish, Ketchum, Kinney, Mann, Mehaffey, M'Clure, M'Dowell, Palm, Patterson, Peirce, Proudfoot, Shafer, Sheppard, Smead, Smith, (Berks,) Stoneback, Warden, Wilcox and Wulston—31.

NAYS—Messrs. Balliet, Barlow, Bryson, Burley, Campbell, Chase, Dodds, Durboraw, Fearon, Foster, Graham, Jackson, Laird, Lawrence (Washington,) M'Curdy, Ramsdell, Rouse, Wagenseller, Walker, Wigton, Williams, (Bedford,) Wolf and Lawrence, *Speaker*—23.

So the question was determined in the affirmative.

Mr. M'DOWELL called up Senate bill No. 639, "Supplement to an act to incorporate the borough of Luzerne;" which was considered and passed finally.

The hour of twelve and a half o'clock having arrived, the SPEAKER adjourned the House until next Monday afternoon, at three o'clock.

## SENATE.

MONDAY, March 14, 1859.

The Senate met and was called to order by the SPEAKER at 3 o'clock P. M.

The Journal of Friday's proceedings was partly read; when, on motion of Mr. WELSH, its further reading was dispensed with.

## REPORTS OF COMMITTEES.

Mr. FETTER, (Agriculture and Domestic Manufactures,) reported, as committed, "An Act encouraging the destruction of foxes in Beaver county."

Also, (same,) as committed, "An Act to prevent the destruction of trout in the counties of Somerset, Westmoreland, Fayette and Blair."

Also, (same,) as committed, "An Act to prevent the hunting of deer with dogs, in Morris township, Tioga county."

Mr. RUTHERFORD, (same,) as committed, House bill No. 379, "An Act relative to taxing dogs in West Nottingham, Chester county."

Also, (same,) as committed, House bill No. 561, "An Act to repeal an act to prevent the destruction of rabbits in Fayette and Westmoreland counties."

Mr. BALDWIN, (Roads and Bridges,) as committed, "An Act providing for the grading, paving and curbing of Main street, in Myerstown, Lebanon county."

## BILLS IN PLACE.

Mr. FINNEY read in his place and presented to the Chair, a bill, entitled "An Act for the appointment of policemen and settlement of claims on account of the poor in the borough of Meadville."

Mr. GREGG, "An Act relative to overseers of poor in the borough of Lewisburg, Union county."

Mr. PALMER, "An Act to incorporate the Schuylkill transportation company."

Also, "An Act to incorporate the Pottsville and Minersville railroad company."

Mr. MYER, "An Act to incorporate the Weyssauk railroad company."

Mr. PENNEY, "A supplement to an act incorporating the village of East Birmingham into a borough."

Mr. TURNEY, "An Act authorizing the town council of Hollidaysburg to license drays and carts."

Mr. RUTHERFORD, "A supplement to the act incorporating the borough of Harrisburg."

Mr. CRAIG, "An Act to incorporate the Packer iron company."

Mr. FETTER, "An Act relative to supervisors in Perry county."

On motion of Mr. FETTER, this bill was taken up, and after going through its various readings, passed finally.

Mr. FINNEY, "A joint resolution relative to the claim of Thomas Morley;" and on his motion, (the Committee on Finance having been discharged from its consideration,) the Senate proceeded to consider the same.

The resolution is as follows:

WHEREAS, Thomas Morley is a claimant for damages sustained in the construction of the North Branch canal, and a bill is now pending before the Legislature for the payment of such damages:

AND WHEREAS, The purchasers of the North Branch canal are liable for the same, if any have been sustained, by the provisions of the act of April 21, 1858, entitled "An Act for the sale of the State canals:"

Resolved, That the Sergeant-at-Arms of the Senate be required to notify the president of the company owning the said North Branch canal, to appear forthwith before the Judiciary Committee of the Senate, to show cause, if any the said company has, why such damages should not be ascertained, and the payment thereof be made by said company.

Pending the discussion upon this resolution;

On motion of Mr. MILLER, its consideration was postponed until to-morrow.

## ORIGINAL RESOLUTION.

Mr. BALDWIN offered the following resolution; which was twice read, considered and adopted:

Resolved, That the House of Representatives be requested to return to the Senate House bill No. 777, "An Act relative to vacating an alley in the borough of Columbia."

## ORDERS OF THE DAY.

House bill No. 419, "An Act to incorporate the Layton bridge company, in Fayette county, and to authorize the commissioners of said county to make a donation to said company," came up in order, on second reading, and after being slightly amended, on motion of Mr. TURNEY, passed finally.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read, and is as follows:

EXECUTIVE CHAMBER,  
Harrisburg, March 14, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following Acts of the General Assembly, viz:

"An Act to incorporate the Council Ridge and White Haven railroad company."

"A supplement to the act to incorporate the Newtown Square and Paoli plank road company."

"An Act to extend the powers of the high constable of the borough of Media, in Delaware county."

"An Act to incorporate the Birmingham insurance company."

"An Act to authorize the school directors of the borough of Bedford to borrow money."

"A further supplement to the act to incorporate the Meadville railroad company."

"A supplement to an act to improve the navigation of the river Lackawaxen."

"A further supplement to an act to incorporate the North Western coal and iron company."

"An Act relative to roads in the township of Great Bend, in the county of Susquehanna."

"An Act authorizing the court of quarter sessions of Columbia county to appoint auditors for Conyngham township, in said county."

"An Act to incorporate the Suffolk park association."

"An Act to incorporate the Boatmen's insurance company."

An Act to incorporate the Columbia County agricultural, horticultural and mechanical association."

"An Act to incorporate the Fairmount and Manayunk steamboat company."

WM. F. PACKER.

## BILLS CONSIDERED.

On motion of Mr. FINNEY, (the Committee on Corporations having been discharged from its consideration,) House bill No. 572, "A further supplement to an act to incorporate the city of Erie," was taken up, and, after being duly considered, passed finally.

Mr. BALDWIN moved to reconsider the vote on the final passage of "An Act relative to vacating an alley in Columbia," whereupon,

Mr. WELSH moved to postpone consideration of the same for the present, on which

The yeas and nays were required by Mr. SHAEFFER and Mr. WELSH, and were as follow, viz:

YEAS—Messrs. Craig, Welsh, Wright and Cresswell, *Speaker*—4.

NAYS—Messrs. Baldwin, Bell, Blood, Coffey, Fetter, Finney, Francis, Gazzam, Gregg, Harris, Marselis, Miller, Myer, Nunemacher, Parker, Palmer, Penney, Randall, Rutherford, Scofield, Shaeffer, Steele, Thompson and Turney—24.



So the question was determined in the negative.

The motion to reconsider was agreed to, and the bill being again before the Senate, it was lost.

On leave given, Mr. BELL read in his place and presented to the Chair, a bill, entitled "An Act relative to sureties of county treasurers."

Bills entitled as follows passed finally:

On motion of MILLER, House bill No. 451, "An Act to authorize the election of two additional supervisors in Washington and Rich Hill townships, Green county."

On motion of Mr. GREGG, House bill No. 484, "A supplement to an act incorporating the Lock Haven and Flemington turnpike and plank road company."

On motion of Mr. HARRIS, Senate bill No. 551, "A supplement to an act authorizing the laying out of a State road from New Castle, Lawrence county, to Emlenton, Venango county."

House bill No. 266, "A supplement to an act to incorporate the Big Mountain improvement company," on motion of Mr. KELLER, was taken up, and considered.

On its final passage,

The yeas and nays were required by Mr. SCOFIELD and Mr. KELLER, and were as follows, viz:

YEAS—Messrs. Craig, Fetter, Keller, Nunemacher, Penney, Rutherford, Scofield, Shaeffer, Thompson, Turney and Cresswell, *Speaker*—11.

NAYS—Messrs. Finney, Randall, Welsh and Wright—4.

A quorum of Senators not having voted, Mr. KELLER demanded a call of the Senate, whereupon the Clerk proceeded to call the roll, and the following gentlemen answered to their names:

Messrs. Baldwin, Bell, Coffey, Craig, Fetter, Finney, Francis, Gregg, Harris, Keller, Marselis, Miller, Myer, Nunemacher, Palmer, Parker, Penney, Rutherford, Scofield, Shaeffer, Steele, Thompson, Turney, Welsh, Wright and Cresswell, *Speaker*—26.

The hour of five having arrived, the SPEAKER adjourned the Senate until 10 o'clock tomorrow morning.

## HOUSE OF REPRESENTATIVES.

MONDAY, March 14, 1859.

The House met at 3 o'clock, and was called to order by Mr. S. B. CHASE, *Speaker pro tem*.

The Clerk proceeded to read the Journal of Saturday.

Mr. RAMSDELL offered a resolution, that the House will hold no session on Wednesday and Thursday afternoon, and that the use of the Hall be granted to the Democratic State Convention on the afternoon and evening of those days; which was read the second time.

Mr. LAWRENCE, (Washington,) moved to amend, by striking out Thursday afternoon.

Mr. THORN moved to amend, by giving the Convention the use of the Hall the whole of Wednesday; which was agreed to.

The resolution, as amended, was adopted.

Mr. GLATZ, on leave, from the Committee on Corporations, reported as committed, "A further supplement to the act incorporating the borough of York;" and, on his motion, said bill was taken up, considered and passed; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. MILLER asked and obtained the unanimous consent of the House to strike from House bill No. —, "An Act relative to dog tax," the provision extending the same to Crawford county.

Mr. GOEPP, on leave, presented the following bills:

"An Act to incorporate the Lehigh iron company."

"An Act to incorporate the Rebecca iron company."

"A further supplement to the act relative to the organization of courts of justice."

"An Act to incorporate the American piano and melodeon saving fund society of Pennsylvania."

Mr. OAKS, on leave, presented "An Act authorizing the widening and extension of Market street, Bloomsburg, Columbia county." On his motion, said bill was taken up, and passed the House.

Mr. STUART, "An Act authorizing the directors of the poor, and of the house of employment, for the county of Cumberland, to rebuild the barn and other buildings lately destroyed by fire." On his motion, said bill was taken up, and passed the House.

Mr. FISHER, on leave, from the Committee on Corporations, reported, as committed, "An Act relative to the Weccacoe and Moyamensing meadow company." On his motion, said bill was taken up, and passed the House.

Mr. SMEAD, on leave, presented "An Act to authorize the town council of the borough of Towanda to levy a special money tax." On his motion, said bill was taken up, and passed the House.

Mr. MILLER, on leave, from the Committee on Corporations, reported, as committed, the following bills:

"An Act relating to the Columbia water company."

"An Act to incorporate the New Castle water company."

"An Act to amend the charter of the borough of Jersey Shore."

"Supplement to an act to incorporate the Lewisburg building association," &c.

"Supplement to an act to incorporate the Odd Fellows hall association of Pittsburg, county of Allegheny."

"An Act to incorporate the Bedford gas company."

"An Act to incorporate the Philadelphia company for the improvement of the drama."

Mr. MILLER moved that the rules be suspended, and that the House proceed to the consideration of the last mentioned bill.

Mr. WALBORN called for a division of the question.

And on the question,

Will the House agree to the first division to suspend the rules? it was determined in the negative.

### SPECIAL CALENDAR OF PRIVATE BILLS.

Agreeably to order, the House proceeded to the consideration of bills on the Special Calendar, whereupon the following were read, and no objections being made laid aside for second reading:

Sen. 309. "A further supplement to the act to incorporate the Harrisburg female seminary."

No. 755. "An Act for the relief of John S. Miller."

No. 757. "An Act to declare Johnson's run, in Fox township, Elk county, a public highway."

No. 760. "A supplement to the Willow Street turnpike road company."

No. 761. "An Act for the relief of Sabina Bachman, of Northampton county."

No. 762. "An Act relative to the Trevorton coal and railroad company."

No. 763. "An Act relating to the purchase of certain real estate by the Philadelphia Bank."

No. 764. "An Act to incorporate the Green Hill market company."

No. 765. "A further supplement to an act incorporating the Coudersport, Portage and Allegheny River railroad company, approved the 12th day of April, A. D. 1851."

No. 766. "An Act to incorporate the Anthracite improvement company."

No. 769. "An Act to exempt the armory of the Ringgold Light Artillery, of Reading, Berks county, from taxation."

No. 770. "An Act for the division of North and South Union townships, in the county of Fayette, for all purposes."

Sen. 203. "An Act to provide for the payment of the claim of Peter S. M'Cullough."

No. 775. "An Act relative to the road laws of Tioga county."

No. 709. "An Act to incorporate the Ridge Avenue and Manayunk Passenger railway company."

No. 785. "An Act to authorize the president and managers of the Milford and Richland turnpike road company to borrow money."

Sen. 525. "An Act relating to the limits of the borough of Wrightsville, York county."

No. 787. "Supplement to an act passed February 18, 1859, incorporating the Eastern market company of the city of Philadelphia."

No. 790. "An Act to incorporate the Union building association."

No. 791. "An Act to incorporate the Delaware and Schuylkill steam tug company."

No. 793. "An Act authorizing the Auditor General to open and re-settle the account of James Mitchell, late treasurer of Lawrence county."

No. 794. "An Act extending the limits of the borough of Beallsville, in the county of Washington, for school purposes."

No. 795. "A further supplement to an act to incorporate the Lykens Valley railroad and coal company, in Dauphin county, approved 7th day of April, 1830."

No. 796. "A supplement to an act to incorporate the Citizens' Passenger railroad company, approved 25th day of March, 1858."

No. 799. "An Act changing the manner of voting in Somerset county."

### BILLS OBJECTED TO.

By Mr. JACKSON, "An Act to incorporate the Richmond and Schuylkill passenger railroad company, in the city of Philadelphia."

By Mr. NILL, "An Act repealing the fourth section of an act to establish a new judicial district, &c., approved 21st March, 1842."

On motion of Mr. THORN, the House proceeded to the second reading and consideration of bills on Special Calendar; whereupon, said bills were taken up and passed, and ordered that the Clerk present the same to the Senate for concurrence:

Sen. 309. "A further supplement to the act to incorporate the Harrisburg female Seminary."

No. 755. "An Act for the relief of John S. Miller."

No. 757. "An Act to declare Johnson's run, in Fox township, Elk county, a public highway."

No. 760. "A supplement to the Willow Street turnpike road company."

No. 761. "An Act for the relief of Sabina Bachman, of Northampton county."

No. 762. "An Act relating to the Trevorton coal and railroad company."

No. 763. "An Act to allow Philadelphia Bank, to buy additional real estate."

No. 764. "An Act to incorporate the Green Hill market company."

No. 765. "A further supplement to an act incorporating the Coudersport, Portage and Allegheny River railroad company, approved the 12th day of April, A. D. 1851."

No. 766. "An Act to incorporate the Anthracite improvement company."

No. 769. "An Act to exempt the armory of the Ringgold Light Artillery, of Reading, Berks county, from taxation."

No. 770. "An Act for the division of North and South Union townships, in the county of Fayette, for all purposes."



Sen. 203. "An Act to provide for the payment of the claim of Peter S. McCullough."

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No. 791. "An Act to incorporate the Delaware and Schuylkill steam tug company."

No. 793. "An Act authorizing the Auditor General to open and re-settle the account of James Mitchell, late treasurer of Lawrence county."

No. 794. "An Act extending the limits of the borough of Bealsville, in the county of Washington, for school purposes."

No. 799 "An Act changing the manner of voting in Somerset county."

Mr. GRAY moved to include Greene county in the above act; which was agreed to.

An Act to incorporate the Green Hill market company, came up in order on second reading.

Mr. ACKER offered the following amendment, which was agreed to, as follows: That the said corporation shall have no power to prohibit or restrict by any by-law, rule or regulation, any person who shall rent or occupy a stall in any such market building, from exposing to sale and selling at said stall in such quantities as he may think proper, beef, mutton, pork, veal and poultry, which shall be slaughtered or killed on his farm; nor from exposing to sale and selling at said stall butter, cheese, sausages and chopped meat, which shall be manufactured or prepared for market on his said farm; nor from exposing for sale and selling at said stall any article or articles killed or slaughtered, made, manufactured or prepared for market on his said farm; which was agreed to, and the bill as amended passed, and was ordered to be sent to the Senate for concurrence.

"A supplement to the act incorporating the Eastern market company," came up in order on second reading.

Mr. PENNELL moved to amend the bill, by striking out all after the enacting clause, and inserting the following; which was agreed to, as follows:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the said company shall have power to purchase and hold real estate in any part of the said city east of Fifth street, south of Market and north of Chestnut streets, for the same purposes and intents; and in all respects shall have the same corporate rights and privileges in relation thereto as are set forth in the act aforesaid.*

Mr. ACKER moved the following amendment:

Sec. 2. That the said corporation shall have no power to prohibit or restrict, by any by-law, rule or regulation, any person who shall rent or occupy a stall in any such market building, from exposing to sale, and selling at said stall in such quantities as he may deem proper, beef, pork, mutton, veal and poultry, which shall be slaughtered or killed on his farm, nor from exposing to sale, and selling at such stall, butter, cheese, sausages and chopped meats, which shall be manufactured or prepared for market on said farm, nor from exposing for sale, and selling at said stall, any article or articles killed or slaughtered, made or manufactured, or prepared for market on said farm.

Which was agreed to; and the bill, as amended,

passed the House, and was ordered to be sent to the Senate for concurrence.

Mr. JACKSON withdrew his objections to House bill No. 752, "An Act to incorporate the Richmond and Schuylkill passenger railway company of Philadelphia."

Mr. SMITH, (Berks,) renewed the objections.

Mr. NILL offered a resolution that the use of the Hall be granted to J. H. Latrobe, on Thursday evening, for the purpose of delivering a lecture on African Colonization; which was not adopted.

On motion of Mr. CHURCH, (the Committee on Claims being discharged from the further consideration of the same,) Senate bill No. 416, "An Act to authorize the Auditor General to open and re-settle the account of the Franklin fire insurance company of Philadelphia," was taken up and passed finally.

Mr. MILLER asked and obtained leave to make a statement. He (Mr. M.) stated that on Saturday last, while he was absent from the House, the gentleman from Delaware (Mr. PENNELL) read in his place a bill relating to a tax on dogs in Thornbury township, Delaware county, which the House proceeded to consider. Some friend, desirous of serving the people of Crawford county, moved to extend the provisions of said bill to that county; which was agreed to. This bill provides for the repeal of a law imposing a tax on dogs in the township referred to, and that the tax collected the present year should be paid in to the county treasury. This bill being extended to Crawford county amounts to nonsense,—that county having no such law to be repealed.

Mr. MILLER asked the unanimous consent of the House to amend said bill by striking out the amendment which relates to Crawford county; which was agreed to.

Adjourned until this evening at 7½ o'clock.

#### EVENING SESSION.

The House was called to order at 7½ o'clock, P. M.

Mr. CHASE in the Chair.

A message from the Governor was received and read.

Senate amendments to House bill No. 771 were read and concurred in.

Senate amendments to House bill No. 327 were read and concurred in.

Senate amendments to House bill No. 365 were read and concurred in.

The Senate non-concurred in House amendments to Senate bill No. 107, and notified the House of the appointment of a committee of conference.

Mr. LAWRENCE, (Washington,) moved that the House proceed to the consideration of House bill No. 307, "An Act giving justices of the peace power with a jury of six to hear and finally determine charges for crime of a certain character, within this Commonwealth, and to lessen the expenses in criminal proceedings."

Mr. WILLISTON inquired of the SPEAKER whether this motion could now properly be entertained, when this evening had been set apart for a special purpose, viz: The consideration of House bill No. 432.

The SPEAKER said that the motion involved a suspension of the rules, and that the vote of two-thirds of the House would accomplish this at any time.

Mr. WILLISTON asked leave to make a statement. Leave being given, he said that the bill which the gentleman from Washington (Mr. LAWRENCE) had called up, was certainly one of importance. He was in favor of it, and desired to act upon it before the adjournment; but this was the second time which had been set apart for the consideration of the bill of the gentleman from Allegheny, (Mr. IRISH,) and he did not think that the question of per-

sonal liberty could be avoided by any motion like that of Mr. LAWRENCE, although it might be postponed for one evening. It was not a parliamentary way to dispose of a question which some of the members did not choose to have called up.

Mr. LAWRENCE (Washington) wanted to have the vote taken on the bill which he had called up, and which was one of great public importance.

Mr. IRISH was not conscious of having done anything to warrant the gentleman from Washington (Mr. LAWRENCE) in the course which he was pursuing. If that gentleman had thought proper to have introduced a bill in which he felt a special interest, he (Mr. IRISH) would have been the last man in existence to have come forward and asked that it might be postponed. This was already, as had been stated, the second time set apart for the consideration of the Personal Liberty bill. He was interested in its provisions, and only asked that he might be treated fairly by the members of the House.

Further debate took place between Messrs. WILLISTON, GRITMAN, MILLER and HILL.

On the motion of Mr. LAWRENCE, (Washington,) The yeas and nays were required by Mr. WILLISTON and Mr. ROSE, and were as follow, viz:

YEAS.—Messrs. Barlow, Burley, Campbell, Chase, Church, Dismant, Dodds, Eckman, Fearon, Fisher, Fleming, Graham, Gray, Gritman, Lawrence, (Washington,) Mehaffey, M'Curdy, Miller, Nill, Oaks, Pennell, Proudfoot, Shepard, Smith, (Berks,) Stephens, Thorn, Wagenseller, Walborn, Walker, Witman, Wigton and Williams, (Bedford,)—32.

NAYS.—Messrs. Abbott, Ackers, Balliet, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Custer, Durboraw, Evans, Foster, Glatz, Goepp, Good, Gratz, Hamersly, Hill, Hottenstine, Irish, Jackson, Ketchum, Kinney, Mann, Peirce, Ramsdell, Rose, Shafer, Smead, Stoneback, Stuart, Warden, Williams, (Bucks,) Williston, Wilson, Wolf, Zoller and Lawrence, *Speaker*—30.

So the question was determined in the negative.

Mr. ZOLLER moved to adjourn.

Not agreed to.

The House then resolved itself into committee of the whole to consider House bill 432. (Mr. MANN in the Chair.)

The bill was read as follows:

AN ACT for the better security of personal liberty, to prohibit the use of the jails and prisons of this Commonwealth in the re-capture of fugitive slaves, and to prevent persons holding office under the authority of the State, from engaging or assisting therein.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the meaning of the first, second and thirteenth sections of an act, entitled "An Act for the better security of personal liberty, and preventing wrongful imprisonments," approved the eighteenth day of February, one thousand seven hundred and eighty-five, and the fifth section of an act, entitled "An Act to prevent kidnapping, preserve the public peace, prohibit the exercise of certain powers heretofore exercised by judges, justices of the peace, aldermen and jailors in this Commonwealth, and to repeal certain slave laws," approved the third day of March, one thousand eight hundred and forty-seven, is hereby declared to be that any person imprisoned or restrained of his liberty is entitled as of right and of course to the writ of habeas corpus, except in the cases mentioned in the first, fifth and sixth sections of the said act, approved the eighteenth day of February, one thousand seven*



hundred and eighty five, and persons convicted or in execution upon civil or criminal process.

SEC. 2. That the provisions of the third section of the said act, entitled "An Act to prevent kidnapping, et cetera," approved the third day of March, one thousand eight hundred and forty-seven, shall apply to the act of Congress, approved the eighteenth day of September, one thousand eight hundred and fifty, entitled "An Act to amend and supplementary to the act, entitled 'An Act respecting fugitives from justice, and persons escaping from the service of their masters'"

SEC. 3. It shall be the duty of the courts having jurisdiction in cases of writs of habeas corpus under existing laws, or any judge thereof, except associate judges of the courts of common pleas, on application of any party to a proceeding, in any writ of habeas corpus, whether the court may be in session or not, and in term, time or vacation, to order a trial by jury, as to any facts stated in the return of the officer, or as to any facts alleged, if it shall appear by the return of the officer or otherwise, that the person whose restraint or imprisonment is in question is claimed to be held to service or labor in another State, and to have escaped from such service or labor, and may admit such person to bail in any sum, not exceeding one thousand dollars; in such case issue may be joined by a general denial of the facts alleged, the plea may be not guilty, and the jury shall have the right to return a general verdict, and the same discretion as juries have in the trial of criminal causes; and the finding of a verdict of not guilty shall be final and conclusive.

SEC. 4. That the court or judge before whom the writ of habeas corpus is made returnable, shall, unless a jury is already in attendance, award a venire, commanding the sheriff of the county to summon a jury in the manner provided in case of a challenge made and sustained to the array of jurors by the one hundred and forty-sixth and one hundred and forty-seventh sections of an act, entitled "An Act relative to the organization of the courts of justice," approved the fourteenth day of April, one thousand eight hundred and thirty-four; in case one jury shall disagree the issue may be submitted to another jury, or continued to the next term, at the discretion of the court; and in every case of disagreement another jury may be summoned and qualified as above provided forthwith, or at a future day in the discretion of the court or judge before whom the writ is returned, until a verdict shall finally be rendered upon the issue; and if by reason of challenges or otherwise, there shall not be a full jury of persons summoned present, the deficiency shall be supplied in the manner provided by the one hundred and forty-fourth section of the aforesaid act, approved the fourteenth day of April, one thousand eight hundred and thirty-four.

SEC. 5. That if any claimant shall appear to demand the custody or possession of the person for whose benefit said writ is issued out, such claimant shall state in writing the facts on which he relies with precision and certainty; and neither the claimant of the alleged fugitive, nor any person interested in his alleged obligation to service or labor, nor the alleged fugitive, shall be permitted to testify at the trial of the issue; and no confessions, admissions or declarations of the alleged fugitive against himself shall be given in evidence; upon every question of fact, involved in the issue, the burden of proof shall be on the claimant; and the facts alleged and necessary to be established, must be proved by the testimony of at least two credible witnesses or legal evidence equivalent thereto, and by the rules of evidence known and secured by the common law; and no ex parte deposition or affidavit shall be received in proof in behalf of the claimant; and no presumption shall arise in favor of the claimant,

from any proof that the alleged fugitive or any of his ancestors had been actually held as a slave, without proof that such holding was legal.

SEC. 6. That no sheriff, deputy sheriff, coroner, constable, jailer or other person holding office under authority of this Commonwealth; or the police of any city, town or borough; or any district, county, city, town or borough officer; or any officer or other member of the volunteer militia of this Commonwealth, shall hereafter arrest, imprison, detain or return, or aid in arresting, imprisoning, detaining or returning, any person for the reason that he is claimed or adjudged to be a fugitive from service or labor.

SEC. 7. That no jail, prison or other place of confinement, belonging to or used by either the Commonwealth of Pennsylvania or any county, city or borough therein, shall be used for the detention or imprisonment of any person for the reason that he is claimed or adjudged to be a fugitive from service or labor; or any person accused or convicted of any offence created by either of the said acts of Congress, mentioned in the second section of this act; or accused or convicted of obstructing or resisting any process, warrant or order, issued under either of said acts; or of rescuing or attempting to rescue any person arrested or detained under any of the provisions of either of said acts; nor for the imprisonment of any person arrested on mesne process or on execution, in any suit for damages or penalties accruing or being claimed to accrue in consequence of any aid rendered to any escaping fugitive from service or labor.

SEC. 8. That any sheriff, deputy sheriff, coroner, constable, jailer or other officer or person mentioned in the sixth section of this act, who shall violate or offend against the provisions of this law, shall, on conviction thereof, be punished by fine not less than five hundred nor more than one thousand dollars for the use of the county wherein the issue is tried; and undergo imprisonment in the county jail for any period not less than three nor more than twelve months, at the discretion of the court.

SEC. 9. That all the provisions of law, as to writ of *habeas corpus*, heretofore existing and in force, so far as applicable, and so far as not hereby changed, shall apply to the cases arising under this act.

SEC. 10. That nothing in this act shall be construed to apply to so much of the said act, of the twelfth of February, one thousand seven hundred and ninety-three, as relates to fugitives from justice.

SEC. 11. That this act shall take effect from and after its passage; and all acts or parts of acts, inconsistent with the provisions of this act, are hereby repealed.

Mr. IRISH said—

Mr. SPEAKER: I have frequent cause to regret, and never so much as on occasions of this kind, when a good cause is badly off for friends, that I am unfortunately the possessor of such poor and unhappy brains for speaking. Nevertheless, Mr. SPEAKER, I feel that I should have been recreant to my duty had I suffered this session of the Legislature to pass without introducing the bill which is now before you; and, having introduced it, it seems proper that I should briefly state the reasons which have impelled me to do so. I do not propose, however, to enter upon any extended discussion of the various sections contained in the bill at this particular time, for it may turn out, as I hope and believe it will, that the measures proposed are not so badly off for friends in this body as I had feared; and that there are those present who are ready and willing to engage in their support, and afford me an opportunity to listen, rather than engage in the debate myself, which would be much more in accordance with my own feelings.

In the first place, Mr. SPEAKER, it is to be

remembered, that there are three fundamental tenets or conditions upon which our liberties are based, and upon which the structure of our government has been framed. They are the free and untrammelled right to the writ of habeas corpus, the right of trial by jury, and the full, fair and free exercise of the elective franchise. Whenever any one of these primary conditions of free government shall be destroyed, the downfall of liberty will be at hand. And, sir, it matters not whether these rights are invaded in the person of the highest and greatest dignitary in the land, or in the person of the humblest black man who ever set eye on the northern star, it is equally criminal, and equally pernicious in its consequences to society. The purpose of this act is the better to secure some of these rights which have been systematically invaded, and at the same time afford the State, through its representatives, an opportunity to declare its verdict upon the fugitive slave law of 1850.

For the information of those who may not have found time to examine the bill for themselves, I will state that the first section declares the true intent and meaning of the act of 1785 to be, that any person restrained of his liberty is entitled, as of right and of course, to the writ of habeas corpus.

The second section extends the provisions of the act of 1847, which prohibits the judges and justices of the peace of this Commonwealth from issuing warrants for the apprehension of fugitives from labor under the act of Congress of 1793, to the fugitive slave act of 1850.

The third section directs that it shall be the duty of the judges, whenever it shall appear that the person whose liberty is in question is claimed as a fugitive from service or labor in another State, to award a trial by jury according to the forms of the common law; and the fourth and fifth sections point out the manner of summoning the jury and trying the cause. The act further provides, that no sheriff or other person holding office under authority of this Commonwealth shall engage in the recapture of fugitive slaves; and lastly, that the jails and prisons of the State shall not be used to second and promote the operation of the fugitive slave act of Congress of 1850.

Such, sir, is the substance of the bill before you. Are the measures proposed by it, right and proper?

In the judgment of the Legislature of this State, in the year 1847, some of them at least were so considered.

That Legislature enacted that no judge or justice of the peace should exercise the functions of his office for the re-capture of fugitives under the act of 1793. Since that time, what is known as the fugitive slave law has been permitted to blacken the pages of our national statute book. Since that time, the slave power, by means of this law, has thrown its long lash over the North, in a vain attempt to make it catch her slaves.

It becomes the dignity of Pennsylvania, one of the greatest among the free States of our country, to say now, as she said in 1847, that her people shall not be taxed to maintain courts, and judges, and justices, for any such unworthy and inhuman purpose.

But, sir, the Legislature of that day went further, and provided that not even the jails and prisons of this State should be used to carry out the behests of the law of 1793. There is something, Mr. SPEAKER, in this chapter of Pennsylvania legislation, of which we may well be proud—there is something in it, which discloses that the great heart of the Commonwealth was still loyal to liberty, and mindful of the great principles contained in her declaration of rights.

Since that day, sir, we have fallen upon evil times. Since that day, the Democratic party, the wheel-horse of the slave power, has stalked



through our Legislature, leaving characteristic tracks behind him—one of which is the repeal of this very law. In the year of 1852, I think it was, under the malign influence of the facile Bigler, who then occupied the gubernatorial chair, a Democratic Legislature repealed the act to which I have alluded.

The bill under consideration proposes to restore that section to its place upon the statute book. Shall it not be done? Will it require any argument to convince this Republican House that it ought to be done? I am loth to believe that even the Democratic members of this body will suffer this opportunity to pass without recording their names in its favor.

The section which prohibits persons holding office under authority of the State, from assisting in the re-capture of fugitives, rests upon the same basis and is sustained by the same reasons as the sections to which I have just alluded.

We shall be told, however, that if we pass this act, it will be in violation of the Constitution of the United States. That instrument provides that no person held to service or labor in one State, under the laws thereof, escaping into another, shall be discharged from such service or labor by any law or regulation therein, but shall be delivered up, on the claim of the party to whom such service or labor is due.—Now, sir, who is it that is required to deliver up fugitives? Is it the State, or Federal Government? The idea that the State government is required to perform this service, is contradicted by the fugitive slave law itself. The Federal Government, by the terms of this act, has appropriated to itself the business of hunting down the fugitive.

It is keen and greedy for the work, and ought not to be superseded therein by the State authorities. Besides, sir, it is not to be supposed that the States which have no interest in, or love for the slave system—the moral and religious convictions of whose people revolt at its injustice and oppression—will lend themselves to the business of slave-catching. No sir, the great heart of the North is opposed to it, and the laws should be made to correspond with its feelings and convictions.

Why, then, do we hesitate to adopt this measure? Is there a man upon this floor that would himself assist in taking a fugitive? Sir, I will do my Democratic brethren the justice to say, that I believe there is not one of them, not even the loudest declaimer against this bill, who could under any circumstances, be induced to do it? If I give them more credit than they deserve, I should like to see them stand up and avow it. For my own part I consider such service not only "disagreeable," but infamous; and the northern man who will engage in it, as unworthy of the enjoyment of the rights and privileges of a free man.

Why, then, shall the slave power be permitted to employ the machinery of our State government, for the purpose of catching her slaves? Why, above all, should the moral influence of the great State of Pennsylvania, be left to sanction by her silence, the cruelest and meanest form of despotism to be found on the face of the globe?

There is no such thing, sir, as avoiding the issue which events are pressing upon the country. The time is coming when Pennsylvania must submit with implicit obedience to the dominion of the slave power, or assert her rights and her dignity as becomes a sovereign State.

Indeed the time has come already, when our manufactories are stopped, our workmen idle, and all our industrial pursuits crippled and paralyzed, because it does not suit the slave power to give us a tariff. Are you willing to surrender your manhood at the dictation of this grinding monopoly of labor at the South?

Are you willing that the officers of the law,

maintained, supported, and commissioned by the State, shall play the part of pimps to that slave power which is making paupers out of us?

Let it be understood then, so far as Pennsylvania is concerned at least, that when a slave escapes, the South must catch him for herself, or let him go—that the power and authority of the State, shall never be prostituted to fasten shackles upon the poor and the friendless.

In the next place we come to that clause in the bill, which provides that persons claimed as fugitives from service or labor in another State, shall be entitled to a trial by jury. I presume we shall be told that this would be unconstitutional because it is in the teeth of the fugitive slave act of 1850.

The Constitution of the United States provides that no person shall be deprived of life, liberty or property, without due process of law; that in all criminal prosecutions the accused shall be tried by jury, and that in civil cases where the sum exceeds twenty dollars, the defendant shall also be entitled to a jury trial. Are we to be told in the face of this plain and unmistakable language, that a mere act of Congress can take away the right of trial by jury, where the question is of such grave importance as that of liberty? If, then, the fugitive slave act conflicts, both with the terms, and the spirit of the Constitution, by which, as a State, shall we abide? Which is the higher law, the Constitution, or an act of Congress? The fundamental law, or legislation in pursuance of that law?

Again we are told that the supreme court has pronounced the act of 1850 to be constitutional, and thereby settled the question. Sir, neither an act of Congress, nor a decision of the supreme court, nor both together, can alter or amend the Constitution. If that instrument guarantees to the people the right to trial by jury, neither the Legislature nor the judiciary can dispense with it.

The supreme court has just as much power and authority for declaring the office of the President of the United States to be hereditary, as it has for invading the right of trial by jury in any case contemplated by the Constitution. Will any member upon this floor, contend, that the Constitution, which guarantees the right to a trial by jury in a case of an assault and battery, or petty larceny—even in every civil case where the amount in question exceeds the sum of twenty dollars, denies it where the question is not of a few dollars and cents, not of a few days imprisonment, not of a paltry fine to be imposed by a court of justice, but in an issue which is to determine our right to liberty itself—a right which we, sir, are accustomed to hold dearer than life, and which there is not a member of this body but would rather lay down his life than surrender? Are we to be told in the face of the very words of the Constitution, that in an issue of such grave and solemn importance as this, we have not a right to call upon a jury of our countrymen to try whether the facts alleged are true or false?

Ah! but gentlemen will say that although they and I are entitled to the enjoyment of the right to trial by jury under the Constitution, there is a portion of the population who are not, and they are the colored people of this country.

If the Constitution did not address itself to the whole people—if the clause which relates to trial by jury had provided that it should apply to every body, except black men—there might be something in this objection. But even then it would not exclude the mulatto, the quadroon, or any other shade of complexion except only the purely black, for we most always construe in favor of liberty.

But, sir, I find no such words in the Constitution—they are not there—and I repeat that neither Congress nor the supreme court have any power to put them there.

Besides, sir, there is another phase of this

question. It is conceded on all hands, that white men have a right to invoke a trial by jury when their liberties are in question, and it is conceded that the Constitution does not designate any particular kind of offence, (unless it be in the land or naval forces,) in the trial of which a jury may be dispensed with. It follows therefore, that if colored people are to be deprived of this right, it is not because of the character of the offence with which they may be charged, but simply because they are colored. That is the ground upon which it is put by the supreme court, "that they have no rights which white men are bound to respect." Now what are the facts? Did Pennsylvania ever so understand the Constitution? Can any gentleman point to an instance, from the formation of the government down to this hour, where a person charged with an offence or sued for a debt was denied the right to be heard by a jury on the ground that he was colored? No, sir, it cannot be done. Pennsylvania never so understood the Constitution, her uniform practice demonstrates directly the reverse. If then it is conceded that colored people have the right to trial by jury in some cases, where, I ask is the authority for denying it to them in others? It will not do to say that all are so entitled, except fugitive slaves, for how shall the State know which of them are fugitives, and which are not, except by a verdict of a jury.

It is neither just, nor consistent, nor becoming the majesty of a State, to guarantee to its people the enjoyment of a sacred right like this in the trial of questions which involve merely the property, the reputation or the temporary confinement of the person, and deny it when the issue is life-long slavery on the one hand, and the precious boon of liberty on the other. What though the victim be black? What though he be the humblest member of the entire community? Does that excuse the State for suffering her fundamental law to be violated?

If it may be done in one instance, may it not be done in another? If it may be done in the person of a fugitive from services to-day, may it not be in that of some other to-morrow? When once a breach is made in the guards which are set to protect our liberties, the steps are easy to their entire overthrow. All history shows by what easy stages such fatal results have been so often accomplished. We need not go far, sir, for an example of the evils to which I allude—it is only to Mason and Dixon's line. Behold the poor whites of the South—what is their condition? What has become of their rights, their power and their influence? They are gone—they are a myth, sir. So far as their voice or influence is concerned in the conduct of the government, but one little step removed from the very slaves whom they effect to dispense.

Three hundred and fifty thousand petty tyrants, the slave holders of the South, wield all her powers, and reap all her honors.

Is there nothing in the spectacle which the South presents to awaken our solicitude?

There, sir, is aristocracy gone to seed; there, we behold a banded power, backed by untold millions of capital invested in human chattels, gradually sinking its poorer classes into the condition of serfs.

Moreover, that colossal power casts its shadow far beyond the limits of the slave states. It has become the monarch of the time, and rides like death on the pale horse over the nation. Our good old Commonwealth trembles at its approach, and falls off from her allegiance to her early professions. I would that a little courage could be infused into her councils: I would that she could be prevailed upon to assert her rights and her dignity, and fearlessly disavow the high and solemn duties which the evils of the times impose. She has proclaimed to her people, and to the world, through her own constitution, that



the right of trial by jury shall be inviolate, not sometimes, not in particular cases, but always, and in every case? I ask that she shall adhere to this declaration! I ask that she shall be consistent! I ask that she shall either repeal that clause in her constitution, or see that it be enforced. Is there anything unreasonable in this? Is there anything in it which a true Pennsylvanian should hesitate for one moment to sanction? Yet it may be urged, that although it is as clear as the noon-day sun, that both the constitution of the United States, and the constitution of our own State do guarantee to every member of society the right to trial by jury; there is an act of Congress which forbids it in certain cases, and the supreme court having decided that act to be constitutional, we have no right to go behind it. Now, sir, one word as to that point.

If the position which I have assumed, be correct, that decision of the supreme court involves the repeal of a clause in the constitution. The conclusion is unavoidable and inevitable. Then, sir, where are we? If the states are prepared to sanction a proceeding like this, in one case. It may easily be done in another, and we have no constitution. If they are prepared to stand idly by, and see the pillars of the constitution, one by one, thrown down by a usurping hand, then farewell to the constitution forever.

But such is not their mission. For a wise purpose, upon the adoption of the Constitution, the States refused to merge themselves into one undistinguishable whole, but chose to preserve their individuality as separate and distinct States, the wisdom of which every day's experience does hourly reveal.

When, therefore, the Constitution is violated, it is their duty to resist the assault. In such an emergency, it behooves the States to exercise the powers they have reserved to themselves.

It is the only resource in our power—it is the only instrumentality by which the tendency to centralization and usurpation can be resisted. It is, in short, the only means by which the Constitution can be preserved. Then is it not the duty of the State to declare itself upon this occasion?

Are you not satisfied—first, that the Constitution does provide for a trial, by jury, in the cases alluded to in this bill? second, that the Constitution, not having been repealed or altered in any part, the provision is still in force? third, that it is the duty of the State to see that this vital provision shall be uniformly enforced? Can we, in the face of the acknowledged truth of the facts alleged, escape this conclusion?

But I have consumed far more time than I had intended, and will give way for others who may wish to engage in this discussion.

I have endeavored to establish two propositions—first, that it is the legal right, and the moral duty of the State, to withhold her aid and her sanction, by forbidding the use of her jails and the services of her officers, in assisting to consign innocent human beings to the jaws of slavery; second, that there is such a thing as a constitutional right to a trial by jury, where the question is that of liberty, and that it is the solemn and imperative duty of the State to maintain that right at every cost and at all hazards.

If you believe this, support this bill; if you believe this, vote for it; and I predict that the day will come when you will look back upon that vote with pride and satisfaction.

In saying these things, sir, I do not present myself as the special champion of the colored people, or any other cast or class in society; but I loathe injustice and oppression, whoever may be its victims. Moreover, sir, I love my native State, and I would have her the Gibraltar of freedom, as well as the Keystone of the

Union. I am proud of her benevolent institutions; of her system of common schools; of the industrious, patriotic and intelligent character of her people. To promote her welfare and preserve her good name, is the first wish of my heart. I love the glorious principles upon which her institutions are based, and cannot see her depart from them without raising my humble voice to prevent it.

[The balance of the evening's proceedings will appear in to-morrow's Record.]

#### No. 540.—FILE OF THE SENATE.

MILLER, Education—March 2.

A FURTHER SUPPLEMENT to an act for the regulation and continuance of a system of education by common schools.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* when the directors or controllers and teachers of the several school districts in this Commonwealth shall have made the selection of books provided for in the twenty-fifth section of an act for the regulation and continuance of a system of education by common schools, approved the eighth day of May, one thousand eight hundred and fifty-four, the books so selected shall be used for a period of not less than three years, and no change or alteration shall be made within that period.

SEC. 2. That it shall not be lawful, after the passage of this act, for the directors or controllers of common schools of any school district in this Commonwealth, to employ any female as teacher in the common schools who has not attained the age of eighteen years, and no male applicant under the age of twenty years.

SEC. 3. That before any director of common schools hereafter elected shall discharge any of the duties imposed upon him by existing laws, he shall be qualified by oath or affirmation, to be administered by an acting justice of the peace or alderman, to faithfully and impartially discharge the duties of his said office.

SEC. 4. That it shall not be lawful for the school directors or controllers of the common schools of any school district in this State, in determining the amount of tax to be levied in their district for school and building purposes, to exceed eight mills on the dollar on any and all property subject to taxation by existing laws for school purposes.

SEC. 5. That all independent school districts heretofore formed, either by enactment of the Legislature or by any court of common pleas of this Commonwealth, he and the same are hereby abolished; and that it shall not be lawful for the said courts, after the passage of this act, to establish or continue any independent district for school purposes.

SEC. 6. That the qualified electors of the several cities, boroughs and counties of this Commonwealth shall, at the next general election, determine by ballot whether the office of county superintendent of common schools shall be abolished or not; and that the ballots so voted shall be for the county superintendent and against the county superintendent; and the result of said election shall be certified by the proper officers in the mode prescribed by existing laws in relation to the returns for State officers; and if a majority of the votes polled should be against the abolition of said office, then the same shall remain as provided for by existing laws; but if a majority of the votes so polled should be in favor of the abolition of the office, then the said office is to be so declared abolished by the State superintendent of common schools, to take effect on the first Monday in January next succeeding said election; notice of the same to be sent by said State super-

intendent to the several superintendents in the Commonwealth.

SEC. 7. That in case the people should decide in favor of the abolition of the office of county superintendent, as hereinbefore provided for, then it shall be the duty of the board of directors or controllers of common schools of the several districts of this Commonwealth to annually appoint three competent persons, who shall constitute a board of examiners, for the examination of applicants for employment as teachers, in conjunction with the aforesaid directors or controllers; and no other person, except such as shall be recommended by said examiners, shall be employed as teachers.

#### No. 615.—FILE OF THE HOUSE.

THOMPSON, Judiciary—March 3.

A SUPPLEMENT to the act for the relief of insolvent debtors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* so much of the seventeenth section of the act of the General Assembly, passed the sixteenth day of June, Anno Domini one thousand eight hundred and thirty-six, as provides that the said debtor shall not be entitled to his discharge from imprisonment or arrest until he shall have been in actual confinement during a term of at least sixty days, be, and the same is hereby, repealed in its operation in all suits now pending, or hereafter to be instituted, where, and in which, the process or judgment is founded on an action for actual force: *Provided, That* the person, or persons, defendant in said suit or judgment, were either, or any of them, sheriffs, or their deputies, constables, police, or peace officers, in the discharge of their official duties as such public police officers, appointed, or elected, under, or by virtue of, any law of this Commonwealth, and that the actual force for, or on account of, which said suit was brought, or said judgment obtained, was exerted, or exercised, by said officers, in their official capacity, as aforesaid, which said fact shall be pleaded by affidavit of said person, or persons, defendant at any time, and he a full discharge from said imprisonment.

#### No. 589.—FILE OF THE HOUSE.

NILL, Judiciary—March 3.

A SUPPLEMENT to the act for the better preservation of game and insectivorous birds, approved April twenty-first, Anno Domini one thousand eight hundred and fifty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, it shall not be lawful for any person to expose for sale in this State, between the first day of February and the first day of November, any canvass hack, redhead or blackhead duck, under a penalty of five dollars for each and every offence, to be recoverable as provided for in the sixth section of the act to which this is a supplement.

SEC. 2. That it shall not be lawful for any person to buy or cause to be bought, or carry out of this State, for the purpose of supplying any private or public house, or market, any canvass hack, redhead or blackhead duck, unless the same shall have been shot or taken in the proper season, under a penalty of five dollars for each and every such offence, to be recoverable as above specified.

SEC. 3. That the possession by any person in this Commonwealth of any of the game above specified, shot, killed or otherwise destroyed out of season as aforesaid, shall be *prima facie* evidence to convict under this act.



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## EVENING SESSION—CONCLUDED.

MONDAY, March 14, 1859.

Mr. WILLISTON, giving wide scope to the argument, considered the slavery question in its various lights, reviewing the responsibilities of the people of the country and the Commonwealth.

Mr. ROSE moved that the committee rise, report progress and ask leave to sit again.

The motion was withdrawn in order to allow Mr. ZOLLER to make some remarks.

Mr. ZOLLER said he endorsed the sentiments which had been expressed by his colleague, (Mr. IRISH,) and partially agreed with the views of the gentleman from Tioga, (Mr. WILLISTON.) He had made the motion to adjourn, in the early part of the evening, in order that the subject might be postponed for a few days. In the main, he should vote for the bill before the House, if he found nothing objectionable in it, and if he heard more discussion upon it.

Mr. ROSE renewed his motion.

Which was agreed to.

On the question,  
"When shall the committee have leave to sit again?"

Leave was given for it to sit on this evening two weeks.

Mr. LAWRENCE, (Washington,) from Committee on Banks, offered a report relative to the incorporation of the North Western saving institution of Philadelphia.

Mr. HAMERSLY, (Committee on Corporations,) "A supplement to an act to incorporate the Chestnut Hill water company."

"An Act to incorporate the Belle Isle salt manufacturing company of Philadelphia."

"An Act to consolidate the stock of the Manayunk gas company."

Mr. THORN moved to adjourn; agreed to.

## SENATE.

TUESDAY, March 15, 1859.

A quorum of Senators being present, the SPEAKER called the Senate to order at the usual hour.

Prayer was offered by Rev. Dr. DeWitt, of the New School Presbyterian Church, Harrisburg.

The Journal was read and approved.

The SPEAKER presented two petitions of three hundred citizens of Middle Woodbury township, Bedford county, praying to be annexed to Blair county.

Also, a petition of citizens of the borough of Johnstown, praying for the repeal of a law authorizing the appointment of an auctioneer in said borough.

Also, a remonstrance of citizens of Cambria county, against any change in the mode of election of county treasurer in said county.

Also, a petition of citizens of Blair county, for the repeal of the tonnage tax, according to the bill read by Mr. SCHELL.

Also, the twelfth annual report of the inspectors of the county prison of Philadelphia.

## PETITIONS, MEMORIALS, &C.

Mr. YARDLEY presented three petitions of citizens of Pennsylvania, in favor of a law compelling banks to keep their notes at par in Philadelphia and Pittsburg.

Mr. PALMER, seven petitions of citizens of Schuylkill county, of like import.

Mr. THOMPSON, four petitions from citizens of Montgomery and adjacent counties, of similar import.

Also, four remonstrances against the passage of an act requiring county treasurers to collect taxes in Montgomery county.

Also, a petition of citizens of Montgomery county, for a law requiring the commissioners to appoint constables tax collectors.

Mr. GAZZAM, a petition of citizens of Pittsburg and vicinity, praying for an act incorporating the Pittsburg and East Liberty passenger railway company.

Also, two memorials of citizens of Philadelphia, praying for the passage of an act for the registration of births, marriages and deaths in that city.

Also, two petitions of citizens of Pittsburg, praying for the repeal of the law establishing a high school in said city.

Also, a remonstrance of the school directors of the Eighth ward of the city of Pittsburg, against the repeal of the act establishing a high school in said city.

Mr. SCHINDEL, a remonstrance of the stockholders of the Milford and Richland turnpike road company, against any law allowing them to borrow money.

Mr. STEELE, two remonstrances of citizens of Scott township, Luzerne county, against being included within the limits of the city of Carbondale.

Mr. MYER, a petition of citizens of Ulster, Bradford county, in favor of the assessment of damages on the North Branch canal.

Mr. SCHELL, a petition of citizens of Huntingdon county, for a law prohibiting fishing in Aughwich creek and its tributaries with nets and seines.

Also, a petition of citizens of Bedford county, for a law authorizing the sale of their poor house and the purchase of another.

Mr. PENNEY, two remonstrances of citizens of Pittsburg, against the abolition of the high school in said city.

Also, a petition of sundry citizens of Allegheny county, praying for a law compelling the Monongahela navigation company to erect harbors for coal boats on the Monongahela river.

Also, a petition of six hundred and ninety-nine citizens of Allegheny county, in favor of the passage of House bill No. 555, "An Act for the reformation and employment of vagrants, drunkards and other disorderly persons in Allegheny county."

Mr. BLOOD, a petition of citizens of Clarion and Jefferson counties, for the passage of an act declaring Mill creek a public highway.

Mr. BELL, a petition of citizens of this Commonwealth, for a law compelling banks to keep their notes at par in Philadelphia and Pittsburg.

Also, a petition of citizens of Pennsylvania, for a law compelling railroad companies to fence their roads.

Mr. WRIGHT, six petitions of citizens of the rural districts of Philadelphia county, for the right of free travel over certain highways.

Mr. TURNEY, a remonstrance of citizens of Clearfield county, against Senate bill No. 317, "An Act to appoint road commissioners to take charge of a portion of the Milesburg and Smethport turnpike road, in the counties of Clearfield and Elk."

A communication was received from the principal of the institution for the instruction of the blind, inviting the members of the Senate to be present at the exhibition of some of the pupils of said institution, this evening, in the hall of the House of Representatives.

## REPORTS OF COMMITTEES.

Mr. GREGG, (Finance,) reported, as committed, House bill No. 237, "An Act authorizing the Auditor General and State Treasurer to examine and report the claim of the bail of Henry D. Rodearmel, late supervisor of the Susquehanna division of the Pennsylvania canal."

On his motion, said bill was taken up, and after being duly considered, passed finally.

Mr. RUTHERFORD, (Roads and Bridges,) as committed, House bill No. 523, "A supplement to an act relative to roads, highways and bridges in Warren, Venango and McKean counties."

Also, (same,) as committed, House bill No. 618, "An Act extending the provisions of an act concerning the appointment of road viewers and road damages in Northampton county to Monroe county," passed April 22, 1858.

## BILLS IN PLACE.

Mr. PALMER read in his place and presented to the Chair, a bill, entitled "An Act relative to auctions and auctioneers in the borough of Pottsville."

Mr. SHAEFFER, "An Act to incorporate the trustees of the synod of the German Reformed church in the United States."

Mr. YARDLEY, "An Act authorizing the appointment of a mensurer of paving stones, in the city of Philadelphia."

Mr. SCHELL, "An Act to legitimate Margaret Hart."

Also, "An Act to repeal an act, relative to the appointment of an auctioneer for the borough of Johnstown."

Mr. BLOOD, "An Act to declare a part of Big Mill creek, in the counties of Clarion and Jefferson, a public highway."

Mr. WRIGHT, "An Act authorizing the ministers, deacons, elders and trustees of the German Reformed church in Philadelphia, in the province of Pennsylvania, to sell and convey certain real estate."

Mr. MILLER, "An Act to cure an irregularity."



ty in the act incorporating the borough of Carmichael, and declaring certain judicial proceedings therein valid."

On his motion, (the Committee on Corporations having been discharged from its consideration,) the Senate proceeded to consider the same, and after going through its various readings, the bill passed finally.

#### ORDERS OF THE DAY.

House bill No. 266, "A supplement to the act to incorporate the Big Mountain improvement company," came up in order, on third reading, and passed finally.

Senate bills Nos. 4, 317, 483 and 540, and House bill 280, lie over.

#### BILLS CONSIDERED.

On motion of Mr. PARKER, the Senate resumed the consideration of Senate bill No. 359, on third reading, "A supplement to the act incorporating the Germantown passenger railway company."

On its final passage,

The yeas and nays were required by Mr. BELL and Mr. PARKER, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Fetter, Finney, Francis, Gazzam, Gregg, Harris, Miller, Nunemacher, Parker, Raudall, Rutherford, Scofield, Shaeffer, Schindel, Steele, Turney, Welsh and Cresswell, *Speaker*—21.

NAYS—Messrs. Bell, Blood, Keller, Marselis, Myer, Palmer, Penney, Thompson, Wright and Yardley—10.

So the question was determined in the affirmative.

Mr. SCHELL paired off with Mr. BREWER.

On motion of Mr. RUTHERFORD, "A supplement to the act incorporating the borough of Harrisburg," was taken up, and after going through its various readings, and being amended, the bill passed finally.

#### HOUSE AMENDMENTS

House amendments to Senate bill, "An Act to incorporate the Chartiers and Robinson Township turnpike road company," were concurred in.

House amendments to Senate bill No. 405, "An Act to appoint a road commissioner to take charge of a portion of the Warren and Brookville, and the Warren and the Strattonville State roads, in Forest county," were concurred in.

A motion was made to concur in House amendments to Senate bill No. 35, "An Act to extend the powers of prothonotaries and clerks to administer oaths."

Upon this motion, a brief discussion in explanation of the objects and provisions of the bill, took place between Messrs. BELL and PENNEY in favor, and Messrs. RANDALL, MARSELIS, WRIGHT and PALMER in opposition.

On the question,

Will the Senate concur?

The yeas and nays were required by Mr. BELL and Mr. RANDALL, and were as follow, viz:

YEAS—Messrs. Bell, Finney, Francis, Gazzam, Gregg, Harris, Myer, Penney, Rutherford, Thompson, Yardley and Cresswell, *Speaker*—12.

NAYS—Messrs. Baldwin, Blood, Coffey, Craig, Keller, Marselis, Miller, Nunemacher, Palmer, Parker, Randall, Schell, Scofield, Shaeffer, Schindel, Steele, Turney and Wright—18.

So the question was determined in the negative.

House amendments to Senate bill No. 161, "A supplement to the act to incorporate the Greenwood cemetery, in the borough of Tamaqua," were, on motion, concurred in.

House amendments to "A supplement to the act incorporating the borough of York," were, on motion, concurred in, as also,

House amendments to House bill No. 409, "An Act changing the place of holding general and special elections in Jackson township, Huntingdon county."

#### BILLS CONSIDERED.

On motion of Mr. STEELE, the Senate proceeded to consider Senate bill No. 183, "An Act to provide for the payment of certain claims."

The Senate having resolved itself into committee of the whole, Mr. STEELE offered a substitute, which, on motion of Mr. TURNEY, was amended by the addition of a new section, and the substitute as amended passed committee of the whole.

Mr. MYER had no desire to enter into a discussion of the bill at the present time; but he thought there were so many defects in the bill that the injustice of it must be apparent to every Senator. The people along the section of the canal on which he resides desire some uniform system of settling these damages, and they prefer that the power shall be vested in the courts. This bill gives the power to the Governor, and from his decision there is no appeal. He wished, if the Senator from Luzerne desired to press the passage of the bill, to propose an amendment. He preferred that the bill should lie over, when he would be prepared to submit his amendment.

Mr. WRIGHT preferred the amendment to the original bill, but it still did not suit his views, and he was also desirous that the bill should lie over for the present.

Mr. BELL thought there was no reason why this power should be vested in the Governor, however pure and honest he might be. He was opposed to the bill unless it was amended, and he hoped it would be postponed for the present.

The bill lies over.

Bills entitled as follow, passed finally:

On motion of Mr. FETTER, House bill No. 756, "An Act authorizing the trustees of the Presbyterian church at Mechanicsburg to borrow money."

On motion of Mr. SCOFIELD, Senate bill No. 560, "An Act to enable the commissioners of Scheffeld township, Warren county, to levy an additional road tax." (This bill was so amended as to include the township of Kinzua.)

On motion of Mr. NUNEMACHER, House bill No. 410, "An Act to prevent the destruction of partridges in certain counties of this Commonwealth."

On motion, Bucks county was stricken out.

On motion of Mr. PALMER, Senate bill No. 422, "An Act providing for the recording of certain papers in the county of Schuylkill."

On motion of Mr. PARKER, House bill No. 422, "An Act relative to the sale of the Falls of the Schuylkill bridge."

On motion of Mr. MYER, Senate bill No. 588, "An Act to legalize a township election in Terrytown."

On motion of Mr. RANDALL, Senate bill No. 606, "An Act authorizing the Tinklepaugh coal company to borrow money."

On motion of Mr. HARRIS, House bill No. 556, "An Act to prevent the destruction of deer in Beaver county."

On motion of Mr. BELL, House bill No. 379, "An Act relative to taxing dogs in West Nottingham township, Chester county."

On motion of Mr. SCHELL, Senate bill No. 538, "An Act for the relief of the Liberty township school district, in Bedford county."

On motion of Mr. BELL, House bill No. 845, "An Act relative to roads in East Marlborough, Chester county."

On motion of Mr. SCHELL, House bill No. 356, "An Act for the relief Stephen H. Laughlin."

On the final passage of this bill,

The yeas and nays were required by Mr.

SCOFIELD and Mr. SCHELL, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Finney, Francis, Gazzam, Palmer, Parker, Penney, Schell, Shaeffer, Steele, Thompson, Wright and Cresswell, *Speaker*—14.

NAYS—Messrs. Coffey, Craig, Gregg, Harris, Marselis, Miller, Myer, Nunemacher, Randall, Scofield, Schindel, Welsh and Yardley—13.

So the question was determined in the affirmative.

On motion of Mr. CRAIG, House bill No. 618, "An Act extending the provisions of an act concerning the appointment of road viewers and road damages in Northampton county, to Monroe county," passed April 22, 1858.

On motion of Mr. THOMPSON, Senate bill No. 593, "An Act authorizing the removal of the dead from the burying ground deeded to the First Methodist Episcopal church of Norristown, Montgomery county, to the Norris City cemetery."

On motion of Mr. GREGG, (the Committee on Corporations having been discharged from its consideration,) "An Act relative to overseers of the poor in Lewishurg, Union county."

On motion of Mr. YARDLEY, "A supplement to an act to incorporate the Trenton City bridge company."

On leave given, Mr. FINNEY offered the following resolution; which was twice read, considered and adopted:

*Resolved*, That the Senate will hold a session this afternoon, for the consideration of private bills.

On motion of Mr. SCHELL, the Senate proceeded to consider Senate bill No. 424, "An Act authorizing the commissioners of Bedford county to sell the property owned and occupied for the use of the poor of said county."

This bill, having passed committee of the whole and second reading, lies over.

On leave given, Mr. TURNEY, from the Committee on Finance, reported as committed, "An Act to equalize tax on corporations."

Mr. WELSH offered the following resolution; which was twice read, considered and adopted:

*Resolved*, That if the House of Representatives concur, the Governor be requested to return Senate bill No. 438, "An Act to incorporate the Union Evangelical Lutheran congregation of the borough of York."

On leave given, Mr. WRIGHT read in his place and presented to the Chair, a bill, entitled "An Act to incorporate the Philadelphia ocean steamship company."

The hour of one having arrived, the SPEAKER adjourned the Senate until this afternoon at 3 o'clock.

#### AFTERNOON SESSION.

Agreeably to order, the Senate met at three o'clock.

#### BILL IN PLACE.

Mr. KELLER read in his place and presented to the Chair, a bill, entitled "An Act authorizing the widening and extension of Market street, in Bloomsburg, Columbia county, and authorizing executors to sell certain real estate."

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. BLOOD, (the Committee on Corporations having been discharged from its consideration,) House bill No. 544, "An Act to incorporate the Anderson Creek public road and navigation company."

On motion of Mr. WRIGHT, Senate bill No. 603, "A supplement to the act incorporating the poor house of the township of Roxborough, in the county of Philadelphia."

On motion of Mr. BLOOD, Senate bill No. 634, "An Act to re-audit the school accounts of Porter township school district, in the county of Jefferson."

On motion of Mr. BELL, "A supplement to



an act approved February 16, 1859, entitled 'A supplement to an act approved April 3, 1851, entitled 'An Act regulating boroughs, so far as relates to the borough of Phoenixville.'

On motion of Mr. FRANCIS, House bill No. 523, 'An Act, entitled 'A supplement to an act relating to roads, highways and bridges in the counties of Venango, M'Kean and Warren.'

On motion of Mr. MILLER, (the Committee on Corporations having been discharged from its consideration,) House bill No. 546, 'An Act for the appointment of a sequester on the Pittsburgh and Washington turnpike road.'

This bill lies over on second reading.

On motion of Mr. FETTER, House bill No. 846, 'An Act to provide for the election of an additional supervisor in Wayne township, Mifflin county.'

On motion of Mr. SCHELL, Senate bill No. 542, 'An Act to repeal an act to prevent the destruction of fish in Yellow creek, Bedford county.'

On motion of Mr. GREGG, Senate bill No. 637, 'An Act to establish a ferry over the West Branch of the Susquehanna river, near the furnace of Beaver, Gettis, Marsh & Co., in Union township, Union county.'

On leave given, Mr. SCHELL reported, from the Committee on Private Claims and Damages, as committed, House bill No. 235, 'An Act to pay the claim of Charles Fisher.'

On motion of Mr. KELLER, the Senate proceeded to consider the same; and the bill having passed committee of the whole, lies over (objections having been made,) under the rule.

On motion of Mr. MILLER, House bill No. 612, 'An Act to change the boundaries of the town of California, in the county of Washington.'

On motion of Mr. STEELE, Senate bill No. 361, 'A further supplement to the act incorporating the Susquehanna railroad company.'

(This bill was variously amended, on motion of Messrs. STEELE and MYER.)

On motion of Mr. NUNEMACHER, House bill No. 854, 'An Act to change the name of the Keystone Lancers.'

On motion of Mr. PALMER, Senate bill No. 67, 'A further supplement to an act relative to huckstering in the counties of Berks and Lebanon.'

(The bill was amended, on motion of Mr. PALMER.)

On motion of Mr. RUTHERFORD, Senate bill No. 293, 'An Act to authorize the removal of the dead interred in the grounds connected with St. Stephen's church, Harrisburg.'

On motion of Mr. YARDLEY, Senate bill No. 529, 'An Act to incorporate the Huntingdon Valley railroad company.'

Mr. SHAEFFER, on leave given, reported, from the Committee on Corporations, as committed, 'An Act to incorporate the trustees of the synod of the German Reformed church in the United States;' and, on his motion, said bill was taken up, considered and passed finally.

On motion of Mr. SCOFIELD, (the Committee on Finance having been discharged from its consideration,) House bill No. 383, 'An Act to provide for the collection of additional taxes, in the township of Bingham, Potter county.'

On motion of Mr. BELL, House bill No. 263, 'An Act to incorporate the members of the Olivet Methodist Episcopal church, in the village of Coatesville, Chester county.'

On motion of Mr. STEELE, Senate bill No. 626, 'A supplement to an act to erect a part of the township of Denison, Luzerne county, into a separate district for road purposes,' &c.

On motion of Mr. SHAEFFER, Senate bill No. 595, 'An Act to amend the charter of the Chestnut Hill iron ore company.'

[This bill was slightly amended.]

On motion of Mr. MYER, Senate bill No.

506, 'An Act to incorporate the Towanda gas and water company.'

House amendments to Senate bill No. 359, 'A supplement to the act incorporating the Germantown passenger railway company;' were received and read.

Mr. WRIGHT moved that the bill together with the amendments be printed; on which

The yeas and nays were required by Mr. WRIGHT and Mr. RANDALL, and were as follows, viz:

YEAS—Messrs. Bell, Fetter, Francis, Marsellis, Nunemacher, Palmer, Penney, Randall, Schindel, Steele, Wright and Yardley—12.

NAYS—Messrs. Blood, Coffey, Craig, Finney, Gregg, Harris, Keller, Miller, Myer, Parker, Rutherford, Scofield, Shaeffer, Thompson, Turney, Welsh and Cresswell, *Speaker*—17.

So the question was determined in the negative.

Mr. SCHELL paired off with Mr. BREWER. Mr. SCHELL moved that the bill and amendments be re-committed to the Committee on Railroads.

On which motion,

The yeas and nays were required by Mr. BELL and Mr. RANDALL, and were as follows, viz:

YEAS—Messrs. Bell, Marsellis, Nunemacher, Palmer, Penney, Schindel and Wright—7.

NAYS—Messrs. Blood, Coffey, Craig, Fetter, Finney, Gregg, Harris, Keller, Miller, Myer, Parker, Randall, Rutherford, Scofield, Shaeffer, Steele, Thompson, Turney, Welsh, Yardley and Cresswell, *Speaker*—21.

So the question was determined in the negative.

Mr. BELL moved that the Senate now adjourn

And on this question,

The yeas and nays were required by Mr. BELL and Mr. PARKER, and were as follows, viz:

YEAS—Messrs. Bell, Fetter, Marsellis, Nunemacher, Palmer, Penney, Randall, Schell, Schindel, Thompson, Wright and Yardley—12.

NAYS—Messrs. Baldwin, Blood, Coffey, Craig, Finney, Gazzam, Gregg, Harris, Keller, Miller, Myer, Parker, Rutherford, Scofield, Shaeffer, Steele, Turney, Welsh and Cresswell, *Speaker*—19.

So the question was determined in the negative.

The question recurring,

Will the Senate concur in the amendments made by the House?

The yeas and nays were required by Mr. WRIGHT and Mr. PARKER, and were as follows, viz:

YEAS—Messrs. Baldwin, Blood, Coffey, Craig, Fetter, Finney, Gazzam, Gregg, Harris, Keller, Miller, Parker, Rutherford, Scofield, Shaeffer, Schindel, Steele, Turney, Welsh, Yardley and Cresswell, *Speaker*—21.

NAYS—Messrs. Marsellis, Myer, Nunemacher, Palmer, Penney and Wright—6.

So the question was determined in the affirmative.

On motion, the Senate adjourned, until tomorrow morning at 10 o'clock.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, March 15, 1859.

The House was called to order at 9½ o'clock, by the SPEAKER.

Prayer was offered by the Rev. Mr. Gans, of the German Reformed church.

The Clerk proceeded to read the Journal of yesterday; when, on motion of Mr. LAWRENCE, (Washington,) the reading of the same was dispensed with.

Mr. PROUDFOOT moved that the rules be suspended, and that the House proceed to the consideration of House bill No. 713, 'An Act

to incorporate the Ebensburg and Cresson railroad company.'

Mr. HAMERSLY gave notice that as the calendar was quite lengthy, he would hereafter call for the orders of the day.

The above bill was then taken up and passed the House, and, ordered that the Clerk present the same to the Senate for concurrence.

Mr. THORN moved that the rules be suspended, and that the House proceed to the consideration of House bill No. 672, 'A further supplement to the act incorporating the Home manufacturing company.'

Mr. MILLER called for a division of the question.

And on the first division,

Will the House suspend the rule?

It was determined in the negative.

#### PRIVATE CALENDAR.

Apresably to order, the House proceeded to the consideration of bills on Private Calendar; whereupon the following were read, and no objections being made, were laid aside for second reading:

No. 455. 'An Act to change the name of Chrysostom Charles Sweny, to Chrysostom Charles M'Laughlin.'

No. 457. 'An Act to repeal a supplement to an act relating to a burial ground in the borough of Pottsville, approved the 21st day of April, A. D. 1856.'

Sen. 276. 'An Act in relation to certain mortgages therein stated'

No. 460. 'An Act to authorize the appointment of commissioners to examine and adjust certain claims, &c.'

No. 462. 'An Act authorizing the Auditor General to issue a certificate for the amount of the claim due to Barbara Hileman's estate.'

No. 463. 'An Act for the relief of Jacob Rauch, of Mifflin county.'

No. 465. 'An Act for the relief of Joseph Danfield.'

No. 466. 'An Act to incorporate the Philomathean institute of Union township, Berks county.'

Sen. 224. 'An Act relating to the Norristown academy.'

'A supplement to an act to incorporate the city of Carhondale,' was passed over for the present, on motion of Mr. GRITMAN, on account of the absence of Mr. PUGHE, who has the bill in charge.

No. 470. 'An Act appropriating locks Nos. 8 and 10, of the French Creek and Franklin line of the Pennsylvania canal, to the use of the county of Venango.'

No. 471. 'An Act empowering Sabina R. Sloan to sell certain real estate.'

No. 473. 'An Act to incorporate the Donglassville and Yellow House turnpike road company.'

No. 474. 'An Act to lay out a public road from Shoemaker's mill to the borough of Muncy, Lycoming county.'

Sen. 14. 'An Act authorizing the laying out of a State road leading from Schroyer's Gap, in Clinton county, by way of M'Call's mills, in Union county, to Spruce Run gap, in Union county, to intersect the Benzler road in said county.'

No. 476. 'A supplement to the act incorporating the Perrysville, East Waterford and Waterloo plank road company, approved 18th day of April, 1853.'

No. 477. 'An Act to view and lay out a State road from the borough of Lock Haven, in the county of Clinton, to Snow Shoe, in Centre.'

Sen. 120. 'A supplement to an act to incorporate the Hiltown turnpike road company.'

No. 481. 'An Act authorizing the laying out of a State road from the mouth of Clarion river, in the county of Clarion, to Franklin, in the county of Venango.'



No. 482. "An Act to compel the supervisors of roads in the township of Crawford, in Clinton county, to give security."

No. 483. "A supplement to an act incorporating the Patterson, Johnstown, Penn Mills and Concord plank road company."

No. 485. "An Act to revive and extend the act incorporating the Ziegler'sville and Kutztown turnpike road company."

No. 486. "An Act relative to the making and repairing of the public roads in Norwegian township, Schuylkill county."

No. 487. "An Act in reference to supervisors in Somerset township, Washington county."

Sen. 237. "An Act to incorporate the Pennsylvania and Maryland Line turnpike company."

No. 490. An Act to incorporate the Wrightsville and Canadocholy turnpike road company."

No. 492. "An Act to run and define a part of the boundary line between the counties of Mifflin and Huntingdon."

No. 493. "An Act to empower John Ranson to put a sheer boom in the Loyalsock creek."

Mr. JACKSON said:

Mr. SPEAKER:—Some four weeks since a bill was read in place by the gentleman from Lycoming, (Mr. MEHAFFEY,) entitled "An Act to incorporate the Montour navigation improvement company." I looked, sir, upon this bill as one proposing to give a single company the monopoly of the waters of the Loyalsock creek, and its main tributaries, proposing as it did to authorize said company to erect a boom or booms, a dam or dams, artificial reservoirs, mills, sash and door factories, planing mills, &c., and also giving them the power of floating logs, &c., upon said creek,—now, sir, whilst all these privileges were proposed, after a careful examination of the bill, I could find no provisions made for the protection of the lumbermen and others residing upon the waters of said creek; neither, sir, was there any liability clause attached to this bill. In pursuance of my duty, I sent copies of this bill to my constituents, residing in Sullivan county, and on the waters of said creek. I asked for their opinion on the subject, and you, sir, have seen their answers contained in the numerous and lengthy remonstrances which, as their representative, I have had the honor to present to this House. I do not intend to discuss the merits of that bill at this time, for I intend doing so when it comes up for action in the House, and will then insist upon such amendments as will protect the interests of my constituents. I only refer to it now, sir, because there is considerable excitement in Sullivan county in relation to the subject; and I believe that my course upon the subject of booms in Loyalsock creek has been misrepresented.

I am here, sir, sworn to protect the interests of my constituents, and I honestly intend to do so to the best of my abilities. I have no personal interest in the matter; but I am proud of little Sullivan. I know that her coal, iron and lumber, must eventually place her in a position that her citizens can look upon with pride. Settled as it is, by persons of limited means, who went there for the purpose of making and securing homes for themselves and their families. Persons proverbial for their honesty and integrity. I look upon every project calculated to place the interests of the many at the mercy of the few with distrust. Now, sir, whilst this is true, it is no less true, that the interests of the people require that the Loyalsock creek should be improved, and whilst I have opposed, and will oppose any monopoly, or any company in which the interests of all my constituents in Sullivan county is not protected, I wish it distinctly understood that I do not oppose the bill now under consideration.

I do not oppose it, because in the bill itself

there is nothing wrong. It grants no special privileges, except the right to erect and maintain sheer booms on Mr. Ranson's own premises, and requires that they be so constructed as to admit, at all times, a free, safe and easy passage for rafts and other craft floating upon the said stream, and providing that all laws now in force, relating to the manner of declaring dams unsafe for navigation, public nuisances, and providing remedies for injuries to personal property thereby sustained, be extended to the said sheer booms. I do not believe that any of my constituents, when they understand the provisions of this act, will have any objections to it; on the contrary, I believe that with the amendments just attached, they will find and acknowledge that it is to their interest to have these sheer booms at the mouth of the creek, because they too can have the use of them in securing their own logs, by paying reasonable charges.

No objections being made, said bill was laid aside for second reading.

No. 495. "An Act to repeal an act to establish a ferry over the river Susquehanna at or near Ulster, in Bradford county, approved 27th day of March, 1855, and the several supplements thereto, approved respectively, May 5, 1855, and March 24, 1856."

No. 496. "Supplement to the act authorizing Henry Wilton to construct a dam or breakwater in the river Susquehanna, approved April 3, 1851."

No. 498. "A supplement to an act to incorporate the Quakake railroad company."

Sen. 243. "A further supplement to the act incorporating the Lewisburg Centre and Spruce Creek railroad company."

Sen. 77. "A further supplement to the act incorporating the Meadville railroad company, approved the 20th day of May, 1857."

No. 502. "An Act to incorporate the Towanda and Wapassena railroad company."

No. 503. "A further supplement to an act authorizing the Governor to incorporate the Bear Mountain railroad company, and for other purposes, passed 13th day of July, 1842."

No. 509. "A further supplement to the act incorporating the Navigation railroad company, approved April 20, 1854."

No. 514. "A further supplement to the act to incorporate the borough of Reading, Berks county, into a city, passed 16th day of March, 1857."

Mr. MCCLURE asked to have House bill No. 759, "An Act repealing the fourth section of an act to establish a new judicial district, approved 21st March, 1847," which was agreed to.

No. 515. "An Act extending the provisions of the fifteenth section of the act of April 2, 1853, entitled 'An Act to incorporate the Rosamont cemetery company; relative to judicial proceedings, assessments and jurors in Columbia and Montour; to a certain State road; to the bounty on fox scalps in Luzerne county; to hunting in certain counties, &c.;' to Wyoming county."

No. 532. "An Act to prevent the destruction of trout during the spawning season, in the counties of Lycoming, Clinton and Sullivan."

No. 534. "An Act to prevent the destruction of fish in the Susquehanna river and its tributaries."

On motion of Mr. ECKMAN, Kishacoqui lake creek was embraced within the provisions of the above act.

No. 535. "An Act to encourage the destruction of foxes in Clinton county."

No. 536. "An Act to prevent fishing with nets, seines and set nets, in East Conococheague creek, below the borough of Chambersburg, on the lands owned by Bernard Wolf and William Hleser, known as the Hollywell paper mill property."

No. 537. "An Act to prevent the hunting of deer with dogs in the county of Sullivan."

Mr. JACKSON moved to amend, by including the county of Wayne; which was agreed to.

Mr. WITMAN moved to include Dauphin county; agreed to.

Sen. 70. "An Act to repeal an act for the protection of sheep and taxing of dogs in the county of Blair."

No. 545. "An Act relating to public highways in East Bradford township, Chester county."

No. 547. "An Act authorizing the Frankford and Bristol turnpike road company to reduce the width of said road between certain points."

No. 550. "An Act supplementary to the act, incorporating the Erie and Waterford plank road company."

No. 551. "An Act to require the Pennsylvania railroad company to change the location of a certain road in Wayne township, Mifflin county."

No. 587. "Supplement to an act to protect fruit and punish trespass," &c.

No. 636. "An Act authorizing the State Treasurer to pay Andrew McClelland, grandson of John McClelland, a balance of money due said John McClelland for services rendered in the Indian war of 1782."

No. 588. "A supplement to an act relating to hunting and fishing in the counties of Huntingdon, Carbon, Luzerne, Dauphin, Mifflin, Elk, Pike, Monroe and Butler, approved 24th day of March, 1848, extending the same to the county of Wayne."

No. 590. "An Act to increase the pay of State and county tax in the several townships and boroughs of Delaware county."

No. 596. "An Act to change the time of meeting of the county auditors of Northumberland county."

No. 598. "A supplement to an act to give jurisdiction in equity to the supreme court and the court of common pleas for the county of Philadelphia, in cases of disputed boundaries, approved 15th day of April, 1858."

No. 607. "An Act relating to party walls in the county of Allegheny."

No. 610. "An Act to authorize and require the treasurer of the city of Reading, Berks county, to pay certain costs and fees."

No. 611. "An Act authorizing the auditors of Forest county to re-audit the State account of William R. Coon, former treasurer of said county."

No. 632. "An Act for the relief of Anna Stackhouse, the widow of an old soldier."

No. 634. "An Act to authorize the payment of the claim of Emanuel Will, of Lancaster county."

No. 638. "An Act to incorporate the Towanda library association."

No. 646. "An Act for the better regulation of the Mercer County and Shenango Valley agricultural society."

Mr. OAKS moved to include the county of Montour; which was agreed to.

No. 648. "An Act to repeal the act, approved 20th April, 1855, supplementary to an act, approved 31st March, 1856, to regulate the sale of intoxicating liquors, so far as the said supplementary act applies to the county of Potter."

"An Act to lay out a State road in Westmoreland and Allegheny counties."

"An Act to lay out a State road from DuShore, Sullivan county, to a point near Wells' ferry, Bradford county."

Sen. 467. "A supplement to the act to incorporate the Hanover savings fund society, of York county."

"An Act relating to roads and bridges in Washington county."

No. 650. "An Act relating to Reed street, in the city of Philadelphia."

No. 652. "A further supplement to an act



passed 28th February, 1839, incorporating the Royersford bridge company, and several supplements thereto."

No. 653. "An Act to incorporate the Spinnerstown and Hosensack turnpike road company."

No. 654. "An Act relative to supervisors of public highways in Jenner township, Somerset county."

No. 655. "An Act vacating certain lanes and alleys of the out lots of the borough of Beaver, Beaver county."

No. 657. "An Act declaring Toombs run a public highway."

No. 660. "An Act relative to vacating certain streets in the city of Philadelphia."

No. 663. "An Act concerning the appointment of road viewers and road damages in Lehigh county."

No. 664. "An Act to raise the compensation of supervisors of Spring creek township, Elk county."

Mr. PINKERTON moved to include the county of Schuylkill; which was agreed to.

No. 665. "An Act declaring a bridge between the counties of Armstrong and Clarion a county bridge."

No. 668. "An Act to incorporate the Warwick manufacturing company."

Sen. 92. "An Act to extend the Forest improvement company."

No. 672. "A further supplement to the act incorporating the Home manufacturing company."

No. 673. "A supplement to the act incorporating the Mutual Deposit insurance company."

"An Act relating to insurance companies and associations in the counties of Philadelphia and Allegheny."

Sen. 307. "An Act to incorporate the Zoological society of Philadelphia."

Sen. 161. "Supplement to the act to incorporate the Greenwood cemetery company, of the borough of Tamaqua."

No. 679. "An Act to incorporate the Evangelical Lutheran synod of West Pennsylvania."

No. 681. "An Act to incorporate the Drivers' beneficial association, No. 1, of the State of Pennsylvania."

#### OBJECTED BILLS.

By Mr. STEPHENS, "An Act to incorporate the Huntingdon County Bank."

By Mr. ACKER, Senate bill No. 122, "A further supplement to an act to appoint commissioners to view, lay out and construct a State road in Lancaster and Chester counties, approved April 15, 1857."

By Mr. RAMSDELL, "An Act to provide for the erection of a new county out of parts of the counties of Crawford, Warren and Venango."

By Mr. BOYER, (Clearfield,) "An Act to incorporate the Westonville, Mantua and Fairmount passenger railway company."

By Mr. NEALL, "An Act for the assessment and recovery of damages upon the North Branch and Wyoming canals."

By Mr. SMITH, (Berks,) "An Act to prohibit the importation of fish at improper seasons into Philadelphia."

By Mr. SHEPPARD, "An Act to incorporate the Chemical company of Pennsylvania."

By Mr. STYER, "An Act relating to insurance companies and associations in the counties of Philadelphia and Allegheny."

By Mr. NEALL, "An Act to incorporate the Commercial trust company."

By Mr. BOYER, (Clearfield,) "An Act to incorporate the Hydropathic college and institution of Loretto."

#### BILL RE-CONSIDERED.

Messrs. THORN and WAGENSELLER moved that the House re-consider the vote had on the final passage of the bill authorizing the Auditor General, Attorney General and State Treasurer,

to examine the claim of John S. Miller; which was agreed to.

Mr. THORN asked and obtained the unanimous consent of the House, to strike out the amendment offered to the bill by him, yesterday, thus restoring the bill to its original form.

The question recurring,

Shall the bill pass?

Mr. PATTERSON said that the claimant only desired justice to be done.

Mr. WILLISTON said that provision was made for such cases by the act for the sale of the public works.

Mr. MCCLURE said that if the money was not due to Miller, he did not want it. He only asked that his account might be submitted to the proper accounting officers. He was an honest and respectable man, and had been made bankrupt by this contract. This was the only bill of the session in which the accounting officers were called upon to audit the account.

Mr. NILL would not object to any thing decided upon by the Auditor General, but did object to singling out a bill in this manner. There was no evidence that this bill was any more meritorious than others of the same nature.—There were numbers of claimants who said that they had been made bankrupt by the Commonwealth. It was an old story.

Mr. WILLISTON said that the advocates of the bill had failed to answer his question, viz: whether such cases were not provided for by the act for the sale of the State canals. If the bill was referred to the Auditor General, and he was instructed to report to the House, he might vote in favor of a just appropriation.

Mr. PATTERSON moved to postpone for the present.

Mr. NILL moved to amend by postponing indefinitely.

On the amendment to postpone indefinitely, The yeas and nays were required by Mr. WILLIAMS, (Bedford,) and Mr. NILL, and were as follow, viz:

YEAS—Messrs. Barnsley, Barlow, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Campbell, Custer, Dismant, Dodds, Foster, Glatz, Hill, Hottenstine, Jackson, Kinney, Nill, Oaks, Rose, Smead, Smith, (Berks,) Stephens, Stoneback, Walker, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston and Wolf—28.

NAYS—Messrs. Abbott, Acker, Bayard, Bryson, Burley, Church, Durhoraw, Eckman, Fearon, Fisher, Fleming, Good, Gratz, Gray, Green, Hamersly, Kenegy, Mann, McClure, McCurdy, Neall, Palm, Patterson, Peirce, Pinkerton, Price, Proudfoot, Rouse, Sheppard, Stuart, Styer, Thorn, Wagenseller, Walborn, Warden, Wilcox, Wilson, Zoller and Lawrence, *Speaker*—39.

So the question was determined in the negative.

The question recurring,

Will the House agree to the motion to postpone the bill for the present.

#### VETO MESSAGE.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read, as follows, viz:

#### EXECUTIVE CHAMBER.

Harrisburg, March 15, 1859 }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I herewith return to the House of Representatives, in which it originated, a bill, entitled "An Act to incorporate the Union school directors in Wattsburg, in the county of Erie," without my approval.

The object of the bill seems to be to secure the erection of school buildings in the borough of Wattsburg, at a cost not exceeding three thousand dollars, at the joint expense of the tax-payers of the borough, and of the townships of Amity and Venango, and yet securing to the former only the use of "one of the rooms on the

first floor," and to the two townships neither authority to use a room or send a pupil to the school.

The seventh section authorizes the directors mentioned in the bill "to manage the said buildings" after they are completed, but no regulations or limitations whatever are prescribed, not even so far as to designate the purpose for which they shall be used. The directors are authorized to "rent the buildings to competent teachers," but no obligations or restrictions are imposed upon either, nor are any parties or uses designated to which the rent shall be applied, nor is there any thing in the act to prevent the application of the money to the private purposes of the directors, without accountability to any body. Or, they "may employ teachers, and conduct the same as may best suit the public and those concerned;" but who are meant by "the public," and "those concerned," is left to conjecture. The power to "employ teachers and conduct the same" is unreserved and absolute, without any restrictions upon the directors, or any accountability on their part to the people whose money is used in the erection of the buildings. It is not stated who may be admitted to the school as pupils, or upon what condition; nor are the rights of the people embraced in the territory in any manner defined. No intimation is given as to what kind of schools are to be kept in the buildings; whether sectarian or secular, private or public; nor whether under the general school law or otherwise.—Part of the machinery of the common school system is to be used to secure the erection of the buildings; but further than that, the school system is wholly ignored, and its benefits, so far as the proposed buildings are concerned, denied to the citizens who are compelled to aid in their erection. The bill is also otherwise crude and incongruous, uncertain as to its objects and operation, and exceedingly imperfect in its details.

For these reasons the bill cannot receive the Executive approval, and is therefore returned for re-consideration.

WM. F. PACKER.

The SPEAKER laid before the House a communication from the Principal of the Pennsylvania Institution for the instruction of the blind; which was read.

Adjourned until this afternoon at 3 o'clock, P. M.

#### AFTERNOON SESSION.

The SPEAKER called the House to order at 3 o'clock, P. M.

Mr. WILLIAMS, (Bucks,) moved that the House re-consider the vote had on the final passage of the act to pay the claim of Burke & Gonder; which was agreed to.

A motion was made by Mr. WILLIAMS, (Bucks,) that the further consideration of the bill be postponed for the present.

On the motion to postpone the bill for the present, Mr. WARDEN moved to postpone indefinitely.

On the motion,

The yeas and nays were required by Mr. ROSE and Mr. NILL, and were as follow, viz:

YEAS—Messrs. Acker, Bailet, Barnsley, Barlow, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Campbell, Chase, Custer, Dismant, Dodds, Eckman, Evans, Fleming, Foster, Glatz, Good, Graham, Gratz, Gray, Hill, Hottenstine, Jackson, Ketchum, Kinney, Mann, Mahaffey, McCurdy, Miller, Nill, Oaks, Peirce, Pinkerton, Ramsdell, Rose, Rouse, Shafer, Smead, Smith, (Berks,) Stephens, Stoneback, Thorn, Walker, Warden, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wolf and Woodring—53.

NAYS—Messrs. Abbott, Burley, Church, Durhoraw, Ellmaker, Fearon, Fisher, Hamersly, Harding, Kenegy, Lawrence, (Washington,)



M'Clure, Palm, Patterson, Price, Proudfoot, Quigley, Sheppard, Styer, Wagenseller, Walborn, Witman, Wigton, Wilcox, Wilson, Zoller and Lawrence, *Speaker*—27.

So the question was determined in the affirmative.

Mr. WILSON, on leave, presented four petitions signed by two hundred and fifty-one citizens of Beaver county, in favor of the repeal of the law creating the office of county school superintendent.

Also, one from twenty-nine citizens of same county, in favor of a law to afford relief from the evil effects of the present license law.

Also, one from forty-two citizens of same county, in favor of a law to prevent the rendition of fugitive slaves.

Mr. WILCOX asked, but was refused leave, to introduce a resolution that five hundred copies of the report of the managers of the Farmers' High school, he printed in the German language for the use of the House.

A motion was made by Mr. BARNESLEY, that the House re-consider the vote had on the act to prevent the defacing of bank notes.

And on the question,

Will the House agree to the motion?

A motion was made by Mr. KINNEY, that the further consideration of the same be postponed for the present; which was agreed to.

The House resumed the consideration of the act for the relief of John S. Miller.

The question recurring,

Shall the bill pass?

Mr. M'CLURE reiterated the assertion which he had made during the morning session, that Mr. Miller had been rendered bankrupt by this contract. The Committee on Claims of last session had unanimously reported in favor of the application, and the same committee this session had taken a similar course. Two standing committees of the House had thus sanctioned the measure. The relief asked, was not for the benefit of Mr. MILLER, but for his creditors. The money, if the appropriation passed, would go into court, and be paid out to them.

On the final passage,

The yeas and nays were required by Mr. BOYER, (Schuylkill,) and Mr. NILL, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Burley, Church, Durboraw, Ellmaker, Fearon, Fisher, Graiz, Hamersly, Harding, Irish, Keneagy, Ketchum, Lawrence, (Washington,) McHaffey, M'Clure, McDowell, Miller, Palm, Patterson, Peirce, Pinkerton, Price, Proudfoot, Quigley, Ramsdell, Rohrer, Rouse, Styer, Thorn, Wagenseller, Walborn, Warden, Wigton, Wilcox, Williams, (Bucks,) Wilson, Zoller and Lawrence, *Speaker*—41.

NAYS—Messrs. Barnsley, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Campbell, Chase, Custer, Dismant, Dodds, Eckman, Foster, Glatz, Good, Graham, Gray, Gritman, Hill, Hottenstine, Jackson, Kinney, Mann, M'Curdy, Nill, Oaks, Rose, Shafer, Sheppard, Smead, Smith, (Berks,) Stephens, Stoneback, Walker, Witman, Wiley, Williams, (Bedford,) Williston, Wolf and Woodring—40.

So the question was determined in the affirmative.

Several of the members having voted after the name of the SPEAKER was called, thus changing the result of the vote; objections were made; whereupon,

On motion of Mr. M'CLURE, the vote first had was re-considered.

And the question again recurring,

Shall the bill pass?

The yeas and nays were required by Mr. M'CLURE and Mr. PATTERSON, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Burley, Church, Durboraw, Ellmaker, Evans, Fear-

on, Fisher, Hamersly, Harding, Irish, Ketchum, Lawrence, (Washington,) McHaffey, M'Clure, McDowell, Miller, Palm, Patterson, Pennell, Peirce, Pinkerton, Price, Proudfoot, Quigley, Ramsdell, Rohrer, Rouse, Styer, Thorn, Wagenseller, Walborn, Warden, Wigton, Wilcox, Williams, (Bucks,) Wilson, Zoller and Lawrence, *Speaker*—41.

NAYS—Messrs. Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Campbell, Chase, Custer, Dismant, Dodds, Eckman, Fleming, Foster, Glatz, Good, Graham, Gray, Gritman, Hill, Hottenstine, Jackson, Kinney, Mann, Neall, Nill, Oaks, Shafer, Sheppard, Smead, Smith, (Berks,) Stephens, Stoneback, Walker, Witman, Wiley, Williams, (Bedford,) Williston, Wolf and Woodring—42.

So the question was determined in the negative.

#### REPORT OF A COMMITTEE.

Mr. WALBORN, on leave, from the Committee on Railroads, reported, with amendments, the act to authorize the Germantown passenger railway company and the Green and Coates Streets passenger railway company, jointly to lay a single track on Fourth and Eighth streets, city of Philadelphia.

Mr. LAWRENCE, (of Washington,) moved that the rules be suspended, and the House proceed to the consideration of the above bill; which was agreed to.

Said bill was then taken up, and the title being under consideration,

Mr. WILLISTON wished to make some remarks before the vote upon the final passage of the bill. The claims of the two contesting parties, the Germantown and Green and Coates, were not unfamiliar to the House, and heretofore their names had been used separately—never in conjunction, as in the present bill. Heretofore they had come into the Legislature, like the bristling lion and the tiger, diametrically opposed. To-day, however, they entered like the Siamese twins.

In itself this was a trifling question, and had perhaps derived its original importance from the fact that the incidentals attached to it were of more account than the subject itself.

He had been startled in the early part of the session, upon returning to Harrisburg after a temporary absence, to find that a blaze of excitement had sprung up within a week. He had asked what was the matter, and could receive no reply, except the ominous words "Germantown" and "Green and Coates." At last he had ascertained the truth, which simply was that two rival corporations had, by some inexplicable means, turned the Legislature upside down.

Mr. GRITMAN wished to inquire whether the gentleman, when he had heard of Germantown and Green and Coates, had heard any allusions made to the underground railway.

Mr. WILLISTON said that he had, because he belonged to that corporation, and there was rarely an occasion when he went home that he did not, in one way or another, help operate that railroad.

This, however, was not to the point. The excitement from the first outbreak seemed to increase, and men who had enlisted under honest motives, became more deeply interested. Such expressions were at length heard as "that's our man. He's fixed on Green and Coates." "That's one of our party; nothing can move him; he's fixed on Germantown."

Now, he did not know exactly what fixed meant.

It was a well settled maxim that men should not only be honest, but should seem to be honest, and avoid even the appearance of evil doing. Now, it would be impossible for the members in the House to vote in favor of the bills

without being liable to the charge of being "fixed."

And in this matter the third House had taken the most especial interest. At different times it was apparent that there was a likelihood of one of the bills coming up for consideration, and on such occasions the lobby members had rushed in with force, like a parcel of hounds led by a hurly two hundred and fifty pound captain of the hunt.

The Chairman said that it was not proper to allude to members by name.

Mr. WILLISTON replied that he had not done so.

From these things, which he had just narrated, it was evident that if a bill should pass, connecting these two heretofore rival companies, the House would incur a just suspicion of seeming false.

To avoid this he appealed to the members personally and as legislators of the great State of Pennsylvania to refuse the bill, and not even to appear to be corrupted by outside influences. If this bill was to pass he feared that they would justly incur the suspicion of having been influenced by unfair means. The character of the Legislature should not be trifled with.

If the city of Philadelphia needed a road in the streets named in the bill, he would join in the formation of a bill fifteen lines in length, which would bestow upon the councils the right to grant the privilege. He had already suggested this, and had been met by the answer, apparently half serious, that "the Legislature was cheaper than the local government."

God forbid that such an imputation should rest upon the Legislature, of which he had heretofore considered it an honor to be a member.

Mr. FOSTER said he understood this was a compromise measure, between the high contracting parties who had got up the bill; but he feared the committee of conference represented those companies alone, and that the State's interests had not been looked to. He recollected distinctly that one of the bills, which had been swallowed up in this one now under consideration, contained a clause giving the State fifty thousand dollars for the privileges we are granting in the bill before us. This, it was true, was a compromise measure; but he thought the inducement held out to the State was compromised away entirely. He was willing, as the companies had given up some of the claims in former bills, that the State should do the same; but she should not be asked to give up all. He therefore moved to go into committee to insert the following additional section:

"That before this act shall go into effect, the passenger railroad companies mentioned shall each deposit with the State Treasurer bonds of their respective companies to the amount of \$5,000 each, payable to the State in five equal payments without interest, which shall have been recorded in the office of the recorder of deeds of Philadelphia, and be a first mortgage on the property and chartered privileges of said roads respectively, until paid."

Mr. THORN moved to amend the amendment by adding "and that the same be appropriated to the payment of Allegheny bonds."

Mr. FOSTER doubted if the gentleman would vote for the section, should he accept his modification.

The motion to go into committee of the whole was not agreed to.

And the question recurring,

Shall the bill pass?

The yeas and nays were required by Mr. WILLISTON and Mr. ROSE, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley,



Campbell, Chase, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Glatz, Good, Graham, Gray, Green, Gritman, Hamersly, Harding, Hill, Jackson, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, M'Clure, McDowell, Miller, Neall, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Price, Proudfoot, Quigley, Ramsdell, Rohrer, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Styer, Thorn, Wagenseller, Walborn, Walker, Warden, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wolf, Woodring, Zoller and Lawrence, *Speaker*—79.

YEAS—Messrs. Barnsley, Foster, Hottenstine, Irish, M'Curdy, Rose and Williston—7.

So the question was determined in the affirmative.

Agreeably to order, the House resumed the consideration of bills on Private Calendar,

Whereupon the following were read, and no objections being made, laid aside for second reading.

No. 683. "An Act to incorporate the Washington fire insurance company, to be located in the city of Philadelphia."

No. 684. "An Act to incorporate the Penn steamship and steam boiler manufacturing company."

Mr. MILLER offered the following:

*Resolved*, That as the pupils of the Pennsylvania Institute for the instruction of the blind have visited Harrisburg for the purpose of exhibiting before the Legislature, the Sergeant-at-Arms be directed to keep the doors closed until 7 o'clock, P. M., against all persons except to members, officers and reporters of the Legislature, and those who may accompany them; which was adopted.

Messrs. WILEY and NEALL moved a reconsideration of the vote by which the act for the relief of Jno. S. Miller was negatived.

Mr. WILLISTON opposed the reconsideration, as he had opposed the bill when it was before the House. The act selling the main line of the works of the Pennsylvania railroad contained a clause providing that all claims against the canal should be paid by the purchaser, and yet the Legislature seemed disposed to entertain this application. He was astonished, and yet perhaps without cause; for he had little faith or hope in this House on questions of propriety or integrity.

Mr. NEALL said that his colleague and himself had moved for a reconsideration, because it was their right, and because they had thought proper. As to how they cast their votes, they were not responsible to the gentleman from Tioga, but to their constituents.

Mr. M'CLURE defended the bill, and said that if the members understood it, there would not be twenty opposing votes in the House. The impression seemed to prevail that if the bill passed, the State would have to pay the money. This was a mistake. It would not take one dollar out of the treasury, because the Pennsylvania railroad company would be liable for it to the Commonwealth.

Mr. SHEPPARD had been absent when the previous discussion took place upon this subject, and had not thoroughly understood it when the vote was taken. Now, however, he would vote to reconsider.

Mr. WILLISTON again opposed the bill strongly, and denied having personally alluded to any one, as Mr. NEALL had intimated. He did not wish to give vent to sentiments which, smarting under the recent action of the House, he entertained, and the utterance of which might perhaps exclude him from the hall; not, however, that he considered it much honor to retain his present position.

Mr. IRISH moved that the further consideration of the bill be postponed for the present.

Mr. HILL moved to postpone the same indefinitely.

And on this motion, the yeas and nays were required by Mr. SMITH, (Berks,) and Mr. BOYER, (Schuylkill,) and were as follow, viz:

YEAS—Messrs. Barnsley, Barlow, Boyer, (Schuylkill,) Brodhead, Chase, Custer, Dismant, Dodds, Fleming, Foster, Good, Graham, Hill, Hottenstine, Jackson, Ketchum, Kinney, Nill, Smead, Smith, (Berks,) Stoneback, Walker, Williams, (Bedford,) Williston and Wolf—25.

NAYS—Messrs. Abbott, Acker, Boyer, (Clearfield,) Bryson, Burley, Church, Ellmaker, Evans, Fearon, Gratz, Gray, Green, Hamersley, Harding, Irish, Keneagy, Lawrence, (Washington,) Mann, Mehaffey, M'Clure, M'Curdy, M'Dowell, Miller, Neall, Palm, Patterson, Peirce, Pinkerton, Price, Proudfoot, Ramsdell, Rohrer, Rouse, Sheppard, Stuart, Styer, Thorn, Wagenseller, Warden, Wigton, Wilcox, Wiley, Williams, (Bucks,) Wilson, Zoller and Lawrence, *Speaker*—46.

So the question was determined in the negative.

The question recurring,

Will the House agree to the motion to postpone the bill for the present?

It was determined in the negative.

The question again recurring,

Shall the bill pass?

The yeas and nays were required by Mr. WILLISTON and Mr. M'CLURE, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Boyer, (Clearfield,) Burley, Church, Durboraw, Ellmaker, Evans, Fearon, Fisher, Gratz, Green, Hamersly, Harding, Irish, Keneagy, Ketchum, Lawrence, (Washington,) Mann, Mehaffey, M'Clure, Miller, Neall, Palm, Patterson, Pennell, Peirce, Price, Proudfoot, Quigley, Ramsdell, Rohrer, Rouse, Sheppard, Stuart, Styer, Thorn, Wagenseller, Walborn, Warden, Wigton, Wilcox, Wiley, Williams, (Bucks,) Zoller and Lawrence, *Speaker*—46.

NAYS—Messrs. Barnsley, Barlow, Bayard, Bertolet, Boyer, (Schuylkill,) Brodhead, Bryson, Chase, Custer, Dismant, Dodds, Eckman, Fleming, Foster, Glatz, Good, Graham, Gray, Gritman, Hill, Hottenstine, Jackson, Kinney, Nill, Rose, Shafer, Smead, Smith, (Berks,) Stephens, Stoneback, Walker, Williams, (Bedford,) Williston, Wilson and Wolf—35.

So the question was determined in the affirmative.

The hour of five having arrived, the SPEAKER adjourned the House until next Thursday morning, at nine and a half o'clock.

#### NO. 616.—FILE OF THE HOUSE.

THOMPSON, Judiciary—March 3.

#### AN ACT to protect the wages of labor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That in all assignments of property, whether real or personal, which may hereafter be made by any person or persons, firm, company or association, whether chartered or not, to trustees or assignees, on account of inability or pretended inability at the time of such assignment to pay his, her, their or its debts, the wages and salaries of persons employed by such person or persons, firm, company or association shall be preferred and paid by such assignees or trustees, before any other creditors of such assignor or assignors.

SEC. 2. That in case of the death of any person resident within this Commonwealth, the wages or salaries of any person employed by him shall be first paid out of his estate before any other debts, except necessary funeral expenses, and medicine, and attendance, furnished

in the last sickness; and in case of the dissolution of any firm, company or association, as aforesaid, or of the private sale, or transfer, or any determination whatsoever of the business of such firm, company or association, the wages and salaries of persons employed by them, shall be a lien upon their property, and shall be first paid out of the estate, effects and assets of such firm or company.

SEC. 3. That in all cases of executions, landlord's warrants, attachments, veuditioni exponas, levavi facias, and writs of a like nature, hereafter to be issued for the sale of real or personal property, against any person or persons, firm, company or association as aforesaid, it shall be the duty of the sheriff, or other officer executing such writ, to give to the persons employed by the defendant in said writ notice of the issuing thereof by twenty printed handbills, put up in public places in the neighborhood of the property to be sold, at least two weeks before the proposed sale, requiring them to make known to him at least five days before the sale of said property, the kind and amount of their respective claims against such defendant; and when the claims shall have been so made known it shall be the duty of the sheriff or other officer to pay out of the proceeds of the sale under said writ the amount due to each of the persons so employed.

SEC. 4. That it shall and may be lawful for any person or persons to whom claims on account of wages or salaries may be due, from any person, firm, company or association, as aforesaid, when any such claim amounts to the sum of twenty-five dollars, to proceed to collect the same by distraining therefor in the same manner as is provided for the collection of rent, under the first section of the act of twenty-first March, Anno Domini one thousand seven hundred and seventy-two, giving a remedy by distress for rent: *Provided*, That the property of the actual debtor shall alone be liable to such distress.

SEC. 5. That the claims for wages, or on account of salaries mentioned in the foregoing sections, shall be a lien on the real estate of the persons, firm, company or association, liable to pay the same, prior and superior to all other liens upon said real estate, except the liens of judgments and mortgages, given for the purchase money of the property on which they are liens, and the liens of mechanics and materialmen, filed under the act of sixteenth of June, one thousand eight hundred and thirty-six, and its supplements, and except as may be in the foregoing sections excepted: *Provided*, That the persons who may be required to pay the claims intended to be preferred by the provisions of this act, shall, in every case, first exhaust the proceeds of the personalty, if there be such, before resorting to the realty, and that no one claim so preferred, or hereby made a lien, shall exceed the sum of one hundred dollars.

M'CLURE, Judiciary—Feb. 25.

#### AN ACT relating to rate of interest.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, the act regulating the rate of interest, passed the twenty-eighth day of May, Anno Domini one thousand eight hundred and fifty-eight, shall be so constructed as not to affect actions pending under the former usury laws; and at the time of the passage of the act of the twenty-eighth May, Anno Domini one thousand eight hundred and fifty-eight; and it is the intention of the Legislature that no plaintiff, in any cause, shall be prejudiced by the passage of the last mentioned act, but that the said act is prospective only in its operation.



## No. 723.—FILE OF THE HOUSE.

HAMEL SLY, Select—March, 3.

AN ACT to modify the existing auction laws of the Commonwealth, and to provide more effectually for the collection of the State tax or duty on auction sales.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That any citizen of the United States and of the State of Pennsylvania, paying into the State Treasury the sum of two thousand, and giving bonds in the sum of five thousand dollars, with two or more sufficient securities, to be approved of by the judges of the court of common pleas of said city, the Governor thereupon shall grant him a commission of the first class for one year, to make sales by auction or by public outcry, or on commission, of real estate, stock, vessels, loans and of any and every description of merchandize and personal property whatsoever, and to any amount, in the city of Philadelphia.

SEC. 2. That upon any citizen as aforesaid paying into the State Treasury the sum of fifteen hundred dollars, and giving bonds with securities as aforesaid, the Governor shall grant him a commission of the second class for one year, to make sales in said city by auction or by public outcry, or on commission, of real estate, stocks, loans, vessels, and of any and every description of merchandize and personal property whatsoever; providing the sales so made of merchandize and personal property in any one year does not exceed the sum of one million five hundred thousand dollars.

SEC. 3. That upon any citizen as aforesaid paying into the State Treasury the sum of one thousand dollars, and giving bonds with securities in the sum of three thousand dollars, the Governor shall grant him a commission of the third class for one year to make sales in said city, by auction or by public outcry, or on commission, of real estate, stocks, loans, vessels and of any and every description of merchandize and personal property whatsoever; providing the sales so made of merchandize and personal property in any one year does not exceed the sum of one million of dollars: *Provided*, That in case the sales of any auctioneer taking out a commission under the second or third class shall exceed the maximum amount authorized by this act, he shall pay into the State Treasury at the close of each year in which his sales shall so exceed said maximum, the sum of five hundred dollars in addition to the amount paid for his original commission.

SEC. 4. That said auctioneers shall pay into the treasury of the Commonwealth, a tax or duty of one-fourth of one per centum on all sales of loans or stocks, and shall also pay into the treasury aforesaid, a tax or duty of one and a half per cent. on all other sales to be made as aforesaid, except on groceries, domestic goods or merchandize, real estate or shipping, as required by and subject to the provisions of existing laws; and it shall be the duty of the auctioneer having charge of such sales, to collect and pay over to the State Treasurer the said duty or tax, and give a true and correct account of the same quarterly, under oath or affirmation.

SEC. 5. That any citizen as aforesaid obtaining an auctioneer's commission of either class, shall, at the time of taking out said commission, be compelled to make oath that he will conform in all things to the true intent and meaning of the several auction laws of this Commonwealth, according to the best of his knowledge, information and belief; and shall also make return at least once each and every year to the State Treasurer of the total amount of sales made by him at auction or on commission of merchandize

and personal property; the same to be a true and correct account under oath or affirmation before an alderman of the said city of Philadelphia.

SEC. 6. That it shall not be lawful for any person or persons to make sale by auction or by public outcry in the city of Philadelphia, of real estate, stocks, loans, vessels, merchandize and personal property of any description, except it be by a duly commissioned auctioneer of the said city: *Provided*, That this act shall not be construed as to interfere with any sales authorized by the courts of said city, or in consequence of any legal proceeding whatever.

SEC. 7. That any person or persons found guilty of selling at auction or public outcry in the city of Philadelphia, except a duly commissioned auctioneer, shall be deemed guilty of a misdemeanor, and upon the conviction thereof in the court of quarter sessions of the peace of the said county, be sentenced to pay a fine of five hundred dollars; one-half to go to the informer, and the other half to go to the public school fund of the city of Philadelphia; and for the second offense, he shall be sentenced to pay a like fine, and undergo an imprisonment in the county jail for thirty days; the fine to be applied as in the first offense.

SEC. 8. That no auctioneer in the city of Philadelphia shall at the same time have more than one house or store for the purpose of holding an auction; and every auctioneer in said city shall designate in writing such house or store, and also his partner or partners, if any, engaged with him in his said business; which said writings shall be deposited by such auctioneer with the recorder of deeds of the said city; and no auctioneer shall expose to sale by public auction or vendue in said city, any goods, wares or merchandize, or effects whatsoever, at any other places than in the said houses and stores respectively, to be designated as aforesaid, except goods, wares and merchandize which shall be sold in the original package in which they are imported; domestic dry goods, in original packages, as they come from the manufacturers; stocks of dry goods, groceries, cabinet furniture, crockery and glassware at the warehouses or stores of the owners, the removal of which to the auction stores would be attended with risk and expense to the owners; goods of persons deceased, or of persons who are *bona fide* declining business; household furniture, musical instruments, and such like articles as have been usually sold at auction in warehouses or in public streets or wharves, or sales authorized by the courts of said city, or in consequence of any legal proceeding whatever; and if any auctioneer in said city shall enter upon the execution of his office, or shall permit any person to act in his behalf, without designating his said house or store, or his partner or partners, if any, in the manner and form herein prescribed, or shall hold any auction at any other place than the place so designated, except for the sale of the articles hereinbefore excepted, he shall be deemed guilty of a misdemeanor; and on conviction, shall be fined in a sum not exceeding three hundred dollars; and it shall be the duty of the court before whom each conviction is had, to transmit forthwith a particular report thereof to the Governor of the Commonwealth, who is hereby authorized, in his discretion, to inhibit the person so convicted from acting as an auctioneer so long as such inhibition shall continue.

SEC. 9. That it shall be the duty of the appraisers of mercantile taxes in the several counties of this Commonwealth, to call at least once in every year at the regular place of business of every commissioned auctioneer in said cities and counties, and make a personal examination of the books and papers of said auctioneer, and report to the Auditor General the amount of sales made by said auctioneer during each

quarter, subject to the payment of the State tax or duty, specifying the different classes of such sales; for which service the said appraiser shall be authorized to demand and receive from said auctioneer a fee of five dollars in each case; and in case any auctioneer shall refuse to permit such examination, it shall be the duty of said appraiser to report the fact to the Governor, who shall thereupon revoke and annul the commission of such offending auctioneer.

SEC. 10. That all former auction laws, and parts of laws relating to auctions and auctioneers for the city and county of Philadelphia, conflicting with the provisions of this act, be and the same are hereby repealed.

## No. 642.—FILE OF THE HOUSE.

NILL, Education—March 3.

AN ACT supplemental to an act, approved the eighth day of May, one thousand eight hundred and fifty-four, entitled "An Act for the regulation and continuance of education by common schools."

WHEREAS, It is the true intent and meaning of the thirty-ninth section of the act, approved the eighth day of May, Anno Domini one thousand eight hundred and fifty-four, entitled "An Act for the regulation and continuance of education by common schools," that the salary of county superintendent of common schools should be paid out of the State appropriation to each county respectively, and not out of the general State appropriation:

AND WHEREAS, It is the practice to deduct the aggregate salary of such superintendents from the aggregate State appropriation to common schools; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the appropriation of State funds shall be made to each county in this State, independent and exclusive of any salary of any superintendent as aforesaid, and the salary of such superintendents respectively, shall be paid by the order of the State superintendent, as is now provided for by law, which salary shall be deducted from the State appropriation to each county respectively.

## No. 434.—FILE OF THE HOUSE.

IRISH, Judiciary—Feb. 25, 1859.

AN ACT supplementary to an act relating to counties and townships, and county and township officers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the terms and provisions of the fifth and sixth sections of the act relating to counties and townships, and county and township officers, approved the fifteenth day of April, Anno Domini one thousand eight hundred and thirty-four, be and the same are hereby extended to cities and boroughs.

SEC. 2. That in no case shall any county, city, township or borough, be compelled by any judicial proceeding to pay any claim against the same, or any alleged debt thereof, nor shall any such county, city, township or borough, be compelled by any legal or judicial process whatsoever, to make provision therefor, until a judgment has been first obtained against such county, city, township or borough, by suit or action at common law, in accordance with existing regulations; and then only by execution issued upon such judgment, in accordance with the provisions of the said sixth section of the said act.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 55.

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## SENATE.

WEDNESDAY, March 16, 1859.

The Senate met at 10 o'clock, A. M. The SPEAKER in the Chair.

Prayer was offered by Rev. Dr. Bartine, of the Methodist Episcopal church, Harrisburg.

On motion of Mr. SCHELL, the reading of the Journal was dispensed with.

## REPORTS OF COMMITTEES.

Mr. BELL, (Judiciary,) reported as committed, "An Act relative to sureties of county treasurers;" and, on motion of Mr. SCHELL, the Senate proceeded to consider the same; and after passing second reading, consideration of the bill was postponed for the present.

Mr. FINNEY, (same,) as committed, "A supplement to the act limiting and regulating sequestrators in case of the Erie canal company."

Also, (same,) as committed, "An Act providing for the appointment of policemen in the borough of Meadville, and the settlement of claims on account of the poor in said borough."

Mr. THOMPSON, (Roads and Bridges,) as committed, House bill No. 543, "An Act to incorporate the White Marsh and Cheltenham turnpike road company."

## BILLS IN PLACE.

Mr. RUTHERFORD read in his place and presented to the Chair, a bill, entitled, "An Act to authorize the trustees of the Evangelical Lutheran church in Middletown, Dauphin county, to sell and convey certain real estate."

Also, "An Act to authorize the trustees of the church of the United Brethren in Middletown, Dauphin county, to sell and convey certain real estate."

Mr. YARDLEY, "A supplement to the act incorporating the Attleboro, Humesville and Bristol turnpike road company."

Mr. GAZZAM, "An Act authorizing the State Treasurer to refund certain money to Samuel Baird, paid by him."

Mr. SCHELL, "An Act for the relief of Samuel W. Peirson, late a clerk of the Senate."

Also, a memorial from the same on this subject.

## ORIGINAL RESOLUTION.

Mr. SCHELL moved that the Senate adjourn until to-morrow morning at 10 o'clock.

On which motion,

The yeas and nays were required by Mr. SCHELL and Mr. SCOFIELD, and were as follow, viz:

YEAS—Messrs. Blood, Craig, Fetter, Keller, Marselis, Nunemacher, Penney, Schell, Shaeffer, Schindel, Steele, Turney, Yardley and Cresswell, *Speaker*—14.

NAYS—Messrs. Baldwin, Bell, Brewer, Coffey, Finney, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Rutherford, Scofield, Thompson and Wright—16.

So the question was determined in the negative.

## ORDERS OF THE DAY.

Senate bill No. 506, entitled "An Act to incorporate the Towanda gas and water company," came up in order on second reading and passed finally.

Senate bill No. 188, "An Act to provide for the payment of certain claims," came up in order; whereupon

Mr. MYER offered a substitute, which together with the bill,

On motion of Mr. SCOFIELD, was ordered to be printed, and further consideration of the same was postponed for the present.

On motion of Mr. PENNEY, the Senate adjourned until to-morrow at 10 A. M.

## SENATE.

THURSDAY, March 17, 1859.

The Senate met at 10 o'clock, the SPEAKER in the chair.

Prayer was offered by the Rev. Dr. Bartine of the Methodist Episcopal church, Harrisburg. The Journal was read and approved.

## REPORTS OF COMMITTEES.

Mr. MILLER, (Judiciary,) reported, as committed, "An Act authorizing the appointment of an additional notary public in the borough of Canonsburg, Washington county;" and, on his motion, said bill was taken up, and after being duly considered, passed finally.

Mr. CRAIG, (Railroads,) as committed, House bill No. 406, "A supplement to the act incorporating the Philadelphia and Reading railroad company."

Also, (same,) as committed, "An Act to incorporate the Pottsville and Minersville railroad company."

Also, (same,) with a negative recommendation, "An Act relative to fencing of railroads in Bradford county."

Also, (same,) with amendment, "An Act to incorporate the Pittsburgh, Allegheny and Manchester passenger railway company."

Also, (same,) with a negative recommendation, "An Act regulating the construction of passenger railways in Philadelphia."

Mr. COFFEY, (same,) with amendment, House bill No. 371, "An Act to incorporate the Citizens' passenger railway company of Pittsburgh."

Also, (same,) with a negative recommendation, House bill No. 504, "An Act providing for the fencing of the Cleveland and Pittsburgh railroad, in Beaver county."

Also, (same,) with amendment, "An Act to incorporate the Wilkesbarre and Pittston railroad company."

Aiso, (same,) with amendment, "An Act to incorporate the Weysauking railroad company."

Mr. STEELE, (same,) with amendment, "An Act to incorporate the Lombard and South Street passenger railway company."

Also, (same,) as committed, House bill No. 374, "An Act to incorporate the Lewishurg, Selinsgrove and Philadelphia junction railroad company."

Also, (same,) with a negative recommendation, "An Act to incorporate the Twelfth and Thirteenth Streets passenger railway company."

Also, (same,) with amendment, "An Act to incorporate the Pittsburgh and East Liberty passenger railway company."

Mr. FINNEY, (same,) as committed, "A further supplement to an act incorporating the Pittsburgh and Steubenville railroad company."

Also, (same,) as committed, "A further supplement to the act incorporating the Mercer and New Castle railroad company."

Also, (same,) with a negative recommendation, "An Act providing for the fencing of the Williamsport and Elmira railroad."

Also, (same,) as committed, "A supplement to the act incorporating the Chestnut Hill and Cheltenham railroad company."

Mr. KELLER, from the Committee to Compare Bills, made a report; which was read.

Mr. BREWER, from the Committee on the Judiciary System, asked that said committee be discharged from the further consideration of the bill relative to the claim of Thomas Morley.

The request was granted.

## BILLS IN PLACE.

Mr. MARSELIS read in his place and presented to the chair, "An Act to incorporate the Western library association of Philadelphia."

Mr. TURNEY, "An Act authorizing the trustees of the Brush Creek German Reformed and German Lutheran congregations, in Westmoreland county, to sell coal on their farm."

## ORDERS OF THE DAY.

"An Act to pay the claim of Charles Fisher," came up in order on third reading, and passed finally.

Senate bill No. 280, "An Act relating to costs," came up in order, and after some discussion upon its merits,

On motion of Mr. BREWER, consideration of the same was postponed for the present.

Senate bill No. 540, "A further supplement to an act for the regulation and continuance of a system of education by common schools," came up in order on second reading.

The first section being before the Senate,

Mr. TURNEY made a brief statement in explanation of the provisions of the bill. The design of the first section was, he said, to prevent the frequent change of books which was resorted to, to suit the purposes of speculators.

Mr. MILLER thought the section a very singular one. The idea that the public schools should be compelled to use certain kinds of books, for a period of three years, was, he said, absurd. The tendency of the bill would be to enforce upon the public schools a series of books which might be injurious to the minds of the children composing them. The section was wrong, and he hoped it would not be adopted.

Mr. TURNEY further advocated the provisions of the section, as designed to meet the views of the people, who complain of the frequent change of books in the public schools. He had consulted the Superintendent of Common Schools, as well as others familiar with the



workings of the system, and their unanimous opinion was, that this section of the bill was calculated to work a salutary reform.

On the adoption of the first section,

The yeas and nays were required by Mr. MILLER and Mr. TURNEY, and were as follows, viz:

YEAS—Messrs. Fetter, Francis, Harris, Marselis, Nunemacher, Parker, Schell, Steele, Thompson, Turney, Welsh and Wright—12.

NAYS—Messrs. Bell, Coffey, Finney, Miller, Palmer, Penney, Rutherford, Yardley and Cresswell, *Speaker*—9.

So the question was determined in the affirmative.

The second section being before the Senate,

Mr. GAZZAM moved to strike out the word "eighteen," and insert the word "seventeen;" which was not agreed to.

Upon the second section a short discussion took place between Messrs. TURNEY in favor, and Messrs. WRIGHT, MILLER, PALMER, SCHELL and HARRIS in opposition to its adoption. The section provides that the directors of the common schools of any district in the Commonwealth shall employ no female teacher in the common schools who has not attained the age of eighteen, and no male applicant under the age of twenty-one.

The section was negatived.

Upon the question of adopting the third section,

Mr. FINNEY expressed his opposition to the third section. It provides that any director of the common schools shall, before entering upon the discharge of the duties imposed upon him by the existing laws, be qualified, by oath or affirmation, to be administered by an acting justice of the peace or alderman, to faithfully and impartially discharge the duties of his office. He thought the obligation imposed by the section would be a trammel upon the school system, and render it obnoxious to the people. He was not opposed to all the sections of the bill, but he was opposed to this. The effect of it would be to demoralize the sanctity of an oath, and to render the whole school system obnoxious.

Mr. BELL was opposed to all alterations of the school system, unless the change was demanded by necessity. He thought this tinkering with the system was unwise and impolitic, and he hoped the Senate would set its face against it, because it was not demanded, either from necessity or by the public wish.

Mr. TURNEY favored the section. It simply proposed a qualification which was prescribed for any office of a public character. It was no argument against the section to say that, because these school directors had never been sworn, heretofore, they should be sworn now. The office of a school director was an important one. They do more than select and reject teachers—they control the whole school fund. No present law imposes any obligation, legal or moral, on the school directors, and it was to remedy this defect that he proposed and advocated the bill. There was, he said, no reason why school directors should form an exception to other public officers. There are as many rogues, no doubt, in the school board as in any other office of public trust; and there is no instance, save this, where persons exercising important public functions, are permitted to do so, without the qualifications imposed by this section.

The section had been incorporated, with no view to embarrass the system of public schools. On the contrary, the whole bill was intended to benefit and aid that system. During the course of his remarks, he paid a flattering compliment to the Superintendent of Common Schools, as a gentleman of talent, energy and efficiency, and to whom belongs the credit of the beneficial results which have been witnessed.

On the question,

Will the Senate agree to this section?

The yeas and nays were required by Mr. MILLER and Mr. TURNEY, and were as follows, viz:

YEAS—Messrs. Blood, Craig, Fetter, Harris, Marselis, Nunemacher, Parker, Penney, Schell, Schindel, Steele, Thompson, Turney, Welsh, Wright and Yardley—16.

NAYS—Messrs. Baldwin, Bell, Coffey, Finney, Francis, Gazzam, Gregg, Miller, Myer, Palmer and Rutherford—11.

So the question was determined in the affirmative.

The fourth section being before the Senate, Mr. PALMER moved to amend by striking out the word "eight" and inserting the word "ten" in lieu thereof; which agreed to.

And the section, as amended, was adopted.

The fifth section having been read,

Mr. SCHELL advocated the fifth section.—The section provides that all independent school districts, heretofore formed, either by enactment of the Legislature or by any court of common pleas of this Commonwealth, be and the same are hereby abolished, and that it shall not be lawful for the said courts, after the passage of this act, to establish or continue any independent district for school purposes.

Mr. GAZZAM briefly opposed the section.

Mr. TURNEY favored it, and trusted that this, of all others, would receive the endorsement of the Senate. It was important to the success of the common school system of the State that it should be adopted, and he trusted it would receive the support of Senators.

A further explanatory discussion took place between Messrs. PENNEY, TURNEY, HARRIS and MILLER, as to the effect of the section.

Mr. TURNEY offered the following proviso, to come in at the end of the fifth section, which was adopted:

*Provided*, That no money in the treasury of any district hereby abolished, shall be taken and applied to school purposes for the township or townships out of which said district was originally formed, but shall remain and enure to the exclusive use of the territory comprising such district, and all taxes assessed, due and uncollected shall be applied in the same way.

On the adoption of the section, as amended,

The yeas and nays were required by Mr. TURNEY and Mr. MILLER, and were as follows, viz:

YEAS—Messrs. Blood, Fetter, Finney, Keller, Marselis, Nunemacher, Parker, Steele, Turney, Welsh and Wright—11.

NAYS—Messrs. Baldwin, Bell, Craig, Francis, Gregg, Harris, Miller, Myer, Palmer, Penney, Rutherford, Schell, Yardley and Cresswell, *Speaker*—14.

So the question was determined in the negative.

Mr. HARRIS moved to strike out the sixth section, and insert the following in lieu thereof:

That so much of the forty-eighth section of an act, entitled "An Act regulating the common school system of this Commonwealth," as relates to the office of county superintendent of common schools and his duties, be and the same is hereby repealed.

Mr. HARRIS briefly advocated the section, and expressed the hope that it would receive the sanction of the Senate.

Mr. BELL advocated the importance of the county superintendents of common schools, and opposed the section as designed to operate injuriously to the system.

Various other amendments and motions were submitted, most of them ruled out of order or withdrawn, upon which there was a running, informal discussion.

The provisions of this section are that the qualified electors of the several counties of this Commonwealth shall, at the next general elec-

tion, determine by ballot whether the office of county superintendent of common schools shall be abolished or not, and that the ballots so voted shall be "for the county superintendent," and "against the county superintendent," and the result of said election shall be certified by the proper officers in the mode prescribed by existing laws in relation to the returns for State officers; and if a majority of the votes polled should be against the abolition of said office, then the same shall remain as provided for by existing laws, but if a majority of the votes so polled, should be in favor of the abolition of the office, then the said office is to be declared abolished by the State Superintendent of Common Schools, to take effect on the first Monday in January next succeeding said election—notice of the same to be sent by said State superintendent to the several superintendents of the Commonwealth.

Mr. WELSH said, that, whatever might be his individual opinions upon this question, he felt bound, as a faithful representative, to vote for the proposition to submit this matter to the people for their decision. In doing so he desired to say that petitions signed by over *three thousand* tax-payers in York county, had been presented to this Legislature, asking that the law creating the county superintendency might be repealed, so far as York is concerned. Although the session was considerably more than half advanced, he had not received a single line, or heard a word, from his constituents, in opposition to the prayers of the petitioners. He was in favor of protecting, as far as he was able, the common school system of Pennsylvania, and he trusted that the people, in their wisdom, would resist any attempt to destroy its power and influence. He was the friend and advocate of education and free schools in every sense of these words—but he felt that it was his duty, desiring as he did to reflect the wishes of his constituents, to vote for this section, which left the question of county superintendency to the voters of the respective counties. He regretted very much that the friends of the county superintendency had not felt sufficient interest in this matter to give an expression of their sentiments to their representatives at Harrisburg, and in the total absence of such, and in the face of the thousands of tax-payers who advocated the repeal, he could not, as a faithful representative, vote against this section.

Mr. SCHELL moved to postpone consideration of the bill for the present.

Mr. BELL moved to amend by striking out the words, "for the present," and inserting the word, "indefinitely."

On which,

The yeas and nays were required by Mr. MILLER and Mr. FRANCIS, and were as follows, viz:

YEAS—Messrs. Baldwin, Bell, Finney, Gregg, Miller, Palmer, Penney, Rutherford, Yardley and Cresswell, *Speaker*—10.

NAYS—Messrs. Blood, Brewer, Coffey, Craig, Fetter, Francis, Gazzam, Harris, Keller, Myer, Nunemacher, Parker, Schell, Schindel, Steele, Thompson, Turney, Welsh and Wright—19.

So the question was determined in the negative.

The question recurring upon the motion to postpone for the present,

Mr. HARRIS moved to amend by postponing one week from to day; which was not agreed to, and the original motion was adopted.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor; which was read, and is as follows:

EXECUTIVE CHAMBER,  
Harrisburg, March 17, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed



the following Acts of the General Assembly, viz:

"An Act to repeal an act relative to roads and bridges in Jackson township, Huntingdon county."

"A supplement to an act to incorporate the Union School and Children's Home asylum; to provide for the taxation of non-resident venders of merchandize in the city of Philadelphia, and for the relief of Edward Hutchinson."

"An Act relative to the appointment of road and bridge viewers in Somerset county."

"An Act to reduce the number of directors of the American mutual insurance company of Philadelphia."

"An Act establishing the place of holding elections in the First ward of the city of Carbondale."

"An Act to incorporate the Presque Isle Dock company."

"An Act to incorporate the Newry railroad company."

"An Act establishing the place of holding elections in the township of Carbondale."

"An Act to regulate the compensation of county commissioners, poor directors, auditors and jurymen in Northampton county."

"An Act relative to the election of supervisors in the township of Salem, Westmoreland county."

"An Act to amend the road laws of Montgomery county."

"A supplement to the act, approved April 10, 1826, entitled 'An Act to protect the public in the full enjoyment of the works constructed for the purpose of inland navigation.'"

"An Act to provide for the payment of the expenses of the special election held in Luzerne county, June 8, 1858."

"An Act authorizing the qualified voters of the township of Hamilton, in Monroe county, to elect two additional supervisors."

"An Act to incorporate the People's insurance company, to be located in the city of Philadelphia."

"An Act to incorporate the Philadelphia and New Orleans steam navigation company."

"A supplement to an act authorizing the appointment of an auctioneer in the borough and township of Wilkesbarre, Luzerne county."

"A supplement to an act incorporating the borough of Duquesne."

"An Act confirming the sale of the German school house and lot of ground in Myerstown, Lebanon county."

"An Act relating to the place of holding elections in Jackson township, Huntingdon county."

"An Act to authorize the citizens of Butler township, Schuylkill county, hereafter to elect but one supervisor."

"An Act to incorporate the Newton gas company."

"A supplement to an act to incorporate the Allegheny and Buffalo Run plank road company."

"An Act to change the place of holding elections in the borough of Newville, Cumberland county."

"An Act relating to certain school taxes in Jefferson county."

"An Act to authorize the burgess and town council of the borough of Kittanning, to grade, curb and pave certain side-walks."

"An Act to incorporate the Fairmount market company."

"An Act repealing the act relative to roads and bridges in Mercer county."

"An Act relative to the township of Croyle, Cambria county."

"An Act relating to auctions and auctioneers within the county of Lawrence."

"An Act to authorize the commissioners of York county to borrow money."

"A further supplement to the act incorporating the Cambria iron company."

"A further supplement to an act relating to a burial ground and school lot in the borough of Pottsville."

"An Act relative to the pay of Wm. Porter, for damages sustained by the construction of the Erie extension of the Pennsylvania canal."

"An Act relating to auctions in the borough of York."

WM. F. PACKER.

The hour of one having arrived, the SPEAKER adjourned the Senate until to-morrow morning at 10 o'clock.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, March 17, 1859.

The House was called to order at 9½ o'clock, by the SPEAKER.

Prayer was offered by Rev. Jas. Colder.

The Clerk proceeded to read the Journal of Tuesday.

Mr. PEIRCE moved that the House proceed to the consideration of bill No. 545, "An Act relating to public highways in East Bradford township, Chester county;" which was agreed to, and the bill passed.

Mr. BAYARD moved that the rules be suspended, in order to enable him to read a bill in place.

Mr. CHASE moved to amend, that for the purpose of receiving reports of committees and reading bills in place, the rules be suspended; which was agreed to.

Mr. LAWRENCE, (Washington,) offered a resolution, that the use of the Hall be granted to J. H. B. Latrobe, for the purpose of delivering a lecture this evening on the voluntary emigration of free colored people of the United States to the Liberian Republic.

The House refused to suspend the rules to proceed to the consideration of the same.

#### REPORTS OF COMMITTEES.

The following bills were reported from the Committee of Ways and Means:

By Mr. SMITH, (Berks,) "An Act authorizing the State Treasurer to settle the account of the president judge of the Twentieth judicial district," as committed.

By Mr. WILCOX, Senate bill No. 477, "An Act relating to the collection of State and county taxes in the county of Berks," as committed.

Also, "An Act to reduce the State tax on real and personal estate," with a negative recommendation.

By Mr. WIGTON, "An Act for the further reduction of the State tax on real and personal estate," with a negative recommendation.

By Mr. GREEN, Senate bill No. 393, "An Act relative to Clerk hire," with a negative recommendation.

Also, "A further supplement to an act laying a tax on dogs in certain counties and for other purposes, approved April 4, 1831," as committed.

By Mr. THORN, "A supplement to the several acts relative to assessing and equalizing property, &c., for taxation," with a negative recommendation.

By Mr. WALBORN, "Supplement to an act to create a sinking fund and to provide for the gradual and certain extinguishment of the debt of the Commonwealth, approved April 10, 1849," with a negative recommendation.

By Mr. CHASE, "An Act to authorize the investigation of the claims for damages of Dennis M'Dowell," as committed.

Mr. GRATZ, (Judiciary,) as committed, "An Act relating to interest."

Also, as committed, "An Act to make decrees for the payment of money in equity proceedings, liens upon real estate, with the right to revive or continue the liens of the same by writ of *scire facias*."

Also, (same,) as committed, "An Act to extend a certain act relating to mutual saving funds and building associations to Susquehanna county."

Also, as committed, "An Act to authorize the auditors of Sullivan county to re-audit the account of Jas. Taylor, late treasurer of said county, with the Commonwealth."

Also, as committed, "A supplement to the act to provide for the erection of a house of employment and support of the poor in Lehigh county."

Mr. GRITMAN, (same,) as committed, "An Act repealing an act to increase the pay of commissioners, jurors and witnesses in Fayette county."

Also, as committed, "A supplement to the act relating to executions."

Also, as committed, "An Act to extend the powers of courts of equity in this Commonwealth."

Also, (same,) as committed, "An Act to confer on Edward E. Leetz the rights of a child born in lawful wedlock."

Also, as committed, "An Act to declare Laurel run, in Clearfield county, and Elk and Kersey run, in Elk county, a public highway."

Also, with a negative recommendation, "An Act changing the venue of a certain action from Schuylkill to Lebanon county."

Also, with a negative recommendation, "Supplement to an act relative to landlords and tenants."

Mr. KETCHUM, (same,) as committed, "An Act to confer on Horace G. Lutz the rights and privileges of a child born in lawful wedlock."

Also, as committed, "An Act in regard to the writ of estrepment."

Also, as committed, "An Act to authorize the appointment of an additional notary public in the county of Erie."

Also, as committed, "An Act relative to the collection of taxes on unseated lands in the borough of New Brighton, Beaver county."

Also, as committed, "A further supplement to an act approved April 7, 1849, encouraging the manufacturing operations of this Commonwealth."

Also, with a negative recommendation, "An Act further to prevent the disturbance of public meetings."

On motion of Mr. WILSON, said bill was re-committed.

Mr. IRISH, (same,) as committed, "An Act to authorize Lewis R. Greer to erect a ferry over the Allegheny river."

Also, as committed, "Supplement to an act regulating banks."

Also, as committed, "Supplement to an act relating to aldermen, justices of the peace, and constables in certain counties."

Also, with a negative recommendation, "A supplement to an act relating to the sale and conveyance of real estate, approved April 18th, 1853."

Mr. NILL, (same,) as committed, "An Act to prevent persons transacting business under a fictitious name."

Also, as committed, "An Act requiring railroad companies to make uniform reports to the Auditor General."

Also, as committed, "An Act relating to fees of county surveyors."

Also, as committed, "An Act relating to the election of borough officers in Bellefonte, Centre county."

Also, (same,) with a negative recommendation, the following:

"An Act authorizing the removal of the dead from the burying ground, deeded to the First Methodist Episcopal church of Norristown, to the Norris cemetery."

"An Act providing for the payment of claims against the Cumberland road, in Fayette, Washington and Somerset counties."



Mr. M'CLURE, (same,) the following as committed:

"An Act relating to testamentary trustees."

"An Act relating to costs before magistrates in Allegheny county."

"An Act regulating the time of opening and closing the election for borough officers in Burlington, Bradford county."

"An Act to reduce the number of aldermen in the Twenty-fourth ward, city of Philadelphia."

Also, "Supplement to an act to amend certain defects of the law for the more safe and just transmission and secure enjoyment of real and personal estate, approved April 27, 1855."

Mr. THOMPSON, (same,) as committed, the following:

"An Act extending the provisions of an act to increase the pay of county commissioners, jurors and witnesses in certain counties of this Commonwealth to the county of M'Kean."

"An Act regulating the sale of drugs and medicines in the city of Philadelphia."

Also, with amendment, "A supplement to the act incorporating the Philadelphia ice company, and for other purposes."

Also, with a negative recommendation, "An Act in regard to judgments and executions in Tioga county."

Mr. CHASE, (same,) as committed, "An Act to extend a certain act relative to certain associations to Susquehanna county."

Mr. DODDS, (Pensions and Gratuities,) with a negative recommendation, "An Act for the relief of Nancy Searing."

Mr. DURBORAW, (same,) with a negative recommendation, "An Act for the relief of Elizabeth Fisher."

Mr. BRODHEAD, (same,) as committed, "An Act for the relief of Elizabeth Roberts."

Mr. KENEAGY, (Election Districts,) as committed, Senate bill 690, "An Act to annex part of the lands of Eli Lichtenberger, of Elizabeth township, to Penn township, in Lancaster county."

Mr. HOTTENSTINE, (Roads and Bridges,) as committed, "An Act to incorporate the Lincoln bridge company of Berks county."

Also, as committed, "An Act requiring the supervisors of the different townships in Cumberland county to keep the wing walls and embankments of said county bridges in repair."

Mr. DURBORAW, (same,) as committed, "An Act relating to the road laws and changing the manner of assessing damages in the opening of public and private roads in the counties of Adams and Perry."

Mr. STUART, (same,) as committed, "An Act to incorporate a ferry over the Susquehanna river."

Also, as committed, Senate bill No. 652, "An Act relative to supervisors in Perry county."

The following bills were reported, from the Committee on Corporations:

By Mr. HAMERSLY, as committed, Senate bill No. 91, "An Act to incorporate the Eastern iron company."

Also, "A further supplement to an act incorporating the directors of the poor and house of employment, for the townships of Oxford and Lower Dublin, in the county of Philadelphia," as committed.

By Mr. ACKER, Senate bill No. 557, "A supplement to an act whereby the Dock coal company was incorporated, under act of April 17, 1849, entitled 'An Act to encourage manufacturing operations in this Commonwealth,'" as committed.

By Mr. FISHER, Senate bill No. 436, "An Act extending the limits of the borough of Orwigsburg, Schuylkill county," as committed.

By Mr. QUIGLEY, Senate bill No. 505, "An Act to incorporate the Ario iron company," as committed.

By Mr. CHURCH, Senate bill No. 504, "Sup-

plement to an act to incorporate the Commonwealth fire insurance company," as committed.

By Mr. FISHER, Senate bill No. 514, "An Act repealing a supplement to an act incorporating the borough of Newport, Perry county," as committed.

By Mr. QUIGLEY, Senate bill No. 484, "An Act to divide the borough of Pittston, Luzerne county, into two wards," as committed.

By Mr. ELLMAKER, Senate bill No. 318, "An Act to incorporate the mutual fire insurance company of Annville, Lebanon county," as committed.

Also, Senate bill No. 443, "Supplement to an act to incorporate the Kittanning gas company," as committed.

Also, Senate bill No. 518, "An Act to incorporate the Hanover gas light company," as committed.

By Mr. ACKER, "An Act relative to the limits of the borough of Kittanning being curtailed," as committed.

By Mr. ELLMAKER, "Supplement to an act incorporating the borough of Apollo," as committed.

By Mr. GLATZ, "A supplement to the act to incorporate the Erie City hall association," as committed.

By Mr. ELLMAKER, "A supplement to the act incorporating the Farmers' mutual fire insurance company, of Harbor Creek Township, Erie county," as committed.

By Mr. CHURCH, "An Act to incorporate the Clearfield water company," with amendments.

By Mr. MILLER, "An Act to incorporate the Deutsch Kuust halle," with amendments.

By Mr. ELLMAKER, "An Act to incorporate the Sewickley cemetery company of Allegheny county," as committed.

By Mr. GLATZ, "An Act to incorporate the Laporte gas and water company," with amendment.

By Mr. MILLER, "An Act to divide the borough of Scranton into two wards," as committed.

Mr. KETCHUM moved that the above bill be taken up; which was agreed to; whereupon said bill was taken up and passed finally.

By Mr. HAMERSLY, "An Act to incorporate the Cheltenham Hills gas and water company."

The Committee on Railroads reported the following bills, as committed.

By Mr. THORN, "Supplement to an act in reference to running of locomotive engines and cars on connecting railroads," approved March 13, 1847.

By Mr. McDOWELL, "An Act to incorporate the Mahanoy railroad company."

By Mr. WALBORN, "A supplement to the act incorporating the Plymouth railroad company," approved March 19, 1836.

By Mr. EVANS, "An Act to authorize the Chesnut Hill railroad company to sell and dispose of certain real estate."

By Mr. WALBORN, "Resolution relative to the payment of the annuity of the right of way through this Commonwealth by the New York and Erie railroad company."

By Mr. EVANS, "An Act to incorporate the Philadelphia and Olney railroad company."

By Mr. WIGTON, "Supplement to an act to incorporate the Belmont Avenue plank road company," with amendment.

By Mr. SMITH, (of Berks,) "A supplement to an act to incorporate the South Mountain railroad company."

"An Act relating to the East Mahanoy railroad company," as committed.

By Mr. LAWRENCE, (of Washington,) "A supplement to an act for the relief of the West Chester railroad company, and for other purposes," as committed.

Senate bill 556, by Mr. WALBORN.

By Mr. THORN, "An Act to afford further

protection to passengers on railroads," as committed.

By Mr. McDOWELL, "An Act to incorporate the Delaware passenger railroad company," with amendment.

The following bills were reported, with a negative recommendation:

By Mr. STYER, "An Act relative to the election of directors of the passenger railroad companies."

By Mr. McDOWELL, "An Act for the Mount Carbon railroad company to extend their road from some suitable point west of the borough of Pottsville, so as to intersect with the Mine Hill and Schuylkill Haven railroad."

By Mr. WILCOX, "An Act compelling the Delaware and Western railroad company to fence their road."

By Mr. SMITH, (of Berks,) "A supplement to an act to incorporate the Chestnut Hill and Cheltenham railroad company," as committed.

By Mr. STYER, "A further supplement to an act to authorize the Governor to incorporate the West Chester and Philadelphia railroad company."

By Mr. WALBORN, "An Act to incorporate the Fourth and Eighth Streets passenger railroad company of Philadelphia."

Also, "An Act to incorporate the Chatham and Moore Streets passenger railway company of Philadelphia."

Also, "An Act to incorporate the People's Girard College and Navy yard passenger railway company."

Also, "An Act to incorporate the Seventh, Eighth and Ninth Streets passenger railroad company of Philadelphia."

Also, "A supplement to an act to incorporate the Germantown passenger railway company."

Also, "An Act to incorporate the People's City passenger railway company of Philadelphia."

Also, "An Act to incorporate the Philadelphia and Penn Township passenger railroad company."

By Mr. KETCHUM, with a like recommendation, "A further supplement to an act to incorporate the Danville railroad company."

Mr. CHURCH, with a similar recommendation, "An Act to incorporate the Western passenger railroad company."

By Mr. WALBORN, with a similar recommendation, "An Act to incorporate the Washington passenger railroad company of Philadelphia."

By Mr. PATTERSON, with a negative recommendation, "An Act relating to railroads."

By Mr. CHURCH, with amendment, "An Act to incorporate the Union railroad company."

Mr. PRICE, (same,) as committed, "An Act to incorporate the Paxton railroad company."

Also, as committed, "A further supplement to an act to incorporate the Philadelphia and Reading railroad company."

Mr. WALKER, (Roads and Bridges,) as committed, "An Act authorizing the laying out of a certain State road in Berks county."

Mr. HAMERSLY, (Select,) as committed, "An Act to restrict sales by auction in Lehigh and Northampton counties."

Mr. PRICE, (Corporations,) as committed, "An Act to incorporate the Commercial fire insurance company of Philadelphia."

Also, "Supplement to an act to incorporate the North End mutual insurance company."

Also, "Supplement to an act to incorporate the borough of Port Clinton."

Mr. ROHRER, (Militia System) as committed, "Resolution authorizing the State Treasurer to pay the treasurer of Armstrong county the militia fund due the several companies in said county."

BILLS IN PLACE.

Mr. DURBORAW read in his place and pro-



sented to the chair, "A supplement to the act to incorporate the Upper Presbyterian congregation, of Adams county, in the borough of Gettysburg."

Also, "An Act for the relief of Andrew Heintzelman and Peter and Henry Mickly, of Adams county."

Mr. BAYARD, "An Act to empower the Methodist Episcopal Church of East Liberty, Allegheny county, to sell and convey certain real estate."

Mr. M'DOWELL, "An Act to incorporate the Duquesne insurance company."

Mr. WILSON, "An Act relative to the damage done to the Darlington academy by the location of the Darlington Canoe Coal railroad."

Also, "An Act to abolish the office of county school superintendent in Beaver county."

Mr. WILLIAMS, (Bedford,) "An Act to change the place of holding elections in St. Clair township, Bedford county."

Mr. BURLEY, "An Act to repeal certain parts of the act passed 13th day of June 1836."

Also "An Act attach Middle Woodbury township, Bedford county, to the county of Blair."

Also, "An Act to authorize the Tyrone and Clearfield railroad company to borrow money."

Also, "An Act for the relief of James Plumer, of Blair county."

Also, "An Act to repeal so much of the act, approved May 13, 1850, as relates to the Glenhope and Little Bald Eagle turnpike road company."

Mr. FLEMING, "An Act to authorize the commissioners of Clarion county to erect a new court house in the borough of Clarion;" and, on his motion, the rules being in this case dispensed with, said bill was taken up and passed the House, and was ordered to be sent to the Senate for concurrence.

Mr. ROUSE, "An Act declaring Willow creek, in Warren county, a public highway."

Mr. PENNELL, "Supplement to an act to alter and amend the act to erect the borough of Chester and vicinity into a borough, and for other purposes therein mentioned."

Mr. LAIRD, "A further supplement to an act to authorize the Canal Commissioners to examine the claim of Daniel A. Bardwell, of Wyoming county."

Also, "An Act to vest the title of certain water lots for certain purposes."

Also, "An Act to prevent injury to sidewalks in Girard township, Erie county."

Mr. CAMPBELL, "An Act to amend the act regulating boroughs, so far as same relates to Edinboro."

Mr. WIGTON, "An Act to prevent fishing with seines and nets in Aughwick creek and tributary, in Huntingdon county."

Mr. KENEAGY, "An Act to incorporate the Pequa and Beaver Valley turnpike road company."

Also, "Supplement to an act to incorporate the Quarryville and Unicorn turnpike road company."

Mr. PRICE, "An Act relating to the Mount Joy car manufacturing company."

Mr. GOOD, "An Act to incorporate the Allen library association."

Also, "An Act to incorporate the Allen rolling mill."

Mr. WILCOX, "Supplement to an act for the greater certainty of title, and the more secure enjoyment of real estate."

Mr. PUGHE, "Supplement to an act to incorporate the Carbondale and Trout Run turnpike and plank road company."

Mr. MEHAFFEY, "An Act construing the nineteenth section of the act relative to turnpike and plank road companies."

Mr. OAKS, "An Act authorizing the executor of the estate of the late Elisha Biggs, to sell certain real estate, and for other purposes."

Mr. HOTTENSTINE, "An Act requiring the

overseers of the poor and supervisors of roads in Northumberland county, to give security."

Mr. THORN, "An Act to incorporate the Philadelphia Ocean steamship company."

Mr. WALBORN, "An Act to incorporate the Philadelphia Handel and Hadyn society."

Mr. HAMERSLY, "An Act authorizing the Pennsylvania railroad company to maintain a supply of water upon their road."

Also, "An Act to repeal such portions of an act as imposes tax on cattle."

Mr. CHURCH, "An Act to incorporate the United States International Claim company."

Mr. NEALL, "An Act to authorize the opening of Seventeenth street, between Francis street and Ridge avenue, in the Fifteenth ward, Philadelphia."

Mr. GRATZ, "An Act to authorize the examination under oath of insolvent defendants."

Mr. MATTHEWS, "An Act to increase the capital stock of the Southwark Bank."

Mr. WITMAN, "An Act relating to the collection and disbursement of the militia fund."

Also, "An Act to authorize the school directors of Jefferson township, Dauphin county, to sell certain real estates."

Also, "An Act to annex part of Dauphin county to Northumberland county."

Also, one for the relief of Shem Thomas.

Mr. BOYER, (Schuylkill,) "An Act to provide for the fencing of the Little Schuylkill navigation railroad and coal company."

Also, "An Act supplementary to the act relative to the Dauphin and Susquehanna coal company."

Also, "An Act to change the place of holding elections in East Brunswick township, Schuylkill county."

Mr. JACKSON, "Supplement to an act, entitled 'An Act to reduce the State debt, and to incorporate the Pennsylvania canal and railroad company, passed April 29th, 1844.'"

Mr. MANN, "An Act declaring the Portage branch of the Sinnemahoning creek, from its mouth, in M'Kean county, to the mouth of the Cowley Branch, in Potter county, a public highway."

Mr. STEPHENS, "An Act to incorporate the Valley Mills manufacturing company, in the county of Fayette."

Mr. WALKER, "An Act to confer on Joseph B. Churchfield, of Somerset county, the rights and privileges of a child born in lawful wedlock."

Mr. LAWRENCE, (Washington,) "An Act relating to a certain land warrant in Jefferson county."

Also, "An Act to repeal an act re-chartering the Tradesmen's Bank of Philadelphia."

Mr. WARDEN, "Supplement to an act for the better regulation of the militia of this Commonwealth, passed April 21, 1858."

Mr. WOLF, "A supplement to an act for the better preservation of game, so far as the same relates to York county."

Mr. BERTOLET, "An Act annulling the marriage contract between Thos. Hemmig and Lydia his wife."

Mr. PRICE, "An Act to change the name of J. H. Smith to Hoffman Smith."

Mr. SMITH, (Berks,) "An Act to incorporate the National Art association."

Mr. GRAY, "An Act for the relief of Elizabeth Neeseley, widow of an old soldier."

Mr. PENNELL, on leave, from the Committee on Corporations, reported as committed, the supplement to the act erecting the town of Chester, &c., into a borough.

Mr. FOSTER, "An Act for the better security of craft in the Monongahela river."

Also, "An Act to provide for taking testimony in contested election cases of members of the Assembly."

A motion was made by Mr. LAWRENCE, (Washington,) that a session be held this even-

ing for the purpose of considering bills on Private Calendar; which was agreed to.

#### PETITIONS, &C., PRESENTED.

Mr. WILLIAMS, (of Bedford,) a remonstrance against the annexation of Middle Woodbury township, Bedford county, to Blair county.

Also, one from citizens of St. Clair township, Bedford county, for a change in the place of holding their elections.

Mr. MANN, one from citizens of Potter county, for the repeal of the present liquor law.

Also, one from citizens of Potter and M'Kean counties, for a law declaring the Portage Branch of the Sinnemahoning a public highway.

Mr. GOOD, one from citizens of Lehigh county, for a law making it obligatory on country banks to keep their notes at par at Philadelphia and Pittsburg.

Mr. GRAHAM, three from citizens of Washington county, for the passage of an act prohibiting the manufacture and sale of ardent spirits as a beverage.

Mr. CHASE, one from citizens of Susquehanna county, for a law giving justices of the peace with a jury of six, power to hear and determine certain cases.

Mr. GRITMAN, three from citizens of Luzerne county, for the repeal of the law creating the office of county school superintendent in said county.

Also, a remonstrance from citizens of Scott township, same county, against the extension of the jurisdiction of the mayor's court of Carbondale, to said township.

Also, three petitions of citizens of Blakeley township, Luzerne county, praying for two election districts in said township.

Mr. SMEAD, three from citizens of Bradford county, for a law to assess damages on the line of the North Branch canal.

Mr. KINNEY, three of like import.

Mr. PROUDFOOT, one from citizens of Carroll township, Cambria county, to be annexed to the borough of Carrollton for school purposes.

Also, one from mercantile dealers of Johnstown, Cambria county, for the repeal of the act appointing an auctioneer in said borough.

Also, two remonstrances signed by one hundred and fourteen citizens of Johnstown, against the repeal of said act.

Also, one from citizens of Cambria county, for an extension of the law prohibiting the sale of intoxicating liquors on Sunday, to all days on which elections are held.

Mr. SHIELDS, three from citizens of Westmoreland county, against the repeal of the act creating the office of county school superintendent.

Mr. WILLIAMS, (Bucks,) a memorial from Wilhemina C. Clark, for a divorce from her husband, James Clark.

Mr. FOSTER, one from citizens of Indiana township, Allegheny county, for a change in their road laws.

Also, one from citizens of Allegheny county, for a supplement to the charter of the Monongahela navigation company.

Also, the memorial of the Eighth Ward school district, against any change in the school laws in the city of Pittsburg.

Also, a remonstrance of citizens of Pittsburg, against the abolition of the Pittsburg high school.

Mr. BAYARD, two of like import.

Mr. BARLOW, one from citizens of Ferguson township, Centre county, for a law authorizing a company to construct a road in said county.

Mr. HOTTENSTINE, one from citizens of Northumberland county, for the abolition of the office of county school superintendent.

Mr. NILL, one from citizens of Franklin



county, for a law abolishing the office of county school superintendent.

Also, a remonstrance from citizens of same county, against the passage of a law taxing dogs.

Mr. SMITH, (Berks,) one from citizens of Berks county, for a law to compel banks to keep their notes at par at Philadelphia and Pittsburg.

Mr. ROHRER, two from the unformed militia of Armstrong county, for their quota of military funds.

Also, one from citizens of North Buffalo township, same county, for a repeal of the office of county school superintendent.

Also, one from citizens of South Buffalo township, against attaching part of said township to North Buffalo township.

Also, one from citizens of same county, for the repeal of the law creating the office of county school superintendent.

Mr. BOYER, (Schuylkill,) one from citizens of Schuylkill county, for the passage of an act making it obligatory on country banks to keep their notes at par in Philadelphia and Pittsburg.

Mr. BOYER, (Clearfield,) a memorial from citizens of Clearfield county, against the removal of the county seat from Clearfield to Carwensville.

Mr. WILCOX, one of like import.

Mr. BRODHEAD, two petitions from citizens of Monroe and Luzerne counties, asking for the repeal of an act incorporating the Upper Lehigh navigation company, passed march 14, 1840.

Also, a remonstrance from ninety citizens of Monroe county, against the repeal of the tonnage tax on the Pennsylvania railroad.

Mr. HILL, three petitions from citizens of Montgomery county, for an act making it obligatory on the country banks to keep their notes at par at Philadelphia and Pittsburg.

Also, five remonstrances from citizens of same county, against any change in the mode of collecting taxes.

Mr. DODDS, one from citizens of Butler and Venango counties, for a re-view of a State road leading from Emlenton to New Castle.

Also, a remonstrance against the same.

Mr. WOLF, one from citizens of York county for a law to prevent the shooting of squirrels at certain seasons of the year.

Mr. DISMANT, a remonstrance from citizens of Mount Joy, Lancaster county, against the passage of any law changing the mode of collecting taxes in said county.

Also, one from tax payers of same county, asking for a change of the law appointing collectors of taxes in said county.

Also, five petitions, signed by one hundred and ninety-three citizens of same county, for an act to compel banks to keep their notes at par in Philadelphia and Pittsburg.

Mr. RAMSDELL, the memorial of Charles Collingwood, praying for the abolition of all laws for the collection of debts.

Also, petitions of four hundred citizens of Venango, Clarion, Butler and Armstrong counties, for the passage of an act authorizing the erection of a new county out of parts of said counties, to be called Richland.

Mr. BAYARD, two petitions from citizens of Pittsburg, for the repeal of the present school laws.

Mr. STONEBACK, six from citizens of Montgomery county, for an act making it obligatory on the banks to keep their notes at par in Philadelphia and Pittsburg.

Also, one from same, against any change in the mode of collecting taxes in said county.

Mr. SHAEFFER, one from citizens of Chester county, in favor of a law making it obligatory on county banks to keep their notes at par in Philadelphia and Pittsburg.

Mr. BARNESLEY, one from citizens of Ches-

ter and Bucks counties, in favor of a law to prevent the rendition of fugitive slaves.

Mr. WIGTON, one from citizens of Shirleysburg, Huntingdon county, for a law to prohibit fishing with nets and seines in the Aughwick creek and its tributaries.

Also, one from citizens of Shade township, same county, of like import.

Also, two remonstrances against the same.

Also, one from citizens of Todd township, same county, to change the place of holding elections in said township.

Also, one from citizens of Blair county, for the repeal of the tonnage tax, in accordance with Mr. SCHELL'S bill.

Also, one from citizens of Mt. Union, same county, for an act declaring the streets in said town public highways.

Also, two remonstrances from citizens of Shirley township, same county, against the same.

Mr. STEPHENS, a petition of the citizens of Palmyra township, Wayne county, numerously signed, remonstrating against the passage of House bill No. 187.

Mr. SHIELDS, the petitions of citizens of Washington township, Westmoreland county, in favor of a law abolishing the office of county superintendent, and asking a modification of the present school laws.

Mr. JACKSON, two petitions of citizens of Sullivan county, asking for a law to prevent hunting deer with dogs in said county.

Also, petition of citizens of Wyoming county, praying for the repeal of the present school law, and asking for the revival of the act of October 4th, 1809.

Mr. IRISH, the petition of forty-four citizens of Pennsylvania, in favor of a law to prevent the rendition of fugitive slaves.

Mr. WILSON, one from citizens of Beaver county, in favor of a change in the mode of collecting taxes in said county.

Also, one for the annexation of Darlington township to Darlington borough, for school purposes.

Mr. BERTOLET, one from citizens of Windsor township, against being annexed to the borough of Hamburg.

Also, from Thos. Hemmig, praying for a divorce from his wife.

Also, the petition of Berks and Lancaster counties, in favor of the State road from Wernersville to Bechtel's mill, in Lancaster county.

Also, four petitions, asking that the city of Reading be required to pay the costs of the arrest of vagrants in said city.

Mr. CUSTER, the petition of citizens of Berks county, in favor of a law making it obligatory on country banks to keep their notes at par at Philadelphia and Pittsburg.

Also, four petitions from citizens of same county, in favor of the act authorizing the treasurer of the city of Reading to pay certain costs and fees therein set forth.

Mr. BURLEY, the petition of the president and directors of the Glenhope and Little Bald Eagle turnpike road company, for the repeal of the second section of a certain act.

Also, two petitions from citizens of the borough of Altoona, for an act to authorize them to elect their borough officers the same as their school directors.

Also, two petitions from citizens of Middle Woodbury township, Bedford county, asking to be annexed to Blair county.

Mr. M'CLURE, one from citizens of a certain township in Franklin county, in favor of the repeal of the office of county school superintendent.

Also, two remonstrances from citizens of same county, against the law imposing a tax on dogs.

Mr. GRAY, the petition of Elizabeth Neisely, of Green county asking for a pension.

Mr. TAYLOR, three petitions of citizens of

Indiana county, against the abolishment of the office of county school superintendent.

Mr. PATTERSON, one from citizens of Juniata county, in favor of a law for the abolition of the county school superintendency in Juniata county.

Mr. GREEN, one from citizens of Lancaster county, in favor of a law compelling country banks to keep their notes at par at Philadelphia and Pittsburg.

Also, one in favor of a law to charter the New Euphrata and Litiz turnpike road company.

Also, one from six hundred citizens of Lancaster county, against the proposed State road from Wernersville, in Berks county, to Litiz, in Lancaster county.

Mr. PRICE, one from one thousand citizens of Lancaster, for a law authorizing the Columbia Bank to establish a branch bank at Lancaster.

Also, one from John H. Smith, praying to have his name changed to J. Hoffman Smith.

Also, the petition of the directors of the Mt. Joy car manufacturing company; which was read.

Mr. KETCHUM, a remonstrance from citizens of Scott township, Luzerne county, against being annexed to the city of Carbondale.

Mr. WILEY, one to prevent negroes from coming into Pennsylvania with a view to making this State their place of residence.

Also, a remonstrance from citizens of Philadelphia, against the purchase by the city of Philadelphia, of the turnpike and plank roads of said city.

Also, a petition from citizens of Frankford and vicinity, in favor of Sunday travel.

Also, two petitions from citizens of Philadelphia, in favor of a law authorizing the city of Philadelphia to purchase the turnpike and plank road within the limits of said city.

Mr. HAMERSLY, one from citizens of Philadelphia, in favor of a law for the registration of births, marriages and deaths.

Also, a petition from citizens of Philadelphia, in favor of a law to secure to the people of Philadelphia the right of free travel over certain highways.

Mr. NEALL, one from citizens residing on Callowhill street, between Twenty-third and Twenty-fifth streets, for the removal of one of the tracks of the Race and Vine Streets passenger railway, laying within the said space.

Mr. ABBOTT, one from citizens of Frankford, in favor of an alteration of the Sunday law.

Mr. BOYER, (of Schuylkill,) three petitions from one hundred and thirty-six citizens of Schuylkill county, for a law requiring the Little Schuylkill Haven railroad and canal company to fence their road in said county.

Mr. LAWRENCE, (of Washington,) the petition of citizens of Washington county, for the passage of an act prohibiting the taking of fish with seines and nets in certain rivers of this State.

Mr. PEIRCE, (from the Committee to Compare Bills,) made a report; which was read.

Mr. MILLER, from the Committee on Corporations, reported as committed, "An Act to incorporate the Butler mutual insurance company."

The Clerk of the Senate, being introduced, informed the House that the Senate non-concurred in the House amendments to Senate bill No. 35, "An Act to extend the power of prothonotaries and clerks to administer oaths."

On motion of Mr. THORN, the House receded from its amendments.

#### BILLS CONSIDERED.

Mr. CHURCH called up House bill No. 752, "An Act to incorporate the Richmond and Schuylkill passenger railroad company," which was read the second and third time.



Mr. WALBORN moved to add the names of John M. Riley, Edmund Denger and Alexander Cummings as additional corporators.

Mr. HAMERSLY moved to add the names of A. C. Hammer and H. R. Cogshall.

Mr. GRATZ moved to add the name of Jos. Wood.

Mr. HARDING moved to add the names of J. L. Hutchinson and R. F. Taylor.

Discussion ensued between Messrs. THORN, CHURCH, WALBORN and PENNELL.

Mr. GOOD moved to postpone the bill for the present; which was not agreed to.

Mr. HARDING withdrew his amendment.

Adjourned until this afternoon at 3 o'clock.

#### AFTERNOON SESSION.

The House re-assembled at three o'clock.

Agreeably to order, the House proceeded to the consideration of House bill No. 752, "An Act to incorporate the Richmond and Schuylkill passenger railway company."

Mr. PINKERTON raised a point of order to the effect that the Chair this morning decided the call of the gentleman from Northumberland, (Mr. HOTTENSTINE,) to have been exhausted, inasmuch as the House adjourned pending the consideration of the bill which that gentleman had called up last petition day.

The Chair decided the point not well taken, and remarked that the two cases were not analogous. That the present (afternoon,) session was but a continuation of the morning session, and the consideration of the bill at the present time was, therefore, clearly in order.

The question recurring,

Will the House agree to the amendment to the amendment proposed by Mr. HARDING, to include the names of Jeremiah Hutchinson and R. F. Taylor among the list of corporators?

It was not agreed to.

The question now recurring,

Will the House agree to the amendment proposed by Mr. GRATZ, to include the name of Mr. Joseph Wood?

It was not agreed to.

The question recurring,

Will the House agree to the amendment as amended?

It was not agreed to.

Mr. GRATZ moved that the House go into committee of the whole for the purpose of special amendments to insert the names of Edmund Dingle, John M. Riley and Joseph Wood among the list of corporators; which was agreed to.

Mr. PUGHE was called to the Chair, and the amendment was inserted.

The committee then rose, and the SPEAKER resumed the Chair.

Mr. GOOD moved that the House go into committee of the whole for the purpose of special amendment, as follows:

*And provided further,* That if at any time authority shall be given to any other company to construct a railway on the whole or part of Girard avenue or Poplar street, such company shall have the right to run their cars over the road hereby authorized to be made, said company being required to pay an equal amount of the original cost of construction and expense in keeping in good and perpetual repair.

The amendment of Mr. GOOD provoked discussion between Messrs. THORN, CHURCH, GOOD and SHEPPARD.

Mr. CHURCH alleged that the amendment was instigated by a rival company for the purpose of infringing on the rights of the company soliciting the charter.

Mr. THORN said that the amendment (which included Poplar street,) was not germane to the bill.

Mr. GOOD defended his amendment, alleging that it was just and equitable.

Mr. SHEPPARD thought that the bill would be allowed to pass without the amendment.

The motion to go into committee of the whole was not agreed to.

The bill being before the House on its final passage.

The yeas and nays were required by Mr. GOOD and Mr. GRATZ, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Bayard, Boyer, (Clearfield,) Bryson, Burley, Campbell, Chase, Church, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Foster, Galley, Glatz, Graham, Gratz, Green, Gritman, Hamersly, Hill, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mahaffey, Matthews, M'Clure, Neall, Nill, Oaks, Patterson, Pennell, Peirce, Price, Proudfoot, Pughe, Rohrer, Rouse, Shafer, Sheppard, Stuart, Styer, Taylor, Thompson, Thorn, Walborn, Walker, Warden, Wilcox, Wiley, Williams, (Bedford,) Wilson, Zoller and Lawrence, *Speaker*—61.

NAYS—Messrs. Balliet, Barnsley, Bertolet, Brodhead, Custer, Dismant, Good, Gray, Harding, Jackson, M'Curdy, Smead, Stephens, Stoneback and Wagenseller—15.

So the question was determined in the affirmative.

Mr. IRISH called up Senate bill No. 441, "Supplement to the act incorporating the Odd Fellows' Hall association of the city of Pittsburgh and county of Allegheny, approved 21st April, 1852;" which was considered and passed finally.

Mr. CAMPBELL called up "An Act to amend the act regulating boroughs, so far as relates to Edenboro', in the county of Erie," which was considered and passed; and ordered to be sent to the Senate for concurrence.

Mr. JACKSON called up House bill No. 712, "Supplement to an act to incorporate the Catawissa and Towanda railroad company."

Mr. JACKSON moved to amend, by adding the names of the following gentlemen as additional corporators: Warren J. Woodward, Lot Search, George W. Search, Levi L. Tate and James Thompson; which was agreed to, and the bill, as amended, passed the House.

Mr. IRISH, on leave, from the Committee on Judiciary, reported as committed, "An Act relating to livery stable keepers in Allegheny county."

Mr. KENEAGY called up Senate bill No. 152, as follows:

A FURTHER SUPPLEMENT to an act to appoint commissioners to view, lay out and construct a State road in Lancaster and Chester counties, approved the fifteenth day of April, one thousand eight hundred and fifty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners named in the act to which this is a supplement, or a majority of them, be and they are hereby authorized to lay a tax for the purpose of defraying the expenses of making the road, as laid out and constructed by them, between the points mentioned in said act, and to collect the same from the citizens of the respective townships through which said road passes, in the same manner that supervisors are authorized by law to levy and collect taxes; and the accounts of said commissioners shall be audited in the same manner that accounts of supervisors are audited.

Mr. ACKER moved that the further consideration of the bill be postponed for the present.

And on the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. ACKER and Mr. PENNELL, and were as follow, viz:

YEAS—Messrs. Acker, Bayard, Bertolet, Boyer, (Schuylkill,) Brodhead, Chase, Custer,

Dismant, Dodds, Dnrboraw, Eckman, Fisher, Foster, Good, Graham, Hill, Hottensine, Lawrence, (Washington,) Mann, Mahaffey, Matthews, M'Clure, M'Curdy, Pennell, Peirce, Shafer, Taylor, Thompson, Thorn, Wagenseller, Warden, Wilson, Woodrigo and Zoller—33.

NAYS—Messrs. Abbott, Balliet, Barnsley, Barlow, Boyer, (Clearfield,) Campbell, Church, Ellmaker, Evans, Fleming, Galley, Glatz, Gratz, Green, Gritman, Hamersly, Harding, Jackson, Keneagy, Kinney, Neall, Nill, Oaks, Price, Proudfoot, Pughe, Rose, Rouse, Sheppard, Stephens, Stoneback, Stuart, Styer, Walborn, Walker, Williams, (Bedford,) Wolf and Lawrence, *Speaker*—39.

So the question was determined in the negative.

Mr. ACKER moved to amend the bill by striking out all after the enacting clause and inserting the following:

That the auditors of the townships of West Calm and Sadsbury, Chester county, are hereby authorized to audit the accounts of the commissioners named in the act to which this is a supplement, and ascertain and determine the sum or sums of money to be paid to them for the work done under the authority of the said act, and pursuant to its directions; and the supervisors of said townships are hereby authorized to lay and assess a tax for the payment of said sum or sums of money: *Provided*, that the said road has been laid out and opened in accordance with the requisition of said act, and the general road laws of this Commonwealth.

Mr. KENEAGY said that the amendment was not desired. The facts of the case were simply these—that some of the citizens of Chester county wanted a road built which passed through a small portion of Lancaster county. The bill was sent to Senator Dickey and passed. In accordance with its provisions, the road was laid out. The same bill which authorized the original construction provided that the commissioners should levy a tax. Through some cause, however, one of the board dissented, and as it was not stated that a majority would be competent to collect the tax, his disaffection prevented any further action. The only question at issue now was whether a majority should be empowered to collect the tax, and all that was asked was that the legitimate purposes contemplated by the original bill should be carried out. The commissioners had, in the construction of the road, expended their own money, and it was certainly just and proper that they should be re-imbursed by the collection from the citizens of Chester county.

The withdrawal of one of the commissioners, which had caused such trouble in the board, was owing to the fact that the road was not laid out to suit his particular views. The collection of the tax was opposed by the people of Chester county on the ground that the highway was already made, and they were willing to allow the commissioners to sustain the whole burden of expense. This action was neither more nor less than the repudiation of the just debts of Chester county.

Mr. ACKER said that the object contemplated by the gentleman from Chester, simply was to give power to one man to levy and collect a tax, and that man the people of Chester county asserted had already made a nice thing of it. He desired to say one word as to the organic act under which the road had been constructed.—It had originated with a citizen of Lancaster county, and the bill had been put through the Legislature without being sustained by any petitions. The aim had been to open a road from Robert Baldwin's lime kiln to certain parts of Chester county.

Now, he would appeal to the members whether it was just and right for citizens of one county to come into another, expend money for their own purposes, and then levy a tax. The bill



before the House simply provides that Baldwin should go into Chester county, collect a tax and then say to the auditors, "Gentlemen, you can settle your account."

Mr. PRICE had hoped that the bill would pass without discussion, but as a personal attack had been made on Senator BALDWIN, he felt called upon to speak.

The bill originally authorizing the construction of the road had not been introduced by Lancaster Representatives, but by Mr. Dickey, of Chester county, as would be found by reference to the Journals. This bill, while it stated that a majority of the commissioners should have power to proceed with the highway, had omitted to say that a majority of them should be also competent to collect the tax, and the present difficulty had occurred from the withdrawal of one of the board. This was the whole case. The supplement now before the House was only intended to carry out the original object of the bill.

As far as the charge was concerned of Senator Baldwin having made "a good thing" out of it, he would simply say that that gentleman could produce vouchers for amounts which he had paid out of his own pocket for work and labor done on the road.

The road had been literally forced upon the citizens of Lancaster county, and he would appeal to the members whether it was fair to say now that the commissioners should be allowed to lose their private investments on account of the withdrawal of one of their number.

The object of the amendment of the gentleman from Chester, (Mr. ACKER,) was to entangle the whole matter, and by placing it in the auditors' hands, to render the lapse of years necessary before the commissioners could receive one cent. The accounts would most certainly be audited, and all that was now asked was that the majority might be empowered to carry out the provisions of the original bill, and not be tied down by the proposed amendment.

The commissioners had been compelled to do their duty, and the refusal to reimburse them came with a bad grace from the people of a county which had received the benefits of the road.

Mr. THORN called upon the gentleman from Philadelphia, (Mr. WALBORN,) for an explanation.

Mr. PEIRCE explained the objects of the amendment of his colleague, (Mr. ACKER,) one of which was to provide (by reference to the auditor,) for some means of ascertaining the amount due. He denied that Chester county repudiated her just obligations, and strenuously opposed the bill before the House.

Mr. GRITMAN said that justice demanded that the bill should pass without the amendment. After recapitulating the circumstances, he could draw no other inference.

On the question,

Will the House agree to the amendment?

It was determined in the negative.

On the question,

Will the House suspend the rule, and read the bill the third time by its title?

The yeas and nays were required by Mr. PEIRCE and Mr. SHAFER, and were as follows, viz:

YEAS—Messrs. Abbott, Barnsley, Barlow, Bayard, Boyer, (Clearfield,) Campbell, Chase, Church, Ellmaker, Evans, Fearon, Fleming, Galley, Glatz, Good, Gray, Green, Gritman, Hamersly, Harding, Jackson, Keneagy, Ketchum, Kinney, Mahaffey, Miller, Neall, Nill, Oaks, Palm, Price, Proudfoot, Rose, Rouse, Sheppard, Stephens, Stoneback, Stuart, Styer, Taylor, Walborn, Walker, Witman, Wilcox, Wiley, Williams (Bedford,) and Lawrence, *Speaker*—46.

NAYS—Messrs. Acker, Balliet, Bertolet, Custer, Dismant, Dodds, Eckman, Foster, Graham, Hot-

tenstine, Laird, Mann, Matthews, McClure, Patterson, Pennell, Peirce, Pughe, Shafer, Smead, Thompson, Wagenseller, Warden, Williams, (Bucks,) and Wilson—27.

So the question was determined in the negative, two-thirds not voting in the affirmative.

Mr. KETCHUM called up Senate bill No. 368, "Supplement to the act to incorporate the Philadelphia and Great Bend turnpike road company." The bill having not been found Mr. KETCHUM transferred his call to

Mr. MEHAFFY, who called up House bill No. 587, "Supplement to an act to protect fruit and punish trespass;" which was considered and passed, and ordered to be sent to the Senate for concurrence.

Mr. ELLMAKER called up Senate bill No. 490, "An Act to annex part of the lands of Eli Lichtenberger, in Elizabeth township, Lancaster county, to Penn township, said county;" which was passed finally.

Mr. KINNEY called up House bill No. 638, "An Act to incorporate the Towanda library association;" which was considered and passed, and ordered that the Clerk present the same to the Senate for concurrence.

Mr. LAIRD called up House bill No. 581, "An Act to appoint an additional notary public in the county of Erie;" which was considered and passed the House.

Mr. SMITH, of Berks, called up House bill No. 404, "A further supplement to an act to incorporate the Philadelphia and Reading railroad."

The question being on the final passage of the bill,

Mr. SMITH, of Bucks, moved that the House go into committee of the whole for the purpose of special amendment; which was agreed to.

Mr. KINNEY was called to the chair.

Mr. SMITH moved to amend the bill by striking out "Reading" and inserting the word "Harrisburg;" which was agreed to.

The committee rose and the SPEAKER resumed the chair.

The bill being again before the House on final passage,

The yeas and nays were required by Mr. WALBORN and Mr. HARDING, and were as follows, viz:

YEAS—Messrs. Abbott, Balliet, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Campbell, Chase, Custer, Dismant, Dodds, Durboraw, Eckman, Evans, Fearon, Galley, Glatz, Good, Graham, Gritman, Hill, Jackson, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mahaffey, Miller, Neall, Nill, Oaks, Price, Proudfoot, Pughe, Rohrer, Shafer, Sheppard, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thompson, Thorn, Wagenseller, Walker, Warden, Witman, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Wilson, Wolf, Zoller and Lawrence, *Speaker*—58.

NAYS—Messrs. Barnsley, Bayard, Burley, Church, Ellmaker, Fisher, Foster, Gratz, Green, Hamersly, Harding, Hottenstine, Irish, Keneagy, Matthews, McClure, McCurdy, Palm, Patterson, Pennell, Pinkerton, Rouse, Smead, Walborn, Wigton and Wiley—28.

So the question was determined in the affirmative.

Mr. IRISH said he voted "No," but for a different reason from that given by the gentleman from Philadelphia. The gentleman has stated that he voted "No" because he was opposed on principle to imposing a tonnage tax on any road. That is not my reason for so voting. The tax which is now imposed on the Pennsylvania road was done under peculiar circumstances, for a particular purpose and for good reasons. He did not understand the same state of facts to exist in regard to the road now under consideration, and therefore voted "No."

The hour of five having arrived, the SPEAK-

ER adjourned the House until this evening at 7 o'clock.

#### EVENING SESSION.

The House met again at 7 o'clock.

On motion of Mr. MCCLURE, Senate bill No. 445, "An Act to incorporate the Mont Alto iron company," was ordered to be placed on the Calendar for this evening.

On motion of Mr. JACKSON, Senate bill No. 627, "An Act to increase the width of Third street, in Bloomsburg," was ordered to be placed on this evening's Calendar.

On motion of Mr. BAYARD, the act to empower the Methodist Episcopal church of East Liberty, Allegheny county, to sell and convey certain real estate, was withdrawn from the Committee on Corporations, and the same was ordered to be placed on the Calendar for next Tuesday.

On motion of Mr. ROHRER, the supplement to the act incorporating the borough of Apollo, was placed on this evening's Calendar.

Mr. THORN, on leave, read in his place and presented to the Chair, "A supplement to the act incorporating the Spring Garden savings fund society;" and, on his motion, said bill was ordered to be placed on the Calendar for next Tuesday.

#### BILLS ON PRIVATE CALENDAR.

Agreeably to order, the House proceeded to the consideration of bills on Private Calendar.

Whereupon, the following were read, and no objections being made, were laid aside for second reading:

No. 686. "An Act to incorporate the Lebanon County agricultural and horticultural society."

No. 687. "An Act to alter the general borough laws, so far as relates to the borough of Nazareth, Northampton county."

No. 690. "An Act to incorporate the United Presbyterian congregation of Unity church, Venango township, Butler county."

No. 691. "An Act to incorporate the Berks County association for the improvement of the breed of stock."

No. 692. "An Act to incorporate the Williamsport library association."

No. 693. "An Act to define the limits of the borough of Lock Haven."

No. 694. "An Act to incorporate the Northern market company."

On motion of Mr. HILL, David Carr and B. T. Hallowell were added to the list of corporators.

No. 695. "An Act supplementary to an act to incorporate the borough of Reading, Berks county, into a city, approved March 16, 1847."

No. 696. "An Act to authorize the laying out of a public park in the borough of Harrisburg, to be called Harris park."

Sen. 315. "A further supplement to the act authorizing the Governor to incorporate the Minersville water company."

Sen. 163. "An Act to incorporate the Uniontown gas and water company."

Mr. GALLEY moved to add the names of H. Brownfield and J. W. Barr; which was agreed to.

No. 700. "An Act to incorporate the Roxborough Odd Fellows hall association."

No. 701. "An Act to incorporate the Hope manufacturing company."

No. 702. "Supplement to an act to incorporate the Pennsylvania fire insurance company."

Sen. 253. "An Act to incorporate the Quick-silver mining company."

No. 708. "An Act to incorporate the Lombard and South Streets passenger railway company of the city of Philadelphia."

"An Act to extend the charter of the Dauphin Deposit Bank."

Sen. 94. "An Act extending the time for the commencement and completion of the Schuylkill Haven and Lehigh River railroad."



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 56.

No. 715. "A further supplement to an act to incorporate the Allegheny railroad and coal company, approved 21st day of April, 1854."

No. 716. "An Act authorizing the commissioners of Adams county to sell and convey certain real estate."

No. 717. "An Act to empower Peter Keick and Peter Keeney, trustees of a certain school house and lot of ground in Pine Grove township, Schuylkill county, to sell the same for the use of the Pine Grove school district."

No. 718. "An Act to amend the act passed April, 16, 1858, relative to tax on meadow land in the Twenty-fourth ward of the city of Philadelphia"

No. 719. "An Act to repeal an act to vest in Nancy Christy the right of this Commonwealth to the estate of Prudence Christy, late of Dunbar township, Fayette county, deceased."

Sen. 528. "An Act to exempt certain real estate in the county of Allegheny, from the payment of collateral inheritance tax."

No. 804. "An Act to prevent the destruction of deer in certain counties of this Commonwealth."

Mr. BRODHEAD moved to strike out "Monroe" wherever it occurs; which was agreed to.

No. 805. "An Act to prevent the gathering or picking of cranberries in Tunkhannock township, Monroe county."

No. 819. "An Act to authorize the State Treasurer to pay S. C. Williamson for loss sustained in consequence of a collision on the Columbia and Philadelphia railroad."

No. 831. "An Act to change the place of holding elections in Piney township, in the county of Clarion."

No. 832. "An Act declaring Newell creek, in the county of M'Kean, a public highway."

No. 833. "An Act to provide for the erection of a house for the employment and support of the poor in the county of Greene."

No. 834. "A supplement to an act relative to roads and bridges in Jackson township, Huntingdon county."

No. 836. "An Act to authorize the supervisors of Conestoga and Martic townships, in the county of Lancaster, to pay one-third of the costs of the erection of a county bridge."

No. 837. "An Act authorizing Adam Lefever, executor of the last will and testament of Samuel Harman, late of Providence township, in the county of Lancaster, deceased, to sell the real estate belonging to said estate."

No. 838. "An Act to empower the electors of Pollock township, in the county of Lawrence, to elect supervisors of highways and overseers of the poor."

"An Act repealing the fourth section of an act to establish a new judicial district, passed 21st day of March, 1842."

No. 839. "An Act to grade, curb and pave Main street, in Myerstown, Lebanon county."

No. 856. "An Act to incorporate the ministers and elders of the First United Presbyterian synod of the west."

"An Act to incorporate the ministers and elders of the general assembly of the United Presbyterian church of North America."

"A supplement to the act to incorporate the Chestnut Hill water company."

"An Act to incorporate the Bell Isle salt manufacturing company of Philadelphia."

"An Act to widen the Eastern extension of Third street, in Bloomsburg."

"Supplement to the act incorporating the borough of Apollo."

"An Act to incorporate the Mont Alto iron company."

## BILLS OBJECTED OFF THE CALENDAR.

By Mr. STEPHENS, "An Act to incorporate the German Reformed and German Lutheran congregations of the Schwartzwald church and cemetery, in Exeter township, Berks county."

By Mr. THORN, "An Act to incorporate the North Carolina steam navigation company."

By Mr. HOTTENSTINE, "An Act relative to a ferry at Shamokin dam."

Bills objected off the calendar last private bill day, came up in order.

The Chair, (Mr. PATTERSON,) directed the Clerk to read bill No. 129, "An Act to secure to the people of Philadelphia the right of free travel over certain highways;" the first bill on the list.

The bill having been placed on the calendar by mistake, was stricken from the list.

"A supplement to the act incorporating the Mutual fire insurance company of Sinking Springs, Berks county," was read and laid aside for second reading.

"A further supplement to the act to incorporate the Allentown railroad company," came up in order, and was prepared for second reading.

"An Act to incorporate the Conestoga gas light company of Lancaster county," came up in order, and was prepared for second reading.

On motion of Mr. RAMSDELL, the House proceeded to the second reading and consideration of bills on Private Calendar, whereupon the following were considered and passed finally, and ordered that the Clerk present the same to the Senate for concurrence.

No. 455. "An Act to change the name of Chrysostum Charles Sweeny, to Chrysostum Charles M'Laughlin."

Sen. 276. "An Act in relation to certain mortgages therein stated."

Sen. 282. "An Act to change the time of holding the courts of Clearfield county."

No. 460. "An Act to authorize the appointment of commissioners to examine and adjust certain claims, &c."

No. 462. "An Act authorizing the Auditor General to issue a certificate for the amount of the claim due to Barbara Hileman's estate."

No. 463. "An Act for the relief of Jacob Rauck, of Mifflin county."

No. 464. "An Act for the relief of James Hamilton, of Carlisle, in the county of Cumberland."

No. 465. "An Act for the relief of Joseph Danfield."

No. 466. "An Act to incorporate the Philomathean institute of Union township, Berks county."

Mr. CHURCH moved to exempt the same from taxation; which was not agreed to.

Sen. 224. "An Act relating to the Norristown academy."

No. 469. "An Act to incorporate the Huntingdon County Bank."

No. 470. "An Act appropriating locks Nos. 8 and 10, of the French Creek and Franklin line of the Pennsylvania canal, to the use of the county of Venango."

No. 471. "An Act empowering Sabina R. Sloan to sell certain real estate."

No. 473. "An Act to incorporate the Douglassville and Yellow House turnpike road company."

No. 474. "An Act to lay out a public road from Shoemaker's mill to the borough of Muncy, Lycoming county."

No. 476. "A supplement to the act incorporating the Perrysville, East Waterford and Waterloo plank road company, approved 18th day of April, 1853."

No. 477. "An Act to view and lay out a State road from the borough of Lock Haven, in the county of Clinton, to Spow Shoe, in Centre."

Sen. 239. "An Act to incorporate the Chartiers and Robinson Township turnpike road company, Allegheny county."

Sen. 120. "A supplement to an act to incorporate the Hilltown turnpike road company."

No. 481. "An Act authorizing the laying out of a State road from the mouth of Clarion river, in the county of Clarion, to Franklin, in the county of Venango."

No. 482. "An Act to compel the supervisors of roads in the township of Crawford, in Clinton county, to give security."

No. 483. "A supplement to the act incorporating the Patterson, Johnstown, Penn Mills and Concord plank road company."

No. 485. "An Act to revive and extend the act incorporating the Zieglerstown and Kutztown turnpike road company."

Sen. 487. "An Act in reference to supervisors in Somerset township, Washington county."

Sen. 237. "An Act to incorporate the Pennsylvania and Maryland Line turnpike company."

No. 490. "An Act to incorporate the Wrightsville and Canadocholy turnpike road company."

No. 493. "An Act to empower John Ranson to put a sheer boom in the Loyalsock creek."

No. 494. "A further supplement to the act incorporating the West Branch boom company."

No. 495. "An Act to repeal an act to establish a ferry over the river Susquehanna at or near Ulster, in Bradford county, approved 27th day of March, 1855, and the several supplements thereto, approved respectively, May 5, 1855, and March 24, 1856."

No. 496. "Supplement to the act authorizing Henry Wilton to construct a dam or breakwater in the river Susquehanna, approved April 3, 1851."

Sen. 396. "A supplement to an act to incorporate the Quakake railroad company."

Sen. 243. "A further supplement to the act incorporating the Lewisburg Centre and Spruce Creek railroad company."

Sen. 77. "A further supplement to the act incorporating the Meadville railroad company, approved 20th day of May, 1857."

Sen. 329. "A supplement to the act incorporating the Plymouth railroad company, passed 19th day of March, 1856."

No. 508. "A further supplement to an act authorizing the Governor to incorporate the Bear Mountain railroad company, and for other purposes, passed 13th day of July, 1842."

No. 509. "A further supplement to the act incorporating the Navigation railroad company, approved April 20, 1854."

"A further supplement to encourage the manufacture of iron with coke," &c.

No. 513. "An Act authorizing William Hall, of Blakeley township, Luzerne county, to sell certain real estate."

No. 514. "A further supplement to an act to incorporate the borough of Reading, Berks county, into a city, passed 16th day of March, 1857."

No. 515. "An Act extending the provisions



of the fifteenth section of the act of April 2, 1853, entitled "An Act to incorporate the Rosmont cemetery company; relative to judicial proceedings, assessments and jurors in Columbia and Montour; to a certain State road; to the bounty on fox scalps in Luzerne county; to hunting in certain counties, &c.; to Wyoming county."

No. 532. "An Act to prevent the destruction of trout during the spawning season in the counties of Lycoming, Clinton and Sullivan."

No. 534. "An Act to prevent the destruction of fish in the Swatara river and its tributaries."

No. 535. "An Act to encourage the destruction of foxes in Clinton county."

No. 536. "An Act to prevent fishing with nets, seines and set nets in East Conococheague creek, below the borough of Chambersburg, on the lands owned by Bernard Wolf and William Heyser, known as the Hollywell paper mill property."

"An Act to repeal an act for the protection of sheep and taxing of dogs in the county of Blair."

No. 537. "An Act to prevent the hunting of deer with dogs in the county of Sullivan."

Mr. JACKSON moved to amend, as follows: *Provided*, That the provisions of this act shall not extend or apply to Forks township, in the county of Sullivan; which was agreed to.

No. 547. "An Act authorizing the Frankford and Bristol turnpike road company to reduce the width of said road between certain points."

No. 550. "An Act supplementary to the act incorporating the Erie and Waterford plank road company."

No. 636. "An Act authorizing the State Treasurer to pay Andrew McClelland, grandson of John McClelland, a balance of money due said John McClelland for services rendered in the Indian war of 1782."

No. 588. "A supplement to an act relating to hunting and fishing in the counties of Huntingdon, Carbon, Luzerne, Dauphin, Mifflin, Elk, Pike, Monroe and Butler, approved 24th day of March, 1848."

On the suspension of the rule,

The yeas and nays were required by Mr. JACKSON and Mr. PATTERSON, and were as follow, viz:

YEAS—Messrs. Acker, Bryson, Burley, Campbell, Chase, Church, Custer, Evans, Fearon, Fisher, Fleming, Foster, Glatz, Goepf, Graham, Gritman, Hamersly, Hill, Irish, Keneagy, Laird, Mann, Mehaffey, Matthews, McClure, McCurdy, McDowell, Neall, Nill, Palm, Patterson, Peirce, Pinkerton, Ramsdell, Rose, Rouse, Smith, (Berks,) Stuart, Taylor, Thomson, Thorn, Walker, Warden, Witman, Wigton, Williams, (Bedford,) Wilson, Wolf and Lawrence, *Speaker*—49.

NAYS—Messrs. Abbott, Dismant, Eckman, Galley, Gray, Harding, Jackson, Lawrence, (Washington,) Smead, Styer, Wagenseller and Walborn—11.

So the question was determined in the affirmative.

The bill then passed.

No. 590. "An Act to increase the pay of State and county tax in the several townships and boroughs of Delaware county."

No. 596. "An Act to change the time of meeting of the county auditors of Northumberland county."

No. 598. "A supplement to an act to give jurisdiction in equity to the supreme court and the court of common pleas for the county of Philadelphia, in cases of disputed boundaries, approved 15th day of April, 1858"

No. 607. "An Act relating to party walls in the county of Allegheny."

No. 611. "An Act authorizing the auditors of Forest county to re audit the State account of William R. Coon, former treasurer of said county."

No. 632. "An Act for the relief of Anna Stackhouse, the widow of an old soldier."

No. 634. "An Act to authorize the payment of the claim of Emanuel Will, of Lancaster county."

No. 648. "An Act to repeal the act, approved April 20, 1855, supplementary to an act, approved March 31, 1856, to regulate the sale of intoxicating liquors, so far as the said supplementary act applies to the county of Potter."

Sen. 467. "A supplement to the act to incorporate the Hanover savings fund society, of York county."

No. 650. "An Act relating to Reed street, in the city of Philadelphia."

"An Act to lay out a State road in Westmoreland and Allegheny counties."

No. 652. "A further supplement to an act passed February 28, 1839, incorporating the Royersford bridge company, and several supplements thereto."

No. 653. "An Act to incorporate the Spinnerstown and Roseusack turnpike road company"

No. 654. "An Act relative to supervisors of public highways, in Jenner township, Somerset county."

No. 655. "An Act vacating certain lanes and alleys of the out lots of the borough of Beaver, Beaver county."

No. 657. "An Act declaring Tombs run a public highway."

No. 660. "An Act relative to vacating certain streets in the city of Philadelphia."

"An Act relating to roads and bridges in Washington county."

No. 663. "An Act concerning the appointment of road viewers and road damages in Lehigh county."

No. 664. "An Act to raise the compensation of supervisors in Spring Creek township, Elk county."

No. 665. "An Act declaring a bridge between the counties of Armstrong and Clarion a county bridge."

Sen. 386. "An Act relating to road and bridge viewers in Centre county."

No. 668. "An Act to incorporate the Warwick manufacturing company."

"An Act to repeal a supplement to an act relating to a burial ground in the borough of Pottsville, approved April 21, 1858," came up in order on second reading; when, on motion of Mr. PINKERTON, the further consideration of the same was postponed indefinitely.

"An Act authorizing the laying out of a certain State road in Clinton and Union counties," came up in order.

Mr. BARLOW moved to amend as follows: *Provided*, That Mills township, in Centre county, shall not be required to be at any expense in laying out or constructing said road.

Messrs. WAGENSELLER and PATTERSON opposed the amendment.

Mr. BARLOW defended it.

The amendment was lost, and the bill was passed finally.

Mr. WALBORN moved that the House do now adjourn; which was not agreed to.

"An Act relating to the making and repairing of the public roads in Norwegian township, Schuylkill county," came up in order; and on motion of Mr. PINKERTON, postponed for the present.

"An Act to run and define a part of the boundary line between the counties of Mifflin and Huntingdon," came up in order; and on motion of Mr. FLEMING, postponed for the present.

Bill No. 514. "A further supplement to an act to incorporate the borough of Reading into a city, passed 16th March, 1847," came up in order.

Mr. LAWRENCE, (of Washington,) moved to amend, by striking out the fourth section.

Mr. SMITH, (Berks,) desired the gentleman to state his reason for so amending a bill of purely local concern.

Mr. LAWRENCE disclaimed all intention to embarrass the measure, but the gentleman from Berks could see that the bill, as it stood, was an omnibus bill, and might not receive the Executive sanction. The fourth section proposed to repeal an independent act, fixing a boundary line, which was no part of the charter.

Mr. SMITH, (Berks.) If the act would be likely to be so regarded by the Governor, he would not object, but gave notice that he would to-morrow introduce an independent bill to effect the purpose contemplated by the section stricken out.

The amendment of the gentleman from Washington (Mr. LAWRENCE,) was then carried, and the bill passed.

"An Act to require the Pennsylvania railroad company to change the location of a certain road in Wayne township, Mifflin county," came up in order; when, on motion of Mr. WALBORN, the same was postponed for the present.

"An Act to authorize and require the treasurer of the city of Reading, Berks county, to pay certain costs and fees," came up in order, on second reading.

Mr. SMITH, (Berks,) said he regretted to be compelled to join issue with his colleagues upon the question presented by this bill, but the principle and policy it embodied were so obviously objectionable, that he was left no alternative. He could ascribe this attempt to impose upon the city exclusively, burdens which naturally and justly pertained to the entire body of the county, to no other cause than the ancient prejudice which had heretofore, in some instances, arrayed town against county. The suicidal tendency of this spirit had been illustrated by classic fable in Roman history. The body was then shown, to the satisfaction of the populace, to be as essential to the well being of the members as the members to the body. The city was the natural ally and friend of the rural districts, and these were again needed to the advancement of the former. Each was the desideratum and complement of the other; they were parts of one harmonious whole; their prosperity flourished in a sympathetic union, and died inevitably when this union was dissolved and turned to discord.

When the county of Berks sent him here to represent its interests, it exacted from him, in his public acts, nothing but equal and exact justice to all its parts, and he was loth to believe that the measure now proposed, when its principal and unavoidable tendency and full legal operation were known and appreciated, would receive the sanction of any considerable body of his constituents of any party.

He desired to state to the House the effect of this novel proposition. It was briefly to make the citizens of Reading pay all costs and fees (except prison costs only) due to the mayor, aldermen, constables and other officers, for the arrest, examination and trial of any vagrant who may be arrested and tried for any offence within the county of Berks. The locality where the arrest may be made and examination had is not specified, nor where the offence may have been committed, but the expense of trial, as far as the fees of the officers are concerned, and these fees constitute the bulk of all the expenses, are imposed upon the city, if the vagrant is there tried, no matter how high or how low that offence may be. If a theft or burglary, or even murder be committed in the remotest township of the county, and the offender be tried, where alone he can be tried, in the city of Reading, all costs and fees due the State, by this law, arising out of his trial, are necessarily cast upon the city, if he be a vagrant. Surely, the coun-



ty has as much, if not more at stake in the prompt redress of heinous wrongs committed within its limits as the city. Surely, the preservation of public order against the assaults of a class who may be denominated vagrants, is as much a matter of concern to the county as to the city, and every consideration of justice requires that all parts should be made to contribute its equal and just proportion of the expenses.

Whether or not the effect of the bill has been thus understood, he does not say, but that such will be its effect, he entertains no doubt, and the simple statement of it was enough to denounce the attempt. The friends of the bill would themselves, he imagined, shrink from accomplishing what it really proposed in terms.

This would be its necessary and inevitable effect in his own county. The interests of the State might not, perhaps, be compromised, but it aimed a blow at the symmetry of the system which had always obtained in this Commonwealth, of dispensing justice and of exacting from every section of every county its due proportion of the expenses incident to its administration. Innovation was sometimes, but not always, reform; it demands in every instance cogent and cunning reasons, such as had not, and could not be alleged in this discussion. He had been urged by some of his constituents, resident in Reading, to offer an amendment releasing that city from the payment of further county tax. This might be regarded as a justifiable set-off to the extravagant claim preferred by the bill under discussion; but like the bill itself, was entitled to no consideration. He hoped to be saved the necessity of weighing down the bill by odious amendments, and submitted the subject to the judgment of the House and calm consideration of his rural constituents. He wished the aid of the House in defeating the bill, by its indefinite postponement.

Mr. CUSTER said—

I do not feel prepared to make a long speech upon this subject, yet I feel sorry to differ with my colleague upon this subject. I feel it my duty to express myself in favor of the passage of this act, and I will repeat what the petitioners for this act say upon this subject. They say that the fees for arresting vagrants in the city of Reading have increased to such an amount, within the last two or three years, as to become a serious charge on the county—that the fees paid by the county, for the year 1856, were only \$25 70, whilst for 1858 they amounted to \$397 13; and for the month of December alone, to \$74 25; that if this continues it will cost the county thousands of dollars. Whereas, if the city of Reading had to pay these expenses, the police officers would be required to perform this duty for the salaries they now receive. They, therefore, most respectfully ask for the passage of this act.

Mr. McCLURE moved to postpone the further consideration of the bill for the present.

Mr. SMITH, (of Berks,) desired to see the bill disposed of now, and opposed the postponement of the question.

Mr. HAMERSLY hoped the motion to postpone could carry.

Mr. SMITH, (of Berks,) then moved to amend, by postponing the further consideration of the bill indefinitely.

And on the motion,

The yeas and nays were required by Mr. SMITH, (Berks.) and Mr. WALBORN, and were as follow, viz:

YEAS—Messrs. Abbott, Bryson, Burley, Campbell, Chase, Foster, Glatz, Goepf, Graiz, Hamersly, Harding, Kinney, Laird, Lawrence, (Washington,) Mann, Mehafe, Matthews, McDowell, Nill, Patterson, Pinkerton, Ramsdell, Sheppard, Smead, Smith, (Berks,) Styer, Taylor, Thompson, Wagenseller and Walborn—80.

NAYS—Messrs. Acker, Custer, Dismant,

Evans, Fearon, Galley, Graham, Gray, Hill, Jackson, Keneagy, M'Curdy, Neall, Palm, Peirce, Rohrer, Rouse, Stuart, Thorn, Walker, Warden, Witman, Wigton, Wiley, Williams, (Bedford,) Wilson, Wolf and Lawrence, *Speaker*,—28.

So the question was determined in the affirmative.

"An Act for the better regulation of the Mercer County and Shenango Valley agricultural society," came up in order on second reading.

Mr. IRISH moved to embrace the county of Allegheny within the provisions of said act; which was agreed to, and the bill passed.

"An Act authorizing the laying out of a State road from Dushore, Sullivan county, to the North Branch of the Susquehanna river, at or near Wells' ferry, in Bradford county," came up in order and was passed.

Mr. HAMERSLY moved a re-consideration of the vote had on the final passage of Senate bill No. 525, "An Act relative to the limits of the borough of Wrightsville, York county."

The motion was resisted by Messrs. GLATZ and WOLF, but was finally carried.

And the question recurring,

On the final passage of the bill,

The yeas and nays were required by Mr. GLATZ and Mr. WOLF, and were as follow, viz:

YEAS—Messrs. Brodhead, Chase, Church, Custer, Dismant, Evans, Fleming, Galley, Glatz, Goepf, Gray, Hill, Jackson, Kinney, Laird, Lawrence, (Washington,) Mann, Nill, Peirce, Ramsdell, Rohrer, Rouse, Smith, (Berks,) Stuart, Styer, Thompson, Walborn, Warden, Wilson, Wolf and Lawrence, *Speaker*—31.

NAYS—Messrs. Abbott, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Eokman, Fearon, Fisher, Foster, Graham, Graiz, Green, Hamersly, Harding, Irish, Keneagy, Ketchum, Matthews, M'Clure, M'Curdy, M'Dowell, Neall, Palm, Patterson, Pinkerton, Smead, Thorn, Walker, Witman, Williams, (Bedford,) and Zoller—31.

So the question was determined in the negative.

The bill having been lost on a tie vote.

"An Act to extend the charter of the Forest improvement company," came up in order on second reading.

Mr. M'CLURE moved that the further consideration of the bill be postponed for the present.

Discussion took place between Messrs. PINKERTON, PALM and WALBORN against the motion, and by Messrs. M'CLURE, NEALL and THORN in favor of postponement.

The question was further discussed by Mr. HAMERSLY; when, on motion of Mr. LAWRENCE, (Washington,) the SPEAKER adjourned the House until to-morrow morning at 9½ o'clock.

## SENATE.

FRIDAY, March 18, 1859.

The Senate met and was called to order at the usual hour.

On motion of Mr. STEELE, the reading of the Journal was dispensed with.

The SPEAKER presented two remonstrances of citizens of Clearfield county, against the removal of the county seat.

Also, a remonstrance of citizens of Huntingdon county, against attaching any part of said county to Fulton county.

Also, a petition of citizens of Huntingdon county, praying that the office of county superintendent of common schools may be abolished in said county, and that the salary of superintendent may be applied to the schools.

PETITIONS, MEMORIALS, &c.

Mr. YARDLEY presented the petition of the president and managers of the Milford and

Richland turnpike road company, for authority to borrow money.

Mr. GAZZAM, a remonstrance of citizens of Clearfield county, against any change of the location of the county seat of said county.

Mr. THOMPSON, three petitions of citizens of Montgomery county, in favor of a law requiring the county commissioners, in said county, to appoint constables as collectors of taxes.

Also, a remonstrance of citizens of the same county, against the passage of the law making county treasurers collectors of taxes.

Mr. NUNEMACHER, two petitions of citizens of Berks county, for a law requiring the city of Reading to pay the fees for arresting vagrants in said city.

Also, a petition of citizens of the same county, for the passage of an act compelling banks to keep their notes at par in Philadelphia and Pittsburg.

Mr. BLOOD, a petition of citizens of Jefferson county, praying for a law declaring Big Mill creek a public highway.

Also, three petitions of citizens of Clarion county, praying for the removal of the seat of justice of said county from Clarion to Callensburg.

Mr. SCHINDEL, a petition of citizens of Bethlehem and Hanover townships, Northampton county, praying for a law to prevent fishing and trespass on lands in said townships.

Mr. PENNEY, two remonstrances of citizens of Pittsburg, against the repeal of a law relating to the high school in said city.

Mr. YARDLEY, a petition of citizens of Bucks county, for a law compelling persons to pay their road tax annually or be deprived of their right to vote for township officers.

Mr. STEELE, a remonstrance signed by citizens of Scott township, Luzerne county, against being annexed to Carbondale city.

Mr. WRIGHT, a petition of citizens of Frankford and vicinity, in favor of a modification of the Sunday laws.

Mr. GREGG, a petition numerously signed by citizens of Clearfield county, in favor of submitting to the people the question of the removal of the seat of justice.

Mr. SHAEFFER, a remonstrance of the chief burgess and town council of the borough of Wrightsville, York county, against any change in their borough lines.

Mr. TURNEY, a petition of members of the Brush Creek German Reformed church, in Westmoreland county, in favor of the passage of a law enabling said church to sell coal on certain lands.

Mr. PARKER, a memorial of citizens of Philadelphia, in favor of a law allowing the Philadelphia and Trenton railroad company to lay a single track on certain streets in said city.

Also, a remonstrance against the use of Front street for that purpose.

Also, four memorials of the members of the bar in the city of Philadelphia, in favor of an increase in the salaries of the judges of the district court and court of common pleas, in said city.

Mr. M' RSELIS, four of like import.

Mr. COFFEY, two petitions of citizens of Armstrong county, in favor of Senate bill No. 298, "A supplement to an act to regulate the militia of this Commonwealth."

Also, a petition of the managers of the Indiana and Ebensburg turnpike road company, for an act establishing a toll gate at a bridge over Twolick creek.

Also, a remonstrance of citizens of Armstrong township, Indiana county, against annexing a certain school district to Shilota borough.

REPORTS OF COMMITTEES.

Mr. TURNEY, (Finance,) reported with a negative recommendation, "An Act authorizing the Auditor General to cancel any balance outstanding against the Lebanon Bank."



Also, (same,) with a negative recommendation, "An Act for the relief of George D. Boyer, late treasurer of Schuylkill county."

Mr. WELSH, (same,) as committed, House bill No. 387, "An Act relative to foreign insurance companies in the city of Erie."

Also, (same,) with a negative recommendation, "An Act authorizing the State Treasurer to refund certain money to Samuel Baeyer."

Mr. COFFEY, (same,) with a negative recommendation, "An Act authorizing the Auditor General to open and re-settle the accounts of James Mitchell, treasurer of Lawrence county."

On motion of the same Senator, the Committee on Finance was discharged from the consideration of "An Act relative to collectors of taxes in Montgomery county," and the same was referred to the Judiciary Committee.

Mr. GREGG, (same,) with amendment, "An Act to pay the Clerk and Sergeant-at-Arms employed by the committee appointed to examine the condition of certain banks."

Also, (same,) with a negative recommendation, "An Act for the relief of the sureties of A. P. Snyder, treasurer of Somerset county."

Also, (same,) with amendment, "An Act relative to the salary of the Adjutant General."

Mr. WELSH, (Estates and Escheats,) as committed, "An Act authorizing the ministers, trustees, elders and deacons of the German Reformed congregation of Philadelphia, in the province of Pennsylvania, to sell and convey certain real estate."

Mr. PENNEY, (same,) with a negative recommendation, "An Act authorizing the trustees of the Evangelical Lutheran congregation in Middletown, Dauphin county, to sell and convey certain real estate."

Also, (same,) with a negative recommendation, "An Act authorizing the trustees of the United Brethren church, in the same town and county, to sell and convey certain real estate."

Mr. PALMER, (same,) with a negative recommendation, "An Act authorizing A. H. McHenry, guardian of the minor children of the late Thomas Babb, to invest certain money belonging to such minor children in real estate."

Mr. MARSELIS, (Banks,) as committed, House bill No. 396, "A supplement to the act incorporating the Milton savings bank."

On motion of Mr. KELLER, said bill was taken up, and after going through its various readings, passed finally.

Mr. GAZZAM, (same,) with amendment, House bill No. 431, "A further supplement to the act regulating banks."

Mr. NUNEMACHER, (Roads and Bridges,) as committed, "A supplement to the act incorporating the borough of Harrisburg."

Also, (same,) as committed, House bill No. 851, "An Act to vacate temporarily a certain road in Berks county."

Mr. THOMPSON, (same,) as committed, "A supplement to the act incorporating the Spinnerstown and Goshenhoppen turnpike road company."

Also, (same,) as committed, House bill No. 849, "An Act relative to roads in West Goshen township, Chester county."

On motion of Mr. BELL, said bill was taken up, and after being duly considered, passed finally.

Mr. RUTHERFORD, (same,) as committed, "A supplement to the act incorporating the Ligonier bridge company."

Also, (same,) as committed, House bill No. 662, "An Act authorizing the supervisors of Whetmore township, M'Kean county, to lay out and build a road."

Mr. BALDWIN, (same,) as committed, "An Act relative to road views in Hartley and West Buffalo townships, Union county."

Also, (same,) as committed, "A supplement

to the act incorporating the Attleboro, Humesville and Bristol turnpike road company."

Mr. FETTER, (same,) as committed, "An Act authorizing the widening and extension of Market street, in Bloomsburg, Columbia county."

Also, (same,) as committed, "An Act authorizing the collection of additional road tax in Titusville, Crawford county."

#### BILLS IN PLACE.

Mr. WELSH read in his place and presented to the Chair, a bill, entitled "An Act relative to lists of assessment in Cambria county."

Mr. SHAEFFER, "A supplement to the act incorporating the New York and Middle Coal Field railroad and coal company."

Mr. BLOOD, "An Act authorizing the settlement of the accounts of Levi G. Clover, as collector of tolls."

Also, "A supplement to the act incorporating the Sinnemahoning and Pittsburg railroad company."

Mr. PENNEY, "An Act relative to actions of ejectment."

Mr. GREGG, "An Act relative to the claim of Roger C. McGill and McGill & Cross."

Mr. KELLER, "An Act to incorporate a ferry over the Susquehanna river."

Mr. TURNEY, "An Act for the widening of Liberty alley in the city of Reading."

Also, "An Act abolishing an independent school district in Westmoreland county."

Mr. WRIGHT, "An Act relative to insurance companies and associations in the city and county of Philadelphia, and county of Allegheny."

#### ORIGINAL RESOLUTIONS.

Mr. SCHELL offered the following resolution; which was twice read, considered and adopted:

*Resolved*, That the Governor be requested, if the House of Representatives concur, to return Senate bill No. 185, "An Act to incorporate the Johnstown and Ashtola tram road and railroad company."

On motion of Mr. WELSH, the Senate reconsidered its vote on the final passage of Senate bill No. 438, "An Act to incorporate the Union Evangelical Lutheran congregation in the borough of York," which had been returned by the Governor.

The bill being again before the Senate, on motion of Mr. WELSH, the last section was stricken out, and the bill passed.

On motion of Mr. MYER, House bill No. 714, "An Act compelling the Williamsport and Elmira railroad company to fence their road," was re-committed.

On motion of Mr. BALDWIN, the following bill was ordered to be printed in the *Record*:

AN ACT regulating the construction of passenger railroads in Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall be lawful for the councils of the city of Philadelphia, by ordinance duly enacted for that purpose, to authorize the construction of railroads for the conveyance of passengers on any of the streets of said city on which railroads for said purpose shall not have been constructed or commenced under authority heretofore granted, subject to the terms and conditions hereinafter provided.

SEC. 2. That every ordinance enacted for said purpose shall designate the route on which such railroads shall be constructed, and the number of tracks which may be used; and contain such other regulations for the government of the road as councils shall deem proper.

SEC. 3. That within thirty days after the passage of such ordinance, it shall be the duty of the mayor of the city of Philadelphia, after giving ten days' notice in two or more daily newspapers published in said city, to sell at public sale, to the highest bidder, the right to

make the road designated in said ordinance, subject to the provisions thereof and the acts heretofore mentioned: *Provided*, That if the highest bidder aforesaid shall fail to pay ten per centum on the amount of his bid, upon it being declared the highest, the said right shall be forthwith again offered for sale; and if the purchaser or purchasers shall fail to pay the whole amount of the purchase money within thirty days, the said right shall be again offered for sale in the manner aforesaid, and the money paid on account of the first sale shall be forfeited to the city treasury.

SEC. 4. That the mayor shall give such purchaser or purchasers a certificate that said right was sold him or them under authority of an ordinance enacted for the purpose, and for the price therein named; and upon the presentation of such certificate, with receipt from the receiver of taxes that the whole amount of the purchase money has been paid into the city treasury, the Governor shall issue letters patent to such purchaser or purchasers, and such persons as they may associate with them; whereupon the persons named in such letters patent shall become a body corporate and politic, with perpetual succession, for the purpose of constructing and operating the said railroad, and for no other purpose, subject to all the provisions and restrictions of an act to incorporate the Second and Third Street passenger railway company of Philadelphia, approved April tenth, one thousand eight hundred and fifty-eight, so far as the same are not altered or supplied by this act and the ordinance of councils.

A communication from the State Treasurer was received and read, and ordered to be published in the *Record*.

On motion of Mr. BELL, the Committee on Roads and Bridges was discharged from the consideration of "An Act relative to highways in East Bradford township, Chester county," and the Senate proceeded to consider the same.

The bill went through its various readings and passed finally.

#### HOUSE AMENDMENTS.

House amendments to "A supplement to the act incorporating the borough of Harrisburg," were, on motion of Mr. RUTHERFORD, concurred in and a proviso added thereto.

#### ORDERS OF THE DAY.

House bill No. 546, "An Act for the appointment of a sequestrator on the Washington and Pittsburg turnpike road," came up in order on third reading.

Mr. PENNEY desired to hear from the Senator from Washington some reasons for the appointment of an additional sequestrator. He had no objection to the bill, if it was practicable; but he could see nothing which would justify the proposition submitted by it.

Mr. MILLER could see no objection to the bill. The appointment of an additional sequestrator could involve no additional expense, nor in any other respect was it objectionable. He entered into an explanation of the local demands for the passage of the bill. Its passage, he said, would be of great advantage to the people of Washington county; not alone to them, but to the public at large. The State held a large amount of stock in the road, and it was important to the public that the appointment should be made, for the management of the road had been bad, and utterly regardless of the rights of the judgment creditors. The present sequestrator, notwithstanding this bad management, comes here and asks complete control of the road, while he does not present a clear record with regard to its affairs. The appointment of an additional sequestrator is the least that the people of Washington county can do, and that a change may be made in its management. It is their right, and should be granted.

Mr. PENNEY would join the Senator from



Washington in any measure calculated to benefit the road alluded to. It was, he said, an important outlet, and Pittsburg was as much interested as the people of Washington in its successful management. But he could see no reason, in the argument of the Senator, which he thought would justify the appointment provided for by the bill. His argument was that, whenever there are two sequestrators, it involves the settlement of two accounts. There was already a sequestrator, and he doubted the policy of appointing an additional one on a road only twenty-five miles in length. He was perfectly willing, if Senators could see anything in the argument of the Senator from Washington to warrant it, that it would have a tendency to increase the facilities of travel, or add to the interests of the road, that they should go for it. For himself, he could see nothing justifying it, and he should be compelled to vote against it.

Mr. GAZZAM thought the appointment of an additional sequestrator would have a tendency to unnecessarily expend the funds of the road. The courts, too, have ample power over the management of the road, where there has been anything wrong. There had been no complaints, that he was aware of, and he saw no necessity for the passage of the bill.

Mr. MILLER made a further statement in justification of the appointment. The citizens of Washington county, he said, felt a deeper interest in the affairs of this road than the people of Pittsburg can feel, because it is their principal thoroughfare to that city; and as a majority of the creditors reside in Washington county, there should be a sequestrator appointed there.

Mr. GAZZAM thought the interests of the road would be better subserved by having a sequestrator in Pittsburg—not only to the stockholders, but to the judgment creditors.

On the final passage of the bill,

The yeas and nays were required by Mr. PENNEY and Mr. MILLER, and were as follows, viz:

YEAS—Messrs. Baldwin, Blood, Coffey, Fetter, Francis, Gregg, Keller, Marselis, Miller, Myer, Nunemacher, Palmer, Parker, Rutherford, Schell, Shaeffer, Schindel, Steele, Turney, Welsh, Wright and Yardley—22.

NAYS—Messrs. Brewer, Gazzam, Penney and Cresswell, *Speaker*—4.

So the question was determined in the affirmative.

#### BILLS CONSIDERED.

On motion of Mr. STEELE, the Senate proceeded to consider Senate bill No. 368, "A supplement to an act incorporating the Philadelphia and Great Bend turnpike road company."

The bill after being duly considered, passed finally.

On motion of Mr. THOMPSON, House bill No. 543, "An Act to incorporate the White Marsh and Cheltenham turnpike road company," was taken up, and having gone through its various readings, passed finally.

On motion of Mr. MILLER, Senate bill No. 662, "An Act to equalize taxation on corporations," was brought before the Senate, and having passed committee of the whole lies over.

Mr. FINNEY called up Senate bill No. 482, "An Act to establish the Penn Industrial reform school."

This bill passed committee of the whole, after being amended variously, and by request, lies over.

On motion of Mr. TURNEY, Senate bill No. 576, "An Act relative to challenging jurors in civil cases," was taken up, considered and passed finally.

Mr. RUTHERFORD called up Senate bill No. 566, "An Act relating to executors, administrators and guardians."

Said bill having passed committee of the whole and second reading, lies over.

On motion of Mr. SCHELL, the Senate resumed consideration of Senate bill No. 672, "An Act relative to county treasurers and their sureties," on third reading.

This bill being before the Senate, Mr. MYER moved to postpone consideration, and that it be printed; which was agreed to.

On motion of Mr. BELL, Senate bill No. 275, "An Act to authorize execution of process in certain cases in equity, concerning property within the jurisdiction of the court or defendants, not resident or found therein," was taken up, and after passing committee of the whole, lies over.

On motion of Mr. MYER, the Senate resumed the consideration of Senate bill No. 202, "An Act to pay the claim of Thomas Morley."

Mr. TURNEY offered the following proviso:

*Provided*, That before any part of the aforesaid appropriation shall be paid, the whole subject shall be examined by the Auditor General and Attorney General; and if it should appear to their satisfaction that any damages are due to said claimant, either legally or equitably, then it shall be their duty to give notice to the president of the Sunbury and Erie railroad company, and to the owners and purchasers of said canal, in which they shall fix a day for the hearing of the case, and shall act as commissioners to take testimony, and determine, if any, what amount of damages is due said claimant, and this amount, and no more, shall be paid.

An explanatory discussion, with reference to the claim, its reference to the Judiciary Committee, with the power to hear testimony upon which it was based, and the application of the resolution of the Senator from Crawford, (Mr. FINNEY,) to it, requiring notice to the North Branch canal company to appear and show cause why they should not be held liable for the same, ensued between Messrs. TURNEY, MYER and BELL.

Mr. MYER said the bill had already been discussed by the Senate. If he thought a reiteration of the circumstances and facts connected with it would have a tendency to place them in any clearer light than had already been done, he would again go over the whole ground. But he thought it unnecessary, and would leave the matter with the Senate, trusting to its sense of right and justice for such a disposition of it as would be proper.

Mr. BELL was not satisfied with the claim, and trusted the Senator from Bradford would present some statement of the facts, so that he might be able to vote upon the bill with the proper knowledge of its merits.

Mr. MYER entered into an explanation of the circumstances in which the claim originated, with a statement of the facts connected with its presentation in its present shape.

Mr. FINNEY made a statement of the previous action of the Legislature upon this claim, when there was a committee appointed to examine into its merits. He denied that their consent to examine the claim was a recognition of it, or that the State was justly liable for its payment.

Mr. FINNEY gave way for the reading of a letter to Mr. TURNEY, bearing upon the claim, and denying the right of Mr. Morley to recover, having no title, either in law or equity, in the property alleged to have been damaged.

He then continued, in explanation of the legal position of the case, as it had previously been presented to the Legislature, and of the testimony which had, at that time, been presented in behalf of Mr. Morley's right to recover. There was no evidence, he thought, which entitled Mr. Morley to the payment of seven thousand dollars. If he did suffer damages, however, (and there was reason to believe he did, to a certain extent,) the right way was to have a fair hearing of both parties—not an *ex*

*parte* one—for the State has rights as well as claimants. He was not prepared to say that he was entitled to this sum of seven thousand dollars, without other evidence than he had yet seen. Mr. Morley may have a just claim to some amount, but before casting his vote for the bill, he must have some better evidence to warrant it than had yet been furnished.

Mr. SCHELL thought the proper way to arrive at the merits of this claim would be for the Judiciary Committee to report a bill to give to Mr. Morley the right of proceeding against the Sunbury and Erie railroad company, in the courts either of Dauphin county or some other. Judge Pearson was a good man, and he was confident that justice would be done to both parties.

Mr. TURNEY was willing to give Mr. Morley a right to be heard; and he would propose some plan by which his claim could be referred to a competent tribunal to determine, not only of the law, but the facts of the case. He believed that the Judiciary Committee was competent to the task, and, if required, that they would, in the examination of the claim, do justice to both the State and the claimant.

Mr. MILLER suggested to the Senator from Bradford that he had better withdraw the bill for the present. His own candid opinion was that it would be doing wrong to pay any claim, however well established, out of the treasury of the Commonwealth. All these claims, he said, have already been paid, by the fixing of a certain price for the sale of the public works to the Sunbury and Erie company. The money was held in their hands for the payment of them; and if they are now paid out of the treasury of the State, without notice to the company, the amount cannot be recovered from them.

His sympathies, he said, were with Mr. Morley, and were it in his power to relieve him, he would willingly do so; but his oath to protect the interests of the State, and to perform faithfully his duties as a public servant, compelled him to oppose the allowance of the claim as at present presented. If Mr. Morley's claim is a just one, it can suffer nothing by age, and he was in favor of deferring action upon all claims for alleged damages, until some uniform system or tribunal shall have been established to pronounce upon them.

Mr. BELL reviewed the circumstances attending the origin and reference of this claim, which, he said, was an *ex parte* one, founded upon *ex parte* evidence, and upon which the Senate did not possess sufficient evidence to justify favorable action. He advocated the adoption of some general system—some settled legal mode—for the settlement of all claims against the Commonwealth.

The amendment of Mr. TURNEY was agreed to, and the consideration of the bill was postponed for the present.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor; which was read, and is as follows:

EXECUTIVE CHAMBER,  
Harrisburg, March 18, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following Acts of the General Assembly, viz:

"An Act relating to auctions in the borough of York."

"A further supplement to the act incorporating the borough of York."

"A further supplement to an act to incorporate the city of Erie."

"An Act to confer on Henry Broderick, of Carbon county, the rights and privileges of a child born in lawful wedlock."

"An Act to allow the Philadelphia Bank to buy additional real estate."



"An Act relating to road and bridge viewers in Centre county."

"An Act relative to the Northumberland improvement company."

"An Act relating to the trustees of the Farmers' high school."

"A supplement to an act to incorporate the South Mountain railroad company."

"A supplement to an act to incorporate the Commonwealth insurance company at Harrisburg."

"An Act to incorporate the Parryville bridge company."

"An Act for the appointment of auditors for the borough of Tuukhaunock, in Wyoming county, and changing the time of holding borough elections."

"An Act to divide the borough of Scranton into two wards."

"A supplement to the act incorporating St. Paul's church, in the city of Philadelphia."

"An Act to incorporate the East Berlin railroad company."

"An Act to incorporate the Mercantile hall company of the city of Pittsburgh."

"An Act to refund to William Coulter certain money and expenses paid by him to the commissioners of the Nicholson court."

"An Act authorizing the Frankford and Oxford turnpike road company to borrow money."

"A supplement to the act incorporating the Middletown and Harrisburg turnpike road company."

WM. F. PACKER.

Mr. FRANCIS, from the Committee to Compare Bills, made a report; which was read.

An extract from the Journal of the House was received and read. It is as follows:

*Resolved*, That if the Senate concur, the Clerk of the House is hereby authorized to strike out from the 20th line of the third section of House bill No. 247, "An Act authorizing the Governor to incorporate a company to erect a bridge over Clearfield creek in Clearfield county, at Alexander's Fording," the word "fifty," and insert in lieu thereof the word "thirty."

On motion, the extract was concurred in.

On motion of Mr. BLOOD, the Committee on the Judiciary was discharged from the consideration of "An Act to enable the commissioners of Clarion county to erect a new court house;" and said bill being brought before the Senate, was duly considered and passed finally.

The hour of one having arrived, the SPEAKER adjourned the Senate until 3 o'clock this afternoon.

**CORRECTION.**—In our report of Senate proceedings upon the act, "A further supplement to an act for the regulation and continuance of a system of education by common schools," we made Mr. SCHELL advocate the fifth section, which provides that all independent school districts heretofore formed, either by enactment of the Legislature or by any court of common pleas of this Commonwealth, be and the same are hereby abolished, and that it shall not be lawful for the said courts, after the passage of this act, to establish or continue any independent district for school purposes.

Mr. SCHELL was in the chair at the time, and the advocacy of the section should have been imputed to Mr. TURNEY. Mr. S. opposed the second section, and favored the section limiting the tax to ten mills on the dollar on all property subject to taxation by existing laws for school purposes.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, March 18, 1859.

The House was called to order at 9½ o'clock. The Clerk read the Journal of yesterday.

Mr. PINKERTON, leave having been given, read in his place and presented to the Chair, two petitions of citizens of Schuylkill county,

praying for a law making it obligatory on the several banks of this Commonwealth to keep their notes at par in the cities of Philadelphia and Pittsburgh.

Also, one from citizens of Schuylkill county, numerously signed, asking for a law better securing the wages of labor in the county of Schuylkill.

Mr. OAKS moved that the rules be suspended and that the House proceed to the consideration of Senate bill No. 355, "An Act to incorporate the East Danville iron company."

Mr. CHASE called for a division of the question.

On the motion to suspend the rule,

The yeas and nays were required by Mr. CHASE and Mr. MANN, and were as follow, viz:

YEAS—Messrs. Abbott, Bertolet, Boyer, (Clearfield,) Brodhead, Bryson, Campbell, Custer, Eckman, Ellmaker, Evans, Galley, Good, Gray, Hill, Laird, Matthews, Neall, Oaks, Palm, Patterson, Pinkerton, Rohrer, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Warden, Witman, Wilcox, Wilson and Lawrence, *Speaker*—32.

NAYS—Messrs. Balliet, Barnsley, Barlow, Boyer, (Schuylkill,) Burley, Chase, Dodds, Durboraw, Fearon, Foster, Goepf, Graham, Kencagy, Kinney, Lawrence, (Washington,) Mann, M'Clure, M'Curdy, Nill, Peirce, Proudfoot, Ramsdell, Shafer, Walborn, Walker, Wigtou, Williams, (Bedford,) Williams, (Bucks,) and Woodring—29.

So the question was determined in the negative, two-thirds not voting in the affirmative.

Mr. WILCOX asked the unanimous consent of the House to introduce a resolution fixing upon the 6th day of April next for the final adjournment of the Legislature. He stated that he had consulted many members of both branches of the Legislature, who expressed a desire to adjourn at that time. He thought the members should know when the final adjournment would take place. In his experience, he had found it conducive to the expeditious discharge of the business before the Legislature.

Mr. HAMERSLY understood that the appropriation bill had not yet been touched in the Senate, and therefore could not see the propriety of passing this resolution.

Mr. WILCOX was assured that if the resolution passed the House, it would pass the Senate in five minutes. He again repeated that the members ought to know at this time when the Legislature would adjourn finally.

Mr. M'CLURE said that there was already a resolution before the House providing for the final adjournment of the Legislature, and suggested that it be re-considered and amended.

The House refused to give its unanimous consent to Mr. WILCOX to introduce said resolution.

Mr. RAMSDELL moved that the House proceed to the consideration of the resolution indicated by the gentleman from Franklin, (Mr. M'CLURE;) which was not agreed to.

#### CALENDAR OF PUBLIC BILLS.

Agreeably to order, the House resolved itself into committee of the whole, (Mr. ABBOTT in the Chair,) on House bill No. 206, "An Act defining the punishment of certain offences."

Mr. FOSTER moved to amend the bill, by making it applicable to any city of this Commonwealth; which was agreed to.

And on the bill, as amended,

The yeas and nays were required by Mr. HAMERSLY and Mr. FOSTER, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Foster, Galley, Goepf, Good, Graham,

Gratz, Gray, Hamersly, Harding, Hill, Hottensine, Jackson, Kencagy, Kinney, Laird, Lawrence, (Washington,) Mann, Matthews, M'Clure, M'Curdy, Miller, Neall, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Price, Proudfoot, Ramsdell, Rohrer, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thompson, Thorp, Wagenseller, Walborn, Walker, Warden, Witman, Wigtou, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Wilson, Woodring and Lawrence, *Speaker*—75.

NAYS—None.

So the question was determined in the affirmative.

The House resolved itself into committee of the whole, (Mr. PRICE in the chair,) on House bill No. 211, "A supplement to the several acts relative to the liens of mechanics and material men," as follows:

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* when any master workman or contractor shall, on demand, refuse to pay any journeyman or laborer employed in erecting or constructing, repairing or extending any building or property, belonging or adjacent thereunto, the wages due to him for such labor, it shall be the duty of such journeyman or laborer to give notice in writing to the owner or owners of such building, of such refusal, and of the amount due to him, and so demanded; and the owner or owners of such building shall thereupon be authorized to retain the amount so due, and claimed by any such journeyman or laborer, out of the amount owing by him or them, to such master workman or contractor, giving him written notice of such claim and demand; and if the same be not paid or settled by said master workman or contractor, such owner or owners shall retain the amount claimed by said journeyman or laborer, until a suit for the recovery of the same shall have been adjudicated by the proper authority; and such journeyman or laborer, for the same judgment, having first been obtained, judgment for the same as aforesaid, such owner or owners shall be entitled to an allowance thereof, in the settlement of accounts between him and such master workman or contractor as so much paid on account: *Provided*, That the owner or owners of any building or buildings, against which such claim shall be made, shall not be required to pay the same until such journeyman or laborer shall have obtained final judgment against such contractor or contractors, and all costs shall be paid by such contractor or contractors; but if such contractor or contractors are unable to pay the costs, then, and in that case, the costs to which the owner or owners may have been subjected, shall be deducted from the moneys coming to such journeyman, laborer or claimant, under the provisions of this act. *And it is further provided*, That such claimant or claimants shall bring suit against such contractor or contractors, within one month after giving such notice; and if no suit is brought within said time, then the notice is to have no effect whatever.

Mr. ROHRER moved to amend the bill by inserting the following proviso, after the word "building," in the tenth line.

*Provided*, That the same shall not have been previously paid and settled between such borrower and contractor; which was not agreed to.

Mr. PALM moved to amend the bill by striking out "one month," in the 29th line, and inserting the word "ten days," thus requiring claimant against contractors to bring suit within ten days after giving such notice.

Mr. NEALL moved to amend the amendment by fixing the time at twenty days; which was not agreed to.

The amendment of Mr. PALM was agreed to.



Mr. THOMPSON moved to amend by adding to the end of the section the following proviso: *Provided*, That nothing herein contained shall be so construed, as to change the mode of payment fixed upon by agreement or otherwise, between such owner and master-workman or contractor.

Mr. NEALL said—

Mr. CHAIRMAN:—I have been standing at my seat and listening very attentively to the arguments of the gentlemen in reference to this bill, and would say that I took a great deal of pains with this bill, presented it to the House, it was referred to the Judiciary Committee, and with the assistance of the gentlemen of that committee the bill was perfected. There were grammatical errors and clerical errors in the bill, which have been corrected. I hope the amendment of the gentleman from Butler will not be adopted, for it strikes at the vital principles of the bill. The bill provides for the payment of journeymen and laborers employed by master workmen or contractors in the erection of buildings, and whether the contract between the master-workmen or contractor, and the owner or owners, be that they should be paid in money, notes, provisions, or, as the gentleman from Butler, says in horses and cattle, this bill does not affect that contract for one moment. It, sir, is not my desire to injure the laws in reference to mechanics' liens in the least. I am not a lawyer, or one versed in the law, but simply a plain mechanic, representing a portion of this great Commonwealth, and asking for a law to protect my fellow mechanics from the impositions of unreliable contractors.

I do not speak thus for buncombe, but with honest intentions and purposes. I understand the gentleman from Butler has withdrawn his amendment. I thank him. I hope the bill will now pass as it stands, that the poor bricklayer and honest bod-carrier may not labor in vain in his honest endeavor to carry out the command to earn his bread by the sweat of his brow.

A rambling debate took place between Messrs THOMPSON, WALBORN, HAMERSLY, NILL, SHEPPARD and KINNEY, after which, the amendment was withdrawn.

The bill as amended was agreed to.

And on the final passage of the bill,

The yeas and nays were required by Mr. HAMERSLY and Mr. GRATZ, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Chase, Church, Custer, Dismant, Durboraw, Eckman, Ellmaker, Evans, Fearon, Foster, Galley, Glatz, Good, Graham, Gratz, Green, Gritman, Hamersly, Hill, Hottenstine, Irish, Jackson, Keneagy, Kinney, Laird, Lawrence, (Washington,) Mann, Matthews, M'Clure, M'Curdy, M'Dowell, Miller, Neall, Nill, Oaks, Palm, Patterson, Pennell, Pierce, Pinkerton, Price, Proudfoot, Pughe, Ramsdell, Rohrer, Rouse, Shafer, Sheppard, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thompson, Thorn, Wagenseller, Walborn, Walker, Warden, Witman, Wigton, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Woodring, Zoller and Lawrence, *Speaker*—81.

NAYS—None.

So the question was determined in the affirmative.

The House resolved itself into committee of the whole, (Mr. WILSON in the Chair,) on House bill No. 212, "An Act to abolish the board of revenue commissioners."

Mr. NILL explained why he was induced to introduce the bill, and expressed the hope that it would pass.

Mr. WILLIAMS, (Bucks,) concurred with the sentiments set forth in the remarks of Mr. NILL.

Mr. WALBORN opposed the abolition of the

board, and hoped the bill would be negatived. He could see no necessity for its abolishment.

The bill passed committee of the whole, and was read the second time.

Mr. WALBORN moved that the bill be re-committed to the Committee on Ways and Means.

On the motion,

The yeas and nays were required by Mr. WALBORN and Mr. WILSON, and were as follow, viz:

YEAS—Messrs. Acker, Campbell, Chase, Church, Glatz, Good, Hamersly, Hill, Hottenstine, Ketchum, Mann, Neall, Peirce, Shafer, Sheppard, Smith, (Berks,) Thompson, Walborn, Warden, Wigton, Williston, Woodring and Lawrence, *Speaker*—23.

NAYS—Messrs. Abbott, Balliet, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Custer, Dismant, Doods, Durboraw, Eckman, Ellmaker, Fearon, Foster, Galley, Goepf, Graham, Gratz, Gray, Green, Gritman, Harding, Irish, Jackson, Keneagy, Kinney, Lawrence, (Washington,) Mahaffey, M'Clure, M'Curdy, Miller, Nill, Oaks, Palm, Patterson, Pinkerton, Price, Proudfoot, Rohrer, Rouse, Smead, Stephens, Stoneback, Stuart, Taylor, Wagenseller, Walker, Witman, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Wilson and Zoller—58.

So the question was determined in the negative.

Mr. WALBORN moved that the further consideration of the bill be postponed for the present.

Mr. HAMERSLY moved to amend by postponing indefinitely.

Mr. WALBORN hoped members would reflect before they passed upon this bill.

Mr. WILLIAMS, of Bucks, looked upon the board as a nuisance and hoped the bill would be passed.

Mr. NILL again spoke in favor of the bill. There was no necessity for the board.

Mr. ZOLLER would vote for the bill with all his heart.

Mr. CHASE said there was, he understood, considerable utility in this board, and he could not see the practicability of its abolishment.

Further discussion took place between Messrs. NILL and others.

On the motion to postpone indefinitely,

The yeas and nays were required by Mr. NILL and Mr. IRISH, and were as follow, viz:

YEAS—Messrs. Campbell, Chase, Church, Ellmaker, Evans, Fisher, Glatz, Good, Green, Gritman, Hamersly, Hill, Ketchum, Laird, Mann, Matthews, Neall, Pennell, Pughe, Ramsdell, Rouse, Sheppard, Smith, (Berks,) Stephens, Walborn, Wigton, Williston and Lawrence, *Speaker*—28.

NAYS—Messrs. Abbott, Acker, Balliet, Barnsley, Bayard, Bertolet, Burley, Custer, Dismant, Doods, Durhoraw, Eckman, Fearon, Fleming, Foster, Galley, Goepf, Graham, Gratz, Hottenstine, Irish, Jackson, Keneagy, Kinney, Lawrence, (Washington,) Mahaffey, M'Clure, M'Curdy, M'Dowell, Miller, Nill, Oaks, Palm, Patterson, Peirce, Pinkerton, Price, Proudfoot, Rohrer, Shafer, Smead, Stoneback, Stuart, Taylor, Thompson, Thorn, Wagenseller, Walker, Warden, Witman, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Wilson, Woodring and Zoller—57.

So the question was determined in the negative.

Mr. THORN opposed the passage of the bill.

Mr. HAMERSLY favored postponement for the present.

The motion to postpone said bill for the present, was not agreed to.

Mr. GRITMAN could not see the utility of passing the bill. He could see no good reason to abolish the revenue board.

Mr. HILL said the board subserved a useful

purpose, and he could, therefore, not vote for the bill.

On agreeing to the bill on second reading, The yeas and nays were required by Mr. NILL and Mr. HILL, and were as follow, viz:

YEAS—Messrs. Barnsley, Bayard, Bertolet, Burley, Custer, Doods, Durboraw, Eckman, Fearon, Foster, Galley, Graham, Irish, Lawrence, (Washington,) Mahaffey, M'Clure, M'Curdy, Miller, Nill, Oaks, Palm, Patterson, Price, Proudfoot, Smead, Stuart, Taylor, Thompson, Wagenseller, Walker, Witman, Williams, (Bucks,) and Zoller—33.

NAYS—Messrs. Abbott, Acker, Balliet, Barlow, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Campbell, Chase, Church, Dismant, Ellmaker, Evans, Fisher, Fleming, Glatz, Goepf, Good, Gray, Green, Gritman, Hamersly, Harding, Hill, Hottenstine, Jackson, Keneagy, Ketchum, Kinney, Laird, Mann, Matthews, Neall, Pennell, Peirce, Pinkerton, Pughe, Ramsdell, Rohrer, Rouse, Shafer, Sheppard, Smith, (Berks,) Stephens, Stoneback, Styer, Thorn, Walborn, Warden, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williston, Wilson, Woodring and Lawrence, *Speaker*—57.

So the question was determined in the negative.

And the bill fell.

Mr. BOYER, (Clearfield,) offered a joint resolution, that the Clerk of the House be directed so to amend bill No. 247, "An Act to incorporate a company to erect a bridge over Clearfield creek, in Clearfield county, at Alexander's fording," as to make 1850 read 1830; which was adopted.

Mr. THORN asked and obtained leave to change his vote from yea to nay, on the vote had on the final passage of the act authorizing and requiring the treasurer of Reading to pay certain costs and fees.

Mr. WAGENSELLER asked and obtained leave to change his vote from yea to nay on the vote had on the final passage of the bill, entitled "A supplement to an act to incorporate the Philadelphia and Reading railroad company."

Mr. PRICE asked and obtained leave to withdraw certain papers.

The House resolved itself into committee of the whole, (Mr. GRATZ in the chair,) on House bill No. 214, "An Act relating to the collection of taxes in the several counties of the State," which was read, as follows:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That hereafter it shall be the duty of the commissioners of every county of the State, in each and every year immediately after the assessment of taxes for State and county purposes shall be completed in the manner prescribed by law, to cause their clerk to make fair duplicates thereof, in a convenient form, and deliver the same to the treasurer of the said county, together with a certificate, under their hands respectively, and attested by their clerk, certifying that the taxes charged in said duplicates have been duly assessed according to law.

SEC. 2. That it shall be the duty of the county treasurer of each county, after he shall receive the duplicates of assessment from the county commissioners as hereinbefore provided, to give at least thirty days' notice, by weekly publications in one or more newspapers printed in the county, for the purpose of collecting and receiving State and county taxes; and it shall be the duty of the said treasurer to attend at least two days in each township and borough in the county, for the purpose aforesaid, previous to the twelfth day of July in each year; and he shall give receipts for taxes in all cases when required by the person paying the same: *Provided*, That if any person shall, on or before



the twelfth day of July, aforesaid, pay to such treasurer the amount of his or her taxes, such person shall be entitled to a deduction of five per centum on the amount thereof paid for State purposes, which shall be in lieu of the abatement of five per centum allowed the county, by the forty-second section of the act to reduce the State debt, *et cetera*, passed the twenty-ninth day of April, one thousand eight hundred and forty-four.

SEC. 3. That in case any State or county tax, assessed in any township or borough, within any county, shall remain unpaid for a period of thirty days from and after the twelfth day of July aforesaid, it shall be the duty of the treasurer to issue his warrant, under his hand, accompanied by a schedule of all such unpaid taxes, and the names of the persons respectively to whom the same are charged, in the proper duplicate, directed to the constable of the proper township or borough, whose duty it is hereby made to receive the same, authorizing and requiring him to demand and receive from the persons named in the schedule, the sums with which they are therein charged respectively; and the said warrants shall further authorize and require such constable, in case any person named in the schedule thereto annexed shall fail to pay the amount with which such person is therein charged, within ten days after demand therefor, made by such constable, to levy the same, by distress and sale of the goods and chattels of such delinquent, giving ten days' public notice of such sale, by written or printed advertisements; and in such case the constable shall be entitled to retain, out of the proceeds of such sale, after first deducting the taxes, the same fees as are now allowed to constables by law, for a levy and sale upon a writ of execution.

SEC. 4. That upon the delivery by the county treasurer of his warrant to any constable according to the provisions of this act, he shall charge such constable with the whole amount of taxes contained in the schedule thereto annexed, in a book to be provided for the purpose; from which liability such constable and his sureties, under the provisions of this act, shall only be discharged by payments of said amount, after deducting such exonerations as may be allowed to such constables and certified to the said treasurer by the county commissioners, for mistakes, indigent persons, unseated lands and other cases wherein exonerations are now by law allowed to collectors of taxes.

SEC. 5. That it shall be the duty of the court of quarter sessions in and for the several counties of the Commonwealth, before they shall appoint constables, to require from them a bond, in the name of the Commonwealth, in such sum and with such sureties as shall be approved by the said court, conditioned for the faithful discharge of the duties imposed upon such constables by this act, and for the payment to the proper county treasurer of the full amount of taxes contained in any warrant and schedule, which shall be delivered to them, or any of them, by the county treasurer of said county, after deducting exonerations, within four months from and after the date of the delivery of any such warrant as aforesaid.

SEC. 6. That it shall be the duty of the constables who shall receive warrants from the county treasurer of such counties, under the provisions of this act, to settle their accounts, obtain their exonerations, and pay over to the treasurer of said county, all moneys collected by them in pursuance of the said warrants, within four months from and after the day of delivery of such warrants to them respectively; which day shall be endorsed on each warrant by the treasurer issuing the same, and shall also be by him entered in a book to be by him kept for that purpose; which book, verified by the oath or affirmation of such treasurer, or in

case of his death, absence out of the State or other inability to appear and testify, by the oath or affirmation of any credible person proving the hand writing of such treasurer, shall be competent evidence to establish the fact of the delivery of any warrant or warrants to any constable or constables as aforesaid, in any court of law in this Commonwealth.

SEC. 7. That in case any constable shall fail to make the settlement and payment required in the preceding section of this act, within the time aforesaid, it shall be the duty of the treasurer of said county, to cause an action of debt, in the name of this Commonwealth, to be brought upon the bond of such constable; and if upon the commencement of any such suit, it shall appear that such constable has not complied with the provisions of this act, judgment shall be rendered against the defendants therein for the amount for which such constable is delinquent, together with interest, at the rate of twelve per centum per annum, from and after the expiration of the aforesaid period of four months, and full costs of suit; and in all such cases there shall be no stay of execution or other stay, any law to the contrary notwithstanding; but it shall be the duty of the said treasurer to prosecute such judgment to execution and satisfaction without delay.

SEC. 8. That if any treasurer or constable shall fail or refuse to perform any of the duties required of them respectively by this act, he or they shall, for every such offence, forfeit and pay a fine of fifty dollars, which shall be recoverable in the name of the Commonwealth, at the instance of any person who will sue therefor, in the same manner as debts of like amount are now by law recoverable, with costs of suit; and one moiety thereof shall be paid to the treasurer of the Commonwealth, and the residue to the person suing for and recovering the same.

SEC. 9. That in lieu of the per centage now received by the treasurer of such counties, or State taxes by him paid into the State treasury, he shall hereafter be entitled to deduct and retain, out of the gross amount of moneys collected and received by him for the use of the Commonwealth, under the provisions of this act, the sum of six per centum on the amount accounted for and paid over by him to the State Treasurer, four per centum of which shall be passed by him to the credit of the county.

SEC. 10. That it shall be the duty of the commissioners of such counties to deliver the duplicates of assessment for the present year to the county treasurer, on or before the first day of May next, and to deliver the duplicates of assessments for each succeeding year, on or before the first day of April.

SEC. 11. That so much of any law as requires the commissioners of the several counties of the State to appoint collectors of taxes, and so much of any law as is hereby altered or supplanted, is hereby repealed.

SEC. 12. That hereafter the pay of assessors in the several counties of the State shall be two dollars per day for every day necessarily required to make the assessment for State and county purposes.

SEC. 13. That in all cases under the provisions of this act, in which constables shall receive taxes from tax-payers without resorting to levy and sale of goods, they shall be entitled to demand and receive from such tax-payers the additional sum of five per centum on said taxes, to be retained by them as their compensation for such collections.

SEC. 14. That the assessors of the different townships, wards and boroughs in the several counties of the State, in making the extra assessment provided for by the former acts of assembly, shall certify the name of the person applying to be assessed, with the amount of tax imposed both for State and county purposes, to

the constable discharging the duties of collector under the provisions of said act of the twenty-fifth of February, one thousand eight hundred and fifty-three; and the said constables shall receive and receipt for all such taxes; which receipt shall be as valid as receipts given by collectors in like cases under existing acts of assembly.

SEC. 15. That the provisions of this act shall not be deemed or taken to apply to the county of Philadelphia.

The first section being before the committee,

Mr. WILSON said he was opposed to this bill, for many and weighty reasons to him.—There was already in operation, in his county, a law similar in its character to the bill before the House—one that offered stronger inducements even than did the bill under consideration, to the tax-payers there, yet it had failed of its object. One among the many objections he had to this bill, was that it fixed an untimely period for the payment of the taxes. The existing law held out an inducement to the tax-payers to pay their taxes at a time of the year when money was scarce, hard to obtain, and men were most busily engaged in their various avocations. The object of this bill was to induce the tax-payers to pay in the month of June—a time of the year when many of the people of the Commonwealth were expending their earnings of the previous winter in replenishing their stocks of merchandise, or preparing for a renewal of their business, or other of their avocations, whatever it might be. Then it was at that inconvenient season, they were called upon to pay the taxes for the previous year, before collecting their earnings of the present. The people were required to pay their taxes whilst their crops were yet green, before they were cut, before they were matured, before they have received any returns for their labor. Now, it was well known that the month of June was an untimely season for the payment of taxes, especially for the poorer classes of the community. He objected to the bill, therefore, first, upon that ground, because it was not the proper time. Why ask your merchants, your business men all over the Commonwealth, and they would tell you that it is a season of the year when they need all the payments they can command, in order to lay in their stocks. It was, too, (he observed,) at a period of the year when the poor are busily employed in recruiting their almost exhausted resources, perhaps, after a very hard winter.

Then, again, he believed it was contrary to public policy to enact such a law as was contemplated by the bill before the House. It would entail on the people grievances which they were not able to bear at that season of the year. He objected to the measure upon another ground, and that was, it professed upon its face to do that which it would not, in practice, carry out. He then proceeded to illustrate how the bill would discriminate between the poor and the rich, and showed that it would be extremely oppressive upon the former, whilst the rich would, at all times, be prepared to meet the tax collector. He contended that it would be treating the poorer classes of the people with unfairness, if not oppressiveness. Now, as legislators, as representatives of the people, they should treat all classes of their fellow-citizens alike.

The effect and operation of the bill would be, in his opinion, to destroy the credit system of the State. In short, the bill would not attain the object of its author. Mr. W. then entered into a critical examination of the various sections of the bill, and pointed out the injustice it would inflict upon his constituents should it become a law, even admitting the undoubted ability of his constituents to pay their taxes with as little inconvenience as those of any other member upon that floor. He maintained that we



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could not dispense with the office of county collector, and could not get clear of the labor, expense and annoyance attending the collecting of balances due the Commonwealth. Had there been a provision in the bill to enable the constable to collect the balances, there might be some justice in it. Another objection was, the bill proposed virtually to abolish the office of county collector.

One of the operations of the bill was to leave one-half the money due the Commonwealth in the hands of the constables, whose duty it was to collect the balances, and that he was utterly opposed to.

Mr. MILLER was opposed to the passage of the bill, and he spoke from some experience on the subject, for there was a law in his county, (Crawford,) of similar character to the one now proposed; and it had been attended with no good consequences. He next proceeded to notice some of the objections of the gentleman from Beaver, (Mr. WILSON.) Under the operation of this bill, it would cost more to collect the money due than it had ever cost before.

Mr. NILL replied, stating that there had been a similar law in operation in Franklin county for the last ten years, and it had worked well. He then explained it. He advocated this bill, because he regarded it as consistent with sound policy not to increase the expense of collecting the revenue of the State. The office of tax collector, under the present system, was an important office, and it should not be dispensed with; but if a better plan could be devised of collecting the public money, let the House adopt it. If this law were adopted, it would save vast sums of money. He cared but little about the passage of this bill, but he would say he had drawn it up with great care, and after many suggestions from several members. He next proceeded to reply to the gentleman from Beaver, (Mr. WILSON,) and asked him if he was afraid of the influence to be exercised by constables. If he was, then he would never have an opportunity of acting independently. When a similar law to the proposed one was first introduced into Franklin county, the same fear as to their influence was apprehended, but time proved it to be fallacious. Were they, he asked, always to hold on to a number of officers, because they were afraid of their influence at elections and elsewhere? Was such a feeling to control—to operate upon the minds of the members of this House? He trusted not. The poor in his county were perfectly satisfied with the manner in which the taxes are collected.

Mr. WILSON very briefly rejoined, and insisted that the people are entitled to have such a law as would do equal and exact justice, and he again reiterated many of the objections he had previously advanced. He declared that, taking the whole bill as it stood, he objected to it *in toto*. He saw nothing in the slightest degree in its favor, and the people would not stand it.

Mr. PINKERTON said he was opposed to the passage of the bill under consideration, and gave as his reasons, first, that the time fixed for the collection of the taxes by the treasurer was July, which was entirely too early, and that the same principle had been tested before in this Commonwealth, in the collection of school taxes, and the experiment was a perfect failure. The consequence was, the act was soon repealed, and the old system revived.

The gentleman from Franklin, (Mr. NILL,) had said that the principle of collecting taxes had been tried in his county and operated admirably; but the gentleman must recollect that that was a farming district, and, as a general thing, farmers have always money, and are ready, at almost any time, to pay their taxes; but it was not so with the majority in the coal and iron regions.

Mr. NILL briefly explained some statistical facts in connection with the county of Franklin, referred to by Mr. PINKERTON.

Mr. MILLER said this law had been tried three or four years in Crawford county, and it worked very badly. There it had been found that constables never could collect the taxes; indeed, it would not pay them for their trouble, to put the bills in their hands. He hoped the bill would be defeated.

Mr. WILCOX moved that the committee rise, report progress, and ask leave to sit again; which was not agreed to.

The question recurring,

Will the House agree to the first section of the bill?

It was determined in the negative.

The committee then rose, and the bill was reported to the House, with a negative recommendation,

And on the question,

Will the House agree to the report of the committee?

It was determined in the affirmative.

So the bill fell.

Mr. LAWRENCE, (of Washington,) moved that when this House adjourns, it adjourn to meet again at 3 o'clock this afternoon.

Mr. WALBORN moved to amend, by holding a session this afternoon from 3 until 5, and to-morrow morning from 9½ until 12; which was not agreed to.

Mr. ROHRER moved to amend, that in lieu of a session to-morrow afternoon, this House will hold a session this afternoon, from 3 until 5 o'clock; which was not agreed to.

Mr. HAMERSLY moved to amend the motion of the gentleman from Washington, (Mr. LAWRENCE,) as follows:

That the House will hold a session this afternoon, commencing at 3 o'clock, for the purpose of considering bills on the Private Calendar; and that when the House adjourns this afternoon it will meet again to-morrow morning at 9, to adjourn at 12 o'clock; and that the session of to-morrow afternoon be dispensed with; and that the House will meet on Monday, at 3 o'clock, P. M.

Mr. THOMPSON moved to amend the amendment by meeting on Monday at 10 o'clock; which was not agreed to.

Mr. PATTERSON moved to have a session this evening from 7½ until 9 o'clock, in lieu of the one held on Monday morning; which was not agreed to.

The amendment proposed by Mr. HAMERSLY was then agreed to.

And the motion, as amended, adopted.

Mr. THORN asked but did not obtain leave to introduce a resolution, authorizing the SPEAKER and Clerk of the House to employ the services of an additional clerk for the remainder of the session.

Mr. ECKMAN asked and obtained leave to amend the act incorporating the Union cemetery association of the borough of Lebanon.

The amendment, as indicated by the gentleman, was inserted.

The Senate refusing to concur in the House amendments to the act authorizing the board of school directors of Uniontown, Fayette county, to borrow money,

On motion of Mr. GALLEY, a committee of conference was appointed, on the part of the House.

Adjourned until this afternoon at 3 o'clock.

## SENATE—AFTERNOON SESSION.

Agreeably to order, the Senate met at three o'clock.

### BILLS IN PLACE.

Mr. BELL read in his place and presented to the Chair, a bill, entitled "An Act relative to the liabilities of the railroad companies of this Commonwealth."

Mr. PARKER, "An Act to exempt the post-office and court rooms situated in the city of Philadelphia, from the payment of State and county taxes."

### BILLS CONSIDERED AND PASSED.

On motion of Mr. TURNEY, Senate bill No. 647, "An Act to prevent the destruction of trout in the counties of Westmoreland, Somerset, Fayette and Blair."

(This bill was variously amended, and the counties of Lycoming, Clinton and Bedford, were included.)

On motion of Mr. PENNEY, Senate bill No. 541, "An Act for the regulation and continuance of a system of education by common schools in the city of Pittsburg."

(The bill lies over on second reading.)

Mr. WRIGHT, from the Committee on Corporations, reported as committed, "A supplement to an act to incorporate the Chestnut Hill water company;" and, on his motion, said bill was taken up and passed finally.

On motion of Mr. SCHELL, (the Committee on Railroads having been discharged from its consideration,) House bill No. 713, "An Act to incorporate the Ebensburg and Cresson railroad company."

On motion of Mr. COFFEY, House bill No. 554, "An Act to establish a public ferry over the Allegheny river in Armstrong county."

(This bill was amended by the adoption of a substitute and a change in the title.)

On motion of Mr. PENNEY, House bill No. 371, "An Act to incorporate the Citizens' passenger railway company of the city of Pittsburg."

On motion of Mr. FETTER, House bill No. 865, "An Act to authorize the directors of the poor in Cumberland county to re-build a barn and other buildings destroyed by fire."

On motion of Mr. FINNEY, House bill No. 387, "An Act relative to foreign insurance companies in the county of Erie."

On motion of Mr. FRANCIS, House bill No. 383, "A further supplement to an act to incorporate the Mercer and New Castle railroad company."

On motion of Mr. FETTER, (the Judiciary Committee having been discharged from its consideration,) House bill No. 852, "A joint resolution to direct the Surveyor General to issue a patent to John Williams Jr."

On motion of Mr. RUTHERFORD, (the Committee on Corporations having been discharged from its consideration,) "A supplement to the act incorporating the Shalerstown academy, in the county of Lebanon."



On motion of Mr. GAZZAM, Senate bill No. 266, "An Act to incorporate the city and county insurance company of the city of Allegheny."

On motion of Mr. GREGG, (the Committee on Corporations having been discharged from its consideration,) House bill No. 680, "A supplement to the act incorporating the Clinton County coal company, authorizing the bondholders to organize a company under the name, style and title of the Egleton coal company."

On motion of Mr. MARSELIS, Senate bill No. 698, "A supplement to the act incorporating the West Philadelphia passenger railway company."

On motion of Mr. MYER, (the Committee on Corporations having been discharged from its consideration,) House bill No. 605, "An Act to extend the general manufacturing law to the manufacture of leather in certain counties of this Commonwealth."

The bill was so amended as to include the counties of Bradford, Susquehanna and Wyoming.

On motion of Mr. NUNEMACHER, House bill No. 406, "A supplement to the act incorporating the Philadelphia and Reading railroad company."

On motion of Mr. PALMER, Senate bill No. 605, "A supplement to the act incorporating the village of Port Carbon into a borough."

On motion of Mr. BELL, House bill No. 526, "An Act to incorporate the Chester steamboat company."

On motion of Mr. BREWER, (the Committee on Agriculture and Domestic Manufactures having been discharged from its consideration,) House bill No. 536, "An Act to prevent fishing with nets, seines and set-nets in the East Conchoque Creek, below the borough of Chambersburg, on the lands owned by Bernard Wolff and William Keyser, known as the Hollywell paper mill property."

On motion of Mr. MILLER, the Senate proceeded to consider a motion to re-consider the vote on "An Act to incorporate the American improvement and loan company."

The motion to re-consider was agreed to; and the bill being before the Senate,

Mr. MILLER offered a substitute, which was ordered to be printed, and consideration of the same was postponed for the present.

On motion of Mr. SCHELL, the Senate re-considered its vote on the final passage of "An Act to incorporate the Johnstown and Ashtabula road and railroad company," and the bill being again before the Senate, on his motion, all after the word "paid," in the seventh line of the seventh section, was stricken out.

The bill then passed finally.

The hour of three having arrived, the SPEAKER adjourned the Senate until to-morrow morning at 10 o'clock.

#### HOUSE—AFTERNOON SESSION.

The House met again at 3 o'clock.

Mr. CHASE, on leave, from the Committee on Ways and Means reported, as committed, "An Act relating to the overseers of the poor of Lewisburg, Union county."

On motion of Mr. WAGENSELLER, said bill was taken up and passed, and ordered that the Clerk present the same to the Senate for concurrence.

Mr. CAMPBELL, on leave, from the Committee on Roads and Bridges, reported, as committed, "An Act to enable the commissioners of Sheffield and Kinzua townships, Warren county, to levy and collect an additional road tax."

On motion of Mr. EVANS, the House resumed the consideration of the act, entitled "A supplement to an act to incorporate the Second and Third Streets passenger railway company."

Mr. EVANS moved to amend, so as to make the second section read as follows:

That the company shall be required within sixty days from the passage of this act, to extend their road from the Reading railroad to Allegheny avenue, with a double track; and shall also extend said road from Allegheny avenue along Richmond street, and Point road, to Bridesburg, in the Twenty-third ward, with a single track, within nine months after the passage of this act; which was agreed to.

The first section of the bill provides that the capital stock shall be increased to 10,000 shares: *Provided*, That the stockholders shall accept this amendment to their charter within thirty days after the approval thereof.

And the bill as amended was passed.

Mr. McDOWELL, on leave, read in his place and presented to the Chair "An Act to incorporate the Pittsburg gymnastic association."

Mr. KINNEY asked, but did not obtain, the unanimous consent of the House in order to make a motion that the House proceed to the consideration of "An Act for the assessment and recovery of damages on the North Branch and Wyoming canals."

Mr. RAMSDELL made an ineffectual motion to place on the Private Calendar, "An Act relative to Big Sandy creek and Venango creek."

Messrs. GALLEY and BRODHEAD moved a re-consideration of the vote had on the final passage of the act to reduce the expenses of collecting taxes in Fayette county; which was agreed to.

On motion of Mr. GALLEY, the further consideration of said bill was postponed for the present.

Mr. CHURCH asked, but did not obtain, the unanimous consent of the House to make a motion that the House proceed to the consideration of "An Act to incorporate the Passenger Railroad relief association of Philadelphia."

Mr. SHAFER asked the unanimous consent of the House to proceed to the consideration of an act, entitled, "Supplement to an act to incorporate the borough of Phoenixville."

Objections were made.

Mr. MILLER asked, but did not obtain, leave to make a motion.

Mr. LAWRENCE, (Washington,) moved that the House proceed to the consideration of the joint resolution relative to the final adjournment of the Legislature.

The SPEAKER informed the gentleman from Washington, (Mr. LAWRENCE,) that he could not make the motion without first moving to suspend the rule, which motion could not be made, inasmuch as the House already refused to do so.

The SPEAKER held that as this was but a continuation of the morning session, the motion to suspend the rule could not again be entertained.

Mr. LAWRENCE, (Washington,) then raised the following point of order:

That it was competent for him, without unanimous consent of the House, to make a motion to suspend the rule, notwithstanding the refusal of the House to suspend the rules this forenoon, inasmuch as the afternoon session had been ordered after the refusal to suspend the rules in the morning.

The SPEAKER refused to decide the point, and referred the point of order to the judgment of the House.

The point provoked discussion, which was participated in by Messrs. THORN, LAWRENCE, (Washington,) MCCLURE, HAMERSLY and others.

And on the question,

Shall the point raised by the gentleman from Washington, (Mr. LAWRENCE,) stand as the judgment of the House?

The yeas and nays were required by Mr. HAMERSLY and Mr. WARDEN, and were as follow, viz:

YEAS.—Messrs. Abbott, Acker, Balliet, Bar-

low, Bayard, Bertolet, Boyer, (Clearfield,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Custer, Dismant, Dodds, Eckman, Ellmaker, Fearon, Fleming, Galley, Good, Graham, Gratz, Green, Gritman, Hill, Hottenstine, Jackson, Keneagy, Laird, Lawrence, (Washington,) Mehaffey, Matthews, M'Curdy, Miller, Nill, Oaks, Patterson, Ramsdell, Rohrer, Rouse, Shafer, Smead, Smith, (Berks,) Stuart, Taylor, Thompson, Walker, Wigton, Wilcox, Williams, (Bedford,) Williams, (Bucks,) and Wilson—56.

NAYS.—Messrs. Barnsley, Boyer, (Schuylkill,) Fisher, Foster, Glatz, Goepf, Hamersly, Harding, Irish, Kinney, Mann, Neall, Palm, Peirce, Pinkerton, Price, Proudfoot, Pughe, Stephens, Stoneback, Styer, Thorn, Walhorn, Warden, Witman, Woodring and Lawrence, *Speaker*—27.

So the question was determined in the affirmative.

Mr. LAWRENCE, (Washington,) now moved that the rules be suspended, and that they proceed to the consideration of said resolution.

A division of the question was called for.

And on the suspension of the rule,

The yeas and nays were required by Mr. THORN and Mr. HARDING, and were as follow, viz:

YEAS.—Messrs. Balliet, Barlow, Bayard, Bertolet, Brodhead, Bryson, Burley, Campbell, Chase, Church, Custer, Dismant, Dodds, Eckman, Galley, Glatz, Good, Graham, Gratz, Green, Gritman, Hill, Hottenstine, Keneagy, Kinney, Laird, Lawrence, (Washington,) Mehaffey, M'Curdy, Miller, Nill, Oaks, Palm, Patterson, Pennell, Proudfoot, Pughe, Ramsdell, Rouse, Shafer, Smead, Smith, (Berks,) Stoneback, Stuart, Taylor, Thompson, Thorn, Wagenseller, Walker, Warden, Wigton, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Wilson, Zoller and Lawrence, *Speaker*—57.

NAYS.—Messrs. Abbott, Acker, Barnsley, Boyer, (Clearfield,) Boyer, (Schuylkill,) Ellmaker, Evans, Fearon, Fisher, Fleming, Foster, Goepf, Gray, Hamersly, Harding, Irish, Jackson, Mann, Matthews, Neall, Peirce, Pinkerton, Price, Rohrer, Sheppard, Stephens, Styer, Walhorn, Witman, Williston and Woodring—31.

So the question was determined in the negative, two-thirds not voting affirmatively.

#### PRIVATE CALENDAR.

The House resumed the consideration of bills on Private Calendar.

"An Act to extend the charter of the Forest improvement company," came up in order on final passage.

The question recurring,

Shall the bill pass?

The yeas and nays were required by Mr. MILLER and Mr. THORN, and were as follow, viz:

YEAS.—Messrs. Abbott, Acker, Balliet, Barnsley, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Chase, Church, Custer, Eckman, Ellmaker, Fearon, Fleming, Foster, Goepf, Graham, Green, Hamersly, Harding, Hill, Irish, Keneagy, Ketchum, Kinney, Laird, Mann, Mehaffey, Matthews, M'Curdy, M'Dowell, Oaks, Palm, Pennell, Peirce, Pinkerton, Price, Proudfoot, Pughe, Ramsdell, Rouse, Shafer, Smead, Smith, (Berks,) Styer, Taylor, Wagenseller, Walhorn, Walker, Witman, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Woodring, Zoller and Lawrence, *Speaker*—60.

NAYS.—Messrs. Burley, Campbell, Dismant, Dodds, Evans, Glatz, Gray, Jackson, Miller, Neall, Nill, Patterson, Stephens, Stoneback, Stuart, Thorn and Warden—17.

So the question was determined in the affirmative.

The following were then passed and ordered that the Clerk present the same to the Senate for concurrence:

No. 672. "A further supplement to the act



incorporating the Home manufacturing company."

No. 673. "A supplement to an act incorporating the Mutual Deposit insurance company."

Sen. 307. "An Act to incorporate the Zoological society of Philadelphia."

No. 679. "An Act to incorporate the Evangelical Lutheran Synod of West Pennsylvania."

No. 681. "An Act to incorporate the Drivers' beneficial association, No. 1, of the State of Pennsylvania."

No. 683. "An Act to incorporate the Protection fire insurance company, to be located in the city of Philadelphia."

No. 684. "An Act to incorporate the Penn steam engine, steamship and steam boiler manufacturing company."

No. 686. "An Act to incorporate the Lebanon County agricultural and horticultural society."

No. 687. "An Act to alter the general borough laws, so far as relates to the borough of Nazareth, Northampton county."

No. 690. "An Act to incorporate the United Presbyterian congregation of Unity church, Venango township, Butler county."

No. 691. "An Act to incorporate the Berks County association for the improvement of the breed of stock."

No. 692. "An Act to incorporate the Williamsport library association."

No. 693. "An Act to define the limits of the borough of Lock Haven."

No. 694. "An Act to incorporate the North-ern market company."

No. 696. "An Act to authorize the laying out of a public park in the borough of Harrisburg, to be called Harris park."

Sen. 315. "A further supplement to the act authorizing the Governor to incorporate the Minersville water company."

Sen. 163. "An Act to incorporate the Union-town gas and water company."

No. 700. "An Act to incorporate the Rox-borough Odd Fellows hall association."

No. 701. "An Act to incorporate the Hope manufacturing company."

No. 702. "Supplement to an act to incorporate the Pennsylvania fire insurance company."

Sen. 253. "An Act to incorporate the Quick-silver mining company."

No. 708. "An Act to incorporate the Lombard and South Streets passenger railway company of the city of Philadelphia."

Sen. 94. "An Act extending the time for the commencement and completion of the Schuyl-kill Haven and Lehigh River railroad."

No. 715. "A further supplement to an act to incorporate the Allegheny railroad and coal company, approved 21st day of April, 1854."

No. 716. "An Act authorizing the commissioners of Adams county to sell and convey certain real estate."

No. 717. "An Act to empower Peter Keick and Peter Keeney, trustees of a certain school house and lot of ground in Pine Grove township, Schuylkill county, to sell the same for the use of the Pine Grove school district."

No. 718. "An Act to amend the act passed April 16, 1858, relative to tax on meadow land in the Twenty-fourth ward of the city of Philadelphia."

No. 719. "An Act to repeal an act to vest in Nancy Christy the right of this Commonwealth to the estate of Prudence Christy, late of Dunbar township, Fayette county, deceased."

No. 804. "An Act to prevent the destruction of deer in certain counties of this Commonwealth."

No. 805. "An Act to prevent the gathering or picking of cranberries in Tunkhannock township, Monroe county."

"An Act to renew the charter of the Danphin Deposit Bank."

No. 819. "An Act to authorize the State

Treasurer to pay S. C. Williamson for loss sustained in consequence of a collision on the Columbia and Philadelphia railroad."

No. 831. "An Act to change the place of holding elections in Piney township, in the county of Clarion."

No. 832. "An Act declaring Newell creek, in the county of M'Kean, a public highway."

No. 833. "An Act to provide for the erection of a house for the employment and support of the poor in the county of Greene."

No. 834. "A supplement to an act relative to roads and bridges in Jackson township, Huntingdon county."

No. 836. "An Act to authorize the supervisors of Conestoga and Martic townships, in the county of Lancaster, to pay one-third of the costs of the erection of a county bridge."

No. 837. "An Act authorizing Adam Lefever, executor of the last will and testament of Samuel Harman, late of Providence township, in the county of Lancaster, deceased, to sell the real estate belonging to said estate."

No. 838. "An Act to empower the electors of Pollock township, in the county of Lawrence, to elect supervisors of highways and overseers of the poor."

No. 839. "An Act to grade, curb and pave Main street, in the town of Myerstown, Lebanon county."

"An Act to incorporate the ministers and elders constituting the First United Presbyterian Synod of the west."

"An Act to incorporate the ministers and elders of the General Assembly of the United Presbyterian church of North America."

"A supplement to the act to incorporate the borough of Apollo, Armstrong county."

"A supplement to the act to incorporate the Chestnut Hill water company, passed April 24, 1856."

"An Act to incorporate the Bell Isle salt manufacturing company of Philadelphia."

"An Act to widen the eastern extension of Third street, in Bloomsburg."

"An Act to incorporate the Mt. Alto iron company."

"An Act to repeal the fourth section of an act establishing a new judicial district, passed March 21, 1842."

No. 399. "A supplement to the act incorporating the Mutual fire insurance company of Sinking Springs, Berks county."

"Supplement to the act to incorporate the city of Carbondale, passed March, 1851."

"An Act to incorporate the Conestoga gas light company of the city of Lancaster."

"A supplement to the act incorporating the borough of Reading, Berks county, into a city, approved March 17, 1847," came up in order on second reading; when, on motion of Mr. SMITH, (Berks,) the further consideration of the same was postponed for the present.

Mr. WILLISTON, on leave, read in his place and presented to the Chair, "An Act to establish a free banking law;" which, on his motion, was referred to a select committee of five.

Mr. PRICE, on leave, from the Committee on Corporations, reported, as committed, "An Act to incorporate the Duquesne insurance company."

Mr. WILSON, (Militia System,) as committed, "An Act providing for the payment of the uniformed militia of this Commonwealth."

Mr. BARNESLEY, from the Committee to Compare Bills, made a report; which was read.

"An Act to exempt certain real estate in the county of Allegheny, from the payment of the collateral inheritance tax," came up in order; and being before the House on final passage,

It was freely debated by Messrs. IRISH, M'DOWELL, FOSTER, WALBORN, M'CLURE, GOEPP, SMITH, (Berks,) and others.

The question recurring,  
Shall the bill pass?

The yeas and nays were required by Mr. BOYER, (Clearfield,) and Mr. HILL, and were as follow, viz:

YEAS—Messrs. Acker, Balliet, Barlow, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Church, Dismant, Eckman, Ellmaker, Evans, Fearon, Fisher, Foster, Galley, Good, Graham, Gratz, Gray, Green, Gritman, Hamersly, Harding, Hot-tentstine, Irish, Jackson, Ketchum, Kinney, Laird, Mehafeey, M'Clure, M'Curdy, M'Dowell, Miller, Nill, Palm, Pennell, Peirce, Pinkerton, Price, Proudfoot, Pughe, Rohrer, Rouse, Shafer, Sheppard, Stephens, Stuart, Styer, Taylor, Thompson, Wagenseller, Walker, Warden, Wig-ton, Wilcox, Williams, (Bedford,) Williston, Woodring and Zoller—61.

NAYS—Messrs. Abbott, Barnsley, Bertolet, Boyer, (Clearfield,) Brodhead, Chase, Custer, Goepf, Hill, Keneagy, Neall, Oaks, Patterson, Smith, (Berks,) Stoneback, Walborn and Williams, (Bucks,)—17.

So the question was determined in the affirmative.

"A further supplement to the act incorporating the Allentown railroad company," came up in order; when, on motion of Mr. PINKERTON, the further consideration of the same was postponed for the present.

Mr. LAWRENCE, (Washington,) moved that the House proceed to the consideration of bill No. 622, "An Act to authorize the State Treasurer to settle the account of the judges of the Twentieth judicial district;" which was agreed to.

Whereupon the said bill was taken up and passed the House.

Mr. SHAFER moved that the House proceed to the consideration of Senate bill No. 495; which was not agreed to.

On motion, the SPEAKER adjourned the House until to-morrow morning, at 9 o'clock.

## SENATE.

SATURDAY, March 19, 1859.

The Senate was called to order by the SPEAKER at the usual hour.

The Journal was partly read; when, on motion of Mr. TURNEY, its further reading was dispensed with.

## REPORTS OF COMMITTEES.

Mr. BELL, (Judiciary,) reported as committed, House bill No. 452, "An Act to confer upon Sarah Ann, Melissa, Warren B, Nancy, Ellen and Nicholas D. Evans, minor children of David C. Evans, deceased, and Catharine Evans, all the rights of children born in lawful wedlock."

Also, (same,) as committed, House bill No. 412, "An Act relating to the records of Union county."

Also, (same,) as committed, House bill No. 416, "A supplement to an act in relation to establishing and changing the places for holding general elections throughout the Commonwealth."

Also, (same,) as committed, "An Act relative to the board of prisons in Warren county."

Also, (same,) as committed, House bill No. 524, "An Act to make George William Eshelman, an heir of J. Middleton Whitehill and his wife Elizabeth S. Whitehill, and to confer on him the name of George William Whitehill."

Also, (same,) with a negative recommendation, House bill No. 149, "An Act for the protection of laborers in Blair county."

Also, (same,) with a negative recommendation, House bill No. 244, "An Act authorizing the sale of property belonging to the Keystone Division S. ns of Temperance."

Also, (same,) with a negative recommendation, "An Act authorizing appeals in pauper cases."

The same Senator asked that the Committee on the Judiciary be discharged from the consideration of "An Act relative to the sale of the



property of the Dauphin and Susquehanna coal company," and that the same be referred to the Committee on Railroads. The motion was agreed to.

Mr. MILLER, (same,) as committed, "An Act to legitimate Margaret Hart."

Also, (same,) as committed, "An Act authorizing the town council of Hollidaysburg to license drays and carts."

Also, (same,) with a negative recommendation, "An Act authorizing the appointment of an auctioneer in the borough of Scranton."

Also, (same,) as committed, House bill No. 437, "An Act to abolish the office of senior of weights and measures in certain counties."

Also, (same,) with a negative recommendation, "An Act relative to costs in certain cases."

Also, (same,) with a negative recommendation, House bill No. 317, "An Act relative to the administration of justice in Mercer county."

Mr. BREWER, (same,) as committed, House bill No. 392, "An Act to divide the township of Wilkesbarre, Luzerne county, into two wards."

Also, (same,) as committed, House bill No. 792, "An Act to change the name of W. C. Tevis."

Also, (same,) with a negative recommendation, "An Act relative to the jurisdiction of courts."

Also, (same,) with a negative recommendation, "An Act relative to the election of district attorneys."

Also, (same,) as committed, "An Act to repeal an act relative to auctions and auctioneers in the borough of Pottsville."

Also, (same,) as committed, House bill No. 430, "An Act repealing an act relative to licenses on vehicles in the cities of Pittsburg and Allegheny, and the boroughs thereto adjoining."

Also, (same,) with a negative recommendation, House bill No. 436, "An Act to provide for the recording of a plot in the town of Ridgway, Elk county."

Mr. RUTHERFORD, (Agriculture and Domestic Manufactures,) with amendment, House bill No. 534, "An Act to prevent the destruction of fish in the Swatara river and its tributaries."

Mr. WRIGHT, (Corporations,) as committed, House bill No. 402, "An Act to incorporate the Fall Brook railroad and coal company."

Also, from the Committee to Compare Bills, he made a report; which was read.

#### BILLS IN PLACE.

Mr. PALMER read in his place and presented to the Chair, a bill, entitled "A further supplement to an act to incorporate the town of Ashland, partially in Schuylkill and partially in Columbia county."

Mr. GAZZAM, "An Act to incorporate the Allegheny and Sharpsburg passenger railway company."

Mr. BELL, "An Act to provide a mode of levying tax against delinquent municipalities."

Also, "An Act relative to the sheriff of Mifflin county."

On leave given, Mr. PARKER presented the memorial of Joseph Harrison, Jr., of Philadelphia, relative to passenger railways.

The reading of the memorial was called for. Mr. MARSELIS moved that the memorial be printed in the *Record*.

Upon which an informal debate ensued, participated in by Messrs. FINNEY, GAZZAM, MILLER, WRIGHT and MARSELIS.

On the adoption of the motion,

The yeas and nays were required by Mr. GAZZAM and Mr. WRIGHT, and were as follows, viz:

YEAS.—Messrs. Bell, Blood, Brewer, Coffey, Craig, Fetter, Finney, Francis, Gazzam, Gregg, Marselis, Miller, Myer, Nunemacher, Palmer, Parker, Rutherford, Schell, Shaeffer, Schindel, Thompson, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—26.

NAYS.—None.

So the question was determined in the affirmative.

It is as follows:

*To the Honorable the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

The memorial of Joseph Harrison, Jr., respectfully sheweth:

That your memorialist is a native and resident citizen of Philadelphia, and as an owner of property therein, is interested in promoting any measures tending to relieve the city from the present heavy burden of debt and taxation.

Your memorialist being a large holder of the stock of the Frankford and Southwark Philadelphia city passenger railway company, (Fifth and Sixth streets) has a practical knowledge of the working and value of such improvements. Your memorialist conceives that passenger railways have proved themselves to be a great public convenience, and he knows them to be largely profitable to their owners. Under these circumstances, he is satisfied that the privilege of constructing them ought not to be hereafter granted or renewed without securing to the city, whose streets they occupy, a just compensation for such occupation; and he represents to your honorable bodies that the fairest and most certain mode of ascertaining the proper amount of such compensation, would be to set up the privilege at public sale. To make such sale for a gross sum would be a mode open to several serious objections, only one of which need be referred to, viz: that it would tend to prevent free competition, by giving a decided advantage, in bidding, to the large capitalist. Your memorialist would, therefore, suggest that the biddings should be of a sum to be annually paid to the city, for every mile, and proportionably for fractions of a mile, of the proposed railway, during the continuance of the privilege of occupying the streets; and he therefore prays that in all future acts authorizing the construction of passenger railways in the city of Philadelphia, a provision shall be inserted, directing the mayor of the city, after due notice, to cause to be exposed at public sale, in the manner just recited, the privileges conferred by the respective acts, and that the highest bidder and purchaser at such public sale, and his associates, shall be entitled to receive a charter from the Governor under such act. Such charter ought to recite the annual sum to be paid, as aforesaid, for each mile, and fraction of a mile, of the railway. Your memorialist ventures further to suggest, that the rent or annual sum thus to be paid to the city, should be made a first lien on the road and real estate of the company, and should also be recoverable by distress and sale of its cars, horses, and personal property.

Your memorialist is ready, and pledges himself to bid, for the privilege of constructing a passenger railway on Fourth and Eighth streets, with the requisite crossings to connect the tracks, the sum of one thousand dollars for every mile, and a proportionate sum for every fraction of a mile, of such railway, for every year during the continuance of such privilege, and he will make the same bid for the privilege of constructing a passenger railway on Chestnut and Walnut streets, with the like requisite crossings. He believes that such privileges will produce at public sale much larger sums.

The bidding an annual sum, as proposed by your memorialist, will obviously promote the most free competition, since such annual sum will be estimated to be paid out of the accruing profits of the railway itself, and, therefore, wealthy men will have no advantage over others in the biddings. And your memorialist will ever pray, &c.

JOSEPH HARRISON, Jr.

Washington Building, South Third Street, March 18, 1859.

#### ORIGINAL RESOLUTIONS.

Mr. WRIGHT offered the following resolution; which was twice read, considered and adopted:

*Resolved*, That there be printed, for the use of the Senate, 2,000 copies of the reports of the banks of this State, as made by the Auditor General, after their first discount day in November next, as required by law; and that the Auditor General furnish copies of the statements of each bank, received at his department, to the State printer, to enable him to deliver this document at the opening of the next Legislature.

On motion of Mr. BELL, (the unanimous consent of the Senate having been obtained,) Senate bill No. 572, "Supplementary resolutions relative to a revision of the penal code," was taken up, and passed committee of the whole.

The first section of the bill being before the Senate, on second reading, as follows:

That the commissioners appointed by the Governor to prepare a revised penal code, are hereby directed to report said code complete, together with such bills as they may prepare relating to corporations and their taxation, within three days of the meeting of the next General Assembly.

Mr. SCHELL said he had voted against the bill last session, establishing this commission, and he was opposed to the extension of time asked for by the resolution.

Mr. TURNEY had also voted against the bill creating the commission; but since the State had already expended some six thousand dollars in the execution of that commission, he was not willing to take any step that would seem like an utter repudiation of the office. He was, however, opposed to the further extension of time asked for, unless the commissioners would report what progress they had made in the work of codifying the laws of the State.

He offered an amendment to the first section, requiring them to report, at the present session, what progress they had made in the performance of their duties.

Mr. BELL did not know that he was opposed to the amendment of the Senator from Westmoreland; but he thought the commission would be ready to report soon, and that the extension of time asked for was necessary to the execution of the commission.

Mr. TURNEY did not believe the committee had taken even the initiative in the performance of the commission; and before coming here and asking for this extension of time, they should give us some reasons why they were not ready to report, and what progress they had made. He was opposed to the extension asked. The understanding was, at the time the office was created, that the labor would be completed within one year, and yet, so far as the Senate was aware, they were no nearer now than they were at the time the commission was established.

Mr. FINNEY thought the Senator from Westmoreland was mistaken in saying that the understanding was that the duties were to be consummated within one year. It was asserted, at the time of its consideration, that the duties would, probably, require further time, and that an extension of time might be asked for. The duties, he said, were not such as could be performed speedily. They were important, requiring time and a great deal of research. The commission, for the performance of a similar duty, in the State of New York, were occupied for a period of three years in codifying the laws; and he did not think the failure of the commissioners to report could be construed into a neglect of duty.

Mr. BELL thought the gentlemen composing the commission were persons of high character and standing; and they would not come here,



seeking to impose a deliberate falsehood upon the Senate, in stating that an extension of time was necessary for the completion of their duties.

Mr. MILLER said that the act creating the commission, specified that it was to close on the first of April, 1859, and one condition of their accepting the office, was that the duties to be performed were to be completed within that period. He instanced the extension of time for the completion of the Colonial Records from year to year, as an example of the abuse which is likely to grow out of this practice. Rather than see the commission embarrassed, however, he was disposed to see the time extended.

Mr. SCHELL further opposed the extension of time. It could result in no practical good, and the effect of it would be to entail a vast expense upon the State.

Other amendments were made and discussed, but were subsequently withdrawn.

On the adoption of the first section,

The yeas and nays were required by Mr. BELL and Mr. SCHELL, and were as follows, viz:

YEAS—Messrs. Bell, Brewer, Coffey, Finney, Francis, Gazzam, Palmer, Shaeffer and Cresswell, *Speaker*—9.

NAYS—Messrs. Blood, Craig, Fetter, Gregg, Marcellis, Miller, Myer, Nuremacher, Parker, Rutherford, Schell, Schindel, Turney, Welsh, Wright and Yardley—16.

So the question was determined in the negative, and the bill fell.

Mr. TURNEY offered the following resolution; which was twice read, considered and adopted:

*Resolved*, That the House of Representatives be requested to return to the Senate House bill No. 419, "An Act to incorporate the Layton bridge company, in Fayette county, and to authorize the commissioners of said county to make a donation to said company."

Mr. FINNEY moved that the Senate adjourn at 12 o'clock to-day.

#### ORDERS OF THE DAY.

Senate bill No. 566, "An Act relating to executors, administrators and guardians," came up in order on third reading and passed finally.

Senate bill No. 482, "An Act to establish the Penn industrial reform school," came up in order on second reading.

On the adoption of the first section,

The yeas and nays were required by Mr. BREWER and Mr. WELSH, and were as follows, viz:

YEAS—Messrs. Baldwin, Bell, Coffey, Craig, Finney, Francis, Gazzam, Gregg, Myer, Palmer, Parker, Rutherford, Shaeffer, Schindel and Thompson—15.

NAYS—Messrs. Blood, Brewer, Fetter, Marcellis, Nuremacher, Schell, Turney, Welsh, Wright and Cresswell, *Speaker*—10.

So the question was determined in the affirmative.

House amendments to Senate bill No. 163, "An Act to incorporate the Uniontown gas and water company," were, on motion of Mr. TURNEY, non concurred in, and a committee of conference was ordered to be appointed.

A message was received from the Governor, stating he had approved and signed a number of bills; which was read.

The hour of 12 having arrived, the SPEAKER adjourned the Senate until Monday at three o'clock, P. M.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, March 19, 1859.

The House was called to order at 9 o'clock, by Mr. CHASE, *Speaker pro tem*.

On motion of Mr. LAWRENCE, (Washington,) the reading of the Journal was dispensed with.

On motion of Mr. HAMERSLY, House bill

No. 723, "An Act to regulate the auctions of this Commonwealth," was made the special order for next Monday.

#### LEAVE OF ABSENCE.

Messrs. WARDEN and DISMANT, severally asked and obtained leave of absence for Messrs. SHIELDS and GOOD, for a few days from to-day.

Messrs. GALLEY, NEHAFFEY and BRYSON, asked, and obtained leave to withdraw certain papers.

Mr. CHURCH made an ineffectual effort to call up the resolution submitted by him a few days since, relative to the session pamphlets.

#### REPORTS OF COMMITTEES.

Mr. TAYLOR, (Estates and Escheats,) with a negative recommendation, "An Act to enable Catharine Sickles, of Cherry township, Sullivan county, to sell certain real estate."

The following bills were reported from the Committee on Roads and Bridges:

"An Act establishing the location of the streets, alleys and lots in a certain part of the borough of Johnstown, Cambria county, as committed.

"An Act authorizing the laying out of a State road, in the counties of Carbon and Monroe," as committed.

"An Act to incorporate the New Ephrata and Litiz turnpike road company," as committed.

"An Act to authorize the opening of Seventeenth street, between Francis street and Ridge avenue, in the Fifteenth ward, Philadelphia," as committed.

"Supplement to an act incorporating the Carbonale and Providence railroad company," as committed.

"An Act to incorporate the Lampeter and Bridgeport turnpike road company," as committed.

"An Act to incorporate the Centre Valley turnpike road company," as committed.

"A further supplement to an act to incorporate the Conestoga and Beaver Valley turnpike road company," as committed.

"An Act to incorporate the Black Rock bridge company," as committed.

"An Act to establish a ferry over the Allegheny river at Freeport, in Westmoreland county," as committed.

"An Act to incorporate the Centreville and Pineville turnpike road company," as committed.

"An Act to authorize Walter J. Smith to erect a ferry over the Allegheny river at Warren," as committed.

"An Act to repeal the second section of an act providing for the expenses of roads and poor, in Pitt township, Allegheny county," as committed.

"An Act to incorporate the Lancaster and Sunhill turnpike road company," as committed.

"An Act to lay out a State road in Bucks and Lehigh counties," as committed.

"An Act to incorporate the New Britain turnpike road company," as committed.

"Supplement to an act to incorporate a State road from New Castle, Lawrence county, to Emmenton, Venango county," as committed.

"An Act to incorporate the Marietta, Mt. Joy, Sporting Hill and Manheim turnpike road company," as committed.

"An Act to authorize the Auditor General and State Treasurer to re-examine the account of the Northampton bridge company," as committed.

"An Act to repeal a part of an act to appoint road commissioners of the Warren and Ridgway turnpike road, in Elk and Forest counties," as committed.

"Supplement to an act to incorporate the Spinnerstown and Goshenhoppen turnpike road company," as committed.

"Supplement to an act to incorporate the Westernville and Coatesville turnpike road company," as committed.

"Supplement to an act incorporating the Valley and Mountain turnpike road company," as committed.

"An Act relative to private alleys in Harrisburg," as committed.

"An Act to incorporate the Pequaw and Bear Valley turnpike road company," as committed.

"Supplement to an act to incorporate the Quarryville and Unicorn turnpike road company," as committed.

"Supplement to an act to incorporate the Washington and Manor turnpike road company," as committed.

"An Act to alter the road laws in Madison township, Luzerne county," as committed.

"Supplement to an act to incorporate the Lehigh and Delaware plank road company," as committed.

Mr. PRICE, (Corporations,) reported with amendment, "A supplement to the act to incorporate the Belmont Avenue plank road company."

Mr. FLEMING, (New Counties and County Seats,) with a negative recommendation, "An Act to attach Little Woodbury township, Bedford county, to Blair county."

Mr. BURLEY, (same,) with a negative recommendation, "An Act to annex part of a certain township in Huntingdon county, to Fulton county."

Also, as committed, "An Act concerning the removal of the seat of justice from Clearfield to Curwensville, in Clearfield county."

Mr. MCCLURE, (Judiciary,) as committed, Senate bill No. 216, "An Act to attach Somerset county to the Middle district for the supreme court of Pennsylvania."

Also, as committed, Senate bill No. 487, "An Act relative to the fees of sheriffs of Crawford county."

Mr. TAYLOR, (Estates and Escheats,) as committed, "An Act relative to estates tail."

Also, as committed, "An Act relative to the estate of Wm. B. Smith, late of the city of Reading, Berks county, dec'd."

Also, as committed, "An Act authorizing the executor of John Somchody, in Luzerne county, to sell certain real estate."

Mr. BALLIE, (Election Districts,) as committed, "An Act fixing the place of holding elections, in South Buffalo township, Armstrong county."

Mr. GALLEY, (same,) as committed, "An Act annexing the buildings of Wm. Bratton, of Beale township, to Juniata county."

#### BILLS IN PLACE.

Mr. CUSTER read in his place and presented to the Chair, "An Act to incorporate the Amity horse company," and moved that the House consider the same; which was not agreed to.

Mr. ACKER, "An Act to authorize the trustees of Glen Run Baptist church, to sell certain real estate."

Mr. ACKER made a brief statement, and moved that the bill be taken up; agreed to.

The bill was then considered and passed the House.

Mr. MILLER, "An Act authorizing the commissioners of Crawford county to make certain compromise;" ordered to be placed on next Tuesday's Calendar.

Mr. GALLEY, "An Act to repeal an act to vacate part of a State road, in Fayette county," and moved to suspend the rules to consider the bill; which was agreed to; whereupon

Said bill was taken up and passed the House.

Mr. SMITH, (Berks,) "An Act fixing the boundary line between the city of Reading and Alsace township, Berks county."

Mr. KINNEY, "An Act to incorporate the Penn Industrial reform school."

Mr. GRAY, "An Act to incorporate the Jacksonville and Virginia State Line turnpike road company."

Mr. PRICE, "An Act to decimalize the fee



bill of the prothonotaries of the courts of common pleas of this Commonwealth."

Mr. PATTERSON, "An Act to extend the provisions of an act relating to collecting taxes in Venango county, to the county of Mifflin."

Mr. PUGHE, "An Act to incorporate the Pittston gas company."

Mr. KETCHUM, "An Act to improve the navigation of the Lehigh river, in Luzerne and Monroe counties."

Also, "An Act relating to the expenses of coroner's inquests and appeals by county commissioners in Luzerne county."

Also, "An Act relating to the election of officers of the Wyoming canal company."

Mr. HOTTENSTINE, "An Act to require the Sunbury and Pottsville railroad company to fence their road."

Mr. PINKERTON, "A further supplement to an act erecting the town of Ashland, part in Schuylkill and part in Columbia county, into a borough."

Mr. GRAEZ, on leave, presented the memorial of Joseph Harrison, in reference to city passenger railway companies."

Mr. PEARCE, "An Act to authorize the State Treasurer to pay the claim of R. Young, for loss sustained by fire on the Philadelphia and Columbia railroad."

On motion of Mr. SMITH, of Berks, the bill read in place by his colleague, Mr. CUSTER, "An Act to incorporate the Amity horse company," was ordered to be placed on the Private Calendar for next Tuesday."

#### BILLS ON THIRD READING.

Senate bill, "An Act to abolish the board of health of the city and port of Philadelphia, and to provide for the appointment of commissioners of health," came up in order.

On motion of Mr. THORN, the further consideration of the same was postponed for the present.

Senate bill No. 316, "Supplement to an act to incorporate the Tuckahoe and Mount Pleasant plank road company," came up in order, and passed.

Senate bill No. 353, "An Act to authorize the payment of the claim of James Bell, of Blair county," came up in order.

Mr. STEPHENS moved that the further consideration of the bill, be postponed indefinitely.

Mr. BURLEY resisted the motion. The claim, he said, was a just and fair one. He desired to know what the reasons of the gentleman from Wayne, (Mr. STEPHENS,) are for moving to postpone this bill indefinitely.

Mr. STEPHENS said that the claim had been paid a half dozen times already.

Mr. BARLOW believed the claim to be just, and as such, it ought to be passed.

The motion was not agreed to.

Mr. HAMERSLY stated, in order to vote intelligently, he would ask the Chairman of the Committee on Claims, (Mr. WILLIAMS,) to explain the bill.

Mr. WILLIAMS, (Bucks.) It is a well known fact, sir, that men who sell to the Commonwealth fix pretty good prices for their goods.—Now, we have no doubt the wood was placed there, with the expectation the State would be the purchaser, but at the time the wood was furnished, the State officers said they did not want it, for the reason that they had sufficient for some time to come. The State officers afterwards removed the wood and used it.

I think it is a very good proposition to raze all bills of that kind a little. They will bear it.

Mr. WILLIAMS, (Bucks.) I would state, sir, having been informed, that the original claim was \$640.

Mr. PINKERTON said the gentleman bringing the claim had told him that as originally made it was just and right, but that he did not care if the Committee on Claims cut it down to \$200, so he even got that.

Mr. THOMPSON thought the gentleman should be paid the full amount, if the claim was just and proper.

Mr. GRITMAN called upon the chairman of the Committee on Claims (Mr. WILLIAMS) to explain.

Mr. WILLIAMS, (Bucks,) stated, in explanation, he thought it a great deal easier to ask than to answer questions; that he was but one of the committee referred to. He further stated that the committee had been of the opinion that this wood was given in exchange for had debts, and that said wood was not of a very superior quality, and that the gentleman was entitled to no more than the amount the committee had named.

The bill was further discussed by Messrs. KETCHUM, PINKERTON, THOMPSON, GRITMAN, WILSON and others.

And the question recurring,

Shall the bill pass?

It was determined in the negative.

Mr. WALBORN moved that the rules be suspended in order to place a bill on the file; which was not agreed to.

#### FINAL ADJOURNMENT OF THE LEGISLATURE.

Mr. LAWRENCE, (Washington,) moved that the House proceed to the second reading and consideration of the joint resolution fixing the day for the final adjournment of the Legislature; agreed to.

And the resolution being then before the House,

Mr. LAWRENCE, (Washington,) said that he understood it to be the opinion of a majority of the House, that they would not be able to adjourn on the 25th of this month. No doubt he would obtain the unanimous consent of the House to the motion he should now make, and that was to strike out the 25th inst., and insert "31st March." He now moved to go into committee of the whole for the purpose of special amendment.

Mr. THORN moved to amend the amendment of the gentleman from Washington, by inserting Tuesday, 5th April.

The amendment was accepted, and the modification was agreed to.

The House then resolved itself into committee of the whole, (Mr. RAMSDALL in the Chair,) on the said resolution, and the resolution as thus amended was adopted, and the committee having reported progress, their report was agreed to.

And the question being then taken,

On the final passage of the resolution.

It was unanimously determined in the affirmative.

Senate bill No. 469, "An Act relative to orphans' courts," came up in order on third reading.

The bill was freely discussed by Messrs. NILL, THOMPSON, M'CLURE, KINNEY, HAMERSLY, GOEPP, WILSON, WILLISTON and others.

Mr. WALBORN moved that the further consideration of the bill be postponed for the present, and that it, together with one of a similar nature presented by him, be printed; which was not agreed to.

Mr. GOEPP moved that the House go into committee of the whole, for the purpose of special amendment, to add the following:

*Provided*, That this act shall not apply to cases wherein appeals have heretofore been taken, and are now pending from decrees of orphans' courts authorizing sales to be made on credit, or confirming sales so made; which was not agreed to.

And the question recurring,

Shall the bill pass?

The yeas and nays were required by Mr. GOEPP and Mr. WALBORN, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Boy-

or, (Schuylkill,) Bryson, Burley, Campbell, Chase, Church, Douds, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Graham, Gratz, Gritman, Hamersly, Hottenstine, Irish, Kinney, Laird, Lawrence, (Washington,) Maun, McHugh, Matthews, M'Clure, McCurdy, M'Dowd, Miller, Nill, Oaks, Palm, Patterson, Peirce, Pinkerton, Price, Proudfoot, Pugh, Ramsdell, Rouse, Shafer, Sheppard, Stuart, Taylor, Thorpson, Walker, Warden, Witman, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson and Zoller—57.

NAYS—Messrs. Balliet, Bertolet, Boyer, (Clearfield,) Custer, Dismant, Glutz, Goepf, Neall, Smith, (Berks,) Stephens, Stoneback, Styer, Walbrun, Wolf and Woodring—15.

So the question was determined in the affirmative.

House bill No. 518, "An Act to provide for a more speedy method to enforce the payment of taxes against corporations," came up in order and passed the House.

Mr. SMITH, (Berks,) on leave, called up House bill No. 982, "An Act to lay out a State road in Berks county;" which was considered and passed the House.

"An Act to divide the township of Quincy, Franklin county, into three districts;" came up in order and passed the House.

"Supplement to an act to incorporate the city of Philadelphia," came up in order on third reading, and passed the House.

Mr. ACKER called up Senate bill No. 495, "A supplement to an act incorporating the borough of Phoenixville;" which was considered and passed finally.

Mr. HAMERSLY called up Senate bill No. —, entitled "An Act supplementary to the act to incorporate the Chestnut Hill water company;" which was read and passed finally.

Mr. PINKERTON called up Senate bill relative to the borough of Port Carbon, in Schuylkill county; which was read and passed finally.

Mr. ECKMAN called up Senate bill relative to the Sheafferstown academy, in Lebanon county;" which was read and passed finally.

Senate amendments to a variety of bills were read and concurred in.

An extract of the Journal was read and concurred in.

Mr. KINNEY called up House bill No. 617, "An Act for the assessment and recovery of damages upon the North Branch and Wyoming canals."

The first section was read and agreed to.

Mr. HAMERSLY moved to postpone the further consideration of the bill for the present.

Mr. KINNEY saw no good reason why this bill should be postponed at this time.

Mr. KETCHUM hoped the bill would be proceeded with.

Mr. JACKSON said the bill was honest, fair and just, and he hoped it would be passed at once.

The motion to postpone was not agreed to.

The bill was read the second time; and agreed to; and laid over on second reading.

A message was received from the Governor; which was read, as follows:

EXECUTIVE CHAMBER,  
Harrisburg, March 19, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following acts of the General Assembly, viz: "An Act relating to roads in West Goshen township, Chester county."

"An Act to enable the commissioners of Clarion county to erect a new court house in the borough of Clarion."

"An Act relating to the public highways, in East Bradford township, Chester county."

"An Act authorizing the trustees of the Pres-



byterian church, of Mechanicsburg, Cumberland county, to borrow money."

"An Act to exonerate Jas. T. Leonard, probatory of Clearfield county, from the payment of costs, taxes, &c., on his commission."

"An Act to change the name of the Keystone Lancers."

"An Act for the relief of Mary Washington, widow of an old soldier."

"An Act to incorporate the Grove cemetery, of New Brighton, Beaver county."

"An Act to incorporate the Farmers' Mutual fire insurance company of Middle Pennsylvania."

"An Act to incorporate the Farmers' market company."

"A further supplement to an act to incorporate the Venango railroad company."

WM. F. PACKER.

Mr. PEIRCE, from the Committee to Compare Bills, made report; which was read.

The hour of 12 having arrived, the SPEAKER adjourned the House until Monday afternoon at 3 o'clock.

#### REMARKS OF MR. NILL,

*On the act to abolish the Board of Revenue Commissioners.*

Mr. SPEAKER:—I have given this question some consideration, and have come to the conclusion that this bill should become a law.—Since the State has no improvements, and since we have abolished the Board of Canal Commissioners, we should, in my judgment, abolish all other boards that seemed necessarily auxiliary, in some measure, to the former. The reason, if it ever did exist, for a Board of Revenue Commissioners, no longer exists. In my opinion, it was at no time productive of any good. It was a kind of subordinate legislative body, that in some cases proposed power that could not be reviewed or corrected by any other body of men. To illustrate this matter, if the Revenue Commissioners charged a county with a certain amount of taxes, for State purposes, such county had to raise the sum imposed until the next triennial assessment. I know of a case where a person died who had from forty to sixty thousand dollars at interest, on which taxes for State and county purposes were assessed. The person so taxed died in one year after the meeting of the Revenue Commissioners; under his will his money was divided among his legatees; and notwithstanding this, the county has to pay out of other funds the State taxes on such money, until the next meeting of the board. In this manner, the decisions of the board caused manifest injustice. The money given to the legatees was subjected to the payment of taxes in their hands, while the county paid the State tax on the whole sum. Again, in some cases where there was a dispute between the people of two townships as to where the line between them existed, and some two or three farms were taxed in both townships, and the owners appealed to the county commissioner and had such assessments corrected, so that the owners only paid their taxes in one township; under the decision of the Revenue Board, this injustice could not be remedied; and the result was that the county, out of the county taxes, had to pay the State taxes on such farms twice. I am satisfied that if the people had known of the unjust operations of this board, it would have been long since abolished. There is another ground for repealing the laws referred to, and that is that it costs the State at least ten or twelve thousand dollars. For continuing this large expenditure no good argument, that I am aware of, can be given. It is, I maintain, the policy of the State to lessen her appropriation, and to economize her means, so as to diminish her indebtedness, and, in a few years, be able to reduce the heavy taxation to which her citizens are sub-

jected. It is, therefore, hoped that this act will meet with favor in this body, and become a law.

No. 630.—FILE OF THE HOUSE.

CHASE, Judiciary—March 3.

#### AN ACT for the protection of real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That after the passage of this act it shall not be lawful to keep or put in operation, any laboratory or chemical works for the manufacture of such chemicals as are unpleasant, offensive or injurious to the health of the inhabitants of that section or neighborhood in which said works are located, to the injury or depreciation of property in the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth and Twentieth wards, or the thickly settled portions of the First, Twenty first, Twenty second, Twenty-third and Twenty fourth wards of the city of Philadelphia; and if such laboratory or chemical works shall continue to manufacture such chemicals as are unpleasant, offensive or injurious to the inhabitants of said wards, upon the application of six persons, property-holders, in any of the above wards or portion of said wards, shall appear before any alderman or justice of the peace of the city of Philadelphia, on oath or affirmation say, that any laboratory or chemical works are unpleasant, offensive and injurious to their families or property; the said justice or alderman shall make return to the court, being satisfied that said laboratory or chemical works do manufacture such chemicals as are unpleasant, offensive or injurious, the said court shall order such persons owning, occupying or carrying on of such laboratory or chemical works, to cease the manufacture of such chemicals as are unpleasant, offensive or injurious, within thirty days from such order of court, under a penalty of not less than twenty-five dollars nor more than one hundred dollars per day, for every day so manufacturing such chemicals as above described; the said fine to be paid into the treasury of the city of Philadelphia.

#### COMMUNICATION

*From the State Treasurer, on the subject of Relief Issues.*

TREASURY DEPARTMENT,  
Harrisburg, March 17, 1859. }

Hon. JOHN CRESSWELL, Jr.,

*Speaker of the Senate:*

Sir:—In reply to the resolution of the Senate of the 31 instant, which is as follows, viz:

*Resolved,* That the State Treasurer be and is hereby requested to communicate to the Senate any information he may have in regard to the amount of relief issues under the act of 1841; the amount redeemed; the amount outstanding; the amount, if any, that has been offered in payment of taxes due the Commonwealth, either for license or otherwise; the amount refused in payment of such tax or license by the treasurer or other officer; also, the amount over-issued by any of the banks of the Commonwealth, under the provisions of said act; the amount of such over-issue redeemed, and the amount outstanding, if any, and other information touching this subject within his knowledge." I submit the following reply, which contains all the information that I have on the subject, and which has been compiled from the printed public documents.

The amount of relief notes issued under the act of 1841, the amount redeemed, and the amount outstanding on the 30th November, 1858, appear in the following table, taken from the last annual report of the State Treasurer to the Legislature, and which is all to be found in the report of the Auditor General:

#### VIII.—RELIEF NOTES.

Statement showing the several banks of this Commonwealth that issued notes in pursuance of the act of May 4, 1841, the original amount issued by them respectively, the amount of the same redeemed and canceled, and the amount remaining in circulation, together with those banks that re-issued said notes, in pursuance of the act of April 10, 1849, and the amount of the re-issues:

BANKS.	Original am't issued.	Amount re-deemed of old issues.	Am't in circulation old issues.	Am't of re-issues in circulation.
Bank of North Liberties.	\$ 70,000	\$ 68,134	\$1,866	.....
Bank of Penn Township.	100,000	97,843	2,157	.....
Manufacturers' and Mechanics' Bank.	80,260	78,811	1,449	.....
Moyamensing B.	*62,600	62,600	.....	.....
B'k of Chambersburg.	06,000	63,958	2,042	\$ 325
Bank of Chester County.	71,512	71,295	217	.....
Bank of Delaware County.	43,057	41,864	1,193	.....
B'k of Germantown.	35,524	35,113	411	.....
B'k of Gettysburg.	30,958	29,733	1,225	.....
Bank of Lewis-town.	74,259	72,145	6,214	.....
Bank of Middletown.	*49,320	49,320	.....	20,400
Bank of Northumberland.	40,000	38,604	1,396	.....
Bank of Susquehanna Co.	*25,000	25,000	.....	.....
Reicks Co. B'k.	45,787	45,787	.....	.....
Carlisle B'k.	57,627	55,770	1,857	.....
Columbia B'k & Bridge Co.	25,479	24,752	727	241
Etie Bank.	375,474	375,474	.....	.....
Exchange Bank of Pittsburg.	177,775	171,326	6,449	.....
Farmers' Bank of Buck's Co.	23,055	22,070	985	.....
Farmers' Bank of Lancaster.	80,000	77,942	2,058	4,630
Farmers' Bank of Reading.	60,072	57,336	2,736	.....
Farmers' and Drovers' B'k of Wayne's Co.	27,750	26,969	781	.....
Harrisburg B'k.	76,042	73,701	2,341	7,868
Lancaster B'k.	39,430	38,633	397	29,476
Lancaster Co Bank.	18,750	18,130	620	1,774
Lebanon Bank.	17,570	17,96	474	.....
Merchants' and Manufacturers' Bank of Pittsburg.	120,000	118,601	1,399	.....
Miners' Bank of Pottsville.	49,936	48,993	943	.....
Monongahela B. of Brownsville.	31,500	31,500	994	.....
Northampton Bank.	81,171	29,285	1,886	.....
Towanda Bank.	107,600	107,501	.....	.....
West Branch B.	25,000	24,702	298	.....
Wyoming B'k at Wilkes-barre.	87,732	29,312	920	.....
York Bank.	52,725	51,421	1,304	.....
	2,220,265	2,179,029	41,236	64,114

Amount in circulation of old issues. \$41,236

Amount in circulation of re-issues. 64,114

\$105,350

NOTE.—Under the construction given to the act of April 10, 1849, in accordance with the opinion of the Attorney General, many of the re issues, as they became defaced, were canceled and renewed.

\* These banks, under the 11th and 12th sections of the act of May 4, 1841, issued the following sums, in addition to those here stated, and pledged to the Auditor General as security for the redemption of the same, equal amounts of five per centum State stocks, viz:

Moyamensing Bank.....\$12,500 00  
Bank of Middletown..... 5,050 00  
Bank of Susquehanna County.. 6,200 00

\$22,750 00

Of these issues the Bank of Commerce (late Moyamensing) has redeemed 11,500, and received back the same amount of the pledged security; whilst at the State Treas-



any there has been redeemed, of the Bank of Middletown, the sum of \$1,645, and of the Bank of Saratoga County, \$4,471, for which equal amounts of the pledged stocks have been cancelled, leaving still in circulation of these extra issues, Maysville Bank, \$7,000; Bank of Middle town, \$1,505, and the Bank of Saratoga County, \$729.

†The Berks County Bank made an over-issue of relief notes to the amount of \$28,501. For the redemption of these the Commonwealth became responsible, pursuant to the act of January 29, 1845, and has redeemed the sum of \$27,408, leaving still in circulation \$1,093.

Since the 30th November last, 1840 has been paid into the Treasury, at various times, the sum of \$1,820 of relief notes; this will leave outstanding, at the present time, the sum of \$103,530. These notes, when they reach the Treasury, are not again paid out, but cancelled as directed by the act of 19th April, 1853.

The only information I have on the subject of over-issues of relief notes by any of the banks of the Commonwealth is contained in the special report of the State Treasurer, in answer to a resolution of the Senate, made on the 15th of June, 1842, and printed in Senate Journal of that year, vol. 1, pages 853, &c., a copy of which is hereto attached.

The payment of the over-issues by the Berks County Bank to the amount of \$28,501, was assumed by the Commonwealth by the act of January 29, 1845, of which sum \$27,408 have been redeemed, leaving outstanding the sum of \$1,093.

In a communication made by the State Treasurer to the Legislature on the 14th of February, 1844, printed in House Journal of that year, page 305, it was stated that certain officers of the Commonwealth had presented for credit, in the settlement of their accounts, over-issues of the Towanda Bank, amounting to the sum of \$165. The act of March 27, 1845, directed credits to be allowed to these officers to that amount.

The foregoing contains all the information I have been able to collect, with reference to the inquiries as to the amount of over-issues; the amount redeemed, and the amount outstanding.

Frequent applications, within the last three years, have been made to me for information, with reference to the over-issues by the Towanda Bank, and in some instances, the notes in small amounts, have been sent to the Treasury for redemption. In all cases, payment has been refused. It is impossible for me to state the amount that has been offered for redemption, as no account of them was kept.

In my annual report made to the Legislature of 1858, in referring to the certain difficulties in the way of collecting licenses, &c., &c., in the city of Philadelphia, the following statement was made: "That, in other cases, brokers and others would tender in payment of licenses the relief notes illegally issued by the Towanda Bank, which were refused; that for years this system had been pursued, and as no register had been kept of the notes tendered, it is impossible to say, whether the same notes had not been tendered from year to year. Whether legally liable or not for the over-issues of the Towanda Bank, the Commonwealth is yearly losing revenue from the cause."

The system continues to be practiced in Philadelphia, and I have been informed that it has existed since the refusal of the Commonwealth to recognize the issue of these notes. But it is impossible for me to state what amount has been so offered. I have not been advised of any offers having been made to other officers of the Commonwealth of these over-issues in payment of taxes or licenses.

Very respectfully,

H. S. MAGRAW,  
State Treasurer.

TREASURY OFFICE,  
Harrisburg, Jan. 15, 1842. }

J. STROHM, Esq.,

Speaker of the Senate:

DEAR SIR:—You will receive herewith my

answer to the resolution of the Senate of the 14th inst.

Very respectfully, yours, &c.,  
JOB MANN, State Treasurer.

TREASURY OFFICE,  
Harrisburg, June 15, 1842 }

To the Senate of Pennsylvania:

In reply to a resolution of your Honorable Body of the 14th June instant, which is on the following words, viz:

*Resolved*, That the State Treasurer be requested to inform the Senate whether the relief notes of the Towanda Bank and Berks County Bank are received in payment for dues to the Commonwealth, together with such information as he has obtained relative to the legal and fraudulent issues of said banks, or any of their officers or agents,

I beg leave to state, that the notes issued by the Berks County Bank, under the act of 4th May, 1841, called relief notes, are received in payment of dues to the Commonwealth; that there are no fraudulent issues by said bank, or any of its officers or agents, that I have any knowledge of. The circumstances connected with the notes issued by the Towanda Bank, under the act of Assembly of the 4th May, 1841, are such as to require a detailed statement in order to answer the resolution fully.

The Towanda Bank has credit on the books of this office for \$37,500, the first loan taken by the bank under the act of Assembly of 4th May, 1841, and entitled to issue by virtue thereof notes under the provisions of said act to that amount. Checks or drafts from the treasury were given during last summer and fall by the treasurer on the bank to that amount, and were paid by the bank, as far as known at this office, except one check of \$2,500, now in the West Branch Bank.

That bank, by a second loan to the Commonwealth, was authorized to issue one hundred thousand dollars in notes, under the act of 4th May, 1841, but as yet the bank has not any credit on the books of this office for any part of the additional loan, not having placed the notes issued under said loan, or any part of them, in the treasury, or paid them upon checks or drafts from the treasury.

It is alleged that the bank has paid the notes issued under the said additional loan, (in relief notes,) to the contractors on the North Branch canal, and sold their estimates and vouchers for work done for the Commonwealth; the accounts for which have not been settled in the treasury department.

There are notes to a large amount in circulation, and in the treasury, purporting to have been issued by order of the board of directors of the Towanda Bank, signed "J. G. Boyd, Clerk," and others, "T. Dyer, Clerk," which, on part of the bank, are alleged to be fraudulent, and unauthorized by the bank. Those gentlemen had been officers of that bank, but whether they were authorized by the bank to issue the notes, or were agents of the bank at that time, I am unable to state.

The whole amount of notes printed and delivered by the engraver to the bank, its officers and agents, including those delivered to J. G. Boyd, was \$225,000.

The amount the bank would be entitled to issue under said act, being amount of loans, is \$137,000, showing an excess of notes printed of \$87,500.

The following sums were in the bank on the 22d March last, as appears by a statement furnished by the bank, viz:

Notes not signed, sealed up in vault, \$5,000.  
Notes obtained by committee of bank, from J. G. Boyd, \$7,932.

Notes sent to Towanda Bank, by Pean Towanda Bank, \$7,228.

Under the circumstances and difficulties in relation to the issues by this bank, under the act of 4th May, 1841, I did not consider myself justifiable in allowing the notes to be received by the different officers, in receipt of dues to the Commonwealth, and they are not now received.

The amount in the treasury on the 24th January last, in relief notes of the issues by the Towanda Bank, was \$10,252, amongst which were notes signed "J. G. Boyd," and others signed "T. Dyer," to the amount of \$3,721.

Shortly after I came into office, and during the winter and spring, a considerable amount of the relief issues of that bank were sent to this office, by different collectors, treasurers, &c., which I declined giving them credit for at the time, and which remained specially in the treasury vault until after the publication of the circular of the 26th April on the subject, (a copy of which is hereunto annexed;) since that time, those admitted by the bank to be legal issues have been placed as a credit to the accounts of said officers, and also those that have come in since.

"The whole amount now in the treasury purporting to be relief issues, under the act of 4th May, 1841, of the Towanda Bank, is \$41,185, of which there are notes signed "J. G. Boyd," and others "T. Dyer," to the amount of \$11,457, not credited to the accounts of the different officers."

TREASURY OFFICE,  
Harrisburg, April 26, 1842. }

[CIRCULAR]—Notice is hereby given to collectors of tolls, county treasurers, &c., that have received in their official capacity for the use of the Commonwealth, and have now on hand notes issued by the Towanda Bank under the act of 4th May, 1841, commonly called relief notes, to send them to this office, accompanied with an affidavit as required by the resolution of the Legislature, approved 12th April, instant, and they will be allowed a credit on their respective accounts for the amount thereof.

The notes purporting to have been issued by the board of directors, and signed "J. G. Boyd, Clerk," and those signed "T. Dyer, Clerk," need not be sent, as they cannot be received at this office.

Should the whole amount of legal issues not come into the treasury in the manner above mentioned, the remainder of them (after the fact is ascertained,) will be received at this office from persons that may have payments to make directly into the office. Signed,

JOB MANN, State Treasurer.

No. 306.—FILE OF THE HOUSE.

WIGTON, Ways and Means—Feb. 11.

AN ACT relating to the licenses of billiard tables and ten-pin alleys used at watering places and summer resorts, in this Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That after the passage of this act, it shall be lawful for all persons owning or occupying watering places and summer resorts in this Commonwealth, to be licensed for the privilege of using billiard tables and ten-pin alleys for the term of three months in a year, and pay in that proportion of the rates now or hereafter required to be paid per annum.

SEC. 2. That all laws conflicting with the foregoing section are hereby repealed, so far as relates to alterations made by this act.



# LEGISLATIVE RECORD.

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FOR THE SESSION OF 1859.

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## SENATE.

MONDAY, March 21, 1859.

The Senate met and was called to order at 3 o'clock, P. M.

The SPEAKER in the chair.

Prayer was offered by the Rev. Dr. D. X. Junkin, of Hollidaysburg, Pa.

The Journal was read and approved.

## LEAVE OF ABSENCE.

Mr. WRIGHT asked and obtained leave of absence for Mr. KELLER for to-day.

## REPORTS OF COMMITTEES.

Mr. BALDWIN, (Roads and Bridges,) reported, as committed, House bill No. 847, "An Act relative to taxing dogs in Thornbury township, Delaware county."

Mr. FETTER, (Agriculture and Domestic Manufactures,) as committed, House bill No. 537, "An Act to prevent the hunting of deer with dogs in the counties of Sullivan and Dauphin."

Also, (same,) as committed, House bill No. 587, "A supplement to an act to protect fruit and punish trespass in this Commonwealth, approved March 16, 1856."

Also, (same,) as committed, House bill No. 646, "An Act for the better regulation of the Mercer and Allegheny counties and Shenango Valley agricultural societies."

Mr. RANDALL, (Railroads,) with amendment, House bill No. 776, "A further supplement to the act incorporating the Pennsylvania Central railroad company."

## BILLS IN PLACE.

Mr. PALMER read in his place and presented to the chair, a bill, entitled "An Act to authorize the citizens of Foster township, Schuylkill county, hereafter to elect but one supervisor."

Mr. FRANCIS, "An Act authorizing the laying out of a State road in Lawrence county."

Mr. YARDLEY, "A supplement to the act incorporating the Yardleyville Delaware bridge company."

Mr. WRIGHT, "An Act to incorporate the passenger railway relief association."

Also, "An Act authorizing the Chesnut Hill railroad company to sell and dispose of certain real estate."

Mr. TURNEY, "An Act authorizing the Auditor General to correct certain accounts."

Mr. BLOOD, "A supplement to the act authorizing the commissioners of Clarion county to erect a new court house."

## ORIGINAL RESOLUTIONS.

On motion of Mr. WELSH, "An Act authorizing the State Treasurer to refund certain moneys to Samuel Baird," was re-committed to the Committee on Finance.

On motion of Mr. MILLER, Senate bill No. 578, "An Act relating to the claim of James Malone, against the Philadelphia and Sunbury railroad company," was re-committed to the Committee on Judiciary.

Mr. TURNEY offered the following resolution; which was twice read and considered.

Resolved, That hereafter the Senate will meet on each morning at 9 o'clock, and at 3 o'clock each afternoon.

On motion, the resolution was amended, by striking out "9," and inserting "9½," and excepting Monday mornings and Saturday afternoons from the operation of the rule.

The resolution, as amended, was adopted.

## ORDERS OF THE DAY.

Senate bill No. 541, "An Act for the regulation and continuance of education by common schools in the city of Pittsburg," came up in order on second reading, and passed finally.

## BILLS CONSIDERED AND PASSED.

On motion of Mr. RUTHERFORD, House bill No. 534, "An Act to prevent the destruction of fish in the Swatara river and its tributaries."

On motion of Mr. SCOFIELD, Senate bill No. 345, "An Act to confirm the title of Charles Whitney and Asa Scott to certain lands in Warren county."

(This bill was slightly amended.)

On motion of Mr. SHAEFFER, Senate bill No. 760, "A supplement to the act incorporating the Willow Street turnpike road company."

On motion of Mr. MILLER, House bill No. 570, "An Act authorizing the commissioners of Washington county to pay certain moneys to Wm. Greenfield."

On motion of Mr. BELL, House bill No. 197, "An Act relative to assessment of taxes in Thornbury township."

On motion of Mr. FETTER, House bill No. 483, "A supplement to the act incorporating the Patterson, Johnstown, Penn Mills and Concord plank road company."

On motion of Mr. WRIGHT, (the Committee on Estates and Escheats having been discharged from its consideration,) "An Act authorizing the Chesnut Hill railroad company to sell and dispose of certain real estate."

On motion of Mr. YARDLEY, Senate bill No. 624, "A supplement to the act incorporating the Quakerstown and Spinnerstown turnpike road company."

On motion of Mr. BLOOD, House bill No. 408, "An Act declaring Potts creek, in Clearfield county, a public highway."

On motion of Mr. BLOOD, Senate bill No. 587, "An Act to repeal an act relative to the Susquehanna and Waterford turnpike road company."

On motion of Mr. PALMER, Senate bill No. 604, "An Act supplementary to the acts incorporating the borough of Pottsville."

This bill was amended, on motion of Mr. PALMER.

On motion of Mr. RANDALL, House bill No. 685, "An Act to incorporate the Industrial Home for girls."

Mr. WRIGHT explained the nature of the bill, as being, perhaps, better acquainted with the subject than any other Senator. He portrayed the advantages which would result from the establishment of an industrial home for girls, and made an earnest appeal to the Senate in its behalf.

On motion of Mr. FETTER, (the Committee on Roads and Bridges having been discharged from its consideration,) "A supplement to the act incorporating the Perrysville, East Waterford and Waterloo plank road company."

On motion of Mr. FINNEY, (the Committee on Corporations having been discharged,) House bill No. 797, "A supplement to an act incorporating the Meadville gas and water company."

This bill was slightly amended.

The following bill passed to third reading.

On motion of Mr. NUNEMACHER, Senate bill No. 607, "An Act supplementary to the several acts heretofore passed relative to the Dauphin and Susquehanna coal company."

Bills entitled as follow, passed to second reading:

On motion of Mr. STEELE, House bill No. 510, "A supplement to the act to incorporate the Plymouth canal company."

On motion of Mr. WELSH, House bill No. 233, "An Act authorizing the State Treasurer to pay Nathaniel White for damages sustained by him from the Commonwealth."

On motion of Mr. TURNEY, "A further supplement to the act incorporating the Pennsylvania Central railroad company."

On motion of Mr. SCOFIELD, House bill No. 402, "An Act to incorporate the Fall Brook railroad and coal company."

The hour of five having arrived, the SPEAKER adjourned the Senate until to-morrow morning at 9½ o'clock.

## HOUSE OF REPRESENTATIVES.

MONDAY, March 21, 1859.

The House was called to order at 3 o'clock. SPEAKER in the Chair.

The Clerk read the Journal of Saturday.

Mr. FOSTER asked leave to record his vote on the final passage of "An Act relative to orphans' court;" which was granted.

Mr. FOSTER voted "aye."

## PETITIONS, &c. PRESENTED.

Mr. FLEMING read in his place and presented to the Chair, a remonstrance against the formation of Wheatland township, in Clarion county.

Also, a petition relating to the common school system, in Clarion county.

Mr. IRISH, a remonstrance from the board of school directors of the Ninth ward, of the city of Pittsburg, against the abolition of the high school; which, on his motion, was read.

Mr. FOSTER, one from fifty-five citizens of Pittsburg, of like import.

Mr. PUGHE, the petition of citizens of Pittston, and townships of Pittston and Jenkins, and Pittston borough, Luzerne county, praying for the passage of "An Act to authorize the school



directors of said townships, to collect certain moneys bequeathed for school purposes."

Mr. KETCHUM, two from citizens of Luzerne county, for a law to take away the power of county commissioners to appoint tax collectors, and to alter the assessed valuation of property.

Also, one from citizens of same county, in favor of the repeal of so much of the exemption law as relates to all single freemen who may hereafter claim exemption under it, for any debt due by them for board or lodging; and for the passage of an act that the wages of single freemen shall be subject to attachment for board.

Mr. WILLIAMS, (Bucks,) one from citizens of Bucks county, for a law to make country banks keep their notes at par in Philadelphia and Pittsburgh.

Also, one from citizens of same county, for an act to compel votable citizens to pay their road tax annually, or otherwise to be deprived of the right of voting at such elections when supervisors of public roads and other township officers are elected.

Mr. BARNESLEY, one from citizens of Bucks county, for a law to compel country banks to keep their notes at par in Philadelphia and Pittsburgh.

Mr. CAMPBELL, the memorial of the trustees of the Edenhoro normal school, for the Twelfth normal school district at Edenhoro, Erie county; which, on his motion, was ordered to be printed in the *Record*. It is as follows:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

Your memorialists, the trustees of the Edenhoro normal school, in behalf of the institution which they represent, and the citizens of the Twelfth normal school district, beg leave to state to your honorable bodies, the following facts:

At the time of the passage of the present normal school law, there existed a company, chartered for the purpose of establishing and conducting an academy in Edenhoro. Said company regarding the common school system as the crowning glory of our civil institutions, and believing the development of its Normal school features to be vital to its effectiveness, in the fall of 1857, resolved to secure to the Twelfth district the immediate benefits of its Normal school. It changed its name, enlarged its stock, increased the academy grounds to ten acres, and erected two additional buildings. Its present buildings, three in number, are substantially constructed in a style fitting their size and intended use, after the most approved plans; and are convenient in form and situation and imposing in appearance, and contain a hall and recitation, and model school rooms, filling the demands of the law, and facilities for boarding one hundred and fifty students, to which last, additions will be made as soon as demanded to supply scholars in attendance.

In effecting this, your memorialists found it necessary, on account of the prevailing scarcity of money, to make a debt of six thousand dollars, notwithstanding efforts enough were made to have constructed the buildings and left them free of debt, in ordinary times, for the use of our common school system.

But, as if to add to the calamity of such a debt, our institution is met with a prospect of indefinite delay, in being recognized as a State Normal school, owing to the tardiness of other districts in erecting buildings for the other three schools, necessary to apply before any shall be recognized.

In view of these facts, your memorialists ask your honorable bodies, to so amend the present Normal school law, as, in the manner by it prescribed, to allow one school in each Normal school district to be recognized as a State Normal school, whenever it shall apply, providing it shall have provided boarding facilities for at

least one hundred and fifty students in its own buildings, and in all other respects filled the demands of the law as it now exists.

Also, influenced by the recommendation of His Excellency, Governor Packer, in his late annual message, that the fostering care and pecuniary aid of the State be extended to schools hundered with debt, induced by their attempt to carry out the provisions of the Normal school law, your memorialists further ask you to appropriate to the Edenhoro Normal school, such a sum of money from the State Treasury, as in your judgment may be proper, to be applied towards paying its debts, and buying a suitable library and necessary apparatus; said appropriation to be received after said school shall have been recognized as a State Normal school under the provisions of the Normal school act, amended as asked for above.

Mr. MANN, the petition of citizens of Potter and McKean counties, asking for a law to authorize them to lay out a State road.

Mr. DODDS, one from citizens of Butler county, so to alter and amend the militia law as to encourage the military of the Commonwealth.

Mr. BURLEY, one from citizens of Middle Woodbury township, Bedford county, asking to be annexed to Blair county.

Mr. OAKS, a remonstrance from one hundred and forty citizens of Northumberland county, protesting against any Legislative action tending to destroy or vacate that road known as the State road leading from Milton borough, in said county, to Limestoneville, in the county of Montour; which was read.

Also, a remonstrance from one hundred and fifteen citizens of Limestoneville Township, Montour county, of like import.

Mr. PINKERTON, the petition of citizens of Ashland, Schuylkill county, asking for a law authorizing them to elect nine, instead of five councilmen, and empowering them to assess ten mills, instead of five, on the dollar.

Mr. TAYLOR, a petition of citizens of Indiana county, that the North Branch of Twolick creek in said county, be declared a public highway.

Also, one from citizens of Blairsville, same county, for the passage of an act erecting said borough into a separate district for the support of its poor, and empowering the qualified electors of said borough and township, to elect each two overseers of the poor separately.

Also, one for the passage of an act to regulate a certain price for brackets on Canoe creek.

Mr. WILCOX, one from citizens of Shippen township, McKean county, for a law declaring the Portage Branch of the Sinnemahoning river a public highway.

Mr. WAGENSELLER, a remonstrance from citizens of Juniata county, against the repeal of the tonnage tax on the Pennsylvania railroad.

Also, two from citizens of Snyder county, of like import.

Also, the petition of citizens of Union and adjoining counties, relative to fish dams and brackets in the river Susquehanna.

Also, four remonstrances from two hundred and forty-two citizens of Snyder county, against the repeal of the tonnage tax.

Also, the remonstrance of citizens of Delaware township, Juniata county, against any change of the road laws in said county.

Mr. PALM, two petitions from citizens of Schuylkill county, for a law to make country banks keep their notes at par at Philadelphia and Pittsburgh.

Mr. GLATZ, one from citizens of Peach Bottom township, York co., for a law to lay out a turnpike road from Peach Bottom Ferry to the Maryland State line, at or near the lands of Edward Edwards.

Mr. SHEPPARD, a remonstrance from property holders and residents on Front street and

citizens generally of Philadelphia, against granting the use of Front street, in the former district of Kensington, to the Philadelphia and Trenton railroad company.

Also, three petitions in favor of granting the use of Howard and New Market streets in said city, to the Philadelphia and Trenton railroad company.

Mr. GLATZ, a remonstrance from citizens of York county, against the passage of an act to prevent the destruction of fish in any waters of this Commonwealth.

Mr. KINNEY, one from citizens of Bradford county, to prevent fishing with seines in the Susquehanna river, in said county.

Mr. NILL, one numerously signed by citizens of Taylor township, Fulton county, that the act authorizing the appointment of county school superintendent be repealed.

Mr. HOTTENSTINE, four remonstrances numerously signed, against annexing any part of Northumberland county to Union county."

Messrs. WOODRING, HAMERSLY and THORN presented remonstrances against granting the use of Front street, Philadelphia, to the Philadelphia and Trenton railroad company.

Mr. GRITMAN, one from citizens of Halifax township, Dauphin county, to prohibit the running of cars at a greater speed than four miles an hour over the Northern Central railroad.

Mr. JACKSON, petition of citizens of Wyoming county, for a bounty on wild cats and foxes.

#### ORIGINAL RESOLUTIONS.

Mr. PATTERSON offered a resolution, that House bill No. 882, "An Act for the further reduction of the State tax on real and personal estate to two mills, on the dollar, he referred to a select committee of five, to be appointed by the SPEAKER. The SPEAKER appointed Messrs. PATTERSON, BARNESLEY, LAIRD, WILSON and OAKS said committee.

Mr. MILLER offered a resolution, that for the purpose of considering House bill No. 307, "An Act giving justices of the peace power with a jury of six to hear and fully determine charges for crimes of a certain character within this Commonwealth, and to lessen expenses in criminal proceedings," this House will hold a session this evening; which was adopted.

Mr. CHASE offered a resolution, that Wednesday next, immediately after the reading of the Journal, be set apart for the consideration of the act relative to the tonnage tax; which was adopted.

Mr. THORN offered a resolution, that a session be held to-morrow evening to complete the Private Calendar, if not sooner disposed of; which was adopted.

Mr. SMITH, (Berks,) offered a resolution, that House bill No. 303, entitled "An Act to repeal so much of the general appropriation bill of 1858, as increases the compensation of members of the Legislature from five to seven hundred dollars, be the first thing in order after the reading of the Journal to-morrow morning.

The House proceeded to the second reading of the same.

#### LEAVE OF ABSENCE.

Messrs. THOMPSON, WOODRING and McDOWELL, severally asked and obtained leave of absence, for a few days from to-day, for Messrs. QUIGLEY, GOEPP and BAYARD.

#### REPORTS OF COMMITTEES.

Mr. WILEY, (Militia System,) with a negative recommendation, "An Act relating to the collection and disbursement of the militia fund."

Also, as committed, "An supplement to the act regulating the militia of this Commonwealth," approved April 21, 1858.

Mr. HOTTENSTINE, (Roads and Bridges,) as committed, "An Act authorizing the laying



out of a State road in Armstrong and Clarion counties;" which, on motion of Mr. FLEMING, was ordered to be placed on the Calendar for to-morrow.

Mr. MILLER, (Corporations,) as committed, "An Act to incorporate the Pittsburg gymnastic association;" which, on motion of Mr. McDOWELL, was ordered to be placed on to-morrow's Calendar of Private Bills.

Mr. PATTERSON, (Canals and Inland Navigation,) as committed, "An Act declaring Portage Branch of the Sinnemahoning river a public highway;" which, on motion of Mr. WILCOX, was placed on the Calendar for to-morrow.

#### BILLS IN PLACE.

Mr. FOSTER read in his place and presented to the Chair, "An Act relating to evidence."

Mr. ROHRER read in his place and presented to the Chair, the following bill:

AN ACT fixing the pay of members of the Senate and House of Representatives.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the present session, the pay of the members of the Senate and House of Representatives shall be five hundred dollars per annum, and all laws inconsistent herewith be, and the same are hereby repealed.*

Mr. ROHRER moved that the rules be suspended, and that House proceed to the immediate consideration of the bill.

Mr. MCCLURE called for a division of the question.

And on the suspension of the rule,

The yeas and nays were required by Mr. ROHRER and Mr. HOTTENSTINE, and were as follow, viz:

YEAS—Messrs. Acker, Balliet, Barnsley, Barlow, Boyer, (Schuylkill,) Burley, Custer, Dismant, Durboraw, Fleming, Glatz, Gray, Gritman, Hottenstine, Jackson, Ketchum, McClure, McCurdy, Oaks, Patterson, Peirce, Pinkerton, Pughe, Ramsdell, Rohrer, Smith, (Berks,) Stephens, Stoneback, Stnart, Wagenseller, Walker, Warden, Witman, Williams, (Bedford,) Withrow, Wolf and Lawrence, *Speaker*—37.

NAYS—Messrs. Ahcott, Brodhead, Bryson, Campbell, Chase, Dodds, Eckman, Ellmaker, Fearon, Fisher, Foster, Galley, Graham, Gratz, Green, Hamersly, Harding, Irish, Keneagy, Kinney, Laird, Lawrence, (Washington,) Mann, Matthews, McDowell, Miller, Neall, Nill, Palm, Pennell, Price, Prondfoot, Rouse, Sheppard, Smead, Styer, Taylor, Thompson, Thorn, Wilcox, Wiley, Williams, (Bucks,) Williston, Wilson, Woodring and Zoller—46.

So the question was determined in the negative.

Mr. FEARON, "An Act to incorporate the Tylersville water company."

Mr. GRAY, "An Act relating to tax on real and personal property for State purposes."

Mr. ECKMAN, "An Act relating to the borough of North Lehanon, Lehanon county."

Mr. WILEY, "Supplement to an act to incorporate the Exchange mutual insurance company."

Mr. THORN, "An Act to empower the clerk of the board of health to administer oaths and affirmations."

Also, "A further supplement to an act relating to corporations and to estates held for corporate, religious and charitable uses, passed April 26, 1855."

Mr. HAMERSLY, "An Act to incorporate the Elm Tree fire insurance company of Philadelphia."

Also, "An Act to incorporate the Manayunk market company."

Mr. STYER, "An Act to incorporate the Diligent insurance company of Philadelphia."

Mr. MANN, "An Act authorizing the laying

out of a State road in Potter and M'Kean counties."

Mr. WAGENSELLER, "An Act to supply the borough of Lewishurg with water."

Mr. GLATZ, "An Act to incorporate the Peach Bottom and Maryland State Line turnpike road company."

Agreeably to order, the House resolved itself into committee of the whole, (Mr. BURLEY in the chair,) on House bill No. 723; which was read, as follows:

AN ACT to modify the existing auction laws of the Commonwealth, and to provide more effectually for the collection of the State tax or duty on auction sales.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That upon any citizen of the United States and of the State of Pennsylvania, paying into the State Treasury the sum of two thousand dollars, and giving bonds in the sum of five thousand dollars, with two or more sufficient securities, to be approved of by the judges of the court of common pleas of the city of Philadelphia, the Governor thereupon shall grant him a commission of the first class for one year, to make sales by auction or by public outcry, or on commission, of real estate, stock, vessels, loans and of any and every description of merchandize and personal property whatsoever, and to any amount, in the city of Philadelphia.*

SEC. 2. That upon any citizen as aforesaid paying into the State Treasury the sum of fifteen hundred dollars, and giving bonds with securities as aforesaid, the Governor shall grant him a commission of the second class for one year, to make sales in said city by auction or by public outcry, or on commission, of real estate, stocks, loans, vessels, and of any and every description of merchandize and personal property whatsoever; providing the sales so made of merchandize and personal property in any one year does not exceed the sum of seven hundred and fifty thousand dollars.

SEC. 3. That upon any citizen as aforesaid paying into the State Treasury the sum of one thousand dollars, and giving bonds with securities in the sum of three thousand dollars, the Governor shall grant him a commission of the third class for one year to make sales in said city, by auction or by public outcry, or on commission, of real estate, stocks, loans, vessels and of any and every description of merchandize and personal property whatsoever; providing the sales so made of merchandize and personal property in any one year does not exceed the sum of five hundred thousand dollars.

SEC. 4. That upon any citizen as aforesaid paying into the State treasury the sum of five hundred dollars, and giving bonds as aforesaid, the Governor shall grant him a commission of the fourth class for one year, to make sale by auction or by public outcry, or on commission, of real estate, stocks, loans, vessels, and of any and every description of merchandize and personal property whatsoever; providing the sales so made of merchandize and personal property in any one year does not exceed the sum of two hundred and fifty thousand dollars.

SEC. 5. That upon any citizen as aforesaid residing and doing business not less than five miles from Independence Hall, in the city of Philadelphia, paying into the State treasury the sum of one hundred dollars, and giving bonds, with securities, in the sum of two thousand dollars, the Governor thereupon shall grant him a commission of the fifth class for one year, to make sales in said city by auction, or public outcry, or on commission, of real estate, stocks, loans, vessels, and of any and every description of merchandize and personal property whatsoever, providing the sales so made of merchandize and personal property in any one year

does not exceed the sum of \$50,000: *Provided*, That in case the sales of any auctioneer taking out a commission under the second, third or fourth class shall exceed the maximum amount authorized by this act, he shall pay into the State Treasury at the close of each year in which his sales shall so exceed said maximum, the sum of one-half of one per cent. on the amount of such surplus sales, in addition to the amount paid for his original commission.

SEC. 6. That said auctioneers shall pay into the treasury of the Commonwealth, a tax or duty of one-fourth of one per centum on all sales of loans or stocks, and shall also pay into the treasury aforesaid, a tax or duty as required by existing laws, all other sales to be made as aforesaid, except on groceries, goods wares and merchandize of American growth or manufacture, real estate, shipping or live stock; and it shall be the duty of the auctioneer having charge of such sales, to collect and pay over to the State Treasurer the said duty or tax, and give a true and correct account of the same quarterly, under oath or affirmation, in the form now required by law.

SEC. 7. That any citizen as aforesaid obtaining an auctioneer's commission of either class, shall, at the time of taking out said commission, be compelled to make oath that he will conform in all things to the true intent and meaning of the several auction laws of this Commonwealth, according to the best of his knowledge, information and belief; and shall also make return at least once each and every year to the State Treasurer of the total amount of sales made by him at auction or on commission of merchandize and personal property; the same to be a true and correct account under oath or affirmation, before an alderman of the said city of Philadelphia.

SEC. 8. That it shall not be lawful for any person or persons to make sale by auction or by public outcry in the city of Philadelphia, of real estate, stocks, loans, vessels, merchandize and personal property of any description, except as be by a duly commissioned auctioneer of the said city: *Provided*, That this act shall not be so construed as to interfere with any sale authorized by the courts of said city, or in consequence of any legal proceeding whatever.

SEC. 9. That any person or persons found guilty of selling at auction or public outcry in the city of Philadelphia, except a duly commissioned auctioneer, shall be deemed guilty of a misdemeanor, and upon the conviction thereof in the court of quarter sessions of the peace of the said city and county of Philadelphia, be sentenced to pay a fine of five hundred dollars; one-half to go to the informer, and the other half to go to the public school fund of the city of Philadelphia; and for the second offence, he shall be sentenced to pay a like fine, and undergo an imprisonment in the county jail for thirty days; the fine to be applied as in the first offence.

SEC. 10. That no auctioneer in the city of Philadelphia shall at the same time have more than one house or store for the purpose of holding an auction; and every auctioneer in said city shall designate in writing such house or store, and also his partner or partners, if any, engaged with him in his said business; which said writings shall be deposited by such auctioneer with the recorder of deeds of the said city and county; and no auctioneer shall expose to sale by public auction or vendue in said city, any goods, wares or merchandize, or effects whatsoever, at any other place, than in the said houses and stores respectively, to be designated as aforesaid, except goods, wares or merchandize which shall be sold in the original package in which they are imported; domestic dry goods, in original packages, as they come from the manufacturers; stocks of dry goods, groceries, cabinet furniture, crockery and glassware at the



warehouses or stores of the owners, the removal of which to the auction stores would be attended with risk and expense to the owners; goods of persons deceased, or of persons who are *bona fide* declining business; household furniture, musical instruments, live stock, carriages, and such like articles as have been usually sold at auction in warehouses or in public streets or wharves, or sales authorized by the courts of said city, or in consequence of any legal proceeding whatever; and if any auctioneer in said city shall enter upon the execution of his office, or shall permit any person to act in his behalf, without designating his said house or store, or his partner or partners, if any, in the manner and form herein prescribed, or shall hold any auction at any other place than the place so designated, except for the sale of the articles hereinbefore excepted, he shall be deemed guilty of a misdemeanor; and on conviction, shall be fined in a sum not exceeding three hundred dollars; and it shall be the duty of the court before whom such conviction is had, to transmit forthwith a report thereof to the Governor of the Commonwealth, who is hereby authorized, in his discretion, to inhibit the person so convicted from acting as an auctioneer so long as such inhibition shall continue.

SEC. 11. That in case the Attorney General shall have reason to believe that any person acting under a commission as an auctioneer aforesaid, has failed to make a just and full return of the amount of his sales, as required by this act, it shall be the duty of the said Attorney General, either in person or by deputy duly authorized, to call at the regular place of business of said auctioneer, and make an examination of his books and papers, for the purpose of ascertaining the true amount of said sales, and with this view said officer or his deputy shall have authority to administer oaths and examine witnesses, and it shall be his duty, immediately upon the completion of such examination, to report to the Auditor General the amount of sales thus ascertained to be made by said auctioneer during each quarter, subject to the payment of the State tax or duty, specifying the different classes of such sales, for which service the said Attorney General or his deputy shall be authorized to demand and receive from said auctioneer a fee of ten dollars in each case; and in case any auctioneer shall refuse to permit such examination, it shall be the duty of said officer to report the fact to the Governor, who shall thereupon revoke and annul the commission of such offending auctioneer.

SEC. 12. That all former auction laws, and parts of laws relating to auctions and auctioneers for the city and county of Philadelphia, conflicting with the provisions of this act, be and the same are hereby repealed.

Mr. GRITMAN offered the following new section; which was agreed to:

*And provided*, That the provisions of this act shall only extend to the city and county of Philadelphia.

The bill was read the second time, and agreed to; and, at the request of Mr. FOSTER, laid over on third reading.

Agreeably to order, the House proceeded to the consideration of House bill No. 617; which came up on third reading, and was passed, as follows:

AN ACT for the assessment and recovery of damages upon the North Branch and Wyoming canals.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That within three months after the passage of this act, the several courts of common pleas of the several counties in which the North Branch and Wyoming canals are located, (which are now owned

by the North Branch canal company, and the Wyoming canal company respectively,) shall appoint three competent and disinterested persons, none of whom shall reside within ten miles of the line of said canals, to appraise and assess damages, and investigate other demands existing prior to the transfer of said canals from the Commonwealth, consequent upon and arising out of the location, construction, repair and use of the said canals, in pursuance of the seventh section of an act for the sale of the State canals, approved the twenty-first day of April, one thousand eight hundred and fifty-eight, to be called the commissioners of canal claims.

SEC. 2. That notice of the appointment of the said commissioners, shall be served upon each person so appointed by the sheriff of the proper county or his deputy, within ten days after said appointment shall have been so made, for which services the said sheriff shall be allowed such fees as are by law allowed for similar services.

SEC. 3. That the said commissioners of canal claims, shall within ten days after being so notified of their appointment, meet at the prothonotary's office of the proper county, and organize by electing one of their number president, and by selecting a clerk not of their number, which clerk is hereby allowed them; and when so organized, the said commissioners shall be severally sworn or affirmed by the said prothonotary or his deputy, to well and truly praise and assess all damages, and investigate all other claims and demands which shall be brought to their notice, according to the provisions of this act, consequent upon and arising out of the location, construction, repair and use of the North Branch canal or the Wyoming canal, (as the case may be,) as provided for in this act, and a true report make to the court of common pleas of said county; and their said clerk shall be sworn or affirmed by said prothonotary or his deputy, or by the president of said board of commissioners, to keep correct minutes of all the proceedings of said commissioners, and all the evidence taken by them according to the provisions of this act; a copy of all which oaths or affirmations shall be signed by the said commissioners and clerk respectively, and filed in the said prothonotary's office: *Provided*, That in case of the neglect of any of the said commissioners to appear and assume the duties of his appointment as hereinbefore provided, or in case of a vacancy occurring in the said board from any cause, at any time thereafter, the said court, or a majority of the judges at chambers, shall on notice of the fact by any party interested, or by the remaining commissioner or commissioners, appoint some other person or persons to fill such vacancy or vacancies; and such person or persons before entering upon the duties of the appointment shall be qualified as hereinbefore required.

SEC. 4. That the said commissioners shall immediately, upon being so organized and qualified, give public notice through two newspapers, if there be so many, and if not, in at least one newspaper in the proper county, and by printed advertisements, put up in public and conspicuous places, of the time and place of commencing the assessment, appraisement and investigation required by this act; which time shall not be less than fifteen nor more than thirty days after being so organized; and the said commissioners shall cause a copy of such notice to be served upon the North Branch or Wyoming canal company, (as the case may be,) by leaving a copy of the same with the president, secretary, treasurer, attorney or any of the board of directors of said company, at least ten days before the time so fixed for commencing the appraisement, et cetera, aforesaid.

SEC. 5. That at the time so fixed, the said commissioners shall go upon the line of said canals, commencing at a point on the northern

boundary of the proper county, and except where the same be waived by the parties by writing, filed with said commissioners, personally examine and inspect the lands, tenements and hereditaments and property of whatsoever kind claimed to have been damaged by or used in the location, construction, repair or use of the said canals; and shall, at the places hereinafter designated by name, hear and take testimony relating to the claims before said commissioners; for which purpose the said commissioners are hereby authorized to issue subpoenas and compel the attendance of witnesses and administer oaths and affirmations.

SEC. 6. That the said commissioners shall hold regular sessions for hearing testimony and investigating the cases that may arise under this act, at the following named places, and in the several counties at the places in the same order as herein named, to wit: in Bradford county, at Athens, Towanda and Wyalusing; in Wyoming county, at Laceyville and Tunkhannock; in Luzerne county, at Pittston and Wilkesbarre; in Columbia county, at Bloomsburg; in Montour county, at Danville; and in Northumberland county, at Northumberland; and the said commissioners shall remain in session, at each of the said places, for the transaction of the said business at least three days, and as much longer as the proper discharge of their duties may require: *Provided*, That the said commissioners may hold additional sessions at such other places along the line of said canals, and for as long a term as they may deem necessary: *And provided further*, That at least three days notice shall be given of the time of holding each succeeding session, or in case of postponement of any meeting, the like notice of such postponement by at least three public advertisements, put at the place of holding the same.

SEC. 7. That the said commissioners shall not be required to examine or investigate any claim under this act, unless the claimant shall, by him or herself, guardian, agent or attorney, give at least five days notice under oath or affirmation to said commissioners, or any one of them, and to the said proper canal company, of the nature and amount of said claim; and in case of claim for damages, also of the location of the premises damaged; said notice to be served on said companies as provided in the fourth section of this act; and the said parties so claiming damages, shall present their claims to said commissioners for investigation during their session, at such place hereinbefore designated by name, which shall be nearest the property claimed to have been so damaged: *Provided*, That claimants not residing along the line of canal, who shall have demands for materials furnished or for work or labor done, may present their said claims for investigation at any of the said places, while the said commissioners are holding sessions thereat.

SEC. 8. That in appraising and assessing damages as aforesaid, the legal and equitable rights of the parties, the advantages as well as disadvantages of the location or construction of said canals, to the property claimed to have been damaged, shall be taken into consideration by the said commissioners; and any claim for damages or other demand, which shall have been settled and paid, either by said companies or the Commonwealth, shall not be entertained by said commissioners.

SEC. 9. That the said commissioners shall proceed, investigate and decide all cases brought before them, at any of the said places of hearing, before removing to another place; and within ten days after so deciding, shall file their reports signed by themselves, or a majority of them, of all cases so decided, in the prothonotary's office of the proper county, together with all bills of costs allowed by them as hereinafter required, upon which report, unless the



amount reported therein, together with costs, shall be satisfied and discharged of record within ninety days after filing the same, the said prothonotary is hereby required to enter judgment, stating upon the record the proper claimant as plaintiff, and the North Branch canal company or the Wyoming canal company, as the case may be, defendant in the suit, which judgment shall have the same effect as judgments entered upon award of arbitrators, under the compulsory arbitration act of one thousand eight hundred and thirty-six.

SEC. 10. That the parties, upon the close of the hearing and investigation of each case, shall file with the commissioners their bills of costs, verified on oath or affirmation, before said commissioners, that the costs so made were necessary to the proper investigation of the case, subject, however, to immediate re-taxation, before said commissioners, upon application of either party.

SEC. 11. That either party may appeal from the report of said commissioners to the court of common pleas of the proper county, within thirty days after the filing of said report in the prothonotary's office, in the same manner and under the same restrictions and requirements as appeals from awards of arbitrators are now allowed under the compulsory arbitration act of this State; and each case, so appealed, shall be put at issue by the prothonotary, shall be proceeded in and tried with all the rights and incidents as appeals from the awards of arbitrators: *Provided*, That the doctrine of legal tender by the said companies shall have its full legal effect upon all questions of costs, whether the same shall have occurred before the said commissioners or in court after appeal: *And provided further*, That certified extracts from the journals and books of the Canal Commissioners or former boards of appraisers, and certified copies of all papers on file in any of the departments at Harrisburg, shall, if pertinent, be received in evidence by the board of commissioners and by the courts in the investigation and adjudication of the said claims.

SEC. 12. That no statute of limitations now in force in this Commonwealth, shall be set up as a legal defence by the present or any future owners of the said North Branch or Wyoming canals, to any of the claims contemplated by this act.

SEC. 13. That stay of execution shall be allowed on all judgments, entered under the provisions of this act, subject to all the requirements of existing laws relating to stay of executions; but the said stay shall be reckoned from the time of filing the report of the commissioners in the prothonotary's office.

SEC. 14. That the said commissioners shall each receive the sum of three dollars per day, and their said clerk the sum of two dollars per day for each and every day necessarily spent by them in and about the business of their appointment, and five cents for each and every mile of necessary travel, which said per diem and mileage and the sheriff's fees for serving notices, as required by the second section of this act, shall be paid by the said canal companies without recourse in any case to the other parties, and the fees of witness and persons serving subpoenas and other process, shall be the same as now allowed by law for similar services.

SEC. 15. That the said commissioners shall complete their investigations required by this act, within the period of one year from the time of commencing the same: *Provided*, That the said courts of the respective counties shall have power, on cause shown, to extend the time.

Mr. RAMSDELL moved that the House resume the consideration of the following resolution:

*Resolved*, That a committee of three be appointed by the SPEAKER, to inquire into the fact whether the Philadelphia and Reading

railroad company have charged more on passengers traveling over said road than they are allowed to charge by their act of incorporation.

On motion of Mr. THORN, the words "into the fact" were stricken from the resolution.

Mr. HAMERSLY moved further to amend by inserting the words "or less" after the word "more" in said resolution; which was not agreed to.

Mr. SMITH, (Berks,) moved to amend the resolution by adding to the end thereof "and shall also inquire whether any of the other railroad companies in the State have exceeded their respective charters in this respect."

Mr. SMITH, (Berks,) said—

That from the long lapse of time since the introduction of the resolution, he had indulged the hope that it would be permitted to sleep the sleep of death. He supposed it had accomplished the purpose, and satisfied the motive for which it had been offered, and was surprised to see it thus suddenly suggested to the House. He expressed to the House his acknowledgments for the courtesy which some weeks ago had dictated the postponement of the resolution until he could be present. The indulgence was the more to be appreciated, because it was uncalled for by any peculiar relations subsisting between himself and the Philadelphia and Reading railroad company. Neither here, nor anywhere, had he, at any time, sought to be its champion. He hoped ever to be the advocate of what was right and just; and this consideration would determine his course with reference to this company, whether for or against it, upon this and all other questions. It was not the least important of the constituents he represented, and while he felt it to be his duty to uphold those rights which were essential to the object of its creation, he would also resist every encroachment beyond them. He knew nothing, except from rumor, of the motives that prompted this inquiry, but he urged upon the House to discard entirely the tempting policy which dictated to some members an indiscriminate warfare upon corporations as the best exhibition of their patriotism and public spirit. He was charitable enough to suppose that no worse spirit than this had forced the resolution upon the attention of the House at this time. Without presenting a single fact whereon to base the charge, without even a confident assertion, with confessed ignorance of the legal rights which are claimed to have been transgressed, with no specified subject of charge against the company, he could not possibly ascribe it to a better motive than this, and he would not, he trusted, be forced to ascribe it to a worse.

If the gentleman from Venango, or his coadjutor from Schuylkill, could persuade him by better evidence than mere rumor that the charge was likely to be well founded, if anything like a *prima facie* case were submitted to the House, the resolution would receive all the support he was capable of giving it. An investigation, under these circumstances, would be due to the company itself, no less than to the community interested in the legal management of the road, and a sense of duty would compel the Legislature to this course. He based his opposition to the resolution, therefore, distinctly upon the ground that as yet no reasonable cause had been shown to exist for the supposition that this company had, in any manner, violated its charter. He held it to be no part of their duty, nor did it comport with the dignity of the Commonwealth, to subject to the annoyance of a legislative inquiry any and all its corporate bodies, at the instance of any irresponsible parties, led on by any motive whatever, when they have utterly failed to show, or have not attempted to show, that the occasion demands it. The precedent would be an expensive one to the State, for not one of its legion of corporations could escape investigation; for

against them all the same easy and frivolous pretexts for an investigation existed.

It was gratifying to him to know that upon this point the House had displayed much unanimity this session. Resolutions of inquiry had repeatedly been voted down because gentlemen had refused to place any reliance upon mere allegations, unsupported by any show of evidence. He had himself refused to vote with the mass of his own party friends, for a resolution in the case of the sitting member from Camhria, because he could see nothing to justify the proceedings, and he had a right to expect from his friends of the Opposition a consistent course upon a similar question.

He called upon the gentleman from Venango, who now assumed the sole charge of this resolution, what the legal rates of this company's fare were, and wherein they had transgressed? Whenever he laid the facts before the House, or even positively asserted them, he would show that so far from exceeding any restrictions imposed by law upon their rates of fare, no such restrictions could be found in their charter—that their tolls charged were in pursuance of their charter provisions, and that all charges beyond toll, were left to the company's discretion, which was itself the best limitation; as the numerous competing routes made it their obvious interest to abstain from the suicidal policy of exorbitant charges. He would show further, that the charges thus left to their discretion, were lower than most, and not above any of the rates established on all first class roads in the State, among which he mentioned the Pennsylvania railroad, Philadelphia and Baltimore, Northern Central, and others.

Personally he had nothing to gain or lose by the proposed investigation. But the success of this company was so intimately connected with the prosperity of his constituents, and the whole State had so largely partaken of its benefits, that he felt it to be his imperative duty to resist the first manifestations of a spirit of mere opposition, by which its usefulness might be impaired. The road had long been struggling with adverse circumstances, but he thought it now in a promising condition. The inflexible economy of its present management, which had driven off scores of expensive retainers, who had harked in the extravagant munificence of former administrations, had reassured its true friends of its power ultimately to meet its legal demands. He trusted he had satisfied the House that the resolution was entitled to no countenance at this time.

Mr. PALM said that it was an undeniable fact, that conductors charged five or ten cents extra fare if tickets were not purchased in the depots, and that passengers were ejected from the cars if this extra fare was not paid. It was true, as had been asserted, that the company run what they called a second class car attached to their trains, in which the fare was reasonable, as contemplated by the charter, but as there was only one car to each train, it was apparent that all the passengers could not be accommodated.

He continued to argue in favor of the committee of investigation, alleging that it was just and necessary.

Mr. WALBORN reported as committed, "A supplement to the act incorporating the Philadelphia and Trenton railroad company."

The question recurring,

Will the House agree to the amendment?

Mr. MILLER moved that the House do now adjourn; which was agreed to.

Mr. IRISH, on leave, presented the petition of the board of school directors of the Fourth and First wards of the city of Pittsburgh, in favor of the passage of a law abolishing the Pittsburgh high school.

On motion of Mr. IRISH, the same was read.



Mr. M'DOWELL, on leave, presented the petition of one hundred and ninety-one business firms and other citizens of Pittsburg, praying for a change in the school laws.

The SPEAKER adjourned the House until this evening at 7 o'clock.

#### No. 188.—FILE OF THE SENATE.

SCHELL, Private Claims and Damages—March 10.

AN ACT to provide for the assessment of damages and the payment of claims upon the North Branch canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president judges of the Eleventh, Thirteenth and Twenty-sixth judicial districts of this Commonwealth, or a majority of them, shall, on or before the first day of June next, appoint a board of appraisers, to consist of three disinterested persons, who shall reside out of the counties of Bradford, Wyoming and Luzerne, whose duty it shall be to assess all damages and investigate and pass upon all demands which the North Branch canal company is liable to pay under the seventh section of the act, approved the twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight, entitled "An Act for the sale of the State canals," and by virtue of its purchase of said canal from the Sunbury and Erie railroad company; said board shall take into consideration the advantages as well as disadvantages to the property, claimed to have been damaged in the location, construction, repair, management or use of the canals in making their award for damages.

SEC. 2. That any person or persons, or corporation, having any claim for damages or other demands as aforesaid, shall, on or before the first day of July next, by themselves, their attorney or guardian, file in the court of common pleas of the proper county, with the prothonotary, a statement setting forth the nature and amount of said claim or claims, with a description of the property said to be damaged; all of which shall be verified by oath or affirmation; which statements so filed shall be legal notice of said claim to the North Branch canal company, for the purposes contemplated by this act; and the prothonotary of the proper county shall furnish such appraisers a certified copy of all claims filed in his office as aforesaid, all of which shall be passed and reported upon by such appraisers.

SEC. 3. That the said appraisers, after being duly qualified by oath or affirmation, faithfully, justly and impartially to decide, and a true report make concerning all matters submitted to them, shall proceed to examine the claims before them; and in cases of damages, to personally examine the lands claimed to be damaged; and either one of said appraisers may issue subpoenas, administer oaths to witnesses and issue attachments to compel the attendance of witnesses; and after they have heard the parties, their proofs and allegations, they shall proceed to estimate and determine the damages or other demands, if any, and to what amount, and to whom payable, and make a report thereof for each county through which the canal passes, of all cases arising in said county, and shall file all cases arising in said county, and shall file said the several counties of Bradford, Wyoming and Luzerne, together with the evidence; and in all cases not appealed from as hereinbefore provided, when the award is not paid within sixty days from the day of filing the same, the prothonotary of the proper county is hereby required to enter judgment; which shall have the same effect as a judgment entered upon award of arbitrators, under the compulsory arbitration act of one thousand eight hundred and thirty-six.

SEC. 4. That all certified copies of papers of the late Canal Commissioners, and their journal, and certified copies of all papers on file in any of the departments of State, shall, if pertinent, be received in evidence by the board of appraisers in adjudicating said claims; the said appraisers shall complete the investigation required by the act within one year from the time of their appointment; and shall be paid by the said canal company for their services three dollars per day for all time necessarily occupied, and ten cents per mile for all necessary travel.

SEC. 5. That in all cases either party may appeal within twenty days after the filing of said report; and the party appealing shall make an affidavit that the same is not for the purpose of delay, but that injustice has been done; and when such appeal shall have been entered, the court of common pleas of the proper county shall, in each case so appealed, appoint five or seven disinterested persons, who shall not reside within five miles of the North Branch canal, and fix a time not less than twenty nor more than forty days thereafter for said jury of viewers to meet upon the premises where the claim for damages or other demand may be alleged to have arisen, as by petition presented for previous view, of which time and place ten days' notice shall be given by the appellant to the other party; and the said jury, or a majority of them, having been first sworn or affirmed by some person competent to administer oaths, faithfully, justly and impartially to decide, and a true report make, concerning all the matters and things submitted to them, and in relation to which they are authorized to inquire; in pursuance of the provisions of this act, they shall perform all the duties, and have all the powers conferred by this act on the former board of appraisers; and, after having made a fair and just examination, they, or a majority of them, shall estimate and determine whether any, and if any, what amount of damages have been sustained, or what amount may be due on other demands, and to whom payable, and make report thereof, stating particularly therein when and how the damages were occasioned, to the court; which, if approved, shall be final; and if not satisfied of record within sixty days after approval of the same, the prothonotary shall enter judgment thereon; but if said report shall not be confirmed by the court, it may be referred back to the same jury, or others may be appointed by the same court in their stead; and in either case specific instructions shall be given by the said court to the jurors as to the mode of assessing the said damages, and making the said report; and if said jurors shall proceed in accordance with the instruction of the court, their report shall be final; but if for any cause the said report shall not be confirmed by the court, then, and in such case, on a day to be fixed by said court as early as convenient, upon all the evidence submitted to the appraisers in the case, and such other evidence as the said court shall deem necessary, the case shall be submitted to the said court; which shall hear, investigate and pass upon the claim; and the decree of said court shall be final and conclusive, and judgment shall be entered thereon; and if the amount thereof be not paid within sixty days, execution may issue as in other cases of debt for the sum so awarded: *Provided*, That in case of an appeal, if the party or parties so appealing shall not obtain an award more favorable than the award of the appraisers, he or they shall pay all costs on the appeal: *Provided further*, That said jurors shall each receive three dollars per day for all time necessarily occupied, and ten cents per mile for all necessary travel.

SEC. 6. That stay of execution shall be allowed on all judgments obtained under the provisions of this act, upon the terms and conditions of the third and fourth sections of the act of June sixteenth, one thousand eight hundred

and thirty-six, relating to executions: *Provided*, That the stay hereby allowed shall be recovered from the date of filing the original report in the office of the prothonotary.

#### No. 540.—FILE OF THE SENATE.

MILLER, Education—March 2.

A FURTHER SUPPLEMENT to an act for the regulation and continuance of a system of education by common schools.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That when the directors or controllers and teachers of the several school districts in this Commonwealth shall have made the selection of books provided for in the twenty-fifth section of an act for the regulation and continuance of a system of education by common schools, approved the eighth day of May, one thousand eight hundred and fifty-four, the books so selected shall be used for a period of not less than three years, and no change or alteration shall be made within that period.

SEC. 2. That it shall not be lawful, after the passage of this act, for the directors or controllers of common schools of any school district in this Commonwealth, to employ any female as teacher in the common schools who has not attained the age of eighteen years, and no male applicant under the age of twenty years.

SEC. 3. That before any director of common schools hereafter elected shall discharge any of the duties imposed upon him by existing laws, he shall be qualified by oath or affirmation, to be administered by an acting justice of the peace or alderman, to faithfully and impartially discharge the duties of his said office.

SEC. 4. That it shall not be lawful for the school directors or controllers of the common schools of any school district in this State, in determining the amount of tax to be levied in their district for school and building purposes, to exceed eight mills on the dollar on any and all property subject to taxation by existing laws for school purposes.

SEC. 5. That all independent school districts heretofore formed, either by enactment of the Legislature or by any court of common pleas of this Commonwealth, be and the same are hereby abolished; and that it shall not be lawful for the said courts, after the passage of this act, to establish or continue any independent district for school purposes.

SEC. 6. That the qualified electors of the several cities, boroughs and counties of this Commonwealth shall, at the next general election, determine by ballot whether the office of county superintendent of common schools shall be abolished or not; and that the ballots so voted shall be for the county superintendent and against the county superintendent; and the result of said election shall be certified by the proper officers in the mode prescribed by existing laws in relation to the returns for State officers; and if a majority of the votes polled should be against the abolition of said office, then the same shall remain as provided for by existing laws; but if a majority of the votes so polled should be in favor of the abolition of the office, then the said office is to be so declared abolished by the State superintendent of common schools, to take effect on the first Monday in January next succeeding said election; notice of the same to be sent by said State superintendent to the several superintendents in the Commonwealth.

SEC. 7. That in case the people should decide in favor of the abolition of the office of county superintendent, as hereinbefore provided for, then it shall be the duty of the board of directors or controllers of common schools of the



several districts of this Commonwealth to annually appoint three competent persons, who shall constitute a board of examiners, for the examination of applicants for employment as teachers, in conjunction with the aforesaid directors or controllers; and no other person, except such as shall be recommended by said examiners, shall be employed as teachers.

**No. 615.—FILE OF THE HOUSE.**

THOMPSON, Judiciary—March 3.

A SUPPLEMENT to the act for the relief of insolvent debtors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the seventeenth section of the act of the General Assembly, passed the sixteenth day of June, Anno Domini one thousand eight hundred and thirty-six, as provides that the said debtor shall not be entitled to his discharge from imprisonment or arrest until he shall have been in actual confinement during a term of at least sixty days, be, and the same is hereby, repealed in its operation in all suits now pending, or hereafter to be instituted, where, and in which, the process or judgment is founded on an action for actual force: *Provided,* That the person, or persons, defendant in said suit or judgment, were either, or any of them, sheriffs, or their deputies, constables, police, or peace officers, in the discharge of their official duties as such public police officers, appointed, or elected, under, or by virtue of, any law of this Commonwealth, and that the actual force for, or on account of, which said suit was brought, or said judgment obtained, was exerted, or exercised, by said officers, in their official capacity, as aforesaid, which said fact shall be pleaded by affidavit of said person, or persons, defendant at any time, and be a full discharge from said imprisonment.

**No. 583.—FILE OF THE SENATE.**

FINNEY, Judiciary—March 3.

AN ACT authorizing the inspectors of prisons to let by contract the labor of convicts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the inspectors of prisons are hereby authorized to let, by contract, in the manner hereinafter provided, the labor and services of such and so many of the convicts, confined in any of the prisons of this State, as they may deem for the interest of the State, to be employed at such branches of business as they may deem advisable.

SEC. 2. That whenever the inspectors shall determine to let, by contract, the labor of any such convicts, at least one month's notice of the time and place of letting such contract shall be given in the paper in which legal notices are required by law to be published in the city of, and in one newspaper printed in each city of this State, which notice shall specify the particular branch of business in which the convicts are to be employed, the length of time for which their services are to be let, not exceeding ten years, and the number of the convicts to which the contract is to be limited; such contracts shall, in all cases, be awarded to the highest bidder, who shall furnish the necessary security, and no contracts shall at any time be entered into, unless security satisfactory to the inspectors shall be given, for the hiring and letting of convicts' labor; and in every contract shall be inserted a stipulation that all payments shall be made on the first day of each month, in cash, and every such contract may with the written consent of the inspectors, or a majority

of them, be declared void, by the warden of the prison in which such contract may exist, if any such payment is not made within thirty days after the same shall have become due, if deemed for the interest of the State, void the same.

SEC. 3. That all convicts, whose labor and services shall be let by contract, as aforesaid, shall be worked in gangs, and not in separate apartments; and the warden of the prison at which any such contract shall be let, shall provide, within said prison suitable workshops for the employment of such convicts, under said contract.

SEC. 4. That no inspector, warden or other officer, of either of the prisons of this State, shall be directly or indirectly interested, while such inspector, warden, or other officer, in any contract of the employment of convict labor. Any person violating this section shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine, in a sum not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year; and such conviction shall, at the option of the inspectors, or a majority of them, render null and void the contract in which the person so convicted may have been interested.

**No. 642.—FILE OF THE HOUSE.**

NILL, Education—March 3.

AN ACT supplemental to an act, approved the eighth day of May, one thousand eight hundred and fifty-four, entitled "An Act for the regulation and continuance of education by common schools."

WHEREAS, It is the true intent and meaning of the thirty-ninth section of the act, approved the eighth day of May, Anno Domini one thousand eight hundred and fifty-four, entitled "An Act for the regulation and continuance of education by common schools," that the salary of county superintendent of common schools should be paid out of the State appropriation to each county respectively, and not out of the general State appropriation:

AND WHEREAS, It is the practice to deduct the aggregate salary of such superintendents from the aggregate State appropriation to common schools; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the appropriation of State funds shall be made to each county in this State, independent and exclusive of any salary of any superintendent as aforesaid, and the salary of such superintendents respectively, shall be paid by the order of the State superintendent, as is now provided for by law, which salary shall be deducted from the State appropriation to each county respectively.

**No. 439.—FILE OF THE HOUSE.**

MCCLURE, Judiciary—Feb. 25.

AN ACT relating to rate of interest.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act regulating the rate of interest, passed the twenty-eighth day of May, Anno Domini one thousand eight hundred and fifty-eight, shall be so constructed as not to affect actions pending under the former usury laws; and at the time of the passage of the act of the twenty-eighth May, Anno Domini one thousand eight hundred and fifty-eight; and it is the intention of the Legislature that no plaintiff, in any cause, shall be prejudiced by the passage of the last mentioned act, but that the said act is prospective only in its operation.

**VETO MESSAGE.**

EXECUTIVE CHAMBER,  
Harrisburg, March 18, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—A bill has been presented for my approval, entitled "An Act relating to the office of register of wills, in the county of Dauphin." The bill provides "that from and after the passage of this act the register of wills, for the county of Dauphin, shall perform all the duties and receive all the fees and emoluments pertaining to the office of clerk of the orphans' court of said county; and hereafter the qualified electors of Dauphin county shall elect one person to fill the office of recorder of deeds, and one person to fill the offices of register of wills and clerk of the orphans' court."

The effect of the proposed enactment, should it become a law, is to legislate out of office the present clerk of the orphans' court, who was elected by the people of Dauphin county, in October, 1857, and whose commission consequently does not expire until December, 1860, and to confer the office upon the register of wills, who has never been elected nor commissioned as clerk of the orphans' court. This cannot be done. There are but two methods by which a clerk of the orphans' court can be chosen in accordance with the Constitution of Pennsylvania. The one is, an election by the people, and the other an appointment by the Governor to fill a vacancy. The person who now holds the office of clerk of the orphans' court for Dauphin county, is entitled under the Constitution, and by virtue of his commission, to hold it for the term of three years from the 1st day of December, 1857, and until his successor shall be duly qualified, if he shall so long behave himself well. A successor cannot be duly qualified by being named in an act of Assembly, nor can the term be shortened by the Legislature as long as the office remains.

A bill very similar to the one now under consideration, entitled "An Act to consolidate the offices of register of wills and clerk of the orphans' court in Luzerne county," was returned to the last General Assembly without the Executive approval, and as my objections to the bill were then fully stated, I respectfully call the attention of the Legislature to that communication, which may be found in the Journal of the House of Representatives for 1858, page 949.

Believing that the General Assembly is prohibited by the Constitution from enacting the proposed law, the bill is herewith returned to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.

**VETO MESSAGE.**

EXECUTIVE CHAMBER,  
Harrisburg, March 17, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I return herewith to the House of Representatives, in which it originated, the bill, entitled "A supplement to an act, entitled 'An Act to incorporate the Johnstown and Scalp Level turnpike road company,' approved the 17th day of April, 1856."

This bill provides that the rights, powers and privileges conferred upon and granted to the Somerset and Johnstown plank road company by the sixth section of an act of the General Assembly, entitled "An Act to incorporate the Merchants' and Mechanics' Mutual insurance company, of Philadelphia; and for other purposes," approved the 2d day of January, 1853, be and the same are hereby conferred upon and granted to the Johnstown and Scalp Level turnpike road company.

By referring to the above mentioned act, which, however, was approved on the 2d day



of April, 1853, instead of the 2d day of January, 1853, it will be found that the privilege there conferred, or attempted to be conferred, on the Somerset and Johnstown plank road company, and which by this bill it is proposed to extend to the Johnstown and Scalp Level turnpike road company, was the right to collect subscriptions made to its capital stock, although no money was paid on such subscriptions to the attending commissioners, at the time the subscriptions were made.

The Johnstown and Scalp Level turnpike road company was incorporated under the general act regulating turnpike and plank road companies. The first section of which expressly provides that every person offering to subscribe to the stock of any such company, shall, at the time of subscribing, pay to the commissioners any sum not less than one dollar, nor more than five dollars, as shall be fixed and determined by the commissioners previous to the opening of books, for every share so subscribed. This payment was a condition precedent without which no valid subscription could be made. The commissioners had no power to receive a subscription unless it was accompanied by the payment of the first instalment; and any pretended subscription, without such payment, was a complete nullity, binding neither the company nor the subscriber. Neither party could enforce the contract, for in fact, no contract was made. Nor, in my opinion, has the General Assembly the power to give validity to past transactions of this character.

In a message which I had the honor to transmit to the last General Assembly, in returning a bill without the executive approval, entitled "A supplement to an act to incorporate the Fayette County railroad company," I had occasion to examine a similar question somewhat at length. The message referred to, may be found in the Journal of the House of Representatives for 1858, page 805, to which I beg leave, respectfully, to call the attention of the Legislature. For reasons therein stated, as well as those herein given, I am constrained to withhold the executive approval from the bill under consideration.

WM. F. PACKER.

#### VETO MESSAGE.

EXECUTIVE CHAMBER,  
Harrisburg, March 18, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—A bill has been presented for my approval, entitled "An Act to provide for the education of certain common school teachers in Westminster college, New Wilmington, Lawrence county, Pennsylvania."

After a careful examination of the several provisions of the bill, I have reluctantly come to the conclusion that it is my duty to withhold from it the Executive sanction.

The proposition is, that the Commonwealth shall appropriate to the Westminster college the sum of twelve hundred dollars annually for five years, to be applied to the payment of the salaries of the professors of the institution; and that for said appropriation there shall be taught for the same period, free from tuition fees, not less than fifty nor more than three hundred pupils, "in all the branches of English literature and science, and in the art of teaching and government," to be selected by the county superintendents and directors of the common schools from the counties of Lawrence, Beaver, Mercer, Butler and Venango.

The first objection to this bill is, that it is, in my opinion, a retrograde step in our educational career. An attempt to return to the abandoned plan of having the teachers for the common schools prepared in some subordinate department appertaining to a college. This plan was

tried for nearly half a century in this State, and the result was, that, as a class of teachers of the State, they were sinking year after year into more unfitness and to a greater distance from that standard of acquirement to which the proposed college association would seem to entitle them. The fact being that no college-prepared teachers are found in the common schools, nor any having college connections, except such as are thus earning the means for a full college course with a view to some other profession. A plan which has so signally failed in the past, holds out no promise of success for the future.

But even if the project were not thus marked with past failure, it would still be more than questionable as a departure from the principle of the Normal school act of 20th May, 1857.—That law was carefully prepared, and though it expressly holds out the promise of no State aid in a pecuniary form, yet it impliedly pledges the State to the integrity of the plan to the extent of giving it a full and fair trial, without let or hindrance.

Exclusive, however, of the previous failure of the plan for educating teachers here proposed, and of its interference with the Normal school law, the bill is objectionable on account of its partial and local character. It is not believed that the counties named in this bill have strange claims on the State, or greater necessities for the training of their teachers than the rest of the Commonwealth. Other propositions of a like character, it is true, may come from other sections, but they cannot be so numerous as to embrace the entire State, and what is to be done in those portions of the State that are not so fortunate as to contain like institutions of learning? And more than this, will not the effect of this process of piece-meal legislation be most pernicious to our educational system itself—the avoidance of which, in the past, has been one great cause of its success? Any departure from the unity of the system will surely bring future evil. The worth of the teacher is the hope of the system. During nearly a quarter of a century the common school has been working its way always regularly, though mostly noiselessly, into the affections of the people, and to its place amongst the great institutions of the State. The system now stands second to none in importance, influence, cost, magnitude and consequence. But after all, it is not its two and a half millions of dollars of annual cost, its six hundred and twenty-eight thousand scholars, its ten thousand directors or its eleven thousand school houses that are to be so much regarded as its fourteen thousand teachers. If these be not rightly prepared, duly respected and properly sustained, the rest is little better than useless machinery and waste material. In this light, the qualifications and standing of the teacher assume their true magnitude. He should not be placed in the questionable, if not degraded rank, of a beneficiary amongst those who pay for their instruction, or on a footing with preparatory students, to be looked down on by those engaged in the higher branches. The teachers of the youth of the State should not enter upon their mission thus depressed in the public eye and in their own estimation; but they should rather go forth from their own professional institutions, where they had held no subordinate rank, to pour the elements of just equality and manly self reliance into the character of our youth.

Again, it is the business of the college to make scholars, not teachers. No college, as such, undertakes to train physicians, or lawyers, or divines. This is the work of the respective professional institutions. Why, then, should it assume to prepare the teacher?

There is as much actual difference between the ordinary college graduate and the school teacher, as there is between the college graduate and the doctor, the lawyer, or the clergy-

man. The most eminent and useful professors of a college may not be at all adapted to training students in the art of teaching, and it is this want of adaptation in the college course to the due preparation of the teacher of the common school that has caused the most liberal and intelligent governments in Europe, and the most advanced common school States of this Union, to expend vast sums of money in establishing Normal schools for the strict professional education of teachers.

It is proper, however, to say that with respect to the particular institution of learning named in the bill, I am well satisfied that it sustains a very high character for usefulness in its several departments, and that it deserves to be liberally encouraged. But for these reasons, viz: that the plan now proposed has been heretofore tried and has failed; that it is a virtual repeal of the principle of the act of the 20th of May, 1857; that it is local and partial in its nature; that it is calculated to degrade instead of elevating the profession of teaching, and that it proposes the training of teachers in institutions not adapted to the purpose, in my opinion the bill should not become a law, and accordingly I herewith return it to the House of Representatives, where it originated, for reconsideration.

WM. F. PACKER.

#### No. 494.—FILE OF THE SENATE.

BEIL, Judiciary—March 2.

AN ACT to regulate the practice and fees of sheriffs in cases of attachments.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases of the attachment of a debt, obligation, duty or sum of money due and owing by a garnishee to the defendant, whether such attachment be made by virtue of a writ of foreign attachment or of a writ of attachment issued on a judgment, it shall not be lawful for the sheriff or other officer to whom such writ is or shall be directed, or his deputy, to require any bond or other security, to indemnify him against the execution of such writ or any fee therefor, nor any other or greater sum or fee for executing such writ, than is by law allowed for serving a writ of *scire facias*.

SEC. 2. That whenever the sheriff or other officer to whom any writ shall be directed, may by law demand a bond or obligation of indemnity before executing the same, it shall be lawful for such officer to demand or receive as a fee for preparing such bond or obligation, one dollar, and no more.

#### No. 306.—FILE OF THE HOUSE.

WIGTON, Ways and Means—Feb. 11.

AN ACT relating to the licenses of billiard tables and ten-pin alleys used at watering places and summer resorts, in this Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That after the passage of this act, it shall be lawful for all persons owning or occupying watering places and summer resorts in this Commonwealth, to be licensed for the privilege of using billiard tables and ten-pin alleys for the term of three months in a year, and pay in that proportion of the rates now or hereafter required to be paid per annum.

SEC. 2. That all laws conflicting with the foregoing section are hereby repealed, so far as relates to alterations made by this act.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 59.

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## HOUSE—EVENING SESSION.

### SPECIAL ORDER.

The House met at 7 o'clock, and agreeably to order, resolved itself into committee of the whole, (Mr. ACKER in the chair,) on House bill No. 307, "An Act giving justices of the peace power with a jury of six to hear and finally determine charges for crimes of a certain character within this Commonwealth, and to lessen the expenses of criminal proceedings."

The first section being before the committee, Mr. FLEMING moved to amend the same, by adding to the end thereof, "and all cases of petit larceny;" which was agreed to.

And the section as amended was adopted.

The second section was read and agreed to.

The third section was read.

Mr. MILLER moved to amend the same, by inserting after the word "shall," in the second line, the following: "if the defendant and prosecutor shall not be able to agree upon such jury;" which was agreed to.

And the section as amended was agreed to.

The fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth and twentieth sections were severally read and agreed to.

The twenty-first section was read.

Mr. THOMPSON moved to amend by striking from the same all after the word "sessions," and in lieu thereof, inserting the following:

"Either party shall have the right to appeal to the court of quarter sessions of the proper county, within twenty days after the rendition of judgment: *Provided*, The party appellant shall enter into recognizance in the same manner as is now provided by law, to prosecute or defend, as the case may be," which would make the section read as follows: "That from the judgment of a court of special sessions, &c., &c., &c."

Mr. THOMPSON said—

The bill under consideration is of too much importance, and affects too directly the rights and liberties of the people of this Commonwealth,

to be passed over without due deliberation.—The friends of this measure tell us its great virtue consists in submitting matters of which it grants jurisdiction to the judgment of a justice of the peace, assisted by a jury of six men, thereby saving both cost and trouble. Now, sir, I will assert, there is no man upon this floor who will go further, within constitutional limits, than I to lessen taxation and take from our courts of law the trouble and cost incident to the trial of trivial cases, which should not be allowed a hearing before any tribunal. But is there no danger of purchasing an experiment by jeopardizing the sacred right of trial by jury—that bulwark and foundation of liberty?

This bill proposes to try men before a justice of the peace, who has called a jury of six men; and, on conviction, the justice is required to fine and imprison at his discretion, limited only by the restriction imposed upon his authority.

We are frankly told this bill does deny the right of trial by jury as it now exists, but that the Legislature has power to change that right at pleasure. This, sir, is the point in the case. This power in the Legislature I respectfully deny. This right is based upon a higher power than the Legislature of any State. It exists upon the Constitution which you and I swore to support; and while the provisions of this bill contravene the oft-repeated rights secured by that sacred instrument, I cannot, nor will I, support it. The Constitution of the United States, Section III., Article III., declares that the trial of all crimes, except in cases of impeachment, shall be by jury. Here is the most solemn and emphatic guarantee of that right, of which it may be truly said, is of "inestimable value to us—formidable to tyrants only."

But we are told by another, that this bill does not abolish, but only modifies this right. To that, I reply, the constitution of your State has nobly secured to her humblest citizen the right to be tried by twelve of his peers, and so jealously is this sacred right guarded, that the highest courts in a number of the States of this Union have solemnly determined that when charged with a high offence the prisoner cannot waive this constitutional right, and that when tried and convicted by a less number than twelve, although at his own solicitation, the conviction is irregular and void. Yet in the face of these, this bill proposes innovations which no law court would for one moment sanction. But we are told again the constitution does not fix the number nor qualification of jurors. I answer it does fix the number. No man here will deny that at the adoption of the present constitution of the State of Pennsylvania, the right under law was the same as now. If so, then the prisoner was entitled to have the concurrent opinion of twelve petit jurors, that he was guilty, and this right has been planted here by the founders of his country, and guarded and protected by those whose names still shine on the page of history. Filled with liberal sentiments, and anxious to maintain intact the liberties of the citizen, the framers of your constitution, in Art. 9, section 6, declared, in language at once solemn and eloquent, that "trial by jury shall be as heretofore, and the right thereof remain inviolate." How then shall I vote in favor of a bill which declares expressly that right shall not remain as heretofore, but the same shall be changed, modified and violated.

But, sir, as if to impress us with the sacredness and importance of this right, it is reiterated

again and again, and each time, if possible, in more and more emphatic language. We may be told, sir, that the crimes contemplated in this act are not of that high grade for which this right is guaranteed. Well, sir, one of them specified is the removal and destruction of monumental trees or land-marks—a crime not only so declared by civil law, but one upon which Heaven has placed the seal of infamy, and declares, "thou shalt not remove thy neighbors' landmark." Is this crime not infamous? Who, sir, will defend it from the charge, or palliate its enormity? Then, sir, I will ask the advocates of this bill, to explain how another right and incident thereto is to be protected? The trial by jury pre-supposes the exercise of another constitutional right, which this bill boldly and wickedly attempts to destroy. The Constitution of the United States—Amendments Art. 5—declares that "no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except," &c.

Now, sir, in view of these barriers, over which I dare not leap, even to attain so desirable an object as the passage of this act, and in view of the oath under whose sanction I am acting in this matter, can I do aught else than withhold my support from this measure? I cannot, sir, inquire into the policy of this measure; I cannot inquire whether it would effect what its friends claim or not; I have promised to support the Constitution of my State, and while I entertain the opinions I now do, I cannot vote for this bill without doing violence to my oath and conscience.

But, sir, to anticipate another argument that may be used against my position, I will reply to any one who alleges the Legislature has the power to declare that the offences specified in this bill shall not be indictable, thereby, as they may tell us, removing the objections. That the Legislature, whatever power they may have in this matter, has never yet exercised it, and that as long as these remain the subject of indictment, what may or may not be done, is no argument. We are to take things as we find them, and if the constitution secures a single right this bill destroys or even diminishes, I will not support it.

Liberties, sir, such as we enjoy, and which we fondly hope will be transmitted unstained and unimpaired to the latest ages of time, well deserve the watchful care of those in whose hands they are, humorously speaking, lodged.—Let us then so conduct ourselves in public and private life, at the fireside and in the halls of Legislation, that we can each look back from the confines of that land of perfect freedom, upon a life well spent, and sustained by a conscience void of offence.

Mr. MILLER said that the gentleman from Butler, (Mr. Thompson,) seemed to have overlooked the second section of this bill, in which the consent of the defendant was required before proceedings could be had. According to the provisions of his act, it was not the intention of the friends of the bill to deprive such defendants of such trial by jury, as was guaranteed to them by the constitution, which, notwithstanding, they unquestionably had a right to have.

The amendment was not agreed to.

Mr. MILLER moved as a substitute, the following:

That from the judgment of a court of special



sessions, the defendant shall have the right to appeal within twenty days from the rendition of judgment: *Provided*, That said defendant shall enter into a recognizance as such defendants are required by law to do; which was agreed to; and the section as amended was agreed to.

The Twenty-second, Twenty-third, Twenty-fourth, Twenty-fifth and Twenty-sixth sections were severally read and agreed to.

The Twenty-seventh section was read.

Mr. THOMPSON moved to amend the section so as to make it read as follows:

"That the exceptions shall be taken to the proceedings, record or jurisdiction of the court on the admission of evidence."

Which was not agreed to.

And the original section was agreed to.

The twenty-eighth section was read.

Mr. FLEMING moved to amend so as to allow jurymen seventy-five cents instead of fifty cents for their services; which was not agreed to.

And the original section was agreed to.

On motion of Mr. WILLISTON, the second and third sections were re-considered.

Mr. WILLISTON moved to amend the same by so consolidating them as to make it imperative and not optional for the defendant to be tried by a jury; which was agreed to.

Mr. MILLER moved the following proviso, to come in at the end of the second section:

*Provided*, That no defendant shall be tried under the provisions of this act, unless he shall consent thereto.

Mr. WILLISTON spoke in favor of the bill, alleging that its provisions were just and proper, and that the objects contemplated would conduce to the benefit of the community.

Mr. MILLER said there were two objections which had been urged against the provisions of this act, which were clearly removed by allowing the defendant the right to consent or refuse to be tried in this way, to wit: that no person could constitutionally be deprived of a trial by the common law jury of twelve, and that men are frequently elected to the office of justice of the peace who are not competent to preside over such a trial. These objections were both removed by such defendant's own consent. If the justice should be such incompetent man, then the defendant had only to refuse his consent, and he would be returned to court in the usual way.

Mr. THOMPSON reiterated the sentiments which he previously expressed.

Mr. WILSON saw many practical objections to the bill, which he would proceed to narrate at length. Under the provisions it was possible for an alderman to exercise a power which at his own option, he could wield to the detriment of his personal enemy. Dissensions and animosities would spring up from this source without number.

Another objection was that the power could not be exercised without prejudice and bias. The bill provided that if the defendant should not consent to trial before an alderman, then a venire should issue and be served by a constable. Now, if this was to be the case, certain classes of people would combine, elect their own aldermen and constables, and virtually take the law into their own hands.

It was further provided that during five days, the defendant was either to be kept under bail or in the hands of the law. Now, where could a place for his confinement be found, supposing that he was not able to procure bail? There were no lock-up houses in the townships, and the whole thing would result in a farce.

There was to be no appeal from the decisions of the alderman, unless on the ground of legal errors. Then the appeal must be carried to the county court. Who was there that did not suppose that nearly every case would be taken to

the higher court? An increase of costs would naturally follow.

The bill, therefore, was impractical, and it was also, as was contended, unconstitutional.—Any judge, on the application for a habeas corpus, would grant it.

The amendment was lost.

The second section was adopted.

Mr. ROHRER moved to re-consider the first section of the bill.

Not agreed to.

The bill having passed committee of the whole, the SPEAKER resumed the chair.

Mr. CHASE suggested that the bill should go no farther this evening. He was friendly to the bill, but as many amendments had been inserted which materially changed the original features of the bill, he asked that it might be laid over.

Mr. ROHRER, by unanimous consent of the House, proposed to amend the first section, by embracing the city and county of Philadelphia within the provisions of the act.

Mr. CHASE moved that the bill be referred to a select committee of five.

Mr. LAWRENCE, (Washington,) moved to modify the same, so as to require them to make report within a week; which was agreed to.

The bill having been thus disposed of, the SPEAKER adjourned the House until to-morrow morning at 9½ o'clock.

## SENATE.

TUESDAY, March 22, 1859.

A quorum of Senators being present, the Senate was called to order by the SPEAKER at 9½ o'clock, A. M.

Prayer was offered by Rev. Dr. Dewitt.

The Journal was read and approved.

The SPEAKER presented the annual report of the Norristown insurance and water company.

Also, a petition of one hundred and four citizens of Middle Woodbury township, Bedford county, praying to be annexed to Blair county.

Also, two petitions of citizens of Clearfield county, praying to have the county seat of said county, removed to Curwensville.

## PETITIONS, MEMORIALS, &c.

Mr. RUTHERFORD presented a petition of citizens of West Londonderry election district, Dauphin county, praying to be erected into a distinct and separate township.

Mr. FETTER, a petition of citizens of Perry county, praying for the abolition of the office of superintendent of common schools, in said county.

Mr. NUNEMACHER, a remonstrance of two hundred and thirty-two citizens of the borough of Ashland, Schuylkill county, against any change in their present charter.

Also, a petition of citizens of Berks county, for a law requiring the city of Reading to pay the fees for arresting vagrants in said city.

Mr. PALMER, a petition of citizens of Foster township, Schuylkill county, for a law authorizing them hereafter to elect but one supervisor.

Also, a petition of sixty-one citizens of the borough of Ashland, in Schuylkill and Columbia counties, praying for certain alterations of their borough charter.

Mr. SCHINDEL, a petition of citizens of Lehigh and Bucks counties, praying for an act to incorporate a turnpike road company in said counties.

Mr. YARDLEY, two petitions of citizens of Bucks county, for a law compelling banks to keep their notes at par in Philadelphia and Pittsburgh.

Also, the petition of Anna Stackhouse, widow of a soldier in the Revolutionary war, praying for a pension.

Mr. MYER, a petition of citizens of Towan-

da, Bradford county, for a law to prohibit fishing in the Susquehanna with seines.

Mr. WELSH, a petition of citizens of York county, for a law prohibiting fishing with seines in the streams of that county.

Mr. PENNEY, two petitions of citizens of Allegheny county, in favor of the passage of House bill No. 555.

Also, a petition of one hundred and ninety-one citizens of Pittsburg, in favor of the passage of Senate bill No. 541, "An Act for the regulation and continuance of education by common schools in the city of Pittsburg."

Also, a remonstrance of the school directors of the Ninth ward in the city of Pittsburg, against any alteration of the school laws.

Mr. FRANCIS, two petitions of citizens of Lawrence county, in favor of a law authorizing the laying out of a State road in said county.

Mr. PARKER, a petition of residents and property owners on Girard avenue, in the city of Philadelphia, in favor of the Richmond and Schuylkill passenger railway company."

Mr. RANDALL, a petition of the Bricklayers association, for a change in the manner of appointing building inspectors.

## REPORTS OF COMMITTEES.

Mr. GREGG, (Finance,) reported as committed, "An Act authorizing the settlement of the accounts of Levi G. Clover, as collector of tolls."

Also, (same,) as committed, "An Act authorizing the Auditor General to open and re-settle the accounts of James Mitchell, late treasurer of Lawrence county."

Mr. WELSH, (same,) with a negative recommendation, "An Act authorizing the collection of tax for the support of the poor in Potter and Tioga counties."

Also, (same,) with a negative recommendation, "An Act for the relief of the heirs of Conrad Weiser, deceased."

Mr. COFFEY, (same,) with a negative recommendation, "An Act to provide a mode for levying taxes against delinquent municipalities."

Also, (same,) with a negative recommendation, "An Act to exempt the armory of the Ringgold light artillery in the city of Reading from taxation."

Mr. RANDALL, (same,) as committed, "An Act to exempt the postoffice and court rooms of the United States, in the city of Philadelphia, from the payment of State, county and other taxes."

Mr. MILLER, (Education,) as committed, "An Act to abolish an independent school district in Westmoreland county."

Also, (same,) as committed, "An Act to incorporate the Franklin high school and Normal institute association, in Martinsburg, Blair county."

Mr. SCHINDEL, (same,) as committed, "An Act establishing the Fogelsville male and female academy in Lehigh county."

Mr. PENNEY, (same,) as committed, House bill No. 850, "A supplement to the act incorporating the Westminster collegiate institute."

Mr. YARDLEY, (same,) as committed, "A supplement to an act relative to common schools in Lancaster county."

Also, (same,) as committed, House bill No. 415, "An Act authorizing the school directors of Auburn, Schuylkill county, to borrow money."

Also, (same,) with a negative recommendation, House bill No. 794, "An Act extending the limits of Belleville, Washington county, for school purposes."

Mr. NUNEMACHER, (Roads and Bridges,) as committed, House bill No. 853, "An Act to incorporate the Pine Grove plank and turnpike road company in Centre county."

Also, (same,) as committed, "An Act authorizing the widening and extension of Market street, in Bloomsburg, Columbia county."



Mr. FETTER, (same,) as committed, House bill No. 474, "An Act authorizing the laying out a public road from Shoemaker's Mills, to Muncy, in Lycoming county."

Mr. THOMPSON, (same,) as committed, "A supplement to the act incorporating the Yardleyville Delaware bridge company."

Also, (same,) as committed, House bill No. 785, "An Act authorizing the president and managers of the Richland and Milford turnpike road company to borrow money."

Mr. RUTHERFORD, (same,) as committed, "An Act authorizing the laying out of a State road in Lawrence county."

Also, (same,) as committed, "An Act authorizing the citizens of Foster township, Schuylkill county, hereafter to elect but one supervisor."

Mr. BALDWIN, (same,) as committed, "An Act declaring Johnston's run, in Fox township, Elk county, a public highway."

Also, (same,) as committed, House bill No. 542, "An Act relative to public roads in Snyder and Juniata counties."

#### BILLS IN PLACE.

Mr. SCHINDEL read in his place and presented to the Chair, a bill, entitled "An Act to incorporate the Milford and Mount Zion turnpike road company."

Mr. GAZZAM, "An Act authorizing the payment of the claim of Wm. C. Miller, of Allegheny county."

Mr. RANDALL, "An Act relative to liens of mortgages."

Mr. RUTHERFORD, "An Act relative to the claim of the State fire and marine insurance company of Pennsylvania."

Also, "An Act to incorporate the Susquehanna insurance company at Harrisburg."

#### ORIGINAL RESOLUTIONS.

Mr. PENNEY asked and obtained leave to withdraw certain petitions relative to school laws.

Mr. BREWER moved to discharge the Committee on Finance from the consideration of a resolution relative to the final adjournment of the Legislature.

Mr. RANDALL hoped the committee would not be discharged. There was much business yet before the Senate to be disposed of, among which was the appropriation bill, which would require considerable attention and time.

Mr. SCHELL advocated the motion to discharge. Unless some action was taken in the matter soon, the session would be prolonged until the first of May. He hoped, therefore, the committee would be discharged, and the resolution taken up and disposed of.

Mr. BELL hoped the Senate would do no such thing. The business to be disposed of was rapidly accumulating, as was seen in the message which had this morning been received from the other branch.

He could see no good to result from discharging the committee, as a discussion of the subject would consume considerable time.

Mr. BREWER said he did not make the motion to discharge the committee with any view of originating a discussion. He simply wished to bring the subject up and have it disposed of. He was willing to stay until all the business was done, and his intention was simply to give his vote upon the resolution, without saying anything further with reference to it.

Mr. SCOFIELD saw no use in letting the bill remain with the committee. It was not one which required time or investigation, and he would vote to discharge the committee, because he thought the bill was one which should be on the SPEAKER'S desk, ready to be called up at any time.

On the motion to discharge the committee, The yeas and nays were required by Mr. RANDALL and Mr. SCHELL, and were as follows, viz:

YEAS—Messrs. Blood, Brewer, Fetter, Francis, Keller, Marselis, Nunemacher, Parker, Schell, Scofield, Shaeffer, Schindel, Thompson, Wright and Yardley—15.

NAYS—Messrs. Baldwin, Bell, Coffey, Craig, Finney, Gazzam, Miller, Myer, Penney, Randall, Rutherford, Steele, Turney, Welsh and Cresswell, *Speaker*—15.

So the question was determined in the negative.

Mr. KELLER from the Committee to Compare Bills, made a report.

#### ORDERS OF THE DAY.

Senate bill No. 607, "An Act supplementary to the several acts heretofore passed, relative to the Dauphin and Susquehanna coal company," came up in order on third reading, and passed finally.

Senate bill No. 112, "An Act to simplify legal proceedings and facilitate the recovery of claims in the courts of law of this Commonwealth," came up in order on third reading. It is as follows:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That personal actions, except actions of replevin and detinue, unless other process shall be especially provided, may, at the option of the plaintiff or his attorney, be commenced by a writ of summons in the following form, namely: The Commonwealth of Pennsylvania,

county ss:

To the sheriff of said county, greeting: We command you that you summon C D, that within ten days after the service of this writ on him, inclusive of the day of such service, he cause an appearance to be entered for him in our court of common pleas (or other court as the case may be,) of said county, in an action at the suit of A. B., and that he take notice that in default of such appearance being entered, the said A. B. may proceed therein to judgment and execution; witness, president (or as the case may be,) judge of our said court, the day of

prothonotary.

SEC. 2. That upon the writ in form aforesaid, and copy of any such writ served for the payment of any debt, the amount of the debt and the costs shall be stated; and it shall be further stated that upon the payment thereof with the costs, within fourteen days, to the plaintiff or his attorney, further proceedings will be stayed; which endorsement shall be written or printed in the following form, or to the like effect: The plaintiff claims for debt, together with costs on this writ incurred, and if the amount thereof be paid to the plaintiff or his attorney, within fourteen days from the service hereof, further proceedings shall be stayed.

SEC. 3. That in case of non-appearance by the defendant, it shall and may be lawful for the plaintiff, after the writ shall have been served by the sheriff and so returned, and after the expiration of fifteen days from the day of service, including that day, on filing a declaration, exhibiting his cause of action, to sign final judgment for any sum not exceeding the sum endorsed on the writ, together with interest and costs, and the plaintiff or his attorney, may on such judgment issue execution: *Provided however,* That in all cases wherein the claim is for a debt or liquidated demand in money, with or without interest, arising upon a contract, express or implied; as for instance, on a bill of exchange, promissory note, check, book account or other simple contract debt, or on a bond or contract under seal, for the payment of a liquidated amount of money, or on a recognizance where the sum sought to be recovered is a fixed sum of money, or in the na-

turo of a debt, or on a guarantee, whether under seal or not, the plaintiff shall be at liberty to cause to be made upon the writ of summons and copy thereof, a special endorsement of the particulars of his claim, showing the time when the contract or contracts were made; and when a writ of summons has been so specially endorsed, the plaintiff, in case of non-appearance by the defendant as aforesaid, may sign judgment without a declaration: *Provided also,* That it shall be lawful for the court, after final judgment, to let in the defendant to defend upon an application supported by satisfactory proofs, accounting for the non-appearance, and disclosing a defence on the merits.

SEC. 4. That the plaintiff in action may plead in answer to the plea or the subsequent pleading of the defendant, as many several matters as he shall think necessary to sustain his action; and the defendant in any action may plead in answer to the replication or any subsequent pleading of the plaintiff, as many several matters as he shall think necessary for his defence.

SEC. 5. That in all cases in which a special plea or special pleas have been pleaded, and it shall appear to the court that the whole defence of the defendant may be given in evidence, under the general issue, and that justice will be more promptly or conveniently attained by a trial under a plea of the general issue, it shall be lawful for the court to order all special pleas to be stricken off and the general issue plea to be pleaded.

SEC. 6. That the parties to any cause may, by consent in writing, signed by them or their attorneys, as the case may be, leave the decision of any issue of fact to the court: *Provided,* That the court shall think fit to allow such trial: *And provided also,* That such allowance shall appear by the record, and such issue of fact may thereupon be tried and determined, and damages assessed, where necessary, in open court, by any president or law judge of any court of common pleas, with or without one or more of his associates, by any judge or judges of any district court, or by any judge of the supreme court at *nisi prius*; and the verdict of such judge or judges shall be of the same effect as the verdict of a jury; and the proceedings upon and after such trial as to the power of the court or judge or judges, the evidence, the opinion of the court on points of law submitted by counsel, the removal of the cause by writ of error, and in all other respects, shall be the same as in the case of a trial by jury.

Mr. PENNEY wished to hear from the Senator from Chester, some reason for the passage of the bill. He saw nothing in it which was demanded by the practice.

Mr. BELL explained the features of the bill, and the legal necessities which demanded the change contemplated by it in the practice. The intention was to keep pace, in the legal practice of our State, with other States and countries, in their improvements in law and evidence. Its object was a simplification of legal process, in certain cases, and to remedy existing defects. He entered, at some length, into an explanation of those defects, under present laws, and in support of the benefits which were contemplated by the bill.

Mr. SCOFIELD thought the change proposed would be no reform, and that if the bill were passed, it might have a tendency to embarrass greatly the practice. He submitted the following amendment to the bill, striking out all after the enacting clause, and moved that the Senate go into committee of the whole for the purpose of general amendment; which was agreed to:

That the distinction now existing between actions of trespass *vi et armis* and actions of trespass on the case is hereby abolished; and in such cases, where the cause of action is correctly stated in the declaration, the plaintiff



shall be permitted to recover, if otherwise entitled to recover in either form of action.

Mr. TURNER offered the following amendment to the amendment, as a new section:

That where a contract or obligation under seal is executed in the name of a firm or partnership, it shall be lawful for the holder of such writing to sue the partners constituting the firm in debt or covenant, provided he can prove that all the members thereof, originally authorized the sealing of the instrument, or subsequently recognized its validity, either in writing or by parol; or the holder may, at his option, bring an action on the case or assumpsit against all of the persons constituting the firm or partnership; and if the contract or obligation is otherwise valid, and would have been binding, if not under seal, recover as well against the partner sealing the instrument as against the other members of the firm; and that in all suits by and between partners in the determination and settlement of disputes arising out of the partnership accounts, after the dissolution of the same, shall be in the form of an action on the case, subject to the form of pleading governing such cases, and not in the form of an action of account render.

Upon the amendments, (Mr. PARKER in the Chair,) there was further discussion between Messrs. BELL, SCOFIELD, PENNEY and FINNEY.

Mr. SCOFIELD said he knew the Senate had something to do beside listening to abstract discussions upon abstract questions, of which they knew very little, and cared very little about. He briefly discussed the objectionable features of the bill, as originally proposed, and the advantages which would result from the adoption of his amendment.

Mr. PENNEY seconded the views of the Senator from Warren. He had, he thought, hit precisely the defects of the bill. He entered into a brief examination of the legal operations of the bill, and the objections to which it would be liable in the practice, which he illustrated by legal examples. The bill, proposing as it does, to simplify legal proceedings, was no improvement, but may lead to confusion. He called the attention of the Senate to the last section of the bill, as the most objectionable feature. He had two or three objections to that section, which he briefly stated. The section was the most radical one of the bill, and his objections to it were principally based upon the change in practice which it proposes.

Mr. FINNEY thought the bill had not been fairly treated. He thought the objections taken to it had been special and technical, and not to the merits of the bill. The bill was simply one of convenience to parties in certain cases, and the effect of it would be to simplify the proceedings in those cases, as was designed. It was intended to do away with the mere forms of practice, which had been so much venerated, and which had so often stood in the way of the administration of justice. Although he did not think the bill as perfect in its parts as the one offered at last session, he thought it was an improvement, and he hoped to see it adopted.

The amendments were not agreed to, and the committee rose.

On the question,

Shall the report of the committee be adopted?

It was determined in the affirmative.

The question recurring, upon the original bill,

Mr. FINNEY moved to go into committee of the whole for the purpose of special amendment.

Upon this motion, a further discussion ensued between Messrs. FINNEY, TURNER, BELL, GAZZAM and STEELE, in which the general features of the bill were adverted to by Mr. TURNER at considerable length, in opposi-

sition to the original propositions, and in support of the amendment proposed by him.

On the question to go into committee of the whole for the purpose of special amendment,

The yeas and nays were required by Mr. FINNEY and Mr. SCOFIELD, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Brewer, Craig, Fetter, Finney, Gazzam, Gregg, Keller, Marselis, Miller, Myer, Nunemacher, Palmer, Randall, Schell, Shaeffer, Schindel, Turney, Wright, Yardley and Cresswell, *Speaker*—22.

NAYS—Messrs. Coffey, Francis, Penney, Scofield, Steele, Thompson and Welsh—7.

So the question was determined in the affirmative.

Whereupon (Mr. PALMER in the chair,) Mr. FINNEY moved to insert in the third line of the second section, after the word "costs," the words, "and the statement of plaintiff's claim;" which was agreed to, and the committee rose.

On the question,

Will the Senate adopt the report of the committee?

It was determined in the affirmative.

On the final passage of the bill,

The yeas and nays were required by Mr. BELL and Mr. FINNEY, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Craig, Finney, Gazzam, Marselis, Miller, Myer, Randall, Schell, Shaeffer, Schindel, Wright, Yardley and Cresswell, *Speaker*—15.

NAYS—Messrs. Blood, Brewer, Coffey, Fetter, Francis, Gregg, Keller, Nunemacher, Palmer, Parker, Penney, Rutherford, Scofield, Steele, Thompson, Turney and Welsh—17.

So the question was determined in the negative, and the bill fell.

On leave given, Mr. WELSH read in place, a bill, entitled "An Act taxing the capital stock of the companies to whom the canals were transferred, according to the provisions of an act for the sale of the public works," approved April 21, 1858.

Mr. BLOOD, "An Act to change the place of holding elections in Porter township, Jefferson county."

On motion of Mr. GAZZAM, the Senate proceeded to consider House bill No. 431, "A further supplement to the act regulating banks."

Said bill (committee of the whole having been dispensed with,) passed various readings.

And on its final passage,

The yeas and nays were required by Mr. GAZZAM and Mr. MARSELIS, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Finney, Gazzam, Gregg, Miller, Myer, Palmer, Parker, Penney, Randall, Rutherford, Schell, Shaeffer, Schindel, Steele, Thompson, Yardley and Cresswell, *Speaker*—20.

NAYS—Messrs. Blood, Brewer, Fetter, Keller, Marselis, Nunemacher, Turney, Welsh and Wright—9.

So the question was determined in the affirmative.

Mr. SCHELL having objections to the second section of the bill, moved to re-consider the vote on its final passage.

On which,

The yeas and nays were required by Mr. SCHELL and Mr. GAZZAM, and were as follow, viz:

YEAS—Messrs. Blood, Brewer, Fetter, Keller, Marselis, Miller, Nunemacher, Schell, Steele, Turney, Welsh and Wright—12.

NAYS—Messrs. Baldwin, Coffey, Craig, Finney, Francis, Gazzam, Gregg, Myer, Palmer, Parker, Penney, Randall, Rutherford, Shaeffer, Schindel, Thompson, Yardley and Cresswell, *Speaker*—18.

So the question was determined in the negative.

A message from the Governor was received and read. It is as follows:

EXECUTIVE CHAMBER,  
Harrisburg, March 22, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

Gentlemen—I have approved and signed the following acts of the General Assembly, viz:

"An Act to extend the charter of the Dauphin Deposit Bank."

"An Act to incorporate the Chartiers and Robinson Township turnpike road company, in Allegheny county."

"A supplement to an act to incorporate the Odd Fellows hall association of the city of Pittsburgh, and county of Allegheny."

"An Act to incorporate the Zoological society of Philadelphia."

"An Act to change the time of holding courts in Clearfield county."

"An Act relative to roads in East Marlborough and New London townships Chester county."

"A further supplement to the act incorporating the Lewisburg Centre and Spruce Creek railroad company."

"An Act to incorporate the Pennsylvania and Maryland Line turnpike road company."

"An Act to exempt certain real estate in the county of Allegheny, from the payment of the collateral inheritance tax."

"A supplement to the act to incorporate the Hanover savings fund society of the county of York."

"A further supplement to the act authorizing the Governor to incorporate the Minersville water company."

"A supplement to an act to incorporate the Hilltown turnpike road company."

"An Act relating to the overseers of the poor of the borough of Lewisburg."

"An Act to repeal an act for the protection of sheep and taxing of dogs in the county of Blair."

"An Act to extend the charter of the Forest improvement company."

"An Act relating to the Norristown academy."

"An Act to extend the power of prothonotaries and clerks to administer oaths."

"An Act to annex part of the lands of Eli Lichtenberger, in Elizabeth township, Lancaster county, to Penn township, in said county."

"A supplement to the act incorporating the Plymouth railroad company."

"An Act to authorize the Auditor General and State Treasurer, to open and re-settle the accounts of the Franklin fire insurance company of Philadelphia."

WM. F. PACKER.

On motion of Mr. SCOFIELD, the Senate resumed the consideration of House bill No. 402, "An Act to incorporate the Fall Brook railroad and coal company," on second reading.

The sixth section had been reached, when the

The first, second, third, fifth and sixth sections (the fourth having been stricken out,) were agreed to, when the hour of one having arrived the SPEAKER adjourned the Senate until 3 o'clock, P. M.

#### SENATE.—AFTERNOON SESSION.

Agreeably to order, the Senate met at three o'clock, P. M.

#### ORDERS OF THE DAY.

The Senate resumed consideration of House bill No. 402, "An Act to incorporate the Fall Brook railroad and coal company;" which was pending when the Senate adjourned this morning.

The seventh, eighth and ninth sections were agreed to; the title was amended by striking out the words "railroad and," and the bill passed finally.



Senate bill No. 482, "An Act to incorporate the Penn industrial reform school," came up in order on second reading, the question being upon the second section.

The second, third, fourth, fifth, sixth and seventh sections were adopted.

The eighth section being before the Senate, Mr. MARSELIS said the institution purported to be a school, when, in reality, it was a prison, and opposed the bill, as one giving too much power, perhaps to irresponsible persons. He thought the bill needed amendment, and he proposed an amendment which he thought would render it less objectionable.

His amendment was to the effect that the friends and relatives of the inmates may, at all reasonable times, have access to the institution.

Mr. SCOFIELD thought the amendment was objectionable, and briefly opposed its adoption.

Mr. MARSELIS again spoke, for a short time, in advocacy of the propriety of his amendment.

Mr. FINNEY thought the objection to the amendment might be obviated, by adding to it the words, "subject to such regulations and restrictions, compatible with the safe keeping of the inmates, as may, from time to time, be adopted."

The modification was accepted by Mr. MARSELIS; and the question recurring on the amendment, it was agreed to, as also the section as amended; and,

The bill as amended, passed finally.

On leave given, Mr. SCHELL asked that the Committee on Private Claims and Damages, be discharged from the consideration of "An Act for the relief of James Hamilton, of Carlisle, Cumberland county," and that the same be referred to the Judiciary Committee; which was agreed to.

Senate bill No. 510, "A supplement to the act incorporating the Plymouth canal company," came up in order and passed finally.

Senate bill No. 323, "An Act to incorporate the Northumberland and Juniata railroad company," lies over.

Senate bill No. 662, "An Act to equalize taxation on corporations," came up in order.

Mr. GAZZAM said this was an important bill, and he should like to hear from the Senator from Washington some reason for its passage.

Mr. MILLER explained the provisions of the bill, and the necessities which demanded its passage. Its object was to equalize taxation upon corporations, which, under existing laws, is unequal. He thought it was unnecessary to say much in defence or explanation of the bill. It explained and recommended itself, and he could not see any objection to its passage.

On its final passage,

The yeas and nays were required by Mr. SHAEFFER and Mr. MILLER, and were as follow, viz:

YEAS—Messrs. Blood, Brewer, Craig, Fetter, Finney, Francis, Gazzam, Keller, Marselis, Miller, Myer, Nunemacher, Palmer, Penney, Randall, Schell, Scofield, Schindel, Steele, Thompson, Welsh, Wright, Yardley and Cresswell, *Speaker*—24.

NAY—Mr. Shaeffer—1.

So the question was determined in the affirmative.

Senate bill No. 275 lies over.

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. FRANCIS, House bill No. 850, "A supplement to the act incorporating the Westminster collegiate institute."

On motion of Mr. GAZZAM, Senate bill No. 689, "An Act to incorporate the Pittsburg and East Liberty passenger railway company."

This bill was variously amended.

On motion of Mr. GREGG, House bill No. 474, "An Act authorizing the laying out of a

public road from Shoemaker's mills to the borough of Muncy, Lycoming county."

On motion of Mr. KELLER, House bill No. 520, "An Act to incorporate the Suahury gas company."

On motion of Mr. MARSELIS, (the Committee on Corporations having been discharged from its consideration,) House bill No. 650, "An Act relating to Reed street, in the city of Philadelphia."

This bill lies over on third reading.

On motion of Mr. PALMER, Senate bill No. 678, "An Act to incorporate the Pottsville and Minersville railroad company."

On motion of Mr. RANDALL, (the Committee on the Judiciary having been discharged from its consideration,) "A supplement to the act incorporating the Locust Gap improvement company."

On motion of Mr. MILLER, (the Committee on Roads and Bridges having been discharged,) House bill No. 659, "An Act relative to roads and bridges in Washington county."

On motion of Mr. MYER, Senate bill No. 685, "An Act to incorporate the Weyssauk railroad company," was taken up.

This bill was variously amended, on motion Mr. MYER, in the committee of the whole, and being on second reading, the first five sections were agreed to.

Mr. MILLER moved to strike out the proviso in the sixth section, pending the discussion of which, (Mr. MYER having the floor,) the subject was postponed for the purpose of considering House amendments to House bill No. 330, "An Act to incorporate the Union cemetery association of the borough of Lebanon and its vicinity;" which were read, and on motion of Mr. RUTHERFORD, concurred in.

On leave given, Mr. RANDALL, from the Committee on Railroads, reported as committed, House bill No. 765, "An Act to extend the time of commencing the Coudersport, Portage and Allegheny River railroad."

Mr. SHAEFFER read in his place and presented to the chair, a bill, entitled "An Act for the relief of the late firm of Moderwell and Longnecker."

The hour of five having arrived, the SPEAKER adjourned the Senate until to-morrow morning at 9½ o'clock.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, March 22, 1859.

The House was called to order at 9½ o'clock, by Mr. THOMPSON, Speaker *pro tem*.

The Clerk read the Journal of yesterday.

The Clerk of the Senate being introduced, informed the House that the Senate had non-concurred in the amendments made by the House of Representatives to the bill from the Senate, numbered and entitled as follows:

No. 163, "An Act to incorporate the Union-town gas and water company."

On motion of Mr. GALLEY, the House insisted on its amendments to said bill, and ordered that a committee of conference be appointed.

Mr. FOSTER moved that the rules be suspended, and that the House proceed to the consideration of House bill No. 995, "An Act relating to costs before magistrates in Allegheny county."

The House refused to suspend the rules, on a call for a division of the question.

#### CALENDAR OF PRIVATE BILLS.

Agreeably to order, the House proceeded to the consideration of bills on the Private Calendar.

The following bills were read, and no objections being made, were laid aside for second reading:

No. 18. "An Act for the relief of Catharine Keller, widow of Conrad Keller, a soldier of the Revolutionary war."

No. 720. "An Act authorizing the trustees of Aaronshurg school to sell a certain house and lot in said town."

No. 722. "An Act to prevent public auction in Freeport borough, Armstrong county."

No. 735. "An Act to increase the fees of jurors in the several districts of the city of Philadelphia."

No. 737. "An Act relative to the duties of port warden of Philadelphia."

No. 742. "An Act authorizing the appointment of a measurer of paving stone."

No. 749. "An Act for the relief of Catharine Keller, widow of Conrad Keller, a soldier of the Revolutionary war."

Sen. 183. "An Act for the relief of Joseph Brady, a soldier of the Indian war."

No. 751. "An Act to incorporate the Montour navigation improvement company."

On motion of Mr. MEHAFFEY, the names of Michael Mylert and James Deegan were added to the list of corporators.

Mr. JACKSON offered a number of amendments to said bill; which were adopted.

No. 753. "An Act to incorporate the Mahoning railroad company."

No. 780. "An Act relating to the collection of State and county taxes in the county of Luzerne, and for other purposes."

No. 800. "An Act to authorize the payment of the claim of S. Miles Green, of Huntingdon county."

No. 801. "An Act to prevent the killing of wild turkeys in the county of Huntingdon."

Sen. 403. "An Act relating to deer in the counties of Adams, Berks, Franklin and Fulton."

No. 806. "An Act authorizing the sale of the armory of the Independent Guards, of Fredericksburg, Lebanon county, a disbanded corps."

No. 807. "An Act for the relief of Thos. Bridgens, collector of the military tax for the borough of Lock Haven, in the county of Clinton, for the year 1856."

No. 813. "An Act supplementary to an act incorporating the Six Penny saving fund of Philadelphia, approved 5th April, 1854."

No. 814. "A supplement to an act to increase the capital of the Columbia Bank."

Sen. 319. "A supplement to an act incorporating the Mutual saving and loan association of Philadelphia."

No. 820. "A supplement to an act to incorporate the Watsonstown bridge company, approved 9th day of May, 1854."

No. 821. "An Act to incorporate the passenger railroad relief association of Philadelphia."

No. 824. "An Act to incorporate the Cambria coal company."

No. 825. "An Act to authorize the Bostwick iron company to mine coal, &c."

Sen. 355. "An Act to incorporate the East Danville iron company."

No. 827. "An Act to incorporate the Lost Creek iron company."

No. 835. "A supplement to the act incorporating the Conestoga and Beaver Valley turnpike road company, and the supplements thereto."

Sen. 398. "An Act to incorporate the Mahanoy and Broad Mountain railroad company."

No. 848. "An Act to incorporate the Robeson and Exeter bridge company."

No. 858. "An Act to incorporate the South Philadelphia steamboat company."

No. 859. "An Act to incorporate the South-Western market company."

No. 868. "An Act relating to the Columbia water company."

Sen. 457. "An Act to amend the charter of the borough of Jersey Shore."

Sen. 254. "An Act to incorporate the New Castle water company."



Sen. 439. "A supplement to an act to incorporate the Lewisburg building association."

Sen. 257. "An Act to incorporate the Bedford gas company."

Sen. 9. "An Act to incorporate the Philadelphia company for the improvement of the drama."

Mr. EVANS moved to add the names of Geo. A. Coffey, Wm. Lingerly and Samuel J. Rea among the board of incorporators; which was agreed to.

No. 877. "An Act to incorporate the North-Western savings institution of Philadelphia."

No. 880. "An Act authorizing the Manayunk gas company to consolidate its stock."

No. 1008. "An Act to authorize the investigation of the claim for damages of Dennis M. Donald."

No. 885. "An Act to repeal an act to increase the pay of commissioners, jurors and witnesses in certain counties of this Commonwealth, so far as the same relates to the county of Fayette."

No. 888. "An Act to confer on Edward E. Lutz, the rights of a child born in lawful wedlock."

No. 889. "An Act to declare Laurel run, in the county of Clearfield, and Kersey run, in the county of Elk, a public highway."

No. 890. "An Act to confer on Horace G. Lutz, the rights of a child born in lawful wedlock."

No. 892. "An Act relating to the collection of taxes on unseated lands in the borough of New Brighton, Beaver county."

"A further supplement to the act encouraging manufacturing operations." &c.

Sen. 349. "An Act relating to the election of borough officers in the borough of Bellefonte."

No. 902. "An Act to regulate the working hours of employees of city passenger railway companies."

No. 903. "An Act to authorize the auditors of Sullivan county, to re-audit the accounts of James Taylor, late treasurer of said county, with the Commonwealth."

Sen. 425. "A supplement to an act to provide for the erection of a house for the employment and support of the poor for the county of Lehigh."

No. 907. "An Act to extend a certain act relating to mutual savings fund, land and building associations to the county of Susquehanna."

"An Act to increase the pay of county commissioners, &c., in McKean county."

Sen. 334. "An Act to authorize Lewis R. Geer to erect a ferry over the Allegheny river."

No. 916. "A supplement to the act relating to the fees of aldermen, justices of the peace, and constables, in and for the city of Pittsburgh and counties of Washington and Lancaster."

No. 917. "A supplement to an act regulating boroughs."

No. 918. "An Act for the relief of Elizabeth Roberts, a widow of an old soldier in the Indian war of 1788 till 1792."

No. 922. "An Act to incorporate the Lincoln bridge company, in the county of Berks."

No. 923. "An Act requiring the supervisors in the different townships in Cumberland county to keep the wing walls and embankments of said county bridges in repair."

No. 924. "An Act to incorporate a ferry over the Susquehanna river."

No. 925. "An Act to amend the road laws and change the manner of appraising damages in the opening of public and private roads in the counties of Adams and Perry."

Sen. 505. "An Act to incorporate the Arion iron company."

No. 928. "An Act to incorporate the Clearfield water company."

Sen. 504. "A supplement to an act to incorporate the Commercial fire insurance company of Pennsylvania," approved 23d February,

1847, now called the Safeguard insurance company of New York and Pennsylvania.

No. 931. "A supplement to the act incorporating the Farmers' mutual fire insurance company of Harbor Creek township, in the county of Erie."

No. 932. "An Act to incorporate the Sewickley cemetery, of Allegheny county."

Sen. 443. "A supplement to the act to incorporate the Kittanning gas company, approved 13th March, 1858."

Sen. 308. "An Act to incorporate the Mutual fire insurance company of Annville, Lebanon county."

Sen. 518. "An Act to incorporate the Hanover gas light company."

Sen. 569. "A further supplement to the act incorporating the directors of the poor and house of employment for the townships of Oxford and Lower Dublin, in the county of Philadelphia."

Sen. 245. "An Act to incorporate the Cheltenham Hills water and gas company."

Sen. 91. "An Act to incorporate the Eastern gas company."

Sen. 514. "An Act repealing a supplement to an act incorporating the borough of Newport, in the county of Perry."

Sen. 436. "An Act extending the limits of the borough of Orwigsburg, in the county of Schuylkill."

No. 943. "An Act to incorporate the Deutsche Kunst-halle."

On motion of Mr. HARDING, the title was changed to that of the German Hall of Arts.

A number of gentlemen were added to the list of incorporators.

The bill was then objected off the calendar by Mr. EVANS.

No. 944. "Supplement to the act incorporating the Dock coal company."

No. 945. "A supplement to the act to incorporate the Erie hall association, approved 2d April, 1852."

No. 946. "An Act to incorporate the Laporte gas and water company."

No. 947. "Resolution relative to the payment of the annuity for the right of way through this Commonwealth by the New York and Erie railroad company."

Sen. 556. "A supplement to an act to incorporate the Blockley and Merion turnpike and plank road company, approved 15th April, 1853."

Sen. 131. "An Act to incorporate the Union railroad company."

No. 966. "An Act relating to the East Mahanoy railroad company."

#### BILLS OBJECTED TO.

By Mr. HARDING, "A supplement to an act to incorporate the Citizens' passenger railway company."

By Mr. PUGHE, "An Act to incorporate the Patterson coal company."

By Mr. FOSTER, "A supplement to an act to incorporate the Philadelphia ice company, and for other purposes."

Mr. FOSTER subsequently withdrew his objections to the above bill, which were renewed by Mr. HARDING.

By Mr. HARDING, "An Act regulating the sale of drugs and medicines in the city of Philadelphia."

Mr. HARDING subsequently withdrew his objections to the above bill. Mr. NEALL renewed them.

By Mr. PUGHE, "An Act to divide the borough of Pittston, Luzerne county, into two wards."

#### BILLS IN PLACE.

Mr. PENNELL, on leave, read in his place and presented to the chair, "An Act to incorporate the Chester, Leipsville and Darby railway company."

Mr. TAYLOR, "An Act relating to the elec-

tion of overseers of the poor in Blaireville and in the township of Banell, in the county of Indiana."

Also, "An Act to declare the north branch of Twolick creek, in Indiana county, a public highway." On his motion, said bills were ordered to be placed on to-day's Calendar."

Mr. BURLEY, "An Act to authorize the Auditor General to examine the claim of James Bell, of Blair county, and make report to the next Legislature." Ordered, on his motion, on to-day's Calendar.

#### REPORT OF A COMMITTEE.

Mr. PENNELL, on leave, from the Committee on Roads and Bridges, reported as committed, "An Act to lay out a State road in Potter and McKean counties."

Mr. NEALL withdrew his objections to the act regulating the sales of drugs and medicines.

#### BILL PASSED.

On motion of Mr. WILLISTON, House bill No. 657, "An Act declaring Tomb's run a public highway," was taken up and passed the House.

The hour of one having arrived, the SPEAKER adjourned the House until this afternoon at 3 o'clock.

#### HOUSE --AFTERNOON SESSION.

The House was called to order at 3 o'clock, P. M.

The SPEAKER in the chair.

On motion of Mr. ROHRER, the following bills were ordered to be placed on to-day's Calendar:

"An Act in relation to the change in the election grounds in South Buffalo township, Armstrong county."

Also, "An Act supplementary to the act incorporating the Kittanning University."

Mr. EVANS withdrew his objections to the act to incorporate the "German Hall of Arts."

Mr. HAMERSLY, on leave, from the Committee on Corporations, reported as committed, "An Act to incorporate the Manayunk market company;" and, on his motion, the same was ordered to be placed on to-day's Calendar.

Mr. THORN moved that the House proceed to the consideration of "A supplement relating to the act relating to the authentication of letters of attorney, &c.;" which was agreed to.

Whereupon said bill was taken up and passed, and was sent to the Senate for concurrence.

Mr. GOOD, on leave, read in his place and presented to the Chair the following acts:

"An Act to change the time of electing the officers of the Berks and Lehigh turnpike road company."

"An Act to incorporate the Milford and Zionsville turnpike road company."

"Supplement to an act to incorporate the Lehigh County mutual horse insurance company."

Mr. PATTERSON moved that the "Supplement to the act to incorporate the Exchange mutual insurance company, of Philadelphia," be placed on to-day's Calendar; which was agreed to.

Mr. STUART, (Roads and Bridges,) reported as committed, "An Act to incorporate the Peach Bottom and Maryland turnpike road company."

Senate bill No. 607, relative to the Danphin and Susquehanna railroad company, having been presented to the House by the Clerk of the Senate,

Mr. MCCLURE asked but did not obtain the unanimous consent of the House to have the same placed on to-day's Calendar.

#### SENATE AMENDMENTS

To House bill No. 431, "A further supplement to an act regulating banks," as follows:

Sec. 2. That the twenty-third section of the act to which this is a further supplement, shall not hereafter be held to embrace actual business paper *bona fide*, made or drawn by, or



to the order of any director, or the houses or firms with which he may be connected in the regular course of his or their private business, and offered for discount by the holder or holders thereof.

The original House bill reads as follows:

WHEREAS, It is provided by an act, entitled "An Act regulating banks," approved the sixteenth day of April, one thousand eight hundred and fifty, that no person shall be eligible as a director of any bank, for more than three years in four, except the president, who shall always be eligible:

And whereas, It is provided by the second section of a supplement to said act, approved the seventh day of May, one thousand eight hundred and fifty-five, that it shall be lawful for the board of directors of any bank to elect a vice president; therefore

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the vice president of any bank shall always be eligible as a director of such bank, in like manner as the president is eligible therefor under existing laws.

Mr. THORN moved that the House concur in Senate amendment.

A discussion here took place between Mr. NILL, who opposed the amendment, and by Messrs. THORN and M'CLURE, who advocated the same.

Mr. WALBORN moved that the further consideration of the bill be postponed for the present; which was subsequently withdrawn.

Mr. NILL moved to refer the bill, together with the amendment, to the Committee on Banks.

Mr. HAMERSLY moved that the further consideration of the same be postponed indefinitely; remarking that he made the motion in order that members might have an opportunity offered them of speaking upon the merits of the question.

Mr. WALBORN spoke briefly upon the question, and hoped that the bill would be referred to the Committee on Banks, and be presented so that members could have time to investigate it.

The question was further discussed by Messrs. M'CLURE, THORN and NILL.

The motion to commit the bills was then agreed to.

Senate amendments to a number of House bills were read and concurred in.

Agreeably to order, the House resumed the consideration of bills on the Private Calendar.

The following were read; and no objections being made, prepared for second reading:

Sen. 400. "An Act to incorporate the Delaware County passenger railroad company."

Sen. 473. "A supplement to an act to incorporate the president and managers of the Belmont Avenue and plank road company, approved 8th April, 1853."

No. 971. "An Act to authorize the Chestnut Hill railroad company to sell and dispose of certain real estate."

On motion of Mr. HAMERSLY, Senate bill No. 775 was substituted for the above bill.

Sen. 321. "An Act to incorporate the Philadelphia and Olney railroad company."

No. 978. "A supplement to an act for the relief of the West Chester railroad company, and for other purposes, approved 16th April, 1838."

Sen. 395. An Act to incorporate the Mahanoy railroad company."

No. 979. "An Act supplementary to an act to incorporate the Chestnut Hill and Cheltenham railroad company."

No. 982. "An Act authorizing the laying out of a State road from the Centre turnpike, near Heenershitze church, via. Staut's Ferry bridge,

to a point near Frank Hains' tavern, in Berks county."

Sen. 477. "An Act relating to the collection of State and county taxes in the county of Bucks."

No. 985. "A further supplement to an act laying a tax on dogs in certain counties, and for other purposes," approved April 4, 1831."

No. 988. "An Act to restrict sales by auction in the counties of Northampton and Lehigh."

On motion of Mr. WITMAN, the bill was so amended as to apply to the county of Dauphin.

No. 989. "A supplement to the act incorporating the borough of Port Clinton, and for other purposes," approved 15th April, 1850."

No. 990. "An Act to incorporate the North End mutual insurance company of Philadelphia."

Mr. GRATZ moved to substitute a new bill; which was agreed to.

Sen. 652. "An Act relative to supervisors in Perry county."

Sen. 10. "An Act for the better securing the payment of the wages of labor in certain counties of this Commonwealth."

Messrs. BALLIET and LAWRENCE moved to include the counties of Carbon and Washington within the provisions of said act.

No. 994. "Resolution authorizing the State Treasurer to pay to the treasurer of Armstrong county the deficiency of the militia fund to which the several companies in said county are entitled."

No. 995. "An Act relating to costs before magistrates in Allegheny county."

No. 997. "An Act to reduce the number of aldermen in the Twenty fourth ward of the city of Philadelphia."

No. 998. "An Act for the better security of daily laborers, mechanics and farmers for work and labor done in Centre county."

On motion of Messrs. FLEMING and WILLIAMS, the counties of Clarion and Bedford were embraced within said act.

No. 1000. "An Act requiring the sheriffs of Cumberland county to compel all persons committed to the jail of said county, for vagrancy, to work."

Sen. 410. An Act regulating election of borough officers in Burlington, Bradford county."

No. 1005. "An Act to incorporate the National art association."

No. 1006. "A supplement to an act to alter and amend an act to erect the town of Chester and its vicinity, into a borough, and for other purposes therein mentioned."

No. 1007. "An Act to incorporate the Butler mutual insurance company."

No. 1012. "Supplement to the act to incorporate the Spring Garden saving fund society of Philadelphia, passed April 14, 1851."

No. 1013. "An Act to empower the Methodist Episcopal church of East Liberty to sell and convey real estate."

#### BILLS OBJECTED TO.

By Mr. BURLEY, "An Act to incorporate the Paxton railroad company."

By Mr. NEALL, "A further supplement to an act to incorporate the city of Philadelphia."

By Mr. WAGENSELLER, "A supplement to an act incorporating the borough of Port Clinton."

Mr. JACKSON withdrew his objection to Senate bill relative to the Dauphin and Schuylkill railroad company.

Mr. SMITH, (of Berks,) moved that the same be placed on the Private Calendar of to-day; which was agreed to.

Mr. THOMPSON moved that Senate bill No. 501, "Supplement to an act to lay out a certain State road," be placed on to-day's Calendar; which was agreed to.

Mr. KENEAGY moved to re-consider the final vote had on Senate bill No. 525, "An Act relating to the limits of the borough of Wrights-

ville, York county;" which was agreed to; and, on his motion, the same was postponed for the present.

A message from the Governor was received and read. It is as follows:

EXECUTIVE CHAMBER,  
Harrisburg, March 22, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:—

GENTLEMEN—I have approved and signed the following acts of the General Assembly, viz:

"An Act to extend the charter of the Dauphin Deposit Bank."

"An Act to incorporate the Chartiers and Robinson Township turnpike road company, in Allegheny county."

"A supplement to an act to incorporate the Odd Fellows hall association of the city of Pittsburgh, and county of Allegheny."

"An Act to incorporate the Zoological society of Philadelphia."

"An Act to change the time of holding courts in Clearfield county."

"An Act relative to roads in East Marlborough and New London townships Chester county."

"A further supplement to the act incorporating the Lewisburg Centre and Spruce Creek railroad company."

"An Act to incorporate the Pennsylvania and Maryland Line turnpike road company."

"An Act to exempt certain real estate in the county of Allegheny, from the payment of the collateral inheritance tax."

"A supplement to the act to incorporate the Hanover savings fund society of the county of York."

"A further supplement to the act authorizing the Governor to incorporate the Minersville water company."

"A supplement to an act to incorporate the Hilltown turnpike road company."

"An Act relating to the overseers of the poor of the borough of Lewisburg."

"An Act to repeal an act for the protection of sheep and taxing of dogs in the county of Blair."

"An Act to extend the charter of the Forest improvement company."

"An Act relating to the Norristown academy."

"An Act to extend the power of prothonotaries and clerks to administer oaths."

"An Act to annex part of the lands of Eli Lichtenberger, in Elizabeth township, Lancaster county, to Penn township, in said county."

"A supplement to the act incorporating the Plymouth railroad company."

"An Act to authorize the Auditor General and State Treasurer, to open and re-settle the accounts of the Franklin fire insurance company of Philadelphia."

WM. F. PACKER.

The hour of five having arrived, the SPEAKER adjourned the House until this evening at 7 o'clock.

#### HOUSE.—EVENING SESSION.

The House re-assembled at 7 o'clock.

Mr. KENEAGY asked the unanimous consent of the House to have bill No. 1033, placed on the Private calendar.

Objections were made by Mr. ROUSE.

Mr. ELLMAKER, on leave, from the Committee on Canals and Inland Navigation, reported as committed, "An Act declaring Willow creek, in Warren county, a public highway."

Mr. LAIRD, (Claims,) with amendment, "An Act to provide for the payment of the claims of Mary Wilson, widow of Thomas Wilson, an officer of the war of 1812."

Mr. PRICE, on leave, presented "An Act to incorporate the Odd Fellows' Hall association of Thompsettown, Juniata county."



Mr. PATTERSON asked to have this bill placed on the Calendar.

Objections were made.

Mr. QUIGLEY, on leave, presented "An Act to vacate Lafferty's lane, First ward, city of Philadelphia."

Mr. WAGENSELLER, "A supplement to an act to incorporate the Selinsgrove bridge company."

Mr. BOYER, (Clearfield,) "An Act to lay out a State road in Indiana county."

Mr. KETCHUM, on leave, from the Committee on Judiciary, reported with amendment, Senate bill No. 13, "An Act to incorporate the Hollenback and Hanover turnpike road company."

#### ORIGINAL RESOLUTIONS.

Mr. WILSON, on leave, offered a resolution that House bill No. 362, "An Act relating to the granting of licenses to hotel, inn or tavern keepers, &c.," be made the special order tomorrow morning, after the special order for the day shall have been disposed of.

The resolution was read the second time.

Mr. SMITH, (Berks,) moved to amend the same, substituting House bill No. 303, "An Act to reduce the compensation of members of the Legislature."

And on the question,

Will the House agree to the amendment?

The yeas and nays were required by Mr. SMITH, (Berks,) and Mr. NILL, and were as follows, viz:

YEAS—Messrs. Acker, Balliet, Barnsley, Custer, Dismant, Durboraw, Eckman, Fearon, Glatz, Good, Gritman, Hill, Hottenstine, Jackson, Ketchum, Mahaffey, M'Curdy, Nill, Oaks, Patterson, Pennell, Pinkerton, Smith, (Berks,) Stoneback, Stuart, Taylor, Wagenseller, Walker, Warden, Witman, Williams, (Bedford,) Williams, (Bucks,) Wolf and Lawrence, *Speaker*—34.

NAYS—Messrs. Abbott, Barlow, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Dodds, Ellmaker, Evans, Foster, Galley, Graham, Gratz, Hamersly, Harding, Irish, Keneagy, Kinney, Laird, Lawrence, (Washington,) Matthews, M'Clure, M'Dowell, Miller, Neall, Peirce, Price, Proudfoot, Quigley, Ramsdell, Rohrer, Rose, Rouse, Styer, Thompson, Thorn, Walborn, Wigton, Wilcox, Wiley, Williston, Wilson and Woodring—48.

So the question was determined in the negative.

The question recurring,

On the original resolution.

On motion of Mr. GRITMAN, the further consideration of the same was postponed for the present.

Mr. LAWRENCE, (Washington,) on leave, presented "An Act to abolish the office of sealer of weights and measures in Washington county."

Mr. THORN asked but did not obtain the unanimous consent of the House to introduce a resolution, relative to holding a session tomorrow afternoon.

#### BILLS ON PRIVATE CALENDAR.

Agreeably to order, the House resumed the consideration of bills on the Private Calendar.

Whereupon, the following were read, and no objection being made, prepared for second reading:

"An Act to incorporate the Duquesne insurance company."

"A supplement to an act, approved 5th day of April, 1858, to authorize the laying out of a State road from New Castle, in Lawrence county, to Emlenton, in Venango county."

"An Act to authorize the laying out of a State road, in the counties of Carbon and Monroe."

"An Act to incorporate the Kylertown, Morrisdale and Philipsburg plank road company."

"An Act relative to the fees of the sheriff of Crawford county."

"An Act to enable the commissioners of Crawford county to make certain compromises."

"An Act to incorporate the Jacksonville and Virginia Line clay and turnpike road company."

"A further supplement to an act to incorporate the town of Ashland, partly in Schuylkill and partly in Columbia counties, into a borough, approved February 13, 1857."

"A supplement to an act to improve the navigation of the Lehigh river, in the counties of Monroe and Luzerne."

"An Act relating to the election of officers of the Wyoming canal company."

"An Act relating to the expenses of coroner's inquests and to appeals by county commissioners, in Luzerne county."

"An Act establishing the location of the streets and alleys and lots in a certain part of the borough of Johnstown, Cambria county."

"Supplement to the act incorporating the Lehigh and Delaware plank road company."

"An Act to incorporate the Amity horse company."

"An Act to lay out a State road in Armstrong and Clarion counties."

"An Act to incorporate the Pittsburg gymnastic association."

"An Act declaring the Portage branch of the Sinnemahoning river, a public highway."

No. 1082. "An Act authorizing the laying out of a State road in Potter and M'Kean counties."

No. 1083. "An Act to incorporate the Chester, Leiperville and Darby railway company."

No. 1084. "An Act authorizing the Auditor General to examine the claim of James Bell, of Blair county, and to make report to the next Legislature."

Sen. 402. "Supplement to an act to incorporate the University of Kittanning."

No. 1085. "An Act relating to the election of overseers of the poor in the borough of Blairsville, and township of Burrell, in Indiana county."

No. 1088. "An Act to incorporate the Manayunk market company, in the city of Philadelphia."

No. 1090. "A supplement to the act incorporating the Exchange mutual insurance company of Philadelphia."

No. 1091. "An Act to incorporate Peach Bottom and Maryland turnpike road company."

Sen. 607. "An Act supplementary to an act relative to the Dauphin and Susquehanna coal company."

"A supplement to an act to alter and amend an act to erect the town of Chester and vicinity into a borough, and for other purposes therein mentioned," came up in order, and was read.

Mr. PENNELL offered a proviso "that said tax shall not exceed, in any one year, one-half of one per cent. upon such valuation;" which was agreed to.

And the bill was prepared for second reading.

"An Act to annex the buildings of Wm. Bratton to the township of Beale, in the county of Juniata."

"An Act to require the Sunbury and Pottsville railroad to fence their road in Northumberland county," came up in order, and was objected off by Mr. WILCOX."

Messrs. STEPHENS and BERTOLET severally asked to record their vote in favor of the resolution to reduce the compensation of members of the Legislature to \$500, they being necessarily absent; which the House refused.

Mr. ZOLLER, having declined voting upon the bill chartering the Citizens' passenger railway, gave the following reasons; which were ordered to be placed upon the Journal:

*First.* That several weeks previous to the passage of said bill, he proposed to his colleagues joint meetings, to settle all personal differences

on local bills, in order to appear and act as a unit before the two branches of the Legislature, and to prevent the introduction of dissensions among ourselves; that, however, this object failed.

*Second.* That the undersigned remained unacquainted with the various modifications which the bill underwent from time to time, and before it was submitted to the action of the House, and that he was simply required to vote for it.

*Third.* That the undersigned, being from a country district, and his immediate constituents having no concern in this bill, and a large portion of his city constituents being dissatisfied with the provisions of it, he thought it best to leave the bill to the judgment of his colleagues from the city, as those nearest acquainted with the circumstances and localities involved and affected by it.

*Fourth.* That after the vote on the first amendment offered by his colleague, (Mr. FOSTER,) the undersigned noticed the determination of a large majority of the House not to sustain any other material amendments; the vote of the undersigned, therefore, would have been ineffectual the one way, and superfluous the other way.

*Fifth.* That the undersigned had no time left to reflect, deliberately, on the probable extent of the effect the amendments might have produced, as they were offered and acted upon in the usual rapid parliamentary manner; and on the said bill being a local bill, he declined to vote otherwise than understandingly.

*Sixth.* That the undersigned is not opposed to the construction of passenger railways, if they do not injure the interests of the citizens of those localities where they are to be constructed; he, therefore, as there was no hope that any other bill would pass than the one before the House, did vote by acclamation, at its final passage, and would have voted in the affirmative, if the yeas and nays had been called.

#### OBJECTED BILLS.

No. 469. "An Act to incorporate the Huntingdon County Bank," was read and prepared for second reading.

No. 491. "An Act to provide for the creation of a new county out of parts of the counties of Crawford, Venango and Warren," was read and prepared for second reading.

No. 580. "An Act to incorporate the Hestonville, Mantna and Fairmount passenger railroad company," was read and prepared for second reading.

No. 667. "An Act to incorporate the Chemical company of Pennsylvania."

No. 675. "An Act to incorporate the Commercial trust company," was read and prepared for second reading.

No. 678. "An Act to incorporate the Hydropathic college and institute of Loretto," was read, and after being amended by Mr. PROUDFOOT, was prepared for second reading.

No. 689. "An Act to incorporate the German Reformed and German Lutheran congregations of the Schwartzwald church and cemetery in Exeter township, Berks county," was read and prepared for second reading.

Sen. 86. "An Act to incorporate the Carolina steam navigation company," was read and prepared for second reading.

No. 707. "An Act relative to the ferry at Shamokin dam," was read and prepared for second reading.

No. 767. "An Act to change the place of holding elections in Union township, Union county," was read and prepared for second reading.

"An Act relating to insurance companies and associations in the city and county of Philadelphia," came up in order and was read.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 60.

Messrs. THORN and IRISH spoke in favor of the bill, and hoped that it would be passed.

And on the question,

Shall the bill be prepared for second reading?

The yeas and nays were required by Mr. EVANS and Mr. McDOWELL, and were as follows, viz:

YEAS.—Messrs. Abbott, Acker, Balliet, Barlow, Bayard, Bodhead, Chase, Church, Dimmick, Durbin, Eckman, Ellmaker, Evans, Fisher, Foster, Gratz, Green, Harding, Hill, Irish, Ketchum, Mann, McClure, McDowell, Miller, Neall, Oaks, Peirce, Price, Proudfoot, Quigley, Rohrer, Shaver, Smith, (Berks,) Stuart, Taylor, Thorn, Williston, Willson and Zeller—40.

NAYS.—Messrs. Barnes, Bertolet, Boyer, (Schuylkill,) Burley, Campbell, Custer, Dodds, Fearon, Galley, Glatz, Good, Graham, Gray, Gritman, Hamersly, Hottenstine, Jackson, Keeney, Kinney, Laird, Lawrence, (Washington,) Mehaffey, Matthews, McCurdy, Nill, Palm, Patterson, Pinkerton, Pughe, Rose, Sheppard, Smead, Stephens, Stoneback, Styer, Thompson, Wagenseller, Walborn, Walker, Warden, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wolf and Lawrence, *Speaker*—48.

So the question was determined in the negative.

On motion of Mr. WILCOX, the House proceeded to the second reading of bills on the Private Calendar.

Whereupon, the following were considered and passed the House:

No. 720. "An Act authorizing the trustees of Aaronsburg school to sell a certain house and lot in said town."

Sen. 127. "An Act authorizing Peter Martin, and other trustees, to sell a certain school house in Clay township, Lancaster county."

No. 722. "An Act to prevent public auction in Freeport borough, Armstrong county."

No. 735. "An Act to increase the fees of jurors in the several districts of the city of Philadelphia."

No. 737. "An Act relative to the duties of port warden of Philadelphia."

"An Act to authorize an appointment of a measurer of paving stone."

No. 749. "An Act for the relief of Catharine Keller, widow of Conrad Keller, a soldier of the Revolutionary war."

Sen. 183. "An Act for the relief of Joseph Brady, a soldier of the Indian war."

No. 751. "An Act to incorporate the Montour Navigation improvement company."

No. 753. "An Act to incorporate the Mahoning railroad company."

No. 801. "An Act to prevent the killing of wild turkeys in the county of Huntingdon."

Sen. 403. "An Act relating to deer in the counties of Adams, Berks, Franklin and Fulton."

No. 806. "An Act authorizing the sale of the armory of the Independent Guards of Fredericksburg, Lebanon county, a disbanded corps."

No. 807. "An Act for the relief of Thos. Bridgens, collector of the military tax for the borough of Lock Haven, in the county of Clinton, for the year 1856."

No. 812. "A supplement to an act incorporating the West Philadelphia mutual saving fund and trust company, approved May 20, 1857."

No. 813. "An Act supplementary to an act incorporating the Six Penny saving fund of Philadelphia, approved 5th April, 1851."

No. 814. "A supplement to an act to increase the capital of the Columbia Bank."

Sen. 819. "A supplement to an act incorporating the Mutual saving and loan association of Philadelphia."

No. 820. "A supplement to an act to incorporate the Wason town bridge company," approved 9th day of May, 1854.

No. 821. "An Act to incorporate the Passenger Railroad relief association of Philadelphia."

No. 824. "An Act to incorporate the Cambria coal company."

No. 825. "An Act to authorize the Bostwick iron company to mine coal, &c."

Sen. 355. "An Act to incorporate the East Danville iron company."

No. 827. "An Act to incorporate the Lost Creek iron company."

No. 835. "A supplement to the act incorporating the Coolestoga and Beaver Valley turnpike road company, and the supplements thereto."

Sen. 398. "An Act to incorporate the Mahanoy and Broad Mountain railroad company."

No. 848. "An Act to incorporate the Robeson and Exeter bridge company."

No. 858. "An Act to incorporate the South Philadelphia steamboat company."

No. 868. "An Act relating to the Columbia water company."

Sen. 457. "An Act to amend the charter of the borough of Jersey Shore."

Sen. 254. "An Act to incorporate the New Castle water company."

Sen. 439. "A supplement to an act to incorporate the Lewisburg building association."

Sen. 257. "An Act to incorporate the Bedford gas company."

Sen. 9. "An Act to incorporate the Philadelphia company for the improvement of the drama."

No. 877. "An Act to incorporate the North-Western savings institution of Philadelphia."

No. 879. "An Act to incorporate Belle Isle Salt manufacturing company of Philadelphia."

No. 880. "An Act authorizing the Maunauk gas company to consolidate its stock."

No. 1008. "An Act to authorize the investigation of the claim for damages of Dennis McDonald."

No. 885. "An Act to repeal an act to increase the pay of commissioners, jurors and witnesses in certain counties of this Commonwealth, so far as the same relates to the county of Fayette."

No. 888. "An Act to confer on Edward E. Lutz, the rights of a child born in lawful wedlock."

No. 889. "An Act to declare Laurel run, in the county of Clearfield, and Kersey run, in the county of Elk, a public highway."

No. 890. "An Act to confer on Horace G. Lutz, the rights of a child born in lawful wedlock."

No. 892. "An Act relating to the collection of taxes on unseated lands in the borough of New Brighton, Beaver county."

Sen. 349. "An Act relating to the election of borough officers in the borough of Belfonte."

No. 902. "An Act to regulate the working hours of employees of city passenger railway companies."

No. 903. "An Act to authorize the auditors of Sullivan county, to re-audit the accounts of James T. Tyler, late treasurer of said county, with the Commonwealth."

Sen. 425. "A supplement to an act to provide for the erection of a house for the employment and support of the poor for the county of Lehigh."

No. 907. "An Act to extend a certain act relating to mutual savings fund, land and building associations to the county of Susquehanna."

Sen. 334. "An Act to authorize Lewis R. Geer to erect a ferry over the Allegheny river."

No. 916. "A supplement to the act relating to the fees of aldermen, justices of the peace and constables, in and for the city of Pittsburg and counties of Washington and Lancaster."

"Supplement to an act regulating boroughs."

No. 918. "An Act for the relief of Elizabeth Roberts, a widow of an old soldier in the Indian war of 1788 till 1792."

No. 922. "An Act to incorporate the Lincoln bridge company, in the county of Berks."

No. 923. "An Act requiring the supervisors in the different townships in Cumberland county, to keep the wing walls and embankments of said county bridges in repair."

No. 925. "An Act to amend the road laws and change the manner of appraising damages in the opening of public and private roads in the counties of Adams and Perry."

Sen. 505. "An Act to incorporate the Arion iron company."

Sen. 484. "An Act to divide the borough of Pittston, in Luzerne county, into two wards."

No. 928. "An Act to incorporate the Clearfield water company."

Sen. 504. "A supplement to an act to incorporate the Commercial fire insurance company of Pennsylvania, approved 23d February, 1847, now called the Safeguard insurance company of New York and Pennsylvania."

No. 931. "A supplement to the act incorporating the Farmers' annual fire insurance company of Harbor Creek township, in the county of Erie."

No. 932. "An Act to incorporate the Sewickley cemetery, of Allegheny county."

No. 443. "A supplement to the act to incorporate the Kittanning gas company, approved 13th March, 1858."

Sen. 308. "An Act to incorporate the Mutual fire insurance company of Annville, Lebanon county."

Sen. 518. "An Act to incorporate the Hanover gas light company."

Sen. 569. "A further supplement to the act incorporating the directors of the poor and house of employment for the townships of Oxford and Lower Dublin, in the county of Philadelphia."

Sen. 245. "An Act to incorporate the Chelton Hills water and gas company."

Sen. 91. "An Act to incorporate the Eastern gas company."

Sen. 514. "An Act repealing a supplement to an act incorporating the borough of Newport, in the county of Perry."

Sen. 436. "An Act extending the limits of the borough of Orwigsburg, in the county of Schuylkill."

No. 943. "An Act to incorporate the German Hall of Arts."

No. 557. "A supplement to the act incorporating the Dock coal company."

No. 945. "A supplement to the act to incorporate the Erie hall association, approved 2d April, 1852."



No. 948. "An Act to incorporate the Laporte gas and water company."

Sen. 656. "A supplement to an act to incorporate the Blockley and Merlon turnpike and plank road company, approved 15th April, 1853."

Sen. 181. "An Act to incorporate the Union railroad company."

Sen. 960. "An Act relating to the East Mahony railroad company."

Sen. 400. "An Act to incorporate the Delaware County passenger railroad company."

Sen. 473. "A supplement to an act to incorporate the president and managers of the Belmont Avenue and plank road company, approved 8th April, 1853."

Mr EVANS moved to adjourn.

The yeas and nays were required by Mr. EVANS and Mr. SMITH, (Berks,) and were as follow, viz:

YEAS—Messrs. Bertolet, Chase, Dismant, Dorhoraw, Evans, Fearon, Graham, Gratz, Green, Harding, Hill, Jackson, Ketchum, Laird, Lawrence, (Washington,) Mann, Mehaffey, M'Clure, M'Curdy, Miller, Nill, Oaks, Peirce, Pinkerton, Proudfoot, Pughe, Ramsdell, Rohrer, Sheppard, Smith, (Berks,) Stephens, Stoneback, Sycer, Warden, Witman, Williams, (Bucks,) and Williston—36.

NAYS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Church, Custer, Dodds, Eckman, Fisher, Foster, Galley, Good, Gray, Grieman, Hamersly, Hottenstine, Irish, Keneagy, Kinney, Matthews, M'Dowell, Neall, Palm, Pennell, Qigley, Rose, Rouse, Shater, Smead, Stuart, Taylor, Thorn, Wagenseller, Walhorn, Walker, Wigton, Wiley, Williams, (Bedford,) Wilson, Wolf and Lawrence, *Speaker*—49.

So the question was determined in the negative.

No. 971. "An Act to authorize the Chestnut Hill railroad company to sell and dispose of certain real estate."

Sen. 321. "An Act to incorporate the Philadelphia and Olney railroad company."

No. 978. "A supplement to an act for the relief of the West Chester railroad company, and for other purposes, approved 16th April, 1838."

Sen. 395. "An Act to incorporate the Mahanoy railroad company."

No. 979. "An Act supplementary to an act to incorporate the Chestnut Hill and Chellenham railroad company."

Sen. 477. "An Act relating to the collection of State and county taxes in the county of Bucks."

No. 985. "A further supplement to an act laying a tax on dogs in certain counties, and for other purposes, approved April 4, 1831."

No. 988. "An Act to restrict sales by auction in the counties of Northampton and Lehigh."

No. 990. "An Act to incorporate the North End mutual insurance company of Philadelphia."

Sen. 652. "An Act relative to supervisors in Perry county."

Sen. 10. "An Act for the better securing the payment of the wages of labor in certain counties of this Commonwealth."

Mr. PINKERTON said—

Mr. SPEAKER:—We rise to advocate the passage of this bill, as framed and carefully drawn by our able and learned Senator, R. M. PALMER, Esq. From its enacting clause to the last letter, there is a principle, there is a justice and a security which should call forth the approbation of every member on this floor, and constrain him to give it his hearty approval and support. That is the protection to labor.

This bill originated in the Senate, passed that body on a call of the yeas and nays—hot 3 nays recorded against it. It has passed the inspection of two intelligent committees, composed as

they are entirely of legal gentlemen, and yet not a sentence, not a word, nor even a letter has been changed, since it left the pen of the original framer.

Now, sir, in the passage of this bill, we, in the county of Schuylkill, feel deeply interested. It is loudly called for—from the press, to the most humble cottage of the laborer. Its design and its object is known to every individual in the district we represent. As it now stands upon our House and Senate file, it has been printed and spread broadcast over our county; and yet, sir, to our gratification, not even a letter, not even a petition has been read or presented against it. But here let me remind you that numbers of petitions, numerous signed in its favor, have been presented. They were signed not only by our miners, mechanics, and our laborers, but by our merchants, our operators, and our professional men, who are all interested in its passage, either directly or indirectly.

This bill, although local in its nature, yet, sir, we contend that laws protecting labor not only interest the particular district for which they are passed, but are a benefit to a nation and State. By labor, I refer to physical bodily toil. It cannot be denied but what the wealth of a nation or State tends, if rightly used, to its prosperity and advancement. If this be true, should it not be our duty, as agents of that Commonwealth, to inquire how is wealth to a State created, or in other words, from whence cometh wealth. We contend, and the history of past nations proves conclusively, that wealth is created by human labor; that is by the tilling of the ground, by raising food of raw material for manufacture, by mining coal, by our machine shops and rolling mills, by building houses and ships, and of every application of industry. Should we not then ascertain and encourage the causes which most effectually stimulate labor and frugality? The history of past nations will answer this most effectually. We are aware that many attribute the wealth and prosperity of a nation to its natural advantages; that is its genial climate, its fertile soil, its large expanse of territory or happy geographical position. But, sir, we contend and shall show that this is an erroneous idea.

Hardly two centuries ago, Spain was what Great Britain now is; one of the richest, noblest and powerful kingdoms in Europe, on whose domains the sun never set, and whose people, distinguished alike in arts, in commerce and arms, carried their flag and their renown to either pole, and encircled the earth with the golden chains of her commerce and manufactures.—Her climate to-day is the same, her soil is as fertile as it ever was, her geographical position is the same, but what is her financial condition? To what extent does she now encircle the earth with her commerce and trade? Answer echoes, she is scarcely known to the commercial world, and we have reason to believe that, unless she changes her political economy by protecting and encouraging her labor, (which is the foundation of commerce and trade,) the day is not far distant in her history when she will be no longer heard of as a nation, except among the list that once were, but are no more. The same may be said of Greece, Athens and Venice.—These countries once flourished in arts and literature, were thickly settled, and now they are the most insignificant kingdoms on the face of the globe, and with difficulty support a thinly scattered population. Would time admit, we might proceed to enumerate instance after instance of nations that have fell from positions of prosperity and wealth, not from natural causes or natural disadvantages, but wholly for the want of wholesome laws encouraging and bringing forth their labor.

If there is a nation upon the face of the globe who should protect her laborer, it is the Amer-

ican. We have reason to feel proud of the general industry and frugality of our people—her population, composed as it is of all the races of the earth, viz: English, Irish, Dutch, French, Welch and Spaniards, all show the American characteristic trait, viz: a disposition to toil, to dare and to save. Then, sir, as a people who are willing to toil, who are able to toil, and actually do toil, and the results of their toil and labor is daily enhancing the wealth of this great Commonwealth, in return, ought she not in justice to remunerate that toil, by protecting them from loss, and raise labor to a much higher practical point. This can only be done by the enactment of such laws as will assure to the laborer that after he has closed his daily toil, he shall receive the full amount of his wages! Unless we thus protect, the day may come in our history when we, like nations in the old world, will be heard of no more, and her now happy sons be forced to leave their native lands with her fertile soil, and she, like the fallen kingdoms of Spain and Greece, will scarcely be able to support a thinly scattered population.

But how have we, as a nation, protected our working classes for the last twelve or thirteen years? Has Congress thrown around a protection, well guarded, to the coal and iron interest? The alteration of the tariff in 1846 answers this question. On the day of the alteration, Pennsylvania alone had in blast three hundred and four furnaces, capable of making one-half million of tons annually. Within three years from its alteration, there were but one hundred and sixty-seven furnaces in blast. There were also two hundred establishments for the manufacture of wrought iron, producing annually two hundred thousand tons, and within two years after the enactment of the new tariff, their product fell off thirty-three per cent. The number of men employed in those iron works, and reckoning the hands employed in mining and transportation of coal, we have a grand total of forty-one thousand six hundred and sixteen men, one-half of whom were dismissed after the passage of the tariff act of 1846. No argument is here necessary to prove the past benefit of the American protective policy; the figures speak louder than words as to its benefit or injury to the working classes. Here we leave labor generally, and come down to the hill before us, and examine more particularly its provisions, and the individuals who are, so far as locality refers, to be benefitted.

An act similar to the one before us, was passed for Schuylkill county at the session of 1849; its benefits were reaped by the laboring classes of our county from the time of its passage to December, 1857, when some hungry landlord carried a case from our county court to the supreme court, who construed its provisions so as to make it wholly worthless to that class whom, we believe, said act was intended, at the time of its passage, to protect. The eight years the act of 1849 was in full force, many were the beneficial results flowing from its protective provision to our miners, mechanics, and laborers; under that act he felt secure for his labor; although thousands may have been due landlord, mortgage, or judgment creditors, yet at a judicial sale, come when it may, he was, as he should be, secured in the payment of his wages.

These are the provisions of the bill before us, and, sir, who can say aught against them, or who can raise his voice and, in justice, say that the laborer should not be first preferred in the small pittance of his earnings?

The next and last point that I shall call the attention of this House to, is the individuals who are to be benefitted more particularly by the passage of this bill. That is, the miner and those connected with collieries. In speaking of the difficulties and dangers of that class



of men, we need not picture his difficulties, his dangers, taken from the pen of the historian; we need not refer to ideas taken from the pencil of the painter; I need but refer to scenes which have come from self observation, having toiled and labored with him side by side and witnessed daily his difficulties and dangers; and, sire, if there is a class of laborers on the face of the globe, we can with sincerity and experience say it is the miner who should be protected. In the morning, as the sun arises from behind the eastern horizon, he leaves his bosom companion and his family, and soon he is hundreds of feet within the bowels of the earth, shut out from all the pleasures, all the happiness and all the healthy atmosphere which surrounds those who have occupations, professions and trades, out from beneath the rocks and mountains.

I shall now take my seat, feeling satisfied that I have done my duty toward that class of men who have too frequently been forgotten in our House and Senate Chamber.

Mr. PALM said—

MR. SPEAKER:—It is not my intention to occupy much of the time of the House in discussing the merits of the bill now under consideration. Yet I would be recreant to my own feelings, and recreant to the wishes and interests of a large and respectable class of my constituents, was I to permit this opportunity to pass, while I remained silent, and indifferent as to the fate of the bill.

I have too much confidence in the intelligence and liberality of this House, to suppose for a moment, that the boon prayed for by thousands of the laboring classes of Schuylkill county, seconded by many of their liberal minded employers, will be refused.

It has been asked why a particular class of persons should be protected in the manner provided in the bill before this House. My answer is, because this particular class of citizens is surrounded by peculiar circumstances.

We are all familiar with the fact that the coal trade is subjected to many vicissitudes, as sudden very frequently, as they are unexpected. It will be borne in mind also, that those financial revolutions which so frequently convulse the country, are almost invariably first felt in the coal regions. It is at such times that the necessity of a law like the one now under consideration, is most keenly felt. The laboring classes, as a body, in Schuylkill county, heretofore refrained from participating in the exciting and bitter scenes of party strife. But "forbearance ceased to be a virtue" with the working men of Schuylkill county, and last fall they arose in their majesty, and in unbroken columns they marched to the polls and cast their votes for the candidates of the party which has always been, and is now, the friend of the workman. That confidence shall not be betrayed.—It is true they demanded pledges—and it is one of those pledges that we are now about to cancel. The debt has already been paid in the Senate, and it shall not fall in this House. It is true, that in the late political campaign, our ticket was stigmatized as the "professional ticket," by the now defunct wing of the Democracy in Schuylkill county. I think that by the time we shall leave these halls, we will have succeeded in convincing both friend and foe that we at least reduced to practice, a portion of that which in the past our opponents so profusely preached. How well we will have succeeded, will be for them to say.

It must be apparent to this House, that the laborers of Schuylkill county must have experienced palpable grievances in the past, when petition after petition have been and are still pouring in upon us from all parts of the county, until their names, indeed, is "legion." But the laborers, miners and mechanics come not alone! They come here bringing with them the kind wishes of many of their generous and magnani-

mous employers—such men as D. P. Brown, R. Heeksher, Messrs. Conner, Border, Glover, Snyder, Donaldson, Doherty and others. They come, sir, with justice and righteousness on their side, asking for this boon. Labor, after all, is the mainspring of the prosperity and greatness of our country; and, if this be so, should we not protect and advance its interests? The interests of the laborer have been too long neglected. But, sir, a new epoch is dawning upon us; henceforth let the rights of labor be respected. Why is it that the employers take so lively an interest in this matter. My answer is, because they know full well that when the heavy hand of adversity is laid upon them, all powers to save those men are at an end, and the stern and unyielding mandates of the law deprive them and those dependent upon them of their hard-earned wages. I will not attempt to describe the sufferings and miseries of the laborer when his employer is thus prostrated. It would require no very vivid imagination to paint the picture, yet I shall not attempt the task. We might take, for the background, remorseless hunger and privation. Sir, I do not exaggerate, but, on the contrary, I am conscious of my short-comings. Those who have never been to the coal mines cannot possibly know how and where the miner gains his livelihood; how, from morning until night, far down in the bowels of the earth, away from the joys and smiles of his family and the world, he toils day after day, year after year; no light by day but the flickering lamp of the mine, sufficient only to expose to his view the ghastly forms of his companions, and the dreary and dismal rocks of coal. But this is not all; he knows that he is surrounded by the elements of death on every side. When at length his "night's work" (for he indeed works by night) is done, weary and hungry he ascends to the surface, not to behold the glorious king of day, for he has already set behind the western hills. Perhaps the "queen of night" already casts his shadow, as slowly and wearily he wends his way to his humble home. His wife, who sees him come, perhaps ejaculates a prayer of thanks that her protector, and the protector of her children, is safe once more!

Those, Mr. SPEAKER, are the men who come here and ask to have their wages protected. Those are the men who will henceforth assert their rights. Those are the men who have been praying Congress to protect home industry, and those are the men who have and will make tyrants tremble.

The bill now before the House is a just one, and I do not wonder that the representatives from Northumberland, Somerset, Washington and Carbon, have had the provisions of this act extended so as to include their counties. I venture to assert that they will receive the thanks of their constituents for so doing.

With these remarks I dismiss the subject for the present, trusting that not a single vote will be recorded against the bill.

Mr. BOYER, (Schuylkill,) said—

MR. SPEAKER:—The bill under consideration is one of the most important to the interests of the large and meritorious class affected by its provisions, within the counties named, and to the people of the Commonwealth, that has commanded the attention of the present Legislature. It proposes to afford some further and better security for the payment of the wages of miners and laborers in the principal anthracite coal producing counties of Pennsylvania, than they have hitherto had. Next to the agricultural interests of the State, in importance, is that of mining; and certainly there is no class of our people more deserving of protection, and none to whom protection is more necessary, than our miners and laborers at collieries. Farmers and agricultural interests are comparatively exempt from commercial revolutions, but at every period of financial suffering of the country, our coal

operators and their operatives suffer first, longest and most seriously. The business of mining coal, under the most favorable financial circumstances, is extremely hazardous, and such hazard is inseparably connected with a business which is prosecuted into the unseen and uncertain veins, hidden in the bowels of the earth. The truth of this has been sadly demonstrated by the thirty years experience of the citizens of the county of Schuylkill. Although there is no county in Pennsylvania which can boast more business talent, energy and enterprise; and although many millions of dollars have been and continue invested, as capital in railroads, canals, collieries and improvements of every description necessary to its vast coal productions, there are very few coal operators who have ever been able to retire upon a competency. On the contrary, the large list of sheriff's sales, continually recurring, show how unfortunate the majority who engage in mining are.—And when failures take place, as they so frequently do, the liabilities are often very large, and the losses fall with great and peculiar severity upon the miners and laborers. These men pursue their dangerous avocation in the darkness of the mines, and shut out, as they are, for a great portion of their lives from the light of day and the intercourse with their fellow men; they have no opportunity to learn anything of the financial condition or pecuniary difficulties of their employers. When the sheriff levies upon and sells a colliery under an execution, it falls with crushing force upon the poor operatives, uninformed and unprepared as they are. When their wages are swept away from them by a landlord's warrant or the execution of a watchful and diligent creditor, their families and themselves suffer actual want.

I most heartily approve of all the provisions of this bill. It is, Mr. Speaker, strictly, in all its provisions, what every candidate before the people last fall, in the county I have the honor partly to represent, was compelled to subscribe to, or fall before the mighty power of the ballot-box. During the contest, every candidate, no matter where or when, or of what party or division of a party he may have been a candidate, working men expected of, and demanded from him, whether he would, if successful, do something for the laboring classes; and of the nine candidates for the seats now occupied by my colleagues and myself, no one failed to pledge himself most solemnly to comply with their wishes. Not only did the candidates thus pledge themselves to the laboring classes, but the bosses of the mines, acknowledging the justice of such legislation, both by words and actions joined in; and all the candidates and the voters of the county became a unit on the subject of a further security, and a more summary mode of recovering the hard earned pay of the laboring classes.

After having said this much in favor of the passage of this bill, may I not hope, that here in this body, as in the body composing the entire people of Schuylkill county, embracing Republicans, Democrats, and all factions of both the leading parties of the day, that the bill under consideration will meet with the same favor; that no voice will be raised against the principles contained in this bill, and that ere long it will become the general law of the land, and be extended, not only to miners and laborers at the mines, but to all laborers of whatever character they may be, and thus gladden the heart of every family father, so that he can, on his return, at the end of the week, or month, say to his family, I have earned twenty-five or thirty dollars, all of which is now secured by this law, instead of being under the painful necessity on his return of saying to his wife and family, as is sometimes the case now, I have earned, and there is due to me for my labor the amount named, or even more; but the failure



of my employer has swept everything from me; it has gone to pay rents, or other preferred claims.

Can we wonder that these considerations have induced the people of Schuylkill county, unanimously, to ask of the Legislature the passage of the law under consideration, and that the representatives of the other counties named in the bill, have added their counties since the bill was originally introduced. My colleagues and myself feel greatly indebted to many gentlemen in the House, who have expressed themselves in favor of the just and proper provisions of this bill, and I trust the House will add still further to the obligation by passing it by an unanimous vote.

No. 994. "Resolution authorizing the State Treasurer to pay to the treasurer of Armstrong county the deficiency of the militia fund to which the several companies in said county are entitled."

No. 995. "An Act relating to costs before magistrates in Allegheny county."

No. 997. "An Act to reduce the number of aldermen in the Twenty-fourth ward of the city of Philadelphia."

No. 998. "An Act for the better security of daily laborers, mechanics and farmers for work and labor done in Centre county."

No. 1000. "An Act requiring the sheriffs of Cumberland county to compel all persons committed to the jail of said county, for vagrancy, to work."

No. 1005. "An Act to incorporate the National art association."

On suspension of rules,

The yeas and nays were required by Mr. EVANS and Mr. WARDEN, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barlow, Bayard, Bertolet, Boyer, (Schuylkill) Brodhead, Bryson, Burley, Campbell, Church, Custer, Dismant, Dodds, Eckman, Ellmaker, Fisher, Fleming, Foster, Good, Graham, Gray, Green, Hamersly, Harding, Hill, Hottensine, Irish, Jackson, Keeney, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, M'Clure, M'Condy, M'Dowell, Miller, Neall, Nill, Oaks, Pennell, Proudfoot, Quigley, Rose, Sheppard, Smead, Smith, (Berks,) Stoneback, Stuart, Syer, Taylor, Wagenseller, Walker, Wigton, Williams, (Bedford,) Williams, (Berks,) Williston, Wolf and Lawrence, *Speaker*—63.

NAYS—Messrs. Evans, Shater and Warden—3.

So the question was determined in the affirmative.

No. 1007. "An Act to incorporate the Butler mutual insurance company."

No. 1012. "Supplement to the act to incorporate the Spring Garden saving fund society of Philadelphia, passed April 14, 1851."

No. 1013. "An Act to empower the Methodist Episcopal church of East Liberty to sell and convey real estate."

Sen. 670. "An Act to incorporate the trustees of the Synod of the German Reformed church in the United States."

No. 1018. "An Act to amend the charter of the Chestnut Hill iron ore company."

Bill No. 800, relative to the claim of S. Miles Green, came up in order.

Mr. SMITH, (Berks,) said unless some explanation of the bill and claim were given, he would be obliged to call the yeas and nays.

Mr. WIGTON advocated the claim, and forwarded to the Clerk's desk several positions to show the amount and kind of services rendered and materials furnished.

The bill passed final y.

"An Act relating to the collection of State and county taxes in the county of Luzerne, and for other purposes," came up in order, and was laid over under the rule.

"An Act to incorporate the Southwestern

market company," came up in order, and was read the second time.

Mr. ACKER moved to amend, by locating the same in the First ward, city of Philadelphia.

Mr. CHURCH moved to amend the amendment, by locating said company south of Walnut and west of Eighth streets, Philadelphia; which was agreed to; and the bill, as amended, passed.

Messrs. LAWRENCE, of Washington, and GRITMAN, moved that the vote by which the House refused to proceed to the second reading of the act relative to insurance companies and associations, &c., be re-considered; which was agreed to.

The question recurring,

Shall the bill be postponed?

It was determined in the negative.

So the bill was laid aside for second reading.

On motion of Mr. WILSON, House bill No.—the title was so amended as to read as follows:

"An Act to extend the provisions of the manufacturing law of 1849 to the manufacturing of oils from mineral coal, in the county of Beaver."

"An Act regulating the sale of drugs and medicines in the city of Philadelphia," was read the second time, and after having been amended, a motion was made by Mr. FISHER that the further consideration of the bill be postponed for the present; which was agreed to.

"An Act to incorporate a ferry over the Susquehanna river," was read the second time; and on motion Mr. OAKS, the further consideration of the same was postponed for the present.

Mr. HAMERSLY moved to adjourn.

The yeas and nays were required by Mr. THORN and Mr. HARDING, and were as follow, viz:

YEAS—Messrs. Abbott, Balliet, Barnsley, Bertolet, Boyer, (Schuylkill,) Bryson, Chase, Custer, Dismant, Ellmaker, Evans, Fisher, Galley, Graham, Gratz, Hamersly, Harding, Hill, Jackson, Keeney, Laird, Lawrence, (Washington,) Mann, Mehaffey, M'Curdy, Nill, Oaks, Proudfoot, Pugh, Ramsdell, Rohrer, Sheppard, Smith, (Berks,) Stoneback, Stuart, Syer, Walborn, Walker, Warden, Witman, Wigton, Wiley, Williston and Wilson—44.

NAYS—Messrs. Acker, Barlow, Bayard, Brodhead, Burley, Campbell, Church, Doods, Eckman, Fleming, Foster, Good, Gray, Green, Gritman, Hottensine, Irish, M'Clure, M'Dowell, Miller, Neall, Palm, Pennell, Pinkerton, Quigley, Rose, Rouse, Smead, Taylor, Thorn, Wagenseller, Williams, (Bedford,) Wolf and Lawrence, *Speaker*—34.

So the question was determined in the affirmative; and the House adjourned.

## SENATE.

WEDNESDAY, March 23, 1859.

The Senate met and was called to order at the usual hour.

The SPEAKER in the Chair.

Prayer offered by Rev. J. G. Martz.

The Journal was read and approved.

The SPEAKER presented the annual statement of the Mount Carbon railroad company.

Also, the annual statements of the Delaware coal company, for the years 1858 and 1859.

## REPORTS OF COMMITTEES.

Mr. WRIGHT, (Corporations,) reported, as committed, "A supplement to the act incorporating the Altoona gas company."

Also, (same,) as committed, "An Act incorporating the Susquehanna insurance company at Harrisburg."

Also, (same,) as committed, "An Act establishing a ferry over the Susquehanna river."

Also, (same,) as committed, "An Act to incorporate the Union building association."

Also, (same,) as committed, "An Act to incorporate the Packer iron company."

Also, (same,) as committed, House bill No. 400, "An Act to incorporate the Bald Eagle boom company."

Also, (same,) as committed, "An Act to incorporate the Western library association in the city of Philadelphia."

Also, (same,) as committed, "An Act to incorporate the Philadelphia ocean steamship company."

Also, (same,) as committed, "An Act incorporating the Annual Conference of the Methodist Protestant church."

Mr. STEELE, (same,) as committed, House bill No. 638, "An Act incorporating the Towanda library association."

Also, (same,) as committed, Senate bill No. 783, "A supplement to the act incorporating the Cochranville hall association in Chester county."

Also, (same,) as committed, House bill No. 497, "A supplement to the act incorporating the Phoenix iron company."

Also, (same,) as committed, House bill No. 69, "An Act incorporating the borough of New Columbus, Luzerne county."

Also, (same,) as committed, "A supplement to the act incorporating the Eastern market company."

Also, (same,) as committed, "An Act relative to the Weceacoe and Moyamensing meadow company."

Mr. SHAEFFER, (same,) as committed, "A supplement to the act incorporating the New York and Middle Coalfield railroad and coal company."

Also, (same,) as committed, House bill No. 1009, "An Act to amend the act regulating boroughs, approved April 3, 1851, so far as the same relates to Edenboro', in the county of Erie."

Also, (same,) as committed, "A further supplement to the act incorporating the borough of Ashland, partly in Columbia and partly in Schuylkill counties."

Also, (same,) as committed, "A supplement to the act incorporating the Meadville gas and water company."

Also, (same,) as committed, House bill No. 599, "A further supplement to the act consolidating the city of Philadelphia."

Also, (same,) as committed, House bill No. 403, "A supplement to the act incorporating the Sancona iron company."

Also, (same,) as committed, House bill No. 268, "An Act incorporating the Philadelphia theatre company."

Mr. GAZZAM, (same,) as committed, "An Act to amend the charter of the borough of Catasauqua."

Also, (same,) as committed, "An Act to incorporate the Green Hill market company."

Also, (same,) as committed, "An Act to incorporate the Boatmen's life, stock, and fire insurance, annuity and trust company of the borough of Schuylkill Haven."

Also, (same,) as committed, "An Act to incorporate the Lykens Valley railroad and coal company."

Also, (same,) as committed, House bill No. 329, "An Act to incorporate the Union market company."

Also, (same,) as committed, House bill No. 762, "An Act relative to the Treverton coal and railroad company."

Mr. STEELE, (Canals and Inland Navigation,) as committed, House bill No. 493, "An Act to empower John Ranson to erect a boom on Loyalsock creek."

Mr. SCHINDEL, (Agriculture and Domestic Manufactures,) as committed, House bill No. 804, "An Act to prevent the destruction of deer in the counties of Pike, Wayne and Monroe."

Also, (same,) as committed, House bill No. 806, "An Act to prevent the picking of cran-



berries in Tunkhannock township, Monroe county."

Mr. RUTHERFORD. (same,) as committed, House bill No. 535, "An Act encouraging the destruction of foxes in Clinton county."

Also, (same,) as committed, House bill No. 532, "An Act to prevent the destruction of trout during the spawning season in the counties of Lycoming, Clinton and Sullivan."

Also, (same,) as committed, House bill No. 588, "A supplement to an act relative to hunting and fishing in the counties of Huntingdon, Carbon, Monroe, Dauphin, Luzerne, Mifflin, Elk, Pike and Butler, approved March 24, 1848."

Mr. NUNEMACHER, (Roads and bridges,) as committed, House bill No. 473, "An Act incorporating the Donglassville and Yellow House turnpike road company."

Also, (same,) as committed, House bill No. 487, "An Act in reference to supervisors in Somerset township, Washington county."

Also, (same,) as committed, House bill No. 651, "An Act to lay out a State road in the counties of Westmoreland and Allegheny."

Also, (same,) as committed, House bill No. 660, "An Act vacating certain streets in the city of Philadelphia."

Also, (same,) as committed, House bill No. 665, "An Act declaring a bridge between the counties of Armstrong and Clarion a county bridge."

Mr. FETTER, (same,) as committed, House bill No. 664, "An Act to raise the compensation of supervisors in Spring Creek township, Elk county."

Also, (same,) as committed, House bill No. 495, "An Act to repeal an act establishing a ferry over the Susquehanna river, at or near Ulster, in Bradford county, and the several supplements thereto."

Also, (same,) as committed, House bill No. 663, "An Act concerning road viewers and damages in Lehigh county."

Also, (same,) as committed, House bill No. 658, "An Act authorizing a State road from Dushore, Sullivan county, to the North Branch of the Susquehanna river, at or near Wells' ferry, in Bradford county."

Also, (same,) as committed, House bill No. 482, "An Act compelling supervisors of the township of Crawford, in Clinton county, to give security."

Mr. THOMPSON, (same,) as committed, House bill No. 485, "An Act to revive and extend an act incorporating the Zieglerville and Kutztown turnpike road company."

Also, (same,) as committed, House bill No. 547, "An Act authorizing the Frankford and Bristol turnpike road company to reduce the width of said road between certain points."

Also, (same,) as committed, House bill No. 550, "A supplement to the act incorporating the Waterford and Erie plank road company."

Also, (same,) as committed, House bill No. 654, "An Act relative to supervisors in Jenner township, Somerset county."

Also, (same,) as committed, House bill No. 655, "An Act vacating certain alleys and lanes of the outlots of the borough of Beaver, in the county of Beaver."

Mr. BALDWIN, (same,) as committed, House bill No. 490, "An Act to incorporate the Wrightsville and Canadachy turnpike road company."

Also, (same,) as committed, House bill No. 653, "An Act to incorporate the Spinnerstown and Hosensock turnpike road company."

Also, (same,) as committed, House bill No. 477, "An Act authorizing the laying out a State road from Lock Haven to Snow Shoe."

Also, (same,) as committed, House bill No. 652, "A supplement to the act incorporating the Royersford bridge company, and the several supplements thereto."

Mr. BLOOD, (Pensions and Gratuities,) as

committed, House bill No. 632, "An Act for the relief of Anna Stackhouse, a widow of a soldier in the Revolutionary war."

On motion of Mr. CRAIG, the Committee on Private Claims and Damages was discharged from the consideration of "An Act for the relief of the estate of James Rogers," and the same was referred to the Judiciary Committee.

Mr. TURNEY, (Finance,) with amendments, House bill No. 343, "An Act to provide for the ordinary expenses of government, and other general and special appropriations," and, on his motion, said bill was ordered to be printed.

#### BILLS IN PLACE.

Mr. RUTHERFORD, read in his place and presented to the Chair, a bill, entitled "An Act relative to inspectors of flour and meal in the city of Philadelphia."

Mr. WRIGHT, "An Act to incorporate the board of directors of the fire department in the city of Philadelphia."

Mr. RANDALL, "An Act to incorporate the Bordeaux steamship company."

#### ORIGINAL RESOLUTION.

Mr. MYER offered the following resolution: which was twice read, considered and adopted:

*Resolved*, That if the House of Representatives concur, the Governor be requested to return House bill No. 6, "An Act to incorporate the Towanda water company."

House amendments to "An Act to incorporate the Union railroad company," were read, and, on motion, concurred in.

#### ORDERS OF THE DAY.

Senate bill No. 650, "An Act relating to Reed street, in the city of Philadelphia," came up in order on third reading, and passed finally.

Senate bill No. 483, "A supplement to an act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent, approved April 9, 1849," came up in order on second reading; when, the question being upon the second section,

Mr. SCOFIELD offered the following amendment, as a substitute for the second section:

That any person otherwise entitled to the exemption provided for in this act, and the act to which this act is a supplement, shall not be deprived thereof in consequence of any contract hereafter made, by which the right to claim such exemption shall be waived or released: *Provided further*, That when the property elected to be retained under the provisions of the act to which this is a supplement shall constitute, in whole or in part, the dwelling house of the person so electing, he or she being at the time a housekeeper, charged with the maintenance of a family, the amount of valuation shall be five hundred dollars, instead of three hundred, as heretofore.

Mr. PALMER moved to amend the amendment, by striking out all from the word "that," in the first line, to the word "provided," and appending the part remaining to the second section.

Mr. SCOFIELD supported the amendment, and briefly explained its effect. The amendment which had been made to the bill, by the Senator from Schuylkill, was an insidious one, and was really an enemy under the garb of friendship for the rights and interests of the poor man. The first part of it was the same as the original section; but the latter portion contemplated a change, and upon that he wished to say a few words. The policy which exempts from execution certain necessities of life, should, he thought, be extended to the roof which shelters the heads of the family. Family dwellings, or homesteads, like family portraits, although they may command or receive but little veneration from others, are peculiarly endeared to those whose youthful years have been passed beneath them, and in familiar intercourse and association with those things intimately connected with them. The tree which they have planted, and

which they have watched and watered with interest and attention, has a peculiar attraction to the family, and the affections of every man cling, with peculiar force, to the spot where has passed his youthful years, and where was enacted the scenes of his childish sport; and the reverses of business life which separate him from that spot, fall with severe and crushing power.

But the policy which the amendment proposed, in securing to the family the uninterrupted possession and enjoyment of the homestead, was one in which not only the family were interested. The State has an interest in so shaping its policy, as to enlarge a class holding an interest with itself, which the protection of the household is designed to encourage. He advocated the amendment upon the grounds of its justice, as well as those of general public policy, and asserted that there was no wisdom in that policy which destroys a failing debtor at once. The advantages to a creditor are nothing by this course; for the chances of the payment of a debt are in favor of a lenient creditor, with an honest debtor.

He continued in advocacy of the amendment, and drew a picture of the benefits which would result, socially and morally, from the protection to the poor which it contemplated. He related an incident which took place upon the arrival of Jenny Lind in this country. He had not much taste for music, and the incident was about the only one he remembered. When she landed, upon a Sabbath morning, she observed that the crowd which greeted her were all dressed in their holiday attire, and that the appearance of the immense throng was that of the wealthier class in her own country, with none of that squalid poverty which characterized similar assemblages in Europe. Turning to one of those present, she asked, "Have you no poor in this country?" The difference which struck her, as peculiar in this instance, was not a chance or solitary one, but was one which resulted from the difference between our own institutions and those of Europe; and, with the extension of that protection which should be thrown around all American homes, and which his amendment contemplated, the time will come when there will be no poor, comparatively, and when the spectacle, honorable to our country and government, may still more forcibly present itself to the eye of an European stranger.

He dwelt, at some length, upon the advantages of securing to the family the protection of this law, and remarked that, although he would not vote to give to every man a homestead of five hundred dollars, he would advocate the passage of a law to assist him in acquiring it.

Mr. PALMER said he was surprised to hear the Senator from Warren say that he had no taste for music. He should suppose that any man possessing so much poetry in his composition, must also be endowed with a fair share of the love of music. While he was compelled to differ with the Senator, as to the effect of his amendment, he would not agree that there was a better or warmer friend of the poor man upon the floor of the Senate. He was surprised to hear the Senator from Warren say that the amendment proposed by him was an insidious one—an enemy in disguise. He had been pleased with the legislation of Pennsylvania in times past, for the bettering of the condition of the poor man. Among that legislation he instanced the act for the abolition of imprisonment for debt. That act had been popular with the masses, and there had been no one to come here and ask that this relic of barbarism should be re-established. Another was the act of 1849, exempting, on a landlord's warrant, three hundred dollars from execution—a law which, if carried out according to its true in-



tent and meaning, would meet with the approbation of the people. The wife and family would be no longer subjected to distress by the sale of their household property, nor the little ones liable to that suffering which followed the pitiless seizure of even the necessities of life.

His own county, he said, was particularly unfortunate. It was one in which the financial reverses which swept over the country was first and longest felt; but he had never known, although the best men had been struck down by the crisis, of a case in which, under a landlord's warrant, the sale of household furniture was made.

That legislation which forbids a man to dispose of his property is not in accordance with the genius of our republican government. A man may carry his furniture, by piecemeal, until all is disposed of, to the pawnbrokers, but he shall not enter into writing that his property shall not be taken, except for rent of the house which shelters his family, and the necessities of life. He advocated his amendment briefly, and opposed that proposed by the Senator from Schuylkill.

Mr. MYER did not intend to occupy the attention of the Senate with anything additional to that which he had said in support of this bill, when previously under consideration. In bringing to the notice of the Senate the proposition contained in this bill, he said, I am endeavoring only to carry out what I believe to be the true intent and meaning of the Legislature of 1849, which passed the law commonly called the "three hundred dollar exemption law." By an examination into the history of the exemption laws passed at different times, I find that the great principle of humanity, upon which all exemption laws are founded, first received the attention and favorable consideration of a Pennsylvania Legislature, in the year 1814; and as an evidence of the feeling that prompted them to the action then had upon this subject, I will call your attention to the title of the act referred to. It is in these truly expressive words—"An Act to promote the comfort of the poor." A few years later in the history of our State, in the year 1821, finding, no doubt, that the operation of the act of 1814, (slight and inefficient though it was,) was favorable to the accomplishment of the object sought to be attained, the Legislature passed two other acts of like import and similar title, keeping still in view the idea, that must have then been prominently in view as before, of promoting the general happiness and prosperity of the whole people.

The acts to which I have referred are in themselves unimportant, so far as the amount of property that was really exempt from levy and sale by remorseless and unfeeling creditors was concerned, but they are of vast importance, as exhibiting the spirit that animated the hearts of the men who were called upon to conduct the affairs of State at that day, and prove that the people had really considered those measures as beneficial, slight as was the exemption that was then secured to the unfortunate debtor and those that were dependent upon him. As the good results of these laws more and more developed themselves, the people began more and more to turn their favorable regards to the subject, and in 1828 the members of this and the other House, then, as before, coming directly from the people, and in this, as in all truly republican governments, being the representatives of an enlightened public sentiment, passed a law exempting property, which cannot be put down at less than two hundred and seventy-five dollars, from levy or sale. This law, although operating unequally in conferring its benefits, was productive of great good to the people. It cast around the home of the poor and industrious citizen the shield of protection, and held out to him that inducement and incentive to ac-

tion, by creating a confidence and a certain security in the enjoyment of a home surrounded by the necessary comforts of life, while seldom, if ever, failed to inspire a man with sufficient ambition to accumulate what the law permits him to hold for the benefit of himself and family, and forever on the minds of our people the justice and propriety of a liberal law of exemption. So rapid was the progress of reform in this direction, that in 1842, the odious imprisonment act, one of the relics of barbarism, was swept from the statute books, never again to be re-produced to disgrace the history of our legal proceedings. Were I disposed to travel back and instance, as could be done, the suffering and misery which were the legitimate and disgraceful results of the enforcement of this abrogation, I might draw pictures that would astonish and appal you, and make all men wonder that it had been so long permitted to disgrace the statute book of a free, humane, and enlightened Commonwealth; but it has passed away, and its baneful effects live only in the recollection of our citizens, as an evidence that the early legislation of our State was too much governed by the principles and views that obtained favor in English jurisprudence, from which we derive, in a large measure, our own laws, and it required time to break the bonds of habit, and bring our legislation, by progressive steps, into close conformity with the genius of free institutions. So firmly fixed in the minds of our people, however, had at length become the policy of our laws in this direction, that the Legislature, in 1846, passed a still further law upon this subject, exempting a yoke of oxen or a horse, not exceeding in value fifty dollars, from execution in certain cases, running the value of exempted property up to at least three hundred and twenty-five dollars. Thus again the people speak, through their representatives, in confirmation of the well-settled policy of the State, and of their approval of the beneficent operation of the law on the subject. In tracing the history of legislation upon this important question, I am now brought down in scale of time to the passage of the law of 1849, the act to which the bill now pending is a supplement. The causes which led to the passage of this law, known as the three hundred dollar exemption law, it may not be out of place to refer to.

The operation of former laws upon this question was found to be unequal. It will be readily perceived by any one who chooses to examine the act of 1828, that any person living in a town or city was deprived of many of the benefits of that law, from the fact that it was impossible for him to keep many of the articles enumerated. For instance, he could not keep a cow or sheep, and of course did not need the necessary feed to support them, while to a man living in the country these things were of great value. Again, all a man's wearing apparel was exempt, and while the upstart popinjay in the city or town might have two or three, or even five hundred dollars' worth of clothing to strut in the street with, the honest mechanic, whose family it would have conferred a blessing upon to have been able to retain an equal amount in value of the necessary articles, was, by the provisions of this law, deprived of them. It therefore became the duty of the Legislature to so alter or amend the law as to make it operate as nearly equal as possible. It was with this view, and for the accomplishment of so desirable a result as this, that the change was made, and all former acts repealed, and the law of 1849 enacted in their stead. The provisions of the bill now under consideration, as they appear upon its face, are designed to cure certain supposed defects in the original law, made really so by the decision of our supreme court, of which it is said of late there is but one thing remarkable, and that is, that, as if by chance,

they sometimes decide questions of law twice in the same way.

However, in this case, they lost sight of the real objects for which the law was passed; which were not only designed for the benefit of men, but more particularly, like all preceding acts relating to the same matter, for the benefit of families; for it would be preposterous to suppose that the Legislature had no other object in view, in the passage of the law, except to throw around that portion of our community that are most able to take care of themselves, the protecting arm of the law; and yet the decision of the supreme court has, in a measure, produced this effect, and has placed in the hands of the exacting creditor the power to pauperize many a family, and cast them out of house and home, upon the cold charities of the world.

While Pennsylvania has been moving slowly, but surely, on this good work of reform, many of her sister States have made far more rapid strides in the same direction. Connecticut, New York and Massachusetts, were among the first States that led off in this reform. Ohio, Indiana and Maine, are also among the numbers that have acted wisely, and legislated liberally upon this question; but all the States named have been far outstripped by some of the more western States. Some of these have laws exempting property to the amount of one thousand dollars. The propriety of so large an exemption as this, is doubtful policy; nor is our own State ready to try it at this time; but there is no excuse or reason why we should not make the small amount of property, reserved by the law of 1849, to her citizens, secure beyond any contingency. Any other course will continue to work hereafter, as it has heretofore, incalculable mischief and wrong, while its benefits would be slight and doubtful.

A custom has grown up, since the passage of the law referred to, under the decision of the supreme court, of exacting from the more unfortunate and ignorant portion of our people, a certain kind of notes, waiving all exemption laws, stay of execution, right of inquisition on real estate, with a confession of judgment, &c., thus binding a man hand and foot; and I have sometimes thought these "Shylocks" would get them, if it were possible, by deception or otherwise, to waive their right to a future existence for the most trifling sum, provided they could make any money out of it. Now, sir, I do not pretend to say, that any considerable portion of our business men take these kind of obligations, because they desire or expect to take advantage of and use the extreme power which they are able to exercise with the unfortunate debtor, because the nature of the obligation they hold against him permits it; yet if he has been so pressed by present necessities as to be obliged to give this kind of an obligation to some unprincipled wretch, whose god is Mammon, he may be stripped of every article of property that he owns, and himself and family be reduced to abject misery and want in a single day; while the honest business man who has trusted him, upon his faith in his integrity, as much as from the nature of the obligation he holds, and has been giving him credit, to aid him in supporting his family, and accumulating something to make himself, and those dependent upon him, comfortable, is cheated out of what is due him, and which he would, at some future day, have obtained, had the individual been protected in the enjoyment of what he had, until sufficient time had elapsed to have enabled him to overcome present misfortunes.

The whole operation of this law, as it now stands, is bad. It induces men of doubtful integrity to resort to deception and fraud, to get others to give them obligations containing a waiver of exemptions, by promising them all the time they may desire, even after the debt shall become due; (such promises are generally made



in the private counting room, where there is no witness present, and if there should be, he is apt to be some deaf clerk, who did not hear any bargain except what was "nominated in the bond," and that before it was signed; and while it cannot be denied that it is a temptation to men of easy virtue, it is a down-right license to *villains* to make paupers of our people. Hence it is, the law should be complete, and the full and free enjoyment of these exemptions secured to the debtor in such a manner that he may not be either overawed or entrapped in to stripping himself of it; and that is what the bill under consideration proposes to do. Where are the beneficent results of the law as it is now? Will it be pretended for one moment that the collection of a few dollars from a poor debtor, and the small amount of advantage it affords to the rich creditor, are to be put in the scale against the misery produced by bringing a whole family to want and destitution? Nor is this often the end of the sad misfortune. Not unfrequently is it the case, that under such circumstances the kindest husband and father, driven to desperation, falls into habits of dissipation and drunkenness; is led on from indulgence in that one master vice to a participation in others, until at last, in an evil hour, under the influence of the maddening bowl, he commits some offence against the criminal law, (it may be to keep the issue of his own loins from starvation,) and is consigned to prison. Thus the once respectable and honest citizen, with a family around him, under the operation of inhuman laws, has been made forever an outcast in the community, a spotted felon, shunned like a leper, and lost to his family, his friends, society and the Commonwealth. The sons, too, having witnessed the degradation of the father, feel themselves to be alike outcasts, and find enjoyment only by indulgence in the same vices; while the daughters may be growing up to maturity, exposed to the many dangers that surround the humble and unprotected female; and after being constantly in the way of temptation, from infancy up to womanhood, at last yield themselves victims to the vice that always incurs certain and enduring disgrace. All this degradation may be brought upon a family to gratify the avarice of a man without a heart. It may be said that such cases are rare. It is to be hoped that they are; yet I fear, could we penetrate the secrets of all the trials and difficulties, the sorrows and suffering, the vice and crimes that have been brought upon our people by the abuse of misplaced confidence under this law, we would have a list that would astonish ourselves. A single instance would be amply sufficient to justify the passage of this bill into a law at this time; and if even that could not be adduced, the fact that it would be a legitimate consequence of existing practice under the law, as now construed and carried out, would demand the enactment of a remedial measure. Although drunkenness, crime and misery, the legitimate results of unjust and iniquitous laws, in this case they are not the only great evils that can be remedied, in a great degree, by the enactment of a law such as the one contemplated by this bill. One of the many good results that would follow the passage of this bill, would be that it would make every man an independent freeman, who can exercise the right of suffrage, without danger of being sold out of house and home. The theory of our institutions is, that elections should be free; the voter should go to the polls untrammelled by apprehensions, lest some individual who may hold a claim against him, should punish him for the exercise of the elective franchise in accordance with his convictions, by suit, exaction and the expulsion of his family from their home, penniless, deprived of every comfort, and stripped even of all the necessities of life. Beautiful as is this theory, is it not often nullified in practice? Is it not

perfectly apparent that it may be? And shall the freemen of this Commonwealth be left by the Legislature liable to the operation of illegitimate influences of this kind? It is the interest of the State, that the spirit of her institutions should be fully carried out in this respect. To that end she has surrounded the voter with many immunities. He is safe in going to, remaining at, and returning from the polls. He cannot be arrested on any civil process. He is protected from the overawing presence of armed and embodied troops, while exercising his part of the popular sovereignty anywhere in this Commonwealth. Shall then the mean and mercenary fear of the "almighty dollar," be permitted to deprive the State of the honest, unbought and generous expression of the popular will, under the operation of existing law, which places this injurious power in the hands of those who are unscrupulous enough to use it? Let the original object of the exemption law be truly attained by depriving the debtor of all right to waive a privilege which the humanity of the law has conferred upon him, not merely for his benefit, but as a protection for his family, and secure great public objects, and he becomes a freeman, not merely in opinion, but in action, and need fear the rich man's contumely and threats, and actions of punishment through an abuse of legal process, as little as the proud man's scorn or the aristocrat's oppression.

To encourage industry, economy, and the acquisition of competent property by the people, is one of the first interests of a State. A freehold estate in the soil, small, though it may be, is a strong additional motive to good citizenship, besides those more unsubstantial sentiments which float in the mind, and are liable to more or less exaltation, according to the mood of the moment. The possession of land, or even of goods and chattels, and credits, enhances a man's good opinion of himself, and causes him to feel a responsibility, even an obligation of duty to others, not cherished by the homeless, houseless wanderer, scowled upon by the well-to-do in the world, and often degraded by his vices, just because he has no ties, and is not encouraged to form them, which bind him to his fellows, or give him a sense of common interest with them. Even in a pecuniary point of view, the State is concerned that her people should have some of the comforts of property, and to encourage its improvement and increase, because from that source she derives her revenues, and a prosperous people make a flush treasury, alike for the benefit of officeholders, and the noble enterprises of fiscal improvement and intellectual culture, which are among the leading objects of government.

The home and the family are the most valuable institution of the Commonwealth; there are nurtured the domestic virtues, which are the germ from which flow the social charities, and the sense of public duty. Destroy these nurseries, and extinguish the hearth-fires; break down the roof-tree; scatter husband and wife, parent and child, brother and sister, through the unsheltered pathways, under the cold sky of an unsympathizing world, and all the firm pillars of the State will be shaken. Trade may increase, wealth accumulate, luxury and splendor dazzle, but the glittering buildings, standing on the shifting sands of mere external prosperity, must fall, because it is not founded on the immovable rocks of home-bred virtue.

"Princes and kings may flourish and may fade.  
A breath can make them as a breath has made;  
But a bold peasantry, its country's pride,  
When once destroyed can never be supplied."

Here we have no class of persons, and we are fortunate in the fact, which correspond with the peasantry of Europe. But we have the industrious mechanic and the hard handed laborer, who ply their task in obscure streets, or far away among the hills and valleys of the country;

whose daily toil earns their daily bread, and they produce more of the real wealth of the nation than its most skilled financiers, and all the bulls and bears of the stock market, who dwell in "marble halls," and whose overgrown and unstable riches are the spoils of the less ornamental but vastly more useful classes of the community. These *small people* deserve the consideration of their representatives, who are sedulous to seek their favor and support on the election day. They should not be surrendered a prey to unavoidable misfortune. They should not be handed over to the tender mercies, which are cruel, of the grasping money dealer, who estimates a man at just what he can make out of him. A home, and the necessary comforts of a home, should be secured to them; and the pittance of three hundred dollars, in whatever form of property they may desire, inalienable either by recklessness, inconsideration or simplicity, is surely little enough to constitute them stable members of society, with a stake in the Commonwealth; safe under the protection of her laws; free to discharge all the duties of citizenship, without challenge from any quarter, and able to look around on wives and children, with the satisfaction that, so long as life shall last, they cannot be dis severed from them. Supported thus in his personal dignity, secure in his civil rights, safe in his domestic relations, he possesses the strongest inducement to improve his condition. He

"Aspires to test the proud and manly joy,  
That springs from holding in his own dear right,  
The land he plows, the home he seeks at night."

It is to encourage such efforts, to contribute in its measure to the accomplishment of such results, that the bill now under consideration has been drawn, and its passage urged. I do not believe it to be possible that a Pennsylvania Senate can reject a proposition, sustained by so many motives of humanity, of private advantage and sound public policy; but confidently expect its passage by a vote worthy of the highest branch of the Legislature of a free, intelligent and mighty Commonwealth.

Mr. TURNER opposed the whole thing of exemption, as wrong, and briefly argued against the bill and amendment.

Mr. PENNEY had intended to let the bill pass without saying a word with reference to the question involved in it, but he could not conscientiously avoid expressing his opposition. It seemed to him that the Senate would be doing a very singular thing to pass this law. He agreed with the Senator from Westmoreland, that the whole thing was wrong, and entered into a brief discussion of its legal effects, and the inconveniences which would result from its passage. Its operations, he contended, would be injurious to the poor man, which he illustrated by the case of a man owning three hundred dollars' worth of personal property, who could claim an exemption of only that amount; while the man who owned a house worth only two hundred dollars, could claim, in addition to that, the exemption of three hundred dollars' worth of personal property. The discrimination made by the bill was unjust; that because a man has a real property, he should have more.

Another objection which he made to the bill was, that it offered a premium to the poor man to be dishonest, by saying that the contract he put his hand to, in good faith, is not legally binding upon him, and therefore he will not comply with that which he had morally bound himself to do. He believed that the old law was better, and the rights and interests of parties better subserved, when there was no waiver, and when the sheriff went into a man's house, the law pointed out to him what he should take under his execution.

Mr. FRANCIS observed that it had been said, one fact was worth one thousand theories. He



had seen the practical operations of the exemption law, in his own county, some six months ago. A poor man had died, leaving a wife and family. He was indebted to an inexorable creditor, who came to demand his pound of flesh.—The family were in great distress, and were only saved from absolute destitution by the exercise of that right which the law gave them, of exempting from execution their little household goods. He did not know precisely how he should vote upon the question. He was in favor of the bill, but he would much rather make the exemption positive, without any waiver on the part of the husband. The question was one which appeals to every man of common sense, and which should enlist all their finer feelings. It was simply to provide for every man a home, where his wife and little nestlings may rest in peace and safety; and he did not see any propriety in the cry which had been raised, that the passage of the bill would be invading the precincts of personal liberty. But he would say nothing more upon the subject. It was one which had been sufficiently and ably discussed, and the Senate were, no doubt, prepared to act upon it intelligibly.

The amendment to the amendment was agreed to.

The question recurring,

Upon the amendment as amended.

The yeas and nays were required by Mr. SCOFIELD and Mr. MYER, and were as follows, viz:

YEAS—Messrs. Bell, Blood, Coffey, Fetter, Finney, Francis, Gregg, Keller, Miller, Myer, Palmer, Parker, Randall, Rutherford, Scofield, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—21.

NAYS—Messrs. Baldwin, Brewer, Gazzam, Marselis, Nunemacher, Penney, Thompson and Yardley—8.

So the question was determined in the affirmative.

On the section as amended,

The yeas and nays were required by Mr. TURNEY and Mr. MYER, and were as follows, viz:

YEAS—Messrs. Bell, Coffey, Fetter, Finney, Francis, Marselis, Miller, Myer, Palmer, Parker, Randall, Scofield, Shaeffer, Schindel, Steele, Welsh, Wright and Cresswell, *Speaker*—18.

NAYS—Messrs. Baldwin, Blood, Brewer, Craig, Keller, Nunemacher, Penney, Thompson, Turney and Yardley—10.

So the question was determined in the affirmative.

The title was amended, on motion of Mr. FINNEY, so as to read, "An Act relative to an exemption of \$300, and to widows and children of decedents," and as thus amended was agreed to.

On the motion to suspend the rule which prohibits the reading of bills twice on the same day,

The yeas and nays were required by Mr. PENNEY and Mr. SCOFIELD, and were as follows, viz:

YEAS—Messrs. Baldwin, Brewer, Coffey, Fetter, Finney, Francis, Gazzam, Gregg, Keller, Miller, Myer, Palmer, Parker, Randall, Rutherford, Scofield, Shaeffer, Schindel, Steele, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—24.

NAYS—Messrs. Craig, Marselis, Nunemacher, Penney and Thompson—5.

So the question was determined in the affirmative.

The bill being on its final passage,

The yeas and nays were required by Mr. SCOFIELD and Mr. MYER, and were as follows, viz:

YEAS—Messrs. Bell, Coffey, Fetter, Finney, Francis, Gregg, Marselis, Miller, Myer, Palmer,

Parker, Randall, Scofield, Shaeffer, Schindel, Steele, Welsh, Wright and Yardley—19.

NAYS—Messrs. Baldwin, Blood, Brewer, Craig, Gazzam, Keller, Nunemacher, Penney, Rutherford, Thompson, Turney and Cresswell, *Speaker*—12.

So the question was determined in the affirmative.

Senate bill No 685, "An Act to incorporate the Weyssauking railroad company," came up in order.

The question being, upon the motion of Mr. MILLER, to strike out the proviso in the sixth section,

Mr. MILLER briefly advocated the propriety of striking out the proviso, contending that there was no reason why this company should be exempted more than any others.

Mr. MYER opposed striking out the proviso, and explained the necessities which required the exemption proposed.

Mr. BELL would be compelled to vote against the proviso, unless the Senator from Bradford could convince him that a similar one was contained in all bills of like character.

Mr. FINNEY said the proviso simply placed this company upon an equality with all other corporations.

Mr. MYER said the whole subject turned upon the simple question, whether the Senate would allow this company to pay interest upon the stock subscribed or not?

On the motion to strike out the proviso,

The yeas and nays were required by Mr. MILLER and Mr. MYER, and were as follows, viz:

YEAS—Messrs. Bell, Blood, Fetter, Gazzam, Keller, Marselis, Miller, Nunemacher, Palmer, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—15.

NAYS—Messrs. Finney, Gregg, Myer, Parker, Penney, Rutherford and Shaeffer—7.

So the question was determined in the affirmative.

And the bill passed finally.

A message from the Governor was received and read. It is as follows:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

GENTLEMEN:—I have approved and signed the following acts of the General Assembly, viz:

"A supplement to an act, approved Feb. 16, 1849, entitled 'A supplement to an act, approved April 8, 1855, entitled 'An Act regulating boroughs, so far as relates to the borough of Phoenixville.'"

"An Act to incorporate the Citizens' passenger railway company of the city of Pittsburgh."

"An Act authorizing the State Treasurer to settle the account of the president judge of the 20th judicial district."

"An Act to abolish the office of sealer of weights and measures in certain counties of this Commonwealth."

"An Act extending the time for the commencement and completion of the Schuylkill Haven and Lehigh railroad."

"An Act to provide for the payment of the claim of Peter S. McCullough."

"A supplement to an act to incorporate the Quakake railroad company."

"An Act authorizing the Auditor General and State Treasurer to examine and report upon the claim of the bail of Henry P. Rodarmel, late supervisor of the Susquehanna division of the Pennsylvania canal."

"An Act providing for the election of supervisors in Cross creek township, Washington county."

"An Act to incorporate the village of Corsica, in the county of Jefferson, into a borough."

"An Act relative to orphans' courts."

"A supplement to an act to incorporate the village of Port Carbon into a borough, approved 23d April, 1862."

"An Act to incorporate the Johnstown and Ashtola tram road and railroad company."

"A supplement to an act to incorporate the Chesnut Hill water company," approved April 24, 1856.

"An Act authorizing the Germantown passenger railway company, and the Green and Conies Street Philadelphia passenger railway company jointly to lay a single track on Fourth and Eighth streets, Philadelphia."

"An Act to incorporate the Union Evangelical Lutheran congregation of the borough of York."

"An Act to pay the claim of Charles Fisher."

WM F. PACKER.

On leave given, Mr. TURNEY, from the Committee on Finance, reported with amendment, "A resolution relative to the final adjournment of the Legislature;" and on motion of Mr. SHAEFFER, said resolution was taken up.

(It provides for a final adjournment on the 12th of April next.)

The Senate having resolved itself into committee of the whole, (Mr. SCHINDEL in the chair,) on this resolution,

Mr. MYER moved to strike out "twelve" and insert "thirteen," which was agreed to.

Whereupon, the committee rose, and the chairman reported the same with amendment.

On motion, the Senate proceeded to second reading, when Mr. BREWER moved to amend, by striking out "thirteen" and inserting "seven."

Mr. BELL moved to amend the amendment, by striking out "seven" and inserting "fifteen."

Mr. BELL thought there was some propriety in the amendment. When the members of the Legislature received three dollars per day, they were required to sit one hundred days; and it was certainly no more than proper that they should serve the State for an equal length of time when they receive seven hundred dollars per session.

Mr. BREWER inquired of the Senator from Chester whether there was any law of Pennsylvania, requiring the Legislature to sit one hundred days, or limiting it to any period. He saw no propriety in remaining here longer than the fifth or seventh, and the sooner they get through with the business and go home, the more satisfaction it will give to their constituents.

Upon the adoption of the amendment to the amendment,

The yeas and nays were required by Mr. BELL and Mr. BREWER, and were as follows, viz:

YEAS—Messrs. Bell, Gazzam, Miller, Myer, Randall, Schindel and Cresswell, *Speaker*—7.

NAYS—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Fetter, Finney, Francis, Gregg, Marselis, Nunemacher, Palmer, Parker, Penney, Rutherford, Scofield, Shaeffer, Thompson, Turney, Welsh, Wright and Yardley—22.

So the question was determined in the negative.

Mr. MILLER moved to amend the amendment, by striking out "seven" and inserting "fourteen."

Upon which,

The yeas and nays were required by Mr. MILLER and Mr. BREWER, and were as follows, viz:

YEAS—Messrs. Bell, Blood, Coffey, Gazzam, Marselis, Miller, Myer, Palmer, Randall, Rutherford, Schindel, Steele, Turney, Wright and Cresswell, *Speaker*—15.

NAYS—Messrs. Baldwin, Brewer, Craig, Fetter, Finney, Francis, Gregg, Nunemacher, Parker, Penney, Scofield, Shaeffer, Thompson, Welsh and Yardley—15.

So the question was determined in the negative.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 61.

On motion of Mr. FINNEY, the Senate reconsidered the vote just taken, and the amendment to the amendment (offered by Mr. MILLER,) being again before the Senate,

The yeas and nays were required by Mr. BREWER and Mr. MILLER, and were as follow, viz:

YEAS—Messrs. Bell, Blood, Coffey, Craig, Finney, Gazzam, Keller, Marselis, Miller, Myer, Palmer, Parker, Randall, Rutherford, Schindel, Steele, Turney, Wright and Cresswell, *Speaker*—19.

NAYS—Messrs. Baldwin, Brewer, Fetter, Francis, Gregg, Nunemacher, Penney, Scofield, Shaeffer, Thompson, Welsh and Yardley—12.

So the question was determined in the affirmative; and the resolution as amended, passed finally.

## BILLS CONSIDERED.

On motion of Mr. PENNEY, Senate bill No. 594, "A supplement to an act to provide for the erection of a house for the employment and support of the poor in Allegheny county," was taken up, and after being considered, passed finally.

On motion of Mr. RUTHERFORD, the Senate proceeded to consider House bill No. 839, "An Act to grade, curb and pave main street, in Myerstown, Lebanon county;" which, after going through its various readings, passed finally.

On motion of Mr. WRIGHT, the Senate reconsidered the vote on the final passage of "An Act relative to Reed street, in the city of Philadelphia;" and, consideration of the same was postponed for the present.

On motion of Mr. RANDALL, (the Committee on Corporations having been discharged from its consideration,) House bill No. 715, "A further supplement to the act incorporating the Allegheny Valley railroad and coal company," was taken up.

Said bill went through its several readings and passed finally.

Mr. MILLER, (for Mr. SCHELL,) called up "A further supplement to the act incorporating the Bedford Mineral Spring association," which passed finally.

On motion of Mr. GAZZAM, (the Committee on the Judiciary having been discharged from its consideration,) the Senate proceeded to consider House bill No. 1013, "An Act to empower the Methodist Episcopal church of East Liberty, Allegheny county, to sell certain real estate."

This bill went through its several readings, and passed finally.

Mr. SHAEFFER called up Senate bill No. 801, "A supplement to the act incorporating the New York and Middle Coalfield railroad and coal company," (Committee of the whole having been dispensed with.)

The first section of the bill was read and agreed to, when the hour of one having arrived, the SPEAKER adjourned the Senate until this afternoon at 3 o'clock.

## SENATE—AFTERNOON SESSION.

Agreeably to order, the Senate met at 3 o'clock, a quorum of Senators being present.

The Senate resumed the consideration of Senate bill No. 801, "A supplement to the act incorporating the New York and Middle Coalfield railroad and coal company."

The several sections of the bill were agreed to, and the bill passed finally.

On leave, Mr. BREWER, (Judiciary,) reported, as committed, House bill No. 716, "An Act to authorize the commissioners of Adams county to sell and convey certain real estate."

Mr. KELLER read in his place and presented to the Chair, a bill, entitled "An Act for the relief of the sureties of William Wilson, late collector of tolls at Northumberland."

## BILLS CONSIDERED AND PASSED.

On motion of Mr. PARKER, House bill No. 599, "A further supplement to the act consolidating the city of Philadelphia."

On motion of Mr. SCHINDEL, House bill No. 637, "An Act for the payment of certain money by the school directors of Williams township, Northampton county."

On motion of Mr. STEELE, House bill No. 286, "An Act for better securing the compensation of labor in Luzerne county."

On motion of Mr. THOMPSON, House bill No. 485, "An Act to revive and extend an act incorporating the Zieglerville and Kutztown turnpike road company."

On motion of Mr. YARDLEY, Senate bill No. 333, "A supplement to the act incorporating the Hilltown and Sellersville turnpike road company."

[A new section was added.]

On motion of Mr. BREWER, (for the SPEAKER,) "A supplement to the act incorporating the Altoona gas company."

On motion of Mr. BELL, Senate bill No. 616, "A supplement to the act incorporating the Cochranville hall association, of Chester county."

On motion of Mr. BREWER, House bill No. 716, "An Act to authorize the commissioners of Adams county to sell and convey certain real estate."

On motion of Mr. BLOOD, House bill No. 831, "An Act to change the place of holding elections in Piney township, Clarion county."

On motion of Mr. WRIGHT, Senate bill No. 702, "An Act to authorize the ministers, elders, trustees and deacons of the German Reformed congregation of the city of Philadelphia, in the province of Pennsylvania, to sell and convey certain real estate."

On motion of Mr. CRAIG, Senate bill No. 790, "An Act to incorporate the Paeker iron company."

[A substitute for the seventh section was presented by Mr. CRAIG, and adopted.]

On motion of Mr. COFFEY, Senate bill No. 712, "A supplement to the act incorporating the Ligonier bridge company."

[This bill was amended.]

On motion of Mr. GAZZAM, Senate bill No. 268, "An Act to incorporate the Commercial Bank of Pittsburg."

The bill being upon second reading,

The yeas and nays were required by Mr. WRIGHT and Mr. GAZZAM, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Francis, Gazzam, Gregg, Palmer, Parker, Penney, Rutherford, Shaeffer, Schindel and Thompson—12.

NAYS—Messrs. Blood, Brewer, Fetter, Finney, Keller, Marselis, Myer, Nunemacher, Randall, Wright and Cresswell, *Speaker*—11.

So the question was determined in the affirmative.

[This bill lies over on third reading.]

On motion of Mr. FINNEY, Senate bill No. 674, "An Act for the appointment of police-

men in the borough of Meadville, and for the settlement of the claims on account of the poor in said borough."

[The title of this bill was so amended to read "A supplement to the act incorporating the borough of Meadville."]

On motion of Mr. FRANCIS, House bill No. 646, "An Act for the better regulation of the Mercer County, Montour County, Allegheny County and Shenango Valley agricultural societies."

On motion of Mr. GREGG, House bill No. 493, "An Act to authorize John Ranson to erect a sheer boom in Loyalsock creek."

On motion of Mr. KELLER, House bill No. 542, "An Act relating to public roads in Snyder and Juniata counties."

On motion of Mr. MARSELIS, Senate bill No. 737, "An Act to authorize the town council and burgess of Hollidaysburg to license drays and carts."

On motion of Mr. FINNEY, Senate bill No. 673, "A supplement to the act to limit and regulate sequestrations in the case of the Erie canal company."

On motion of Mr. SCOFIELD, House bill No. 662, "An Act authorizing the supervisors of Wetmore township, M'Kean county, to lay out and build a road."

On motion of Mr. MYER, Senate bill No. 535, "A further supplement to the act incorporating the Bradford railroad and coal company."

On motion of Mr. NUNEMACHER, House bill No. 473, "An Act to incorporate the Douglassville and Yellow House turnpike road company."

On motion of Mr. MILLER, (the Committee on Corporations having been discharged from its consideration,) "An Act to incorporate the United Presbyterian congregation of Unity church, in Venango township, Butler county."

On motion of Mr. PALMER, Senate bill No. 421, "An Act to authorize the erection of a look-up house in the borough of Orwigsburg, Schuylkill county."

On motion of Mr. PENNEY, Senate bill No. 680, "An Act to incorporate the Pittsburg, Allegheny and Manchester passenger railway company," was taken up.

Eight sections of the bill were agreed to in committee of the whole, (Mr. PENNEY in the Chair,) when

Mr. MYER moved that the committee rise, report progress and ask leave to sit again; which was agreed to.

On the question,

Shall the committee have leave to sit again?

It was determined in the negative.

An extract from the Journal of the House of Representatives, was received and read. It is as follows:

*Resolved*, That the Senate be requested to return to the House of Representatives "An Act authorizing the widening and extension of Market street, in Bloomsburg, Columbia county."

On motion, the extract was concurred in.

Mr. PARKER moved that the Senate hold a session this evening, commencing at 7 o'clock.

On which,

The yeas and nays were required by Mr. COFFEY and Mr. WRIGHT, and were as follow, viz:

YEAS—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Fetter, Finney, Gregg, Miller, Myer, Palmer, Parker, Randall, Rutherford, Scofield,



Schindel, Steele, Turney, Welsh, Yardley and Cresswell, *Speaker*—21.

**YEAS**—Messrs. Francis, Gazzam, Marselis, Nunemacher, Penney, Thompson and Wright—7.

So the question was determined in the affirmative.

The hour of five having arrived, the **SPEAKER** adjourned the Senate until 7 o'clock this evening.

#### SENATE—EVENING SESSION.

The Senate met, agreeably to order, at 7 o'clock.

On motion, the Senate receded from its amendments to Senate bill No. 163, "An Act to incorporate the Uniontown gas and water company."

The Senate resumed consideration of Senate bill No. 680, "An Act to incorporate the Pittsburgh, Allegheny and Manchester passenger railway," which was on second reading.

The several original and new sections were agreed to, and the bill as amended, passed finally.

On leave given, Mr. RANDALL, (Railroads,) reported as committed, House bill No. 508, "A further supplement to an act to incorporate the Beaver Mountain railroad company, and for other purposes."

Also, (same,) as committed, "An Act to incorporate the Passenger Railway relief association."

Also, (same,) as committed, House bill No. 404, "A further supplement to the act incorporating the Philadelphia and Reading railroad company."

Also, (same,) with amendment, House bill No. 274, "An Act relative to Passenger railway companies, in the city of Philadelphia."

Also, (same,) with a negative recommendation, "An Act incorporating the South City passenger railway company."

Also, (same,) as committed, "A further supplement to the act incorporating the Fairmount and Arch Street City passenger railway company."

Also, (same,) with amendment, House bill No. 709, "An Act to incorporate the Ridge Avenue and Mannyunk passenger railway company."

Mr. COFFEY, (same,) as committed, House bill No. 712, "A supplement to the act incorporating the Cottawissa and Towanda railroad company."

Also, (same,) with a negative recommendation, "A further supplement to the act incorporating the Navigation railroad company."

Also, (same,) as committed, "A supplement to the act incorporating the Sinnemahoning and Pittsburgh railroad company."

Mr. CRAIG, (same,) with amendment, House bill No. 752, "An Act to incorporate the Richmond and Schuylkill passenger railway company."

Also, (same,) as committed, House bill No. 509, "A further supplement to the act incorporating the Navigation railroad company."

Also, (same,) with a negative recommendation, "An Act relative to the sale of the property of the Dauphin and Susquehanna coal company."

Mr. PARKER moved that the Committee on Railroads be discharged from the consideration of House bill No. 1097, "An Act to incorporate the Philadelphia City passenger railway company," and that the Senate proceed to consider the same; which was agreed to.

Whereupon, the Senate resolved itself into committee of the whole, (Mr. COFFEY in the chair.)

After some time, the committee rose, and the chairman reported the bill as committed.

On motion, the Senate proceeded to second reading; when

Mr. MARSELIS moved that the bill be postponed and printed.

Mr. MARSELIS briefly advocated the motion to postpone and print, in order that Senators may intelligibly act upon the matter.

Mr. GAZZAM seconded, in a few remarks, the views of the Senator from the city of Philadelphia, (Mr. MARSELIS.) How could the Senate, he asked, not intelligibly with reference to this bill, without having time and opportunity to examine it?

Mr. RANDALL said that the question was a settled one, that a railroad would be constructed on these streets, whether the Legislature passed the bill or not. He was opposed to the laying down of a railroad on these streets, but he could not shut his eyes to the fact that it must eventually be done, and he was in favor of such a policy as would secure to the city of Philadelphia the best bonus. Being opposed to the construction of a road on these streets, he would vote against the bill; yet he preferred the one under consideration to the one before councils.

Mr. MARSELIS replied to the remarks of his colleague in support of the policy to the city in granting the charter. His bonus to the city was a mere hubble—a mere sugar-coated pill, and the city would spurn the sum of fifty thousand dollars which was offered as a bonus.

Mr. FINNEY explained that the bonus contemplated by the bill was one hundred thousand dollars.

On the motion to postpone and print, The yeas and nays were required by Mr. RANDALL and Mr. WRIGHT, and were as follow, viz:

**YEAS**—Messrs. Francis, Gazzam, Marselis, Nunemacher, Penney and Wright—6.

**NAYS**—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Fetter, Finney, Gregg, Harris, Keller, Miller, Myer, Palmer, Parker, Randall, Rutherford, Scofield, Schindel, Steele, Turney, Welsh, Yardley and Cresswell, *Speaker*—23.

So the question was determined in the negative.

On the adoption of the first section, The yeas and nays were required by Mr. WRIGHT and Mr. PARKER, and were as follow, viz:

**YEAS**—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Fetter, Finney, Gregg, Harris, Keller, Miller, Myer, Palmer, Parker, Rutherford, Scofield, Schindel, Steele, Turney, Welsh, Yardley and Cresswell, *Speaker*—22.

**NAYS**—Messrs. Francis, Gazzam, Marselis, Nunemacher, Penney, Randall and Wright—7.

So the question was determined in the affirmative.

The second and third sections were agreed to.

The fourth section being before the Senate.

Mr. MARSELIS moved to amend by inserting the words "a portion of," after the word "use."

On which motion, The yeas and nays were required by Mr. WRIGHT and Mr. RANDALL, and were as follow, viz:

**YEAS**—Messrs. Francis, Marselis, Nunemacher, Penney and Wright—5.

**NAYS**—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Fetter, Finney, Gazzam, Gregg, Harris, Keller, Miller, Myer, Palmer, Parker, Randall, Rutherford, Scofield, Schindel, Steele, Turney, Welsh, Yardley and Cresswell, *Speaker*—24.

So the question was determined in the negative.

Mr. WRIGHT offered the following proviso: *Provided*, That said railroad shall not be constructed on Chestnut and Walnut streets, until said bridge is constructed and ready for use.

On which, The yeas and nays were required by Mr.

WRIGHT and Mr. PARKER, and were as follow, viz:

**YEAS**—Messrs. Marselis, Nunemacher, Penney and Wright—4.

**NAYS**—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Fetter, Finney, Gregg, Harris, Keller, Miller, Myer, Palmer, Parker, Randall, Rutherford, Scofield, Schindel, Steele, Turney, Welsh, Yardley and Cresswell, *Speaker*—23.

So the question was determined in the negative.

Mr. GAZZAM offered a proviso, which is in substance as follows:

*Provided*, That said company shall pay five per centum of the gross receipts into the city treasury semi annually,

On which, The yeas and nays were required by Mr. MARSELIS and Mr. GAZZAM, and were as follow, viz:

**YEAS**—Messrs. Gazzam, Marselis, Nunemacher, Penney and Wright—5.

**NAYS**—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Fetter, Finney, Gregg, Harris, Keller, Miller, Myer, Palmer, Parker, Randall, Rutherford, Scofield, Schindel, Turney, Welsh, Yardley and Cresswell, *Speaker*—22.

So the question was determined in the negative.

The question recurring upon the adoption of the fourth section,

The yeas and nays were required by Mr. RANDALL and Mr. PARKER, and were as follow, viz:

**YEAS**—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Fetter, Finney, Gazzam, Gregg, Harris, Keller, Marselis, Miller, Myer, Palmer, Parker, Penney, Randall, Rutherford, Scofield, Schindel, Steele, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—27.

**NAYS**—None.

So the question was determined in the affirmative.

The fifth, sixth, seventh and eighth sections were agreed to.

The ninth section being before the Senate, Mr. WRIGHT offered the following proviso:

*Provided*, That the said company shall annually pay into the city treasury the sum of fifty dollars for every car regularly running upon said railway.

The proviso was not agreed to.

The remaining sections of the bill were adopted, as also the title.

Upon the various amendments offered to the bill, there were running discussions between Messrs. WRIGHT, MYER, FINNEY, RANDALL, MARSELLIS, GAZZAM, PARKER and TURNEY.

On its final passage,

The yeas and nays were required by Mr. WRIGHT and Mr. PARKER, and were as follow, viz:

**YEAS**—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Fetter, Finney, Gregg, Harris, Keller, Miller, Myer, Palmer, Parker, Rutherford, Scofield, Schindel, Steele, Turney, Welsh, Yardley and Cresswell, *Speaker*—22.

**NAYS**—Messrs. Francis, Gazzam, Marselis, Nunemacher, Penney, Randall and Wright—7.

So the question was determined in the affirmative.

On motion of Mr. TURNEY, the Senate resumed the consideration of House bill No. 676, "A further supplement to the act incorporating the Pennsylvania Central railroad company," on second reading.

And on its final passage,

The yeas and nays were required by Mr. PENNEY and Mr. TURNEY, and were as follow, viz:

**YEAS**—Messrs. Blood, Brewer, Coffey, Craig, Finney, Francis, Gregg, Harris, Marselis, Miller, Palmer, Parker, Randall, Rutherford, Sco-



geld Schindel, Steele, Turney, Welsh and Cresswell, *Speaker*—20.

NAYS—Messrs. Gazzam, Nunemacher, Penney and Wright—4.

So the question was determined in the affirmative.

On motion, the Senate adjourned until tomorrow morning at 9½ o'clock.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 23, 1859.

The SPEAKER called the House to order at 9½ A. M.

Prayer by Rev. Dr. Hay, of Lutheran church of Harrisburg.

Mr. RAMSDELL moved to dispense with reading of Journal.

Objected to.

The Clerk read the Journal of yesterday.

Mr. HAMERSLY offered the following resolution:

*Resolved*, That the special order be suspended until after reading of bills in place, original resolutions, reports of committees, &c., be gone through with.

A division of the question was called for, and on the first division, viz; will the House suspend the special order?

The yeas and nays were required by Mr. FOSTER and Mr. ZOLLER, and were as follow, viz:

YEAS—Messrs. Abbott, Barlow, Burley, Campbell, Evans, Fearon, Good, Gratz, Hamersly, Harding, Keneagy, Kinney, Laird, Lawrence, (Washington,) Mehaffey, Matthews, Neall, Palm, Patterson, Pughe, Rouse, Smead, Styer, Taylor, Walborn, Wigton, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Wolf, Woodring and Lawrence, *Speaker*—32.

NAYS—Messrs. Acker, Balliet, Barnsley, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schnylkill,) Brodhead, Bryson, Chase, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Fisher, Fleming, Foster, Galley, Glatz, Graham, Gray, Green, Hill, Hottentstine, Irish, Jackson, Mann, Miller, Nill, Oaks, Peirce, Pinkerton, Price, Proudfoot, Ramsdell, Rohrer, Rose, Shafer, Smith, (Berks,) Stephens, Stoneback, Stuart, Thompson, Thorn, Wagenseller, Walker, Warden, Wiley, Wilson and Zoller—55.

So the question was determined in the negative; two-thirds not voting in the affirmative.

Mr. THOMPSON moved to reconsider the vote just taken on the first division of the resolution.

The motion to re-consider was withdrawn.

Mr. IRISH presented a petition of bonds of school directors of First, Second, Third, Fourth and Fifth wards of the city of Pittsburg and others, in favor of an act for the better regulation and continuance of education by common schools in Pittsburg.

Senate amendments to House bill No. 659 were concurred in.

Mr. GLATZ called up Senate bill No. 528, relative to the limits of the borough of Wrightsville, in the county of York.

The bill being on final passage.

It passed finally.

#### COMMITTEE OF THE WHOLE.

The special order of the morning was called up, viz: House bill No. 740, "Resolutions relative to the tonnage tax on the Pennsylvania railroad."

Mr. GRAHAM took the Chair.

The bill was read, as follows:

WHEREAS, In and by the twenty-second section of the act, entitled "An Act to incorporate the Pennsylvania railroad company," approved the thirteenth day of April, Anno Domini one thousand eight hundred and forty-six, it is provided that all tonnage, of whatsoever kind and description, except the ordinary baggage of passengers, loaded or received at Harrisburg or Pittsburg, or at any intermediate point, and carried or conveyed over said railroad more than

twenty miles, between the tenth day of March and the first day of December, in each and every year, shall be subject to a toll or duty, for the use of the Commonwealth, at the rate of five mills per mile for each ton of two thousand pounds:

*And whereas*, In and by the first section of the act, entitled "A further supplement to an act to incorporate the Pennsylvania railroad company," approved the twenty-seventh day of March, Anno Domini one thousand eight hundred and forty-eight, it is provided that the tax on tonnage, of five mills per ton per mile, from the tenth day of March to the first of December, payable to the State treasury, under the provisions of the twenty-second section of the act to which this is a supplement, be commuted to a tax of three mills per ton per mile during the whole year, said tax to cover all freight carried over the road more than twenty miles, which said tax was made payable by the said railroad company on the thirtieth day of July and the tenth day of December of each year:

*And whereas*, There was due to the Commonwealth, from the said Pennsylvania railroad company, on the tenth day of December last, on account of said tax on freight carried over said railroad, about ninety thousand dollars, which sum the said company has neglected and refused to pay:

*And whereas*, The agreement on the part of said company to pay said tonnage tax formed an essential part of the contract between the Commonwealth and the company; therefore,

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the Attorney General of this Commonwealth is hereby instructed to commence and prosecute, in the supreme court of the State, the necessary suit or suits to ascertain whether the said railroad company, by its refusal aforesaid, has not forfeited its chartered privileges, and to take all necessary steps to procure a decree of forfeiture, in said suit or suits so instituted.

*Resolved*, That the Auditor General and State Treasurer are hereby instructed to charge said Pennsylvania railroad company at the rate of five per centum per month for any delay that may hereafter occur in the payment of the tonnage tax now over due, and at the same rate for any delay in the payment of the said tax which may hereafter become due.

Mr. THOMPSON moved to amend by striking out all in the first resolution which authorized the Attorney General to take steps to forfeit the charter.

The amendment was withdrawn.

Mr. GRATZ moved to amend the amendment by striking out all after "whereas," and inserting as follows:

WHEREAS, It does not appear that the Pennsylvania railroad company withheld the tax upon tonnage passing over its road, with any view to avoid its ultimate payment, if it has been legally imposed: *And whereas*, It is not the desire of the Commonwealth to exact any illegal dues from any of its citizens or others; therefore he it

*Resolved*, That the Attorney General he and he is hereby instructed to afford every facility to bring the question of the constitutionality of the act imposing the tax on tonnage passing over said road, before the courts of this State or the United States, with a view to its early determination.

Mr. CHASE said that he was astonished that the friends of the repeal of the tonnage tax should have resisted the passage of his bill. They certainly wanted the matter settled, and if the act passed it would come before the courts for adjustment.

The amendment of the gentleman from Philadelphia, (Mr. GRATZ,) was ambiguous, and if it was adopted there would be nothing impera-

tive on the Attorney General to prosecute suits; perhaps, indeed, sufficient authority was not granted.

The intention of the original resolution was to have the matter argued, decided, and the tax collected.

Mr. WILLISTON said that his first impression had been that the bill of Mr. CHASE was right, but on a re-view of it, he discovered that it would be necessary to offer an amendment.—The courts, to which it was proposed to refer the subject, had nothing to do with it. The Legislature of the State had granted the original charter of the company, and the same body had full power to declare it void. He considered that it was imprudent for the House to put the power out of its own hands, and confer it upon the courts.

Mr. THOMPSON did not believe that the resolution, if it passed, would effect its object. The matter certainly did not rest with the Attorney General, but with the House. If it was considered that an investigation was necessary, a committee should be appointed, and if they found that the Pennsylvania company had forfeited its charter, they could so report to the House, who would take appropriate action.

The general act relative to corporations, provided that the Legislature should have power to revoke all rights and privileges in case of misdemeanor. *Vide* Purdon. The Legislature was, therefore, perfectly competent in this case to annul the charter, if it had been violated.

He would vote against any transfer of the rights of the Legislature to the Attorney General.

Mr. NILL was surprised that the gentleman from Butler, (Mr. THOMPSON,) seemed to think that there was but one remedy against the corporation, viz: the forfeiture of its charter. Had not the Commonwealth a right to bring suit against the company for the back dues?

He wanted the gentleman who took the part of the Pennsylvania railroad company against the Commonwealth, to show their hands, and place themselves upon record. He desired to see whether that corporation was more powerful than the Commonwealth, by whom it was created.

Mr. HAMERSLY and NEALL objected to remarks of this nature, which were evidently intended to cast reflections upon members on the floor of the House.

Mr. NILL had not reflected upon any one, but he wished the question finally decided.

Mr. CHURCH in reply to the intimation of the gentleman from Franklin, that members were more influenced by the Pennsylvania company than by the Commonwealth, desired to quote Shakspeare:

"Suspicion haunts each guilty mind,  
The guilty wretch doth fear each bush an officer."

Mr. NILL was willing to allow the gentleman to display his elocution and knowledge of Shakspeare. He only repeated his former sentiment, that the question might be fairly tested.

Mr. NEALL defined his position, and declared himself to be one of the few who believed the tonnage tax to be unconstitutional. Entertaining these views, he insisted on his right to advocate the repeal whenever so disposed, without having his motives impugned by any man.

Now if the tax was unconstitutional, as he and others alleged, why not let the question go into the courts and be there decided. Who else was to be judge of its constitutionality? Was this Legislature, who had imposed the tax, to decide upon its own acts? He hoped that the amendment of Mr. GRATZ would be adopted.

He concluded, by the assertion, that the people of the Commonwealth would soon make themselves felt, upon this question, in favor of the side which he sustained.

Mr. HAMERSLY said that it might be that



there were gentlemen upon the floor, who believed the imposition of the tonnage tax to be unconstitutional, and who on this ground would vote in favor of its repeal. No one had a right to question or impugn their motives.

But he could not see why the Pennsylvania railroad was to be made any exception, and especially singled out for notice by the gentleman from Susquehanna, (Mr. CHASE,) when that same gentleman, as chairman of the Committee of Ways and Means, had, only the other day, introduced and had a bill passed, which authorized the institution of legal proceedings against all corporations which were indebted to the Commonwealth. The Pennsylvania railroad company had not been mentioned in that act, but, of course, it could be easily reached by the general provisions.

He was in favor of authorizing such legal proceedings as would effect a full investigation of this mooted question of the tonnage tax, for he believed that this would meet the views of both the people of the Commonwealth and the company. He should vote for this, but could not consent to advocate such measures as would authorize the Attorney General to take steps to forfeit the charter of the company. It would be unusual and unjust to do so, unless indeed a general act was introduced, forfeiting the charters of all companies indebted to the Commonwealth, and refusing to pay their dues. There must be consistency.

He continued further in defence of the position assumed, and enlarging the scope of the argument, spoke of the tonnage tax as injurious to the interests of trade, and the prosperity of the Commonwealth and her metropolis.

Mr. GRATZ withdrew his amendment.

Mr. HAMERSLY offered an amendment, striking out all that relates to a forfeiture of charter, so as to make the first resolution read as follows:

*Resolved*, That the Attorney General of this Commonwealth is hereby instructed to commence and prosecute, in the supreme court of the State, the necessary suit or suits against the said company for any amount of tax now due by said company to the Commonwealth.

Mr. THORN did not believe the tax to be unconstitutional. It was not on the productions of other States, but had been originally imposed as a bonus to the State for certain privileges which she accorded.

There should be no attempt to disturb the franchises of so important and valuable a company as the Pennsylvania Central, and one effect of the passage of the resolution, if no other, would be to reduce the stock.

He did not care whether gentlemen were or were not controlled by the company, when a bill came up before the House that corporations were a party to, and when these corporations were designated as "powerful" and "great," the probabilities were that, either justly or unjustly, reflections would be cast upon members who enlisted in the subject. His own line of policy was to do whatever would protect alike the State, its citizens and corporations. In carrying out these views, he had but recently opposed what some of his colleagues considered to be a project tending to benefit the Pennsylvania Central corporation.

Why was the forfeiture of the charter disallowed? If the company owed money, it would be sufficient for the interests of the State if that money was paid. Why not then go into the courts and institute proceedings? The charter could not be forfeited by the Legislature. That required another tribunal.

Let the whole question be determined, as it should be, in the courts. The plan of threatening to forfeit charters had been tried before by the Legislature, with no other result than that of putting money into the hands of speculators and stock jobbers.

Mr. CHURCH moved an amendment to the amendment pending, by inserting the words "now alleged to be due."

This was withdrawn.

The question recurring,

On the amendment of Mr. HAMERSLY.

Mr. CHASE acknowledged that perhaps the amendment would accomplish the desired object, but was nevertheless of the opinion, that, under the circumstances, no resolution could be couched in terms too severe. The Pennsylvania Central company had made a contract with the Commonwealth for the right to traverse the State, and had bound themselves to certain restrictions and to pay certain sums. In 1857, the main line was sold and passed into the possession of the Pennsylvania company, by an act which also provided that if that company paid one and one half millions of dollars in addition to the purchase money, they would be released from the payment of taxes. Yet now this company was making every effort to have this tax repealed, not directly perhaps, for no bill to that effect had been offered this winter, yet by strong influences brought to bear upon the people through every possible channel. In this contest the company had the advantage, for they had money, and a large work, with many collateral interests. Yet acknowledging this power, he held that it was the duty of the Legislature to pass as stringent an act as possible.

Mr. THORN desired to know whether it was not proper and legal for the Attorney General to commence suits, on the requisition of the accounting officers of the Commonwealth.

Mr. CHASE had no doubt but that the Attorney General might pursue such a course, but he did doubt whether that official could take measures to annul the charter without a bill instructing him to that effect.

Mr. THORN wished to inquire what the result would be if it was decided that the Pennsylvania railroad had forfeited its charter.—Two or three attempts of this kind had been already made by Legislatures of the State, and once a certain road was actually taken, put in the hands of a receiver, and after the lapse of a year given back by the next Legislature.

The only way for the Commonwealth to obtain redress, in the present instance, was by collecting her money by courts of law, or otherwise.

He then alluded to the fact that the city of Philadelphia owned five million of dollars worth of the stock of the Pennsylvania railroad, and that it ought to be made to sell it. The investment had never been intended to be a permanent one.

Mr. HAMERSLY wanted to know whether the bill of the gentleman from Susquehanna, (Mr. CHASE,) which was the other day passed, would not serve every purpose. As for talking about the "power" of the Pennsylvania railroad, did the gentleman believe that they could corrupt the supreme court, the Attorney General, or any member on the floor?

Mr. CHASE explained. If the gentleman from Philadelphia, (Mr. HAMERSLY,) had understood him as having intimated that the corporation could corrupt any member, he was mistaken. He did not believe that one man on the floor could be unduly influenced.

Mr. HAMERSLY. Then what did the gentleman mean by laying such especial emphasis on the "power" of the company?

Mr. CHASE alleged, in explanation, that it was a great corporation, having many collateral issues, and in that manner influenced popular opinion to a great extent.

Mr. IRISH moved to amend the amendment, by adding to the amendment of Mr. HAMERSLY, the part which that gentleman had proposed to strike out.

This was withdrawn.

On the amendment of Mr. HAMERSLY, the yeas were 20, the nays 64.

So the amendment was lost.

Mr. LAWRENCE, (Washington,) moved that the committee rise, report progress, and ask leave to sit again.

The committee rose.

On the question,

Shall the committee have leave to sit again?

It was determined in the negative.

The SPEAKER resumed the chair, and the House proceeded to the consideration of the bill.

The first section being before the House,

Mr. HAMERSLY offered the amendment which he had previously offered.

Mr. IRISH renewed his amendment to the amendment; which was not agreed to.

On the amendment of Mr. HAMERSLY,

The yeas and nays were required by Mr. HAMERSLY and Mr. FOSTER, and were as follow, viz:

YEAS—Messrs. Abbott, Burley, Church, Ellmaker, Evans, Fearon, Fisher, Gratz, Green, Hamersly, Harding, Matthews, Neall, Price, Sheppard, Styer, Thorn, Walhorn, Wigton and Wiley—19.

NAYS—Messrs. Acker, Balliet, Barnsley, Barlow, Bayard, Bortolet, Boyer, (Clearfield,) Brodhead, Bryson, Campbell, Chase, Custer, Disman, Dodds, Durhoraw, Eckman, Fleming, Foster, Galley, Glatz, Good, Graham, Gray, Gritman, Hill, Hottentuin, Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mahaffey, M'Curdy, M'Dowell, Miller, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Proudfoot, Pughe, Ramsdell, Rohrer, Rose, Rouse, Shafer, Smead, Smith, (Berks,) Stephens, Stonehack, Stuart, Taylor, Thompson, Wagenseller, Walker, Warden, Witman, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Wolf, Woodring, Zoller and Lawrence, *Speaker*—71.

So the question was determined in the negative.

Mr. IRISH offered an amendment similar in substance to the one he had before presented—the wording being slightly modified.

The question being on this amendment; it was agreed to.

Mr. WALBORN offered an amendment to the first resolution, as follows:

And the Attorney General is hereby authorized and directed to bring similar suits against each and every railroad company holding chartered privileges in this Commonwealth, that may be, or shall be hereafter indebted to the said Commonwealth.

Mr. HAMERSLY offered an amendment to the amendment, to add the words, "to ascertain whether the said railroad company, by its refusal aforesaid, has not forfeited its chartered privileges, and to take all necessary steps to procure a decree of forfeiture in said suit or suits so instituted."

The amendment to the amendment was accepted by Mr. WALBORN.

Mr. WILLISTON was not aware of any other companies who were indebted to the Commonwealth, and alleged that the amendment was offered to embarrass action on the original bill.

Mr. WALBORN denied this. He believed that the resolutions would pass, and he wished, by his amendment, to ascertain whether the House would extend equal justice, and treat other companies as they contemplated treating the Pennsylvania Central. His motive also was to do justice to the State, and to test the apparent interest in her welfare, evinced by some of the members.

Only yesterday, the chairman of the Committee of Ways and Means, (Mr. CHASE,) had taken a report from the House (relative to the New York and Erie railroad,) and held it longer in committee.



Mr. CHASE wished to know whether the Railroad Committee had had evidence that the New York and Erie, and Pittsburg and Connellsville railroad had refused to pay their tax?

Mr. WALBORN had information to that effect.

Mr. CHASE said there was where the Railroad Committee did wrong. They should have had evidence. The Pennsylvania road, it was certain, had refused to pay, by action of their board of directors.

Mr. WILLISTON reiterated the assertion that he believed the amendment was offered for purposes of embarrassment. He did not know whether other companies in the Commonwealth were indebted, but if so, it was only to a trifling amount. The Pennsylvania railroad alone had attempted to beard the Commonwealth.

Mr. NILL was surprised that the amendment had not been made to include turnpike companies, which had never refused to pay what they owed. No other company than the Pennsylvania had set up any right to oppose the State.

He continued to argue that the refusal of the Pennsylvania company to pay, entitled the Commonwealth to take the most stringent measures against them. He declined expressing any opinion as to the constitutionality of the tax, leaving that for a higher tribunal to adjust.—He referred to the power of the corporation, as illustrated by a single act, viz: the clause relative to damages, sustained on the State works, in the bill by which the property was sold. This clause was so worded as to relieve the company of all liability. In other words, it provided that the corporation should be liable if the Commonwealth was, and everybody knew that the Commonwealth could not be sued for its indebtedness.

Mr. HAMERSLY did not advocate the removal of the tax because it was oppressive to the company. That same company paid all other taxes, both on her property, stock, and dividends. But he did object to the tonnage tax, on the ground that he had before asserted, viz: that it was a restriction upon the trade of Philadelphia.

Mr. NILL denied any intention of having said that so slight a tax would be oppressive to so great a corporation. He reiterated the hope that the amendment of the gentleman from Philadelphia (Mr. WALBORN) would not pass, and while giving that gentleman full credit for sincerity, thought that he had erred. The effect of the amendment would be to destroy the bill, for no one supposed that the Attorney General would go over the State, on a kind of Quixotic errand, hunting up companies against whom to bring suit. The Pennsylvania company was peculiar, for it was the only one of those indebted to the Commonwealth which had positively refused to pay.

Mr. WALBORN would ask the gentleman (Mr. CHASE) if he knew whether the last annuity of the New York and Erie railroad, for right of way, was paid?

Mr. CHASE inferred, from the Report of the Auditor General, that it was not.

Mr. WALBORN inquired whether the tonnage tax on the Pittsburg and Connellsville railroad, as imposed by the act of 1843, had been paid; also, whether the tax on the stock of that company, as required by the act of 1847, had ever been paid.

Mr. CHASE had no knowledge.

Mr. HAMERSLY moved to amend the amendment of Mr. WALBORN, by making it the duty of the Attorney General to institute proceedings, with a view of forfeiting the charters of the New York and Erie, Pittsburg and Connellsville, and any other companies indebted to the Commonwealth.

Mr. WALBORN accepted the amendment to his amendment.

Mr. WALBORN would assert upon the floor (and demand substantial evidence in contradiction,) that the New York and Erie railroad company had not paid their annuity, and that the Pittsburg and Connellsville company had paid neither the tax upon their tonnage or stock.

It was very plain that the House was going to pass the resolutions of the gentleman from Susquehanna, (Mr. CHASE,) and knowing this, he only desired to ask one thing for the Pennsylvania railroad company, and that was, that they might be treated with equal and exact justice. That was all. If the charter of the Pennsylvania company was to be liable to forfeiture, it was only right that the "New York and Erie" and "Pittsburg and Connellsville," should meet the same penalty. The laws of 1847, which he held in his hand, provided that if a connection should be formed between the Pittsburg and Connellsville and Pennsylvania Central roads at any point east of Pittsburg, then tonnage passing over that part of the road, should be subjected to the same rate of tax as provided for in the act, taxing the Pennsylvania company.

Now, he ventured to predict, that the amount due from the Pittsburg and Connellsville railroad was not less than \$200,000; at least double the present indebtedness of the Pennsylvania company.

He declared his intention of calling the yeas and nays on his amendment in order to test the apparent devotion of gentlemen for the interests of the Commonwealth.

Mr. FOSTER explained. The gentleman from Philadelphia, (Mr. WALBORN,) if he examined, would find that no tax was imposed for tonnage carried less than twenty miles, and this poor little one-horse Connellsville road was only completed for twelve miles.

Mr. NILL wished to know exactly how many miles were finished.

Mr. WALBORN did not know exactly, but believed the road was completed nearly to Cumberland.

Mr. NEALL held that the question before the House was whether the Attorney General should proceed to take such measures as would result in the forfeiture of the charter of the Pennsylvania company. Now, the query arose in his mind, what would be the result if this charter was forfeited? Upon whose shoulders would fall the right of way? A gentleman behind him said that it would be hard to distinguish among the applicants, but he held that there could be no applicants. This was a question for the courts to decide. Would it be proper, moreover, for these valuable works to fall into the hands of the State authorities.

If the few last lines of the first resolution were omitted, he would vote in its favor.

Mr. ROSE called the previous question.

The call was withdrawn for the present.

Mr. THORN was opposed to the tonnage tax, and reviewed at length the arguments in favor of its repeal. He said that the State was annually giving to the Williamsport and Elmira railroad every cent of tonnage which passed downward on the Susquehanna canal.

Mr. ROSE renewed his call of the previous question.

Which was sustained by Messrs. WILCOX, BARNESLEY, PUGHE, ROUSE, KENEAGY, PATTERSON, FLEMING, CUSTER, BOYER, (Clearfield,) MEHAFFEY, DISMANT, BERTOLET, ECKMAN, &c.

The question being,

Shall the main question now be put?

It was determined in the affirmative.

The question being on the amendment of Mr. WALBORN,

The yeas and nays were required by Mr. WALKER and Mr. STYER, and were as follow, viz:

YEAS—Messrs. Barlow, Boyer, (Clearfield,)

Burley, Church, Ellmaker, Evans, Fisher, Gratz, Green, Hamersly, Harding, Ketchum, Matthews, Palm, Patterson, Price, Proudfoot, Quigley, Shafer, Sheppard, Stuart, Styer, Thorn, Wagenseiler, Walborn, Wigton and Wiley—26.

NAYS—Messrs. Abbott, Barnsley, Bayard, Bertolet, Boyer, (Schuylkill,) Brodhead, Bryson, Campbell, Chase, Custer, Dismant, Dodds, Durbin, Eckman, Fearon, Fleming, Foster, Galley, Glatz, Good, Graham, Hill, Hottenstine, Irish, Jackson, Keneagy, Kinney, Laird, Lawrence, (Washington,) Maun, Mahaffey, McClure, M'Curdy, M'Dowell, Neall, Nill, Oaks, Peirce, Pinkerton, Pughe, Ramsdell, Rose, Smead, Smith, (Berks,) Stephens, Stoneback, Thompson, Walker, Warden, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Wolf, Woodring, Zoller and Lawrence, *Speaker*—59.

So the question was determined in the negative.

Mr. NEALL voted against the amendment for the same reasons that he should vote against the resolutions, namely: that the Auditor General already has the power to proceed against those companies for the collection of taxes due the Commonwealth, and should the intention of those resolutions be carried out, it would throw a right of responsibility upon the Commonwealth, (in assuming the control of those companies, and the right of way over those routes,) which would be fearful in its consequences, and disastrous to the interests of this Commonwealth.

Mr. BAYARD said—

Mr. SPEAKER:—I desire to assign the reasons for my vote. I vote No, for the reason that the Pittsburg and Connellsville railroad company has never refused to pay, so far as I know, any dues to the State. Whenever it does, I shall vote for a similar resolution in regard to it.

Mr. SMITH, (Berks,) desired to say in explanation of his vote that he opposed the amendment because he believed its object was to embarrass the resolutions; because it was not germane to the preamble, which recited only facts connected with the Pennsylvania railroad company, and because no facts had been stated to the House to authorize the belief that the companies mentioned, or any of them, had refused to pay their just and legal obligations to the State.

Mr. JACKSON adopted the reasons assigned by Mr. SMITH for his vote.

Mr. GOOD concurred in the same views.

Mr. MAHAFFEY also concurred.

Messrs. CUSTER, BERTOLET and STONEBACK adopted the same reasons.

Mr. BOYER, (Clearfield,) said—

I vote yea on the amendment offered by the gentleman from Philadelphia, (Mr. WALBORN) because it is well understood that certain railroad companies in this State have failed to discharge their obligations to the State, although I do not appreciate the seeming object which the gentleman offering it has in view, which, I fear, is to embarrass the passage of the original resolution.

Mr. PRICE said,

Mr. SPEAKER:—My reasons for giving my vote as I intend is, that I believe that the Attorney General already has power vested in him to collect all moneys due the Commonwealth, from corporations and otherwise, and that it is not necessary to duplicate that power by this resolution; therefore, I vote no.

Mr. HOTTENSTINE said—

My reasons for voting against the amendment of the gentleman from Philadelphia is because he has frequently expressed himself that he is opposed to all or any taxes on railroads; therefore his amendment was, in my opinion, simply to embarrass the passage of any act or resolution having for its object that purpose.



On the final passage of the first resolution, The yeas and nays were required by Mr. HAMERSLY and Mr. WILSON, and were as follow, viz:

YEAS—Messrs. Acker, Balliet, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Campbell, Chase, Custer, Dismant, Dodds, Durboraw, Eekman, Fearon, Fleming, Foster, Galley, Glatz, Good, Graham, Gray, Gritman, Hill, Hottenstine, Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, McHaffey, McClure, McCurdy, McDowell, Nill, Oaks, Palm, Patterson, Peirce, Pinkerton, Proudfoot, Pughe, Ramsdell, Rohrer, Rose, Rouse, Shafer, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thompson, Wagenseller, Walker, Warden, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Wolf, Woodring, Zoller and Lawrence, *Speaker*—74.

NAYS—Messrs. Abbott, Burley, Church, Ellmaker, Evans, Fisher, Gratz, Green, Hamersly, Harding, Matthews, Neall, Price, Quigley, Sheppard, Styer, Thorn, Walborn, Wigton and Wiley—20.

So the question was determined in the affirmative.

Mr. GRATZ, before voting, said:

Mr. SPEAKER: In assigning my reasons for the vote I am about to cast upon these resolutions, I would say, that while it is my wish and duty to look to the interests of the State, it is also my earnest desire to have justice done to a company which certainly is deserving of the kindest consideration at our hands. The Pennsylvania railroad company was organized, and its road constructed, not with a view to individual gain, but for the purpose of saving our State from the immense loss of trade which she must otherwise have sustained in consequence of the successful competition of the rival railroad lines of our sister States, and with the sole intent of enhancing our commercial interests and promoting our prosperity. Having this laudable object presented to them as the reason for the incorporation of the Pennsylvania railroad company, the Legislature of that day nevertheless saw fit to attach to the charter of that company an odious provision, which trammelled its operations, and tended in a very great measure to defeat that consummation so devoutly wished for by the originators of the enterprise. Their reason for so doing was an apprehension that the operations of this company would conflict with the business of the main line owned by the State, and diminish the amount of revenue derived from that portion of the public works. But actual experiment proved that these fears were groundless, and that the State was actually benefitted by the Pennsylvania railroad company. At all events, the reason for the imposition of the tax has ceased to exist with the sale of the main line; and, although wise public policy demanded that the burden thus imposed should be removed; although the pernicious results of the continuance of the tax upon the tonnage passing over this road were so self evident, the Legislature refused, and still refuses, to repeal a provision which discriminates against our own State, and works such an injury, indirect though it be, to our citizens. For a long time the company has been enduring the weight of this most unjust burden, struggling to bear up against the disadvantages and the improper and unwise oppressions with which it is forced to contend, for as long as possible, it would endeavor to carry out those aims for which its organization was effected. At last, unable longer to compete with its favored rivals, who are encouraged by every means within the power of the legislative bodies of those States through which they run, and which they so incalculably benefit, the Penn-

sylvania railroad company appeals to the judiciary of our State for a determination of the constitutionality of the provision which lays a tax upon its tonnage; and withholds, until the adjudication of this question, the payment of a certain amount of money claimed by the State, on account of that tax. Is not the company justified in demanding a legal determination of this question?

There is no evidence that the company has any intention or wish to withhold from the State the amount of tax thus due, provided the court decides that it has been legally imposed. And if the tax is decided to be unconstitutional, surely the State should not wish to exact it, at the cost of the forfeiture of the franchises of the company, on the ground of its non-compliance with the contract contained in the act of incorporation. The company has seen fit to adopt this plan of testing the constitutionality of the tax upon its tonnage coming from adjoining States; and a resolution is now introduced into this House, instructing the Attorney General of this Commonwealth "to commence and prosecute, in the supreme court of the State, the necessary suit or suits to ascertain whether the said railroad company, by its refusal aforesaid, has not forfeited its chartered privileges, and to take all necessary steps to procure a decree of forfeiture in said suit or suits so instituted." It certainly is proper enough to pass a resolution instructing the Attorney General to bring suit for the recovery of the money thus alleged to be due the State; but I cannot agree to support the resolution now before us, couched, as it is, in language so unnecessarily hostile to the Pennsylvania railroad company, and contemplating that which, to my mind, is not only unnecessary, but impolitic, improper, and wrong. I therefore vote "No."

Mr. ZOLLER said—

Mr. SPEAKER: If it be true that several other railroad companies have failed to pay their dues to the Commonwealth, they can be compelled to pay by separate and special laws, strictly applying to their respective cases; but the present resolutions should not be encumbered by the amendment in question, which would tend to defeat the object. I, therefore, vote "aye."

Mr. ELLMAKER said—

Mr. SPEAKER: My reasons for voting against the resolution is, that whilst I am here, instructed to vote against the repeal of the tonnage tax, I am opposed to imposing such penalties upon the Pennsylvania railroad company as are contained in the resolution; believing, as I do, that it would be pre-judging their whole case; believing it to be the right of every citizen and every corporation to appeal to the courts.

Mr. HAMERSLY said—

I shall vote against this resolution, Mr. Speaker, because this House, with a full knowledge that other railroad companies have neglected or refused to pay taxes due to the Commonwealth—with a full knowledge that they are at this moment in default—has refused to direct the Attorney General to commence proceedings against them, and has singled out this company alone as an object for persecution and oppression.

Mr. PATTERSON gave the following as his reasons for voting aye:

Mr. SPEAKER: I cast my vote in favor of these resolutions, because I think they are right, and in justice to the tax-payers, and in obedience to the pledge I made to my constituents. The company refuses to pay the tonnage tax, and these resolutions will compel them to do it, which is a duty required of every citizen, and should be as strictly demanded of corporations.

Mr. KENEAGY said—

I vote for this resolution in order to carry

out, as far as I can, the instructions upon this subject of the convention which placed me in nomination.

Mr. WAGENSELLER said—

Mr. SPEAKER: I vote aye on this resolution, because I believe it to be right, and in so doing I carry out what I believe to be the unanimous desire of the people I, in part, have the honor to represent, and because we passed a bill a day or two ago, instructing the Attorney General of the State to collect all moneys due by other railroad companies.

The second resolution was read.

An amendment being offered, the SPEAKER decided that the previous question (which had been called on the first resolution) cut off all amendment and debate on both resolutions.

Mr. THORN appealed from this decision.

The SPEAKER, after a careful review of the facts, withdrew his decision.

Mr. CHURCH asked the unanimous consent of the House to offer a resolution; which was not agreed to.

The resolution was in these words:

*Resolved*, That the Pennsylvania railroad must be made to "pony up," while other roads in the State can go "scot free."

On the second resolution.

Mr. ROSE called the previous question; sustained.

On the question,

Shall the main question be now put?

The yeas and nays were required by Mr. FISHER and Mr. NEALL, and were as follow, viz:

YEAS—Messrs. Balliet, Barnsley, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Campbell, Custer, Dismant, Durboraw, Eekman, Fearon, Galley, Glatz, Good, Gray, Gritman, Hill, Hottenstine, Irish, Jackson, Keneagy, Ketchum, Laird, Lawrence, (Washington,) McHaffey, McClure, McCurdy, McDowell, Nill, Oaks, Palm, Patterson, Pughe, Rohrer, Rose, Rouse, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Wagenseller, Walker, Warden, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Wilson, Wolf, Woodring, Zoller and Lawrence, *Speaker*—55.

NAYS—Messrs. Abbott, Acker, Barlow, Burley, Chase, Church, Dodds, Ellmaker, Evans, Fisher, Foster, Graham, Gratz, Green, Hamersly, Harding, Mann, Matthews, Neall, Peirce, Pinkerton, Price, Proudfoot, Quigley, Ramsdell, Shafer, Sheppard, Styer, Taylor, Thompson, Thorn, Walhorn, Wigton, Wiley and Williston—35.

So the question was determined in the affirmative, and the resolution passed finally.

Mr. EVANS offered a resolution, as follows:

*Resolved*, That this House will hold a special session this afternoon, between three and five o'clock, for the consideration of bills on the Private Calendar.

It was moved to amend by inserting "Public" Calendar.

Which was not agreed to.

Mr. WALBORN moved to amend by inserting "for the reception of reports of committees, &c." This motion was withdrawn.

Mr. ROHRER called for a division of the question.

On the first division, viz:

Will the House hold an afternoon session.

The yeas and nays were required by Mr. ROHRER and Mr. FISHER, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Custer, Dismant, Dodds, Durboraw, Eekman, Ellmaker, Evans, Fearon, Fleming, Foster, Galley, Glatz, Good, Graham, Gratz, Gray, Gritman, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Keneagy, Laird, Lawrence, (Washington,)



Mann, Mehaffey, Matthews, M'Clure, M'Curdy, M'Dowell, Neall, Nill, Oaks, Palm, Patterson, Peirce, Pinkerton, Proudfoot, Pughe, Quigley, Ramsdell, Rohrer, Rose, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thompson, Thorn, Wagenseller, Walborn, Walker, Warden, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Wolf, Woodring, Zoller and Lawrence, *Speaker*—87.

**YAYS**—Messrs. Price and Styer—2.  
So the question was determined in the affirmative.

The resolution passed finally.

The hour of one having arrived, the **SPEAKER** adjourned the House until 3 P. M.

#### HOUSE—AFTERNOON SESSION.

The House met again at three o'clock, and was called to order by the **SPEAKER**.

The Deputy Secretary of the Commonwealth being introduced, presented two messages from the Governor, which was read, as follows, viz:

EXECUTIVE CHAMBER,  
Harrisburg, March 23, 1859. }

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

**GENTLEMEN**—I return herewith to the House of Representatives, where it originated, a bill, entitled "An Act relative to Whitney street, in the city of Philadelphia."

The bill declares that Whitney street, in the Second ward of the city of Philadelphia, shall be extended to the width of thirty feet from the north line of said street, as laid down in the original survey, with a provision, that in the opening of the street the city of Philadelphia shall not be liable to any expense.

I can only repeat the objections, which I have heretofore frequently stated, to legislation of this character.

Whether particular streets in the city of Philadelphia should be opened, vacated, extended or widened, is a question which peculiarly belongs to the local tribunals of the city. Full power has been given to the court of quarter sessions of Philadelphia city and county to widen streets, upon a proper application being made, and any interference in particular cases by special acts of Assembly, is not only unnecessary, but almost certain to prove injurious to the interests of the public, by disarranging the general plan for regulating streets adopted by the city authorities.

There is a special objection to this bill, growing out of the provision that the city shall be at no expense in widening said street. And as there is no provision made for ascertaining or paying any damages which might be occasioned by the change in the width of the street, it would appear to authorize the taking of private property for public use, without making compensation to the owner.

For these reasons, I am induced to withhold the Executive approval from the bill, and return it for re-consideration.

WM. F. PACKER.

Agreeably to the provisions of the Constitution, the House proceeded to the re-consideration of said bill.

On the question,  
Shall the bill pass?

Agreeably to order, the further consideration of the same was postponed.

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

EXECUTIVE CHAMBER,  
Harrisburg, March 23, 1859 }

**GENTLEMEN**—I have approved and signed the following acts of the General Assembly, viz:

"A supplement to an act, approved Feb. 16, 1849, entitled 'A supplement to an act, approved April 3, 1856, entitled 'An Act regula-

ting boroughs, so far as relates to the borough of Phoenixville.'"

"An Act to incorporate the Citizens' passenger railway company of the city of Pittsburg."

"An Act authorizing the State Treasurer to settle the account of the president judge of the 20th judicial district."

"An Act to abolish the office of sealer of weights and measures in certain counties of this Commonwealth."

"An Act extending the time for the commencement and completion of the Schuylkill Haven and Lehigh railroad."

"An Act to provide for the payment of the claim of Peter S. M'Cullough."

"A supplement to an act to incorporate the Quakake railroad company."

"An Act authorizing the Auditor General and State Treasurer to examine and report upon the claim of the bail of Henry P. Rodearmel, late supervisor of the Susquehanna division of the Pennsylvania canal."

"An Act providing for the election of supervisors in Cross creek township, Washington county."

"An Act to incorporate the village of Corsica, in the county of Jefferson, into a borough."

"An Act relative to orphans' courts."

"A supplement to an act to incorporate the village of Port Carbon into a borough, approved 23d April, 1852."

"An Act to incorporate the Johnstown and Ashtola tram road and railroad company."

"A supplement to an act to incorporate the Chesnut Hill water company," approved April 24, 1856

"An Act authorizing the Germantown passenger railway company, and the Green and Coates Street Philadelphia passenger railway company jointly to lay a single track on Fourth and Eighth streets, Philadelphia."

"An Act to incorporate the Union Evangelical Lutheran congregation of the borough of York."

"An Act to pay the claim of Charles Fisher."

WM. F. PACKER.

The **SPEAKER** laid before the House the annual report of the Delaware coal company, and the Mount Carbon railroad company.

An extract from the Journal of the Senate was read and concurred in.

#### REPORT OF A COMMITTEE.

**Mr. STYER**, on leave, from the Committee on Railroads, reported with amendments, the act incorporating the Chestnut and Walnut Streets passenger railroad company; and on his motion, said bill was taken up, read the second and third time, considered and agreed to.

And on the question,

Shall the bill pass?

The yeas and nays were required by **Mr. NEALL** and **Mr. ROSE**, and were as follow, viz:

**YEAS**—Messrs. Acker, Balliet, Barnsley, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Custer, Dismant, Eckman, Ellmaker, Evans, Fisher, Fleming, Galley, Glatz, Good, Gray, Green, Gritman, Hamersly, Hill, Jackson, Kenegy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Clure, M'Dowell, Miller, Oaks, Palm, Patterson, Peirce, Pinkerton, Price, Pughe, Rohrer, Rouse, Sheppard, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Styer, Thompson, Thorn, Wagenseller, Walborn, Walker, Witman, Wigton, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Wolf, Woodring, Zoller and Lawrence, *Speaker*—68.

**NAYS**—Messrs. Abbott, Dodds, Durbarow, Foster, Graham, Gratz, Neall, Nill, Quigley, Ramsdell, Rose, Shafer, Warden, Wiley, Williston and Wilson—16.

So the question was determined in the affirmative.

Messrs. **ABBOTT**, **THORN**, **WILEY**, **WILLIAMS**, of Bucks, and **WILLISTON**, severally gave their reasons for their votes.

**Mr. HARDING** declined to vote for reasons which he gave.

**Mr. HAMERSLY** gave the following reasons for his vote:

**Mr. SPEAKER**:—A bill similar to the one now under consideration, passed the Legislature at its last session, after a very full and free examination and discussion of the question. The councils of the city, for reasons known only to themselves, have, time and again, postponed the consideration of the bill, and up to this moment have never taken a direct vote upon it. I believe that a majority of the people are in favor of it—that the necessities of the public demand it—that the interests of the city will be promoted by it—and so believing, I shall vote for the bill.

There is another reason, **Mr. SPEAKER**, which will influence me in the vote which I am about to cast. The new bill requires the company, incorporated under its provisions, to pay one hundred thousand dollars toward the erection of another bridge over the Schuylkill; a structure that is much needed, and which will greatly add to the convenience of the citizens of Philadelphia. For these reasons I shall vote "aye."

**Mr. NEALL** said that he could not agree with his colleague, (**Mr. HAMERSLY**), nor did he agree with his colleague, (**Mr. HARDING**), but should vote against the bill now before the House, and wished to explain his reasons for so doing. The bill had been sprung upon the House by its friends, and he deemed it necessary to vote against the measure from the fact that the Legislature had passed a bill last session, and the immediate representatives of the people of Philadelphia, had time and again set their seal of condemnation upon it. And the present proposition was, in his opinion, more infamous than that of last year; and if this House was going to pass a bill of this kind, he wanted to record his vote against the same, and let the world know, and this House know, that he could not be gulled into the support of such a proposition as was now pending. It was infamous in the extreme. Look at the manner in which it was called before this House, and tell the House whether the project was sufficiently honorable to meet with a careful scrutiny.

**Mr. WILEY** gave notice that he would move a re-consideration of the vote within six days.

Messrs. **HAMERSLY** and **PATTERSON** moved that the House re-consider the vote just taken; which was agreed to.

And the question again recurring,

Shall the bill pass?

The yeas and nays were required by **Mr. ROSE** and **Mr. WILEY**, and were as follow, viz:

**YEAS**—Messrs. Acker, Balliet, Barnsley, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Custer, Dismant, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Galley, Glatz, Good, Gray, Green, Gritman, Hamersly, Hill, Jackson, Kenegy, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Clure, M'Dowell, Miller, Oaks, Palm, Patterson, Peirce, Pinkerton, Price, Pughe, Rohrer, Rouse, Sheppard, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Styer, Thorn, Wagenseller, Walborn, Walker, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wolf, Woodring, Zoller and Lawrence, *Speaker*—70.

**NAYS**—Messrs. Abbott, Durbarow, Foster, Graham, Gratz, Ketchum, Neall, Nill, Quigley, Rose, Warden, Williston and Wilson—11.

So the question was determined in the affirmative.

The **SPEAKER** laid before the House a communication from the Chief Clerk; which was read.



## ORIGINAL RESOLUTION.

Mr. THOMPSON offered a resolution, that the use of the Hall be granted to Prof. Gardner, this evening, for the purpose of delivering a lecture.

Mr. THORN moved to amend the same, by striking out "Prof." and inserting "the," so as to make it read, the Gardner.

The House refused to proceed to the second reading of the resolution.

Mr. HAMERSLY, on leave, from the Committee on Divorces, reported as committed, "An Act to annul the marriage contract between Horace B. Fry and Emily L., his wife, as follows:

AN ACT to annul the marriage contract between Horace B. Fry and Emily L., his wife.

WHEREAS, on the 2d day of August, 1858, a marriage was contracted between Horace B. Fry and Emily L. Grigg, both of the city of Philadelphia, and the said parties did, within a few weeks thereafter, separate, and have since lived apart; And whereas, The state of hostility between the said parties, and the opinions which they avow they have formed of each other, are such as must forever preclude a reconciliation; and it being the judgment of this Legislature that all confidence and affection have been destroyed between them, that they can never live together as husband and wife, according to the object of the institution of marriage; and that the happiness of the parties, the interest of the public, and the morals of society, will alike be promoted by dissolving the bonds of matrimony between the said Horace and said Emily; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Horace B. Fry and Emily L. his wife, of the city of Philadelphia, on the 2d day of August, A. D. 1858, be, and the same is hereby annulled and made void, and the parties released and discharged from said contract; and from all duties, rights, and obligations arising therefrom, as fully and effectually, and absolutely in all respects as if they had never been joined in marriage.

Mr. FOSTER, (from the same committee,) made a minority report, which, on motion of Mr. SMITH, (Berks,) was ordered to be printed in the *Legislative Record*, as follows:

The undersigned, minority of the Committee on Divorces, to whom was referred the petition of Emily L. Fry, of Philadelphia, praying to be divorced from her husband, Horace B. Fry, together with the answer of said Horace B. Fry, the memorial of John Grigg, father of the petitioner, and many other papers relating to the application mentioned, begs leave to report:

That after careful examination of the various papers in the case, he has found himself unable to concur in the action of the committee in reporting a bill in accordance with the prayer of the petitioner, for the following, among other reasons:

The petitioner, Emily L. Fry, charges her husband with swearing at and cursing her on various occasions; with having treated her at other times with great personal violence; with having once seized and slung her from a chair, and with having twice thrown chairs at her; indeed, with having carried his violence to such an extent as to have caused hemorrhage of the lungs. Other acts of almost equal outrage are also set forth in her petition, in that, while at a public hotel, on their wedding tour, at West Point, he locked their room door, threatened to shoot her, cursed and swore at her for some two hours; and on another occasion, in the city of their residence, he informed her that if she said another word on a certain subject, he would shoot her without hesitation, telling her his temper was so ungovernable that he was not re-

sponsible for his actions; that he then locked the door, went to his trunk, took out a pistol, and (pointing it at his wife) said he would shoot her.

Other acts of brutality and tyranny on his part toward her are referred to in the petition, all of which, taken together, (when it is remembered that they are charged with having been perpetrated within the short space of one month after marriage,) present a case of marital cruelty and barbarity almost without a parallel.

To all these charges, Mr. Fry responds by an unqualified and circumstantial denial, under oath. Had Mrs. Fry furnished any evidence to sustain her charge, the case would have been embraced so completely within the jurisdiction conferred upon the courts by act of Assembly, that the very strength of the evidence would prove the necessary defeat of the application; as proofs of such acts of tyranny and brutality could not fail to satisfy any court and jury, that the condition of a wife, subjected to such indignities to her person, would be indeed rendered "intolerable," and her "life burdensome"—even if they did not endanger its existence.

No one can doubt, for a moment, that a woman subjected to such barbarous treatment as is alleged, might abandon her husband's home, and successfully appeal to our legal tribunals for relief from his dominion.

To the courts alone, however, can she appeal—as, under the Constitution of Pennsylvania, the Legislature are expressly precluded from the consideration of such a case as Mrs. Fry presents. By the 14th section of the 1st article of the Constitution of Pennsylvania it is provided, "that the Legislature shall not have power to enact laws annulling the contract of marriage in any case where, by law, the courts of this Commonwealth are, or may hereafter be, empowered to decree divorce."

If Mrs. Fry's allegations are true, or if she can prove them by her own showing, the courts of law, under the Constitution, are the proper tribunals for her to invoke; if they are not true, or cannot be proved, on what principle of law or morality, or of common sense, could the Legislature found a decree of divorce?

The minority of your Committee might be content, under this view of the law, in simply recommending that the prayer of the petitioner be refused. But it would not be doing entire justice to dismiss a case in this summary manner, which has excited so much interest. As the merits of the case were elaborately argued by the counsel (selected from leading members of the profession, not only of our own, but of a sister State,) who were permitted to address the Committee, and it is to be presumed that every view, both in favor of granting the prayer of the petitioner and of refusing it, was presented for their consideration, it may not be considered out of place to comment upon the intrinsic merits of the case, as presented by the petitions, answers and accompanying documents.

To the various acts of insult, cruelty, and personal violence, alleged by Mrs. Fry to have been committed by her husband, he has interposed a positive denial, under oath. No single one of them was proved. It was only attempted to be proved that he had sent, anonymously, to her father's house, a paper containing reflections upon the petitioner; the sending of which Mr. Fry proves was by a third party, unknown to him, and without any knowledge or desire on his part. Mr. Fry also produced evidence that about the same time, nay, on the very day, Mr. Fry was not only solicitous, but successful in suppressing the publication, in another New York paper, of somewhat similar reflections upon the conduct of his wife when at West Point, although the article alluded to was an emphatic condemnation of her conduct, and a justification of his own.

Another of her allegations—the affair at the

wharf at Philadelphia—has also been disproved by him by affidavits which seem conclusive. It was, however, for her to prove the grounds, if the application were true, and not for him to disprove them; at least, not until some effort had been made by the petitioner to substantiate her assertion—which Mrs. Fry has not done in any single particular. In fact no substantial effort has been made to advocate the divorce on the original grounds of the application. Your committee was urged, on quite other grounds, to report in favor of the petitioner.

Before further allusion to these, it might be well to call attention to evidence brought to the notice of your committee within a few days past, and which has not been presented to the House, or printed for its perusal.

In the memorial of Mr. Grigg, he states that he "can prove, by a highly respectable citizen of Philadelphia," that Dr. Moore, of West Point, "has distinctly stated to that citizen, that he attended Mrs. Fry for hemorrhage from the lungs, that this was the nature of her complaint," &c. Mr. Grigg only swears that he has been so informed. Dr. Moore states, in a letter forwarded to the committee, that he informed the citizen alluded to, that he "was called to see Mrs. Fry, who, it was said, had hemorrhage of the lungs."

The assertion of Dr. Moore himself, seems to be, in the absence of any other evidence than "hearsay," the better evidence of what he stated on the occasion referred. His letter, contradicting the assertions of Mr. Grigg's informant, would scarcely have been written, had he believed Mrs. Fry laboring under the very dangerous malady alluded to.

Within a few days past, Mr. Fry has placed in possession of your committee the strongest testimonials, from those in whose employ he has been for years, not only of good character, but of that amiability of temper so well calculated to render a married life one of felicity.—That such a man should be guilty of the almost fiendish acts charged upon him, should not be believed without some testimony to sustain allegations so improbable, if not incredible.

Had the charges of cruelty at West Point, made by the petitioner against her husband, been well founded, it is scarcely to be supposed that she would have desired to prolong a bridal tour so inauspiciously commenced at the Philadelphia wharf. Yet your committee have had presented to their notice the evidence of an unimpeached witness, that their stay was prolonged by the request of Mr. Grigg, at the solicitation of the petitioner, and contrary to the desire of Mr. Fry; although Mr. Grigg stated, as early as August 28th, (what many who have examined this case will admit,) that West Point was "a place unfit for a young married woman." It appears, from this witness, that, at the time Mrs. Fry alleges she was threatening to write to her father to come for her, she was begging him to allow her to remain at West Point—although, in the language of Mr. Grigg, "Mr. Fry intended to leave West Point sooner," and, it appears, from the evidence, would have done so, but for the solicitations of his father-in-law.

There is one feature in this case over which the undersigned would fain draw the veil of charity, while justice demands that it should at least be alluded to—the letter of Mrs. Fry to a West Point Cadet, dated at Philadelphia on the 5th of September. That a woman of ordinary sense and of virtuous inclinations, when residing with her husband within a hundred yards of her father's door, and less than five weeks after swearing eternal fidelity to the husband of her choice, should pen such an epistle, cannot be believed. That it was the emanation of a feeble intellect, rather than the product of a corrupt heart, is to be hoped; but it certainly was not extraordinary that the discovery, by the hus-



band of a month, of a letter from his wife proposing an elopement with the acquaintance of a fortnight, to whom she had already forwarded her miniature, would have excited indignation, and it is not one of the least extraordinary circumstances of this most extraordinary case that, in all that confidential epistle to a confiding lover, there is not one intimation on the part of the petitioner that her new born affection for the buttons and epaulette of the cadet arose from any ill-treatment on the part of her husband.

It is a reply to a letter from that cadet, which had been intercepted by her husband, and which was returned to the writer, and every copy destroyed, by an agreement with him, and upon the promise on his part to hold no further communication with the petitioner.

That letter, it is a legal presumption, remains in possession of the author. The only evidence we have of its contents is in a recent affidavit of Mr. Fry, upon whose memory it would naturally be graven in indelible characters. He tells us it comprised some seven pages of closely written note paper, addressed his wife as his "dearest Emily," expressed excessive grief at their being parted—a distress even greater than the writer had anticipated; dilated upon their romantic conversations at West Point; a prospective union which they had so frequently discussed and hoped for; doubts of their accomplishing it; pictured the reverse, with a soldier's grave in the prospective; discussed a separation from her husband, its consequences to his "dearest Emily," if effected in a manner to damage her reputation; counseled her to be governed by her parents, with an intimation to follow her own inclinations in the end, and assured her of the writer's "*abiding love*," which nothing could change. Like the answer to it, this epistle, so disgraceful to all concerned, contained no intimation of ill-treatment on the part of her husband as an excuse, however miserable, for an amatory correspondence with another. It concluded, if we are to believe the positive oath of Mr. Fry, with the strongest assurances of the writer's devotion to another man's wife! When their written correspondence was of the character proven by the evidence in the case, what confidence can we place in the bare assertion of the author of such a letter, that their personal intercourse "was such as might freely occur between a gentleman and a lady, and was governed by principles of friendship and honor!"

While endeavoring to take her case beyond the jurisdiction of our courts, by the statement that the acts charged against her husband, "bad as they are," were not "so cruel and barbarous as to endanger her life," because she "never believed he had the courage to risk his own life by executing his threats against hers," she does not hesitate to express, in a letter to her West Point correspondent, a fear that he would encounter a double risk in attacking *him*—indeed, she "burst into tears," with a shriek "which almost frightened him," when that husband expresses an intention to revenge his injuries upon the man who has engaged in a correspondence endangering his wife's honor.

It was insisted, before your committee, that it was evident, as well from Mrs. Fry's petition as from the answer of her husband, that no reconciliation was to be hoped for; that the while the wife was before the Legislature seeking a separation, and the husband was here opposing it, his opposition was not so much for the purpose of retaining his wife as from a perverse spirit—as he had himself avowed his intention to apply to the legal tribunals, hereafter, with a like purpose, on the ground of desertion; that they were irreconcilable, and could never live together again as man and wife; and that being aware of this, humanity demanded we should free this couple at once from a burden-

some obligation, with the conditions of which they never would comply, and from which they would inevitably be released at some future day.

The husband denies that he has ever expressed his unalterable determination to seek a divorce hereafter; and whatever he may have said, neither he nor any other husband who charges his wife with no other criminal act than deserting him, can maintain a suit for divorce on the ground of desertion, in case the erring wife chooses to return to her deserted husband within a specified time—which (under the humane provisions of our acts of Assembly, authorizing courts to grant divorces for desertion,) she may do at any time within two years from her abandonment of his roof. Why, then, should we, by hasty and inconsiderate action, interpose an insuperable barrier to a consummation so devoutly to be wished by all Christian men, as that a young and erring, but not wholly criminal wife, should (before the expiration of the two years allowed for reflection and retraction) return to the arms and protection of her deserted husband—all of whose conduct, so far as it has been exhibited by the documents which have been produced and the facts which have been admitted, proves him to have been one (when not thwarted by parental authority) well qualified to guide the steps and to protect the honor of an inexperienced and thoughtless wife.

It was also urged with great earnestness that the scandals of these proceedings, and the unprotected condition of the petitioner, were causes of deep and heart-breaking distress to her father, who was represented to be an aged and respectable citizen; and his age, his infirmities, and his distress, were most eloquently pressed upon us as reasons for granting his and his daughter's prayer.

Such an appeal was altogether outside of the merits of the case, but the proposition, in its nakedness, to divorce a woman from her husband merely in order to give solace to that woman's father, however exemplary the character of that father may be supposed to be, is one the undersigned can neither entertain nor recommend to this House.

From all the evidence in the case it appears that a young and fickle woman, regardless of her duty to her husband, a few weeks after marriage, encountered another man whom she prefers. Governed by no respect for that husband, herself, or the vows she had so lately taken, she is found, in one short month, engaged in an active correspondence with the new object of her volatile affection, sending him her daguerrotypes, writing him and receiving from him, without her husband's knowledge, letters of an amatory character.

Detected in her correspondence and cut off from all opportunity of its continuance, by the interposition of her husband, apparently unrepentant, certainly unrelenting toward the husband she had so wronged, we find her a petitioner here to be divorced from him on the ground of alleged acts of cruelty and enormity inflicted upon her of a character rarely heard of in civilized communities. Not only were none of these proved, but no substantial effort whatever was made to prove them, and the application to the Legislature is simply that of a wife (who is herself clearly convicted by the testimony before your committee of grave impropriety), asking to be divorced from a husband, who proves an amiability of temper and an irreproachable character, utterly irreconcilable with the truths of her charges, and against whom she does not even make an effort to substantiate a serious complaint to any kind—and whom she has deserted.

The guilty wife asks redress at your hands against the innocent husband whom she has so cruelly wronged. To grant her prayer would

be an act of wanton power not to be expected from honest and intelligent representatives of any free people in a Christian land.

The undersigned cannot refrain from expressing the opinion that, had the parties to the marriage we are invoked to annul moved in an humbler sphere of life, legislative interposition would never have been asked. The whole story of the petition, with the memorial of the father, are rank with the insolence of wealth, and imbued with the most sordid spirit and views.—The petitioner declares (in which she is successfully contradicted) that her father furnished her husband with money for the wedding tour. His money—her money—money, money gleam all through the petition and memorial, while even her letter to her West Point admirer jingles the current coin of the Republic.

It is not pretended, in the report of the majority of your committee, that Mrs. Fry's allegations of cruelty toward her on the part of her husband are sustained by evidence, or that her averments are not fully and broadly met by his positive, sworn denials.

It is not denied that the case presented by the petitioner, if true, would be clearly within the jurisdiction of the court of common pleas of Philadelphia, and that, therefore, a legislative act of divorce would be a violation of the explicit provision of the Constitution upon the subject.

These important considerations are entirely ignored, and the only cause or reason for the divorce, as set out in the preamble of the bill reported to divorce the petitioner from her husband is, that "a state of hostility exists between the parties, and the opinions which they have formed of each other are such as must forever preclude a reconciliation."

If these considerations are of sufficient weight to bring the Legislature to the conclusion therein expressed, that "*the happiness of the parties, the interests of the public, and the morals of society, will alike be promoted*," by dissolving their marriage contract, it ought to follow that the existence of similar reasons would be sufficient to warrant similar action in all cases of application for divorce, and that the Legislature ought, by general law, to authorize the courts of the Commonwealth to grant divorces for such causes.

And yet, if it was proposed to declare, by such general enactment, that hereafter the courts of common pleas throughout Pennsylvania, should pronounce decrees divorcing husband and wife "in all cases where it was shown to them that separation had taken place between the parties, resulting in irreconcilable hostility," there is probably not a single member of the Legislature who would consider such a law promotive of "the interests of the public," or the "morals of society," or who would venture to cast an affirmative vote.

Yet why should this be made an exception to all common rules of right action in similar cases? If "free love" doctrines are to prevail as true in one case, why not permit all married parties, who see proper to "separate and become irreconcilably hostile," to do so, and seek their "affinities"—spiritual or otherwise.

It cannot be that it is proposed to make the conditions in life or the circumstance of the wealth or poverty of the parties, the governing considerations by which the rules of law and the action of the Legislature are to be determined, and, if the bare statement of the reason, set out in the preamble to the bill reported by the majority of your committee in this case, would, as a general proposition, shock the moral sense of every thinking man, it is difficult to comprehend how those reasons can be sustained in this particular case. Certainly, in the view of the minority, it would be difficult to conceive a doctrine more thoroughly subversive of all "the objects of the institution of marriage," of "the



happiness of married parties," "the interests of the public, and the morals of society," than that embodied in the preamble to the bill reported by the majority, if generally established.

All of which is respectfully submitted.

J. HERON FOSTER.

Mr. FOSTER also presented a memorial from Horace B. Fry, (which was ordered to be printed in the *Record*.) as follows:

The memorial of Horace B. Fry, of the city of Philadelphia, to the honorable the House of Representatives of the State of Pennsylvania:

WHEREAS, The Divorce Committee of your honorable body, has reported with a preamble, a bill for the divorce of myself and my wife Emily L. Fry, I submit this, my solemn protest, against that action.

I protest against the said preamble, inasmuch as it takes no specific cognizance of the petition of Mrs. Emily L. Fry, referred by your honorable body to the Divorce Committee, and upon the allegations of which, being the only sworn causes for the divorce prayed for by her, it was a duty reasonably expected of the committee to report, while assigning any causes whatever therefor. The committee, by ignoring the grave matters recited in Mrs. E. L. Fry's petition; have ignored the record confided to them by your honorable body; an assumption of power, as I humbly submit, contrary to parliamentary usage; a violation of personal rights in this instance, and as a precedent, fraught with danger to the public interests. The allegations in that petition are either true or false. If true, your honorable body as the arbiter, and myself as the party affected by them, require positive evidence of their truth. If they are false, both the petition and the object sought by it, inevitably fall together.

I protest against the assertion in the said preamble, that my happiness will be promoted by a divorce, under the circumstances of the case.

I respectfully, but emphatically, deny the right of a committee of the Legislature to constitute itself a judge of what will promote my happiness, and to impose upon me the consequences of its judgment.

I protest against the assertion, as untrue—I, and I alone, being the judge of the secrets of my own heart; which, while I am a free citizen of this Commonwealth, and guiltless of crime, there is no power under the Constitution competent to determine, and to use as the basis of a proceeding, affecting my character and my domestic relations.

I aver most solemnly,—an averment which no one has any warrant to gainsay,—that so far from my happiness being promoted by your act, divorcing my wife and myself, it will be the most grievous affliction which the exercise of your will can impose upon me.

Further, do I protest that, so far from "the interests of the public and the morals of society" being promoted, as the preamble alleges, by such an act of the Legislature; it will strike at the very root of both,—at the integrity of that holy compact, upon which not only the morals, but the existence of society depend. I pray that it be remembered, that my wife has made certain very serious charges against me, as a husband, not one of which is it pretended has been borne out by any plausible testimony whatever; while to a great extent they are utterly improbable; in part clearly self-contradictory; and in some instances proven to be wilfully and wickedly false by unimpeached witnesses. While, too, your Halls have been polluted with anonymous libels upon me, printed and laid upon your desks, insulting alike to your sense of decency and justice, and designed by the most infamous suggestions to assist the attempt, against which I am defending all that is dear to me; while this is the fact, I am yet denied any process to compel the production of

testimony, which I have assured your committee, who present this act of divorce, is within your jurisdiction, and sufficient to make evident whatever justice may demand in this case. I am thus denied, I say, the right, accorded even to a criminal, to have whatever may be alleged against me, substantiated by the best possible proof, and similarly rebutted.

Yet, under all these unprecedented disadvantages, I have proved beyond any contradiction, that the wife who presents herself before you, impeaching my marital conduct, had formed an illicit attachment for another man, only two weeks after her marriage with me; and held, while under my own roof, a surreptitious and amatory correspondence with him, of the most shameful nature. That her only supporter in her present proceeding against me, is a father, who, by his own confession, makes a merit of having offered no obstacle to that correspondence; and her only witness, that very clandestine lover, proved to be such, alike under his hand and her own. This is the true state of the case before your honorable body.

I submit the question, that if my wife had gone to the utmost extent of criminality, and had then applied for a divorce, on grounds identical with those now before you; and even if it were admitted by both of us, that we could not again live together—I submit the question, and I entreat your serious consideration of it in all its bearings, whether you would, in such an extreme case as that be competent to affirm that my happiness would be promoted by a divorce, and that, therefore, it should be granted at her instance, and contrary to my opposition? If this be a reason for divorcing a man, against his consent—that the Legislature thinks his happiness would be thereby promoted—who is any longer safe in his married relation? It is only needful for a faithless wife to desert her husband, as mine has done, present charges against him, not one proved true, and some proved false, and then your honorable body becomes qualified to decide that the husband's happiness requires a divorce, and you grant it in opposition to his most solemn remonstrance! What, I ask, is conjugal security, faith or honor; what are the morals of the family circle, or of the great public, to gain, by such a principle and such a proceeding as this?

Further: I protest against the very first sentence of the said preamble, as opposed to undisputed facts. It is asserted that within a few weeks after my marriage, myself and my wife "did separate." The word separate, as therein used, conveys the meaning of a mutual parting, which is not true. We did not separate. My wife abandoned me, against my prohibition. She fled from my home, while I was absent at my daily labor. She deserted me; and she continued that desertion, though I continued to live in that same home. Thus, we did not separate, as the preamble asserts; and the assertion cannot stand in it, without perverting truth, denied no where else, and by no body—no! not even by my wife herself.

Further: I protest against the assertion in the said preamble, that my wife and myself can never be reconciled. So far as it refers to me, it is gratuitous, since I alone am competent to speak for myself in this regard. It can hardly be said that any man out of the Legislature can affirm for me, that our differences are irreconcilable; and if so, there is nothing in the office of a legislator which enables him to do so. It may be true. But this probability is no warrant whatever for the practical conclusion that a divorce should now be enforced upon me.

Lastly: I protest against the principle and practice announced in the said preamble. They have no precedent in the statutes of this Commonwealth. No analogies, either in the spirit or the forms of justice, legislative or judicial.

No pretext in reason. No color of right. It is the first instance, in any civilized community, and God grant it may be the last, in which the doctrine has been announced, much less urged for the adoption of a body of law-makers, that wrong is its own proper and ultimate justification; and that the sacred sanction of law shall crown the purposes of the wrong-doer, endorse patent perjuries and purify reputation stained by wanton shames; while it operates to asperse the character and crush the claims of the innocent.

HORACE B. FRY.

PHILADELPHIA, March 12th, 1850.

Mr. HAMERSLY moved that the rules be suspended, in order to enable him to introduce the following resolution:

*Resolved*, That the House will hold a session on Thursday evening, commencing at seven o'clock, for the purpose of considering bill No. 1098, "An Act to annul the marriage contract between Horace B. Fry and Emily L. his wife," and that the House will hold a session on Friday evening, commencing at the same hour, for the same purpose, unless said bill be sooner disposed of.

On the suspension of the rule,

The yeas and nays were required by Mr. WARDEN and Mr. WILSON, and were as follows, viz:

YEAS—Messrs. Abbott, Barlow, Boyer, (Schuylkill,) Burley, Campbell, Fisher, Good, Gratz, Gray, Gritman, Hamersly, Hill, Hottelstine, Ketchum, Mann, Matthews, M'Clure, M'Curdy, Neall, Oaks, Patterson, Pinkerton, Proudfoot, Pugh, Sheppard, Stuart, Taylor, Walker, Wilcox, Williams, (Bedford,) and Woodring—31.

NAYS—Messrs. Acker, Balliett, Barnsley, Bertolet, Bryson, Chase, Church, Custer, Dismant, Durboraw, Eekman, Ellmaker, Evans, Fleming, Foster, Galley, Graham, Green, Harding, Keneagy, Kinney, Laird, M'Dowell, Nill, Peirce, Price, Quigley, Rose, Rouse, Shafer, Smith, (Berks,) Stephens, Stoneback, Styer, Walborn, Warden, Witman, Wiley, Williams, (Bucks,) Williston, Wilson, Zoller and Lawrence, *Speaker*—43.

So the question was determined in the negative.

Mr. SHEPPARD, from the Committee appointed to Compare Bills, and present them to the Governor for his approbation, made report; which was read as follows, viz:

That in conjunction with a similar committee from the Senate, they have compared, and on yesterday presented to the Governor for his approbation, the bills as follow, to wit:

"An Act to incorporate the Anderson Creek public road and navigation company."

"An Act to pay the claim of Charles Fisher."

"An Act authorizing the Auditor General and State Treasurer to examine and report upon the claim of the bail of Henry D. Rodermel, late supervisor of the Susquehanna Division of the Pennsylvania canal."

"An Act to change the place of holding elections in Liberty township, Montour county."

"An Act to incorporate the Johnstown and Ashtola tram road and railroad company."

"A supplement to an act incorporating the Sheafferstown academy, in the county of Lebanon."

"An Act relating to orphans' courts."

"A supplement to an act to incorporate the village of Port Carbon into a borough, approved April 23, A. D. 1852."

"A supplement to an act to incorporate the Chestnut Hill water company, approved April 24, 1856."

"An Act to incorporate the Union Evangelical Lutheran congregation of the borough of York."

On the 19th instant:

"An Act relating to roads in East Marlboro' and New London townships, Chester county."



"Supplement to an act, approved February 16th, 1859, entitled 'A supplement to an act approved 3d April, 1857,' entitled 'An Act regulating boroughs, so far as relates to the borough of Phoenixville.'"

"An Act to extend the charter of the Dauphin Deposit Bank."

"An Act to incorporate the Zoological society of Philadelphia."

"An Act to change the time of holding the courts of Clearfield county."

"An Act in reference to certain mortgages therein stated."

"An Act to incorporate the Quicksilver mining company."

"A further supplement to an act to incorporate the Lewisburg Centre and Spruce Creek railroad company."

"A further supplement to an act authorizing the Governor to incorporate the Minersville water company."

"A supplement to the act to incorporate the Hanover savings fund society, of the county of York."

"An Act to exempt certain real estate in the county of Allegheny from the payment of the collateral inheritance tax."

"An Act to incorporate the Mont Alto iron company."

"An Act to incorporate the Pennsylvania and Maryland Line turnpike company."

On the 21st instant:

"A supplement to an act to incorporate the Quakake railroad company."

"An Act extending the time for the commencement and completion of the Schuylkill Haven railroad company."

"An Act to repeal an act for the protection of sheep and taxing of dogs in the county of Blair."

"An Act to widen the eastern extension of Third street, in the town of Bloomsburg, Columbia county."

"An Act relating to overseers of the poor of Lewisburg, Union county."

"An Act authorizing the State Treasurer to settle the account of the president judge of the Twentieth judicial district."

"An Act to incorporate the Citizens' passenger railway company, of the city of Pittsburg."

On to-day:

"An Act repealing certain supplements to the Wellsboro' and Tioga plank road company."

"An Act for the appointment of a sequestrator on the Washington and Pittsburg turnpike road."

"Supplement to an act to incorporate the Lock Haven and Flemington plank road and turnpike company, approved the 6th day of February, A. D. 1856."

"An Act to authorize the election of two additional supervisors in Washington and Richhill townships, Greene county."

"An Act to repeal an act regulating the manner of voting at the general election in the counties of Wayne and Schuylkill, so far as said act relates to the county of Schuylkill."

"An Act to incorporate the California seminary, of Washington county."

"An Act for the relief of Rachel George, widow of an old soldier."

"An Act abolishing the separate school district erected out of a portion of the township of Upper Salford, in the county of Montgomery."

"An Act changing the name of Prescott Packard Peck."

"An Act to incorporate the Millport turnpike road company."

"An Act to repeal former acts relating to the borough of Schuylkill Haven, in the county of Schuylkill, and extending the general features of an act regulating boroughs, approved third April, A. D. 1851, to said borough."

Mr. OAKS offered a resolution that the Sen-

ate be requested to return to the House, House bill No. 684, "An Act authorizing the widening and extension of Third street, Bloomsburg," for further consideration; which was adopted.

Mr. WILEY again gave notice that he would move a re consideration of the final vote on the Chestnut and Walnut Streets passenger railway company.

The CHAIR ruled the motion out of order, as it was his impression that as the vote had already been re-considered, it could not again be entertained.

Mr. McCURE, from the select committee, to whom was referred the items of expenses of the committee on the Binksted election case, of the Third Representative district, made report; which was adopted.

Mr. WILSON, on leave, read in his place and presented to the Chair, "An Act to allow the treasurer of Beaver county a credit for certain balances of militia fund, collected by him and paid *bona fide* to the uniformed militia of said county, for duty done according to law;" which, on his motion, was ordered on next Tuesday's Calendar.

Mr. PINKERTON, "A further supplement to an act to incorporate the Donaldson improvement and railroad company;" and, on his motion, the same was taken up, and passed the House.

Mr. McDOWELL, "An Act repealing an act relating to executors against corporations."

Mr. WILLIAMS, (of Bucks,) "An Act repealing the fifty-seventh section of the act relative to boroughs, so far as the same relates to the borough of New Hope, in Bucks county;" which, on his motion, was taken up, and passed the House.

Mr. LAWRENCE, (Washington,) (from the Committee on Banks,) reported, as committed, Senate amendment to House bill No. 431, "A further supplement to an act regulating banks," with the recommendation that the same be adopted by the House.

On the question,

Will the House agree to the report?

The yeas and nays were required by Mr. NILL and Mr. PIERCE, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Bryson, Durboraw, Ellmaker, Foster, Harding, Irish, Lawrence, (Washington,) McDowell, Miller, Neall, Palm, Patterson, Peirce, Price, Rohrer, Rouse, Shafer, Sheppard, Thompson, Witman, Wilcox and Williams, (Bucks,)—25.

NAYS—Messrs. Balliet, Barnsley, Bertolet, Boyer, (Clearfield,) Campbell, Custer, Dismant, Eckman, Fleming, Galley, Glatz, Good, Graham, Gratz, Gritman, Hamersly, Hill, Hottenstine, Jackson, Keneagy, Ketchum, Kinney, Laird, Mann, Matthews, McCurdy, Nill, Oaks, Proudfoot, Ramsdell, Rose, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thoru, Wagenseller, Walborn, Walker, Warden, Wiley, Williams, (Bedford,) Willision, Wilson, Wolf, Woodring, Zoller and Lawrence, *Speaker*—50.

So the question was determined in the negative.

The House proceeded to the consideration of the following bills, returned to the House without the approval of the Governor.

"An Act relating to the office of register of wills in Dauphin county."

EXECUTIVE CHAMBER.

Harrisburg, March 18, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—A bill has been presented for my approval, entitled "An Act relating to the office of register of wills, in the county of Dauphin." The bill provides "that from and after the passage of this act the register of wills, for the county of Dauphin, shall perform all the duties and receive all the fees and emoluments pertaining to the office of clerk of the orphans'

court of said county; and hereafter the qualified electors of Dauphin county shall elect one person to fill the office of recorder of deeds, and one person to fill the offices of register of wills and clerk of the orphans' court.

The effect of the proposed enactment, should it become a law, is to legislate out of office the present clerk of the orphans' court, who was elected by the people of Dauphin county, in October, 1857, and whose commission consequently does not expire until December, 1860, and to confer the office upon the register of wills, who has never been elected nor commissioned as clerk of the orphans' court. This cannot be done. There are but two methods by which a clerk of the orphans' court can be chosen in accordance with the Constitution of Pennsylvania. The one is, an election by the people, and the other an appointment by the Governor to fill a vacancy. The person who now holds the office of clerk of the orphans' court for Dauphin county, is entitled under the Constitution, and by virtue of his commission, to hold it for the term of three years from the 1st day of December, 1857, and until his successor shall be duly qualified, if he shall so long behave himself well. A successor cannot be duly qualified by being named in an act of Assembly, nor can the term be shortened by the Legislature as long as the office remains.

A bill very similar to the one now under consideration, entitled "An Act to consolidate the offices of register of wills and clerk of the orphans' court in Luzerne county," was returned to the last General Assembly without the Executive approval, and as my objections to the bill were then fully stated, I respectfully call the attention of the Legislature to that communication, which may be found in the Journal of the House of Representatives for 1858, page 949.

Believing that the General Assembly is prohibited by the Constitution from enacting the proposed law, the bill is herewith returned to the House of Representatives, where it originated, for re-consideration.

WM. F. PACKER.

On the question,

Shall the above bill become a law, notwithstanding the objections of the Governor?

The yeas and nays were required, and were as follow, viz:

YEAS—None.

NAYS—Messrs. Abbott, Barnsley, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Campbell, Chase, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Evans, Fleming, Foster, Galley, Glatz, Graham, Gritman, Harding, Hill, Hottenstine, Irish, Jackson, Keneagy, Laird, Mann, Mehaffey, McCurdy, Miller, Neall, Nill, Oaks, Palm, Patterson, Peirce, Proudfoot, Pughe, Rohrer, Rose, Shafer, Sheppard, Smith, (Berks,) Stephens, Stoneback, Stuart, Styer, Taylor, Thompson, Wagenseller, Walborn, Walker, Warden, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Wilson, Wolf, Woodring, Zoller and Lawrence, *Speaker*—62.

So the question was determined in the negative.

"A supplement to an act to incorporate the Johnstown and Scalp Level turnpike road company."

EXECUTIVE CHAMBER,  
Harrisburg, March 17, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:—

GENTLEMEN:—I return herewith to the House of Representatives, in which it originated, the bill, entitled "A supplement to an act, entitled 'An Act to incorporate the Johnstown and Scalp Level turnpike road company,' approved the 17th day of April, 1856."

This bill provides that the rights, powers and privileges conferred upon and granted to the Somerset and Johnstown plank road company by the sixth section of an act of the General



Assembly, entitled "An Act to incorporate the Merchants' and Mechanics' Mutual insurance company, of Philadelphia, and for other purposes," approved the 2d day of January, 1853, be and the same are hereby conferred upon and granted to the Johnstown and Scalp Level turnpike road company.

By referring to the above mentioned act, which, however, was approved on the 2d day of April, 1853, instead of the 2d day of January, 1853, it will be found that the privilege there conferred, or attempted to be conferred, on the Somerset and Johnstown plank road company, and which by this bill it is proposed to extend to the Johnstown and Scalp Level turnpike road company, was the right to collect subscriptions made to its capital stock, although no money was paid on such subscriptions to the attending commissioners, at the time the subscriptions were made.

The Johnstown and Scalp Level turnpike road company was incorporated under the general act regulating turnpike and plank road companies. The first section of which expressly provides that every person offering to subscribe to the stock of any such company, shall, at the time of subscribing, pay to the commissioners any sum not less than one dollar, nor more than five dollars, as shall be fixed and determined by the commissioners previous to the opening of books, for every share so subscribed. This payment was a condition precedent without which no valid subscription could be made. The commissioners had no power to receive a subscription unless it was accompanied by the payment of the first instalment; and any pretended subscription, without such payment, was a complete nullity, binding neither the company nor the subscriber. Neither party could enforce the contract, for in fact, no contract was made. Nor, in my opinion, has the General Assembly the power to give validity to past transactions of this character.

In a message which I had the honor to transmit to the last General Assembly, in returning a bill without the executive approval, entitled "A supplement to an act to incorporate the Fayette County railroad company," I had occasion to examine a similar question somewhat at length. The message referred to, may be found in the Journal of the House of Representatives for 1858, page 805, to which I beg leave, respectfully, to call the attention of the Legislature. For reasons therein stated, as well as those herein given, I am constrained to withhold the executive approval from the bill under consideration.

WM. F. PACKER.

And on the question,

Shall the same become a law notwithstanding the objections of the Governor.

The yeas and nays were required, and were as follow, viz :

YEAS—None.

NAYS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fisher, Fleming, Foster, Galley, Glatz, Good, Gritman, Hamersly, Hill, Hottenstine, Irish, Jackson, Keneagy, Kinney, Mann, Mehaffey, M'Dowell, Miller, Neall, Nill, Oaks, Palm, Peirce, Proudfoot, Pughe, Rohrer, Rose, Shafer, Sheppard, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thompson, Thorn, Wagenseller, Walker, Warden, Witman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf, Woodring and Lawrence, *Speaker*—68.

So the question was determined in the negative.

"An Act to provide for the education of certain common school teachers in Westminster college, New Wilmington, Lawrence county, Pa."

EXECUTIVE CHAMBER,  
Harrisburg, March 18, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania :

GENTLEMEN :—A bill has been presented for my approval, entitled "An Act to provide for the education of certain common school teachers in Westminster college, New Wilmington, Lawrence county, Pennsylvania."

After a careful examination of the several provisions of the bill, I have reluctantly come to the conclusion that it is my duty to withhold from it the Executive sanction.

The proposition is, that the Commonwealth shall appropriate to the Westminster college the sum of twelve hundred dollars annually for five years, to be applied to the payment of the salaries of the professors of the institution; and that for said appropriation there shall be taught for the same period, free from tuition fees, not less than fifty nor more than three hundred pupils, "in all the branches of English literature and science, and in the art of teaching and government," to be selected by the county superintendents and directors of the common schools from the counties of Lawrence, Beaver, Mercer, Butler and Venango.

The first objection to this bill is, that it is, in my opinion, a retrograde step in our educational career. An attempt to return to the abandoned plan of having the teachers for the common schools prepared in some subordinate department appertaining to a college. This plan was tried for nearly half a century in this State, and the result was, that, as a class of teachers of the State, they were sinking year after year into more unfitness and to a greater distance from that standard of acquirement to which the proposed college association would seem to entitle them. The fact being that no college-prepared teachers are found in the common schools, nor any having college connections, except such as are thus earning the means for a full college course with a view to some other profession. A plan which has so signally failed in the past, holds out no promise of success for the future.

But even if the project were not thus marked with past failure, it would still be more than questionable as a departure from the principle of the Normal school act of 20th May, 1857.—That law was carefully prepared, and though it expressly holds out the promise of no State aid in a pecuniary form, yet it impliedly pledges the State to the integrity of the plan to the extent of giving it a full and fair trial, without let or hindrance.

Exclusive, however, of the previous failure of the plan for educating teachers here proposed, and of its interference with the Normal school law, the bill is objectionable on account of its partial and local character. It is not believed that the counties named in this bill have strange claims on the State, or greater necessities for the training of their teachers than the rest of the Commonwealth. Other propositions of a like character, it is true, may come from other sections, but they cannot be so numerous as to embrace the entire State, and what is to be done in those portions of the State that are not so fortunate as to contain like institutions of learning? And more than this, will not the effect of this process of piece meal legislation be most pernicious to our educational system itself—the avoidance of which, in the past, has been one great cause of its success? Any departure from the unity of the system will surely bring future evil. The worth of the teacher is the hope of the system. During nearly a quarter of a century the common school has been working its way always regularly, though mostly noiselessly, into the affections of the people, and to its place amongst the great institutions of the State. The system now stands second to none in importance, influence, cost, magnitude and consequence. But after all, it is not its two and a

half millions of dollars of annual cost, its six hundred and twenty-eight thousand scholars, its ten thousand directors or its eleven thousand school houses that are to be so much regarded as its fourteen thousand teachers. If these be not rightly prepared, duly respected and properly sustained, the rest is little better than useless machinery and waste material. In this light, the qualifications and standing of the teacher assume their true magnitude. He should not be placed in the questionable, if not degraded rank, of a beneficiary amongst those who pay for their instruction, or on a footing with preparatory students, to be looked down on by those engaged in the higher branches. The teachers of the youth of the State should not enter upon their mission thus depressed in the public eye and in their own estimation; but they should rather go forth from their own professional institutions, where they had held no subordinate rank, to pour the elements of just equality and manly self-reliance into the character of our youth.

Again, it is the business of the college to make scholars, not teachers. No college, as such, undertakes to train physicians, or lawyers, or divines. This is the work of the respective professional institutions. Why, then, should it assume to prepare the teacher?

There is as much actual difference between the ordinary college graduate and the school teacher, as there is between the college graduate and the doctor, the lawyer, or the clergyman. The most eminent and useful professors of a college may not be at all adapted to training students in the art of teaching, and it is this want of adaptation in the college course to the due preparation of the teacher of the common school that has caused the most liberal and intelligent governments in Europe, and the most advanced common school States of this Union, to expend vast sums of money in establishing Normal schools for the strict professional education of teachers.

It is proper, however, to say that with respect to the particular institution of learning named in the bill, I am well satisfied that it sustains a very high character for usefulness in its several departments, and that it deserves to be liberally encouraged. But for these reasons, viz: that the plan now proposed has been heretofore tried and has failed; that it is a virtual repeal of the principle of the act of the 20th of May, 1857; that it is local and partial in its nature; that it is calculated to degrade instead of elevating the profession of teaching, and that it proposes the training of teachers in institutions not adapted to the purpose, in my opinion the bill should not become a law, and accordingly I herewith return it to the House of Representatives, where it originated, for reconsideration.

WM. F. PACKER.

And on the question,

Shall the above bill become a law notwithstanding the objections of the Governor.

Mr. RAMSDELL said—

Mr. SPEAKER, were I to consult the promptings of modesty, rather than those of duty, I should refrain from expressing my views in reference to the veto message now before this House. In most of the veto messages which our Executive has submitted to this body, I have cheerfully and heartily acquiesced. When any constitutional provision has been infringed upon, as sometimes happens in the haste with which business is dispatched here, the duty of a member is plain. In all such cases, sir, I have voted to sustain vetoes, and shall continue to do so. In the present case, no such objections are urged. The bill passed this body by a large majority, after much discussion. It went to the Senate and there received a two-thirds majority. It finds its way to the Executive Chamber, and there, after a stay of about



ten days, is sent to this House, in which it originated, accompanied with the veto message referred to. Such is the history of this bill.

The reasons on which the Governor predicates his objections, are substantially these:

First—That the plan now proposed to educate teachers has been heretofore tried and failed.

Second—That it is a repeal of the act of 1857.

Third—That it is local and partial.

Fourth—That it proposes the training of teachers in an institution not adapted to the purpose.

As to the first reason (?) of the Executive that the plan now proposed, has been heretofore tried and failed. Sir, I have ever been in the main, a friend to the present common school system. I have watched its workings and its results. I have endeavored to become familiar with its operations; but, sir, in all my reading and observation, I have never heard of a "similar plan proposed." Where was the college located? When did it have an existence that proposed to educate a certain number of teachers for a given sum? I say it reluctantly, sir, but I say it nevertheless, the premise is unsupported by the facts.

The second objection, that it repeals the act of 1857, appears to me equally fallacious. Sir, there is no repealing section in this bill. How can it be said to conflict with the Normal school act? But if it does so conflict, I cannot think it wrong. For what was that act (the Normal school act,) instituted? Certainly not for this age, or this generation. The name sounds well; but, sir, when I characterize it as a "colossal humbug," I only express what two-thirds of the people in the rural districts of the State believe it to be—a high-sounding name, but an impracticable and hollow theory, which can never succeed, save by direct aid from the State.

When the news of the passage of this bill reached the different localities of the State, all the pigmy subordinates of an endangered system send up a howl against it. Supposing that it would prevent large appropriations to the idol of their future hopes, they, of one accord, exclaim, like Micah of old, "Ye have taken away my gods! What have I more?"

Sir, I do not say that this influence, or any other, induced this veto, but if the signs of the times indicate anything, it is, that some modification of the present system is demanded by public opinion. No Executive, no corps of superintendents, can long resist the tide which the people are sending forth.

Pending the remarks of the gentleman from Venango,

The hour of five having arrived, the SPEAKER adjourned the House until to-morrow morning at 9½ o'clock.

## SENATE.

THURSDAY, March 24, 1859.

A quorum of Senators being present, the Senate was called to order by the SPEAKER at 9½ o'clock, A. M.

The Journal was partly read, when, on motion of Mr. GREGG, its further reading was dispensed with.

Mr. SHAEFFER asked and obtained leave to record his vote on "An Act to incorporate the Philadelphia City passenger railway company."

He voted "yea."

## REPORTS OF COMMITTEES.

Mr. BELL, (Judiciary,) reported as committed, House bill No. 598, "A supplement to an act to give jurisdiction in equity to the supreme court and the court of common pleas for the county of Philadelphia, in cases of disputed boundaries."

Also, (same,) with a negative recommendation, House bill No. 464, "An Act for the relief of James Hamilton, of Carlisle."

Also, (same,) with a negative recommendation, House bill No. 455, "An Act to change the name of Chrysostom Charles Sweeny, to Chrysostom Charles M'Laughlin."

Also, (same,) as committed, "An Act authorizing the appointment of a measurer of paving stones in the city of Philadelphia."

Mr. MILLER, (same,) as committed, "An Act authorizing the appointment of an additional notary public in the county of Erie."

Also, (same,) as committed, "An Act relative to lists of assessments in Cambria county."

Also, (same,) with a negative recommendation, "An Act to divide North and South townships, in Fayette county."

Also, (same,) with amendment, "An Act to vest the Girard school house, in the county of Philadelphia, in the city of Philadelphia."

Mr. BREWER, (same,) with a negative recommendation, "An Act relative to liens of mortgages."

Also, (same,) with a negative recommendation, "An Act to repeal an act authorizing the Governor to appoint an auctioneer for the borough of Johnstown."

Also, (same,) as committed, "An Act to change the manner of voting in Somerset county."

Mr. SCOFIELD, (same,) as committed, House bill No. 693, "An Act defining the limits of Lock Haven."

Also, (same,) with a negative recommendation, "An Act relative to the high sheriff of Mifflin county."

Also, (same,) as committed, House bill No. 867, "An Act authorizing the town council of the borough of Towanda, to levy a special water tax."

Also, (same,) as committed, House bill No. 596, "An Act to change the time of the meeting of the county auditors of Northumberland county."

Mr. FINNEY, (same,) with a negative recommendation, "A further supplement to the act to encourage the manufacture of iron with coke and mineral coal, and for other purposes."

Also, (same,) as committed, House bill No. 607, "An Act relative to party walls in Allegheny county."

Also, (same,) as committed, "An Act to annul the marriage contract between William Barnard and Eliza Barnard."

Also, (same,) as committed, "A supplement to the act authorizing the commissioners of Clarion county, to erect a new court house."

Mr. FETTER, (Agriculture and Domestic Manufactures,) as committed, House bill No. 686, "An Act to incorporate the Lebanon County agricultural and horticultural society."

Also, (same,) as committed, House bill No. 691, "An Act incorporating the Berks County association for the improvement of the breed of stock."

Also, (same,) as committed, "An Act relative to the inspection of flour and meal in the port of Philadelphia."

## BILLS IN PLACE.

Mr. GAZZAM read in his place and presented to the Chair, a bill, entitled "An Act to regulate the charges of railroad companies."

Mr. THOMPSON, "An Act to incorporate the Valley Forge military academy."

## ORDERS OF THE DAY.

Senate bill No. 275, "An Act to authorize the execution of process in certain cases in equity, concerning property within the jurisdiction of the court on defendants not resident or found therein," came up in order, on second reading.

The first section being before the Senate,

The yeas and nays were required by Mr. SCOFIELD and Mr. BELL, and were as follows, viz:

YEAS—Messrs Baldwin, Bell, Blood, Craig, Fetter, Finney, Francis, Gazzam, Keller, Marselis, Miller, Nunemacher, Parker, Rutherford, Scofield, Schindel, Steele, Thompson, Turney, Wright and Cresswell, *Speaker*—21.

NAYS—Messrs. Coffey, Gregg, Harris, Palmer, Penney and Welsh—6.

So the question was determined in the affirmative.

The remaining sections of the bill were agreed to; as, also, the title; when, by request, the bill was permitted to lie over.

House bill No. 233, "An Act authorizing the State treasurer to pay Nathaniel White for damages sustained by him from the Commonwealth," came up in order.

The first section being before the Senate,

The yeas and nays were required by Mr. SCOFIELD and Mr. WELSH, and were as follows, viz:

YEAS—Messrs. Baldwin, Fetter, Finney, Palmer, Parker, Rutherford, Shaeffer, Schindel, Steele, Welsh and Wright—11.

NAYS—Messrs. Bell, Blood, Brewer, Coffey, Gazzam, Gregg, Keller, Marselis, Miller, Myer, Nunemacher, Penney, Scofield, Thompson, Turney and Cresswell, *Speaker*—16.

So the question was determined in the negative.

And the bill fell.

Senate bill No. 540, "A further supplement to an act for the regulation and continuance of a system of education by common schools," came up in order on second reading, the question being upon the amendment offered by Mr. HARRIS to the sixth section.

The amendment was not agreed to.

Mr. SCOFIELD moved to strike out the words, "cities; boroughs and," after the word "several," in the first line.

Upon which amendment,

The yeas and nays were required by Mr. SCOFIELD and Mr. HARRIS, and were as follows, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Francis, Gazzam, Gregg, Harris, Randall, Rutherford, Scofield, Thompson, Wright, Yardley and Cresswell, *Speaker*—14.

NAYS—Messrs. Bell, Blood, Brewer, Fetter, Finney, Keller, Marselis, Miller, Myer, Nunemacher, Palmer, Penney, Shaeffer, Steele, Turney and Welsh—16.

So the question was determined in the negative.

Mr. FINNEY moved to insert after the word "electors," in the first line, the words, "of the several election districts of this Commonwealth;" which was agreed to.

Mr. SCOFIELD moved further to amend, by striking out all after the word "officers;" which was pending, when

Mr. TURNEY moved to postpone consideration of the same for the present.

Mr. BALDWIN moved to amend, by postponing indefinitely.

Upon which,

The yeas and nays were required by Mr. TURNEY and Mr. BLOOD, and were as follows, viz:

YEAS—Messrs. Baldwin, Bell, Brewer, Finney, Gazzam, Marselis, Miller, Myer, Penney, Rutherford, Shaeffer, Schindel and Cresswell, *Speaker*—13.

NAYS—Messrs. Blood, Coffey, Craig, Fetter, Francis, Gregg, Harris, Keller, Nunemacher, Randall, Scofield, Steele, Thompson, Turney, Welsh, Wright and Yardley—17.

So the question was determined in the negative, and the motion to postpone for the present was agreed to.

On leave given, Mr. WELSH, (from the Committee on Finance,) reported, with amendment, "An Act to tax the capital stock of the companies to whom the canals were transferred,



agreeably to the provisions of an act for the sale of the public works."

Mr. WELSH moved that when the Senate adjourn it adjourn to meet at 9½ o'clock to-morrow morning; which was not agreed to.

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. SCOFIELD, House bill No. 765, "A further supplement to the act incorporating the Coudersport, Portage and Allegheny River railroad company."

On motion of Mr. SCHINDEL, "A supplement to the act incorporating the Sancona iron company."

On motion of Mr. RUTHERFORD, House bill No. 696, "An Act authorizing the laying out of a public park in the borough of Harrisburg, to be called Harris park."

On motion of Mr. PARKER, House bill No. 405, "A supplement to the act incorporating the Fairmount and Arch Street passenger railway company."

Upon suspending the rule,

The yeas and nays were required by Mr. PARKER and Mr. RANDALL, and were as follows, viz:

YEAS.—Messrs. Baldwin, Bell, Blood, Coffey, Finney, Francis, Gazzam, Gregg, Harris, Keller, Myer, Palmer, Parker, Penney, Rutherford, Scofield, Shaeffer, Steele, Thompson, Wright and Yardley—21.

NAYS.—Messrs. Brewer, Craig, Fetter, Miller, Nunemacher, Randall, Schindel, Welsh and Cresswell, *Speaker*—9.

So the question was determined in the affirmative, and the bill passed finally.

On motion of Mr. SHAEFFER, House bill No. 273, "An Act to revive the charter of the Lancaster, Lebanon and Pine Grove railroad company."

On motion of Mr. MYER, House bill No. 274, "An Act relative to passenger railway companies in the city of Philadelphia."

On motion of Mr. WELSH, House bill No. 490, "An Act to incorporate the Wrightsville and Canadocholy turnpike road company."

On motion of Mr. RANDALL, House bill No. 792, "An Act to change the name of Washington Carroll Tevis."

On motion of Mr. BLOOD, Senate bill No. 881, "A supplement to the act authorizing the commissioners of Clarion county to erect a new court-house."

On leave given, Mr. PALMER offered the following resolution; which was twice read, considered and adopted:

*Resolved*, That, if the House of Representatives concur, the Governor be requested to return Senate bill No. 161, "A supplement to the act incorporating the Greenwood cemetery, in the borough of Tamaqua."

On motion of Mr. HARRIS, House bill No. 504, "An Act providing for the fencing of a part of the Pittsburgh and Cleveland railroad, and for the protection of property in Beaver county," was re committed to the Committee on Railroads.

House amendments to Senate bill No. 9, "An Act for the improvement of the drama," were, on motion, concurred in.

The Senate concurred in House amendments to Senate bill No. 400, "An Act to incorporate the Delaware County passenger railroad company."

House amendments to bills numbered and entitled as follow, were, on motion, concurred in:

Senate bill No. 473, "A supplement to the act to incorporate the president and managers of the Belmont Avenue and plank road company."

Senate bill No. 505, "An Act to incorporate the Aris iron company."

Senate bill No. 518, "An Act to incorporate the Hanover gas light company."

Senate bill No. 556, "A supplement to the

act incorporating the Blockley and Merion turnpike and plank road company."

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read, as follows, viz:

EXECUTIVE CHAMBER,  
Harrisburg, March 24, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following acts of the General Assembly, viz: On the 22d inst.,

"An Act to incorporate the Millport turnpike road company."

"An Act to repeal an act regulating the manner of voting at the general election in the counties of Wayne and Schuylkill, so far as the act relates to the county of Schuylkill."

"An Act to repeal former acts relating to the borough of Schuylkill Haven, and extending the general features of the act, entitled 'An Act relating to boroughs,' approved the 3d day of April, 1851, to said borough."

"Supplement to an act to incorporate the Lock Haven and Flemington plank road company and turnpike company, approved the 6th of February, A. D. 1856."

"An Act to authorize the election of two additional supervisors in Washington and Richland townships, Green county."

"An Act abolishing the separate school district, erected out of a portion of the township of Upper Salford, in the county of Montgomery."

"An Act for the relief of Rachel George, widow of an old soldier."

"An Act changing the name of Prescott Packard Peck."

"An Act to incorporate the Union railroad company."

"An Act relating to the limits of the borough of Wrightsville, York county."

"An Act for the relief of Stephen H. Laughlin."

"A supplement to an act to incorporate the Commercial insurance company of Pennsylvania, approved the 23d of February, A. D. 1847, now called the Safeguard insurance company of New York and Pennsylvania."

"An Act in reference to certain mortgages therein stated."

"An Act to incorporate Mahanoy railroad company."

"A supplement to an act incorporating the Sheafferstown academy, in Lebanon county."

"An Act relating to deer in the counties of Adams, Berks, Franklin and Fulton."

"An Act to appoint a road commissioner to take charge of a portion of the Warren and Brookville, Warren and Ridgway, and of the Warren and Strattonville State roads, in Forest county."

"A supplement to an act to provide for the erection of a house for the employment and support of the poor, in Lehigh county."

"An Act repealing a supplement to an act incorporating the borough of Newport, in Perry county."

"An Act to amend the charter of the borough of Jersey Shore."

"A further supplement to the act incorporating the directors of the poor and house of employment for the township of Oxford and Lower Dublin, in Philadelphia county."

"An Act authorizing the Governor to incorporate a company to erect a bridge over Clearfield creek, Clearfield county, at Alexander's fording."

"An Act in regard to collectors, in the county of Tioga."

"An Act repealing certain supplements of the Wellsboro and Tioga plank road company."

WM. F. PACKER.

The hour of one having arrived, the SPEAKER adjourned the Senate until this afternoon at 8 o'clock.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, March 24, 1859.

The House was called to order at nine and a half o'clock.

The Clerk read the Journal of yesterday.

Mr. BRODHEAD moved that the rules be suspended, and that the House proceed to the consideration of House bill No. 1062, "A supplement to an act to improve the navigation of the Lehigh river, in Luzerne and Monroe counties," which was agreed to. Whereupon said bill was taken up, and passed by the House.

Mr. ELLMAKER, on leave given, from the Committee on Corporations, reported, as committed, "An Act to incorporate the town of Middleport, Schuylkill county, into a borough."

Mr. IRISH, on leave given, read "An Act relative to the town of Lawrenceville," which, on his motion, was ordered on next Tuesday's Calendar.

Mr. M'CLURE, on leave given, from the Committee on the Judiciary System, reported the following bills, as committed:

Senate bill No. 345, "An Act to confirm the title of Charles Whitney and Asa Scott to certain land in Warren county."

Also, "An Act to confer on Joseph B. Churchfield, of Somerset county, all the rights and privileges of a child born in lawful wedlock;" which, on his motion, was ordered on next Tuesday's Calendar.

Mr. THOMPSON, on leave given, read "An Act to incorporate the Perry coal and iron company;" which, on his motion, was ordered on next Tuesday's Calendar.

Mr. QUIGLEY, on leave given, introduced the following:

"An Act to incorporate the Quaker City passenger railway company of Philadelphia."

"An Act to incorporate the Pennsylvania and New Jersey ferry company."

Mr. NILL, on leave given, introduced "An Act supplementary to an act incorporating the New Castle and Middleburg turnpike road company;" which, on his motion, was ordered on next Tuesday's Calendar.

#### BILLS PASSED.

Mr. PENNELL, on leave given, called up House bill No. 1083, "An Act to incorporate the Chester, Leipserville and Darby railroad company;" which was considered and passed the House.

Mr. ROUSE, on leave given, called up Senate bill No. 345, "An Act to confirm the title of Charles Whitney and Asa Scott to certain lands in Warren county;" which was considered and passed finally.

Mr. GRATZ, on leave given, called up Senate bill No. 274, "An Act to make decrees for the payment of money in equity proceedings, liens upon real estate, with the right to revive or continue the liens of the same by writ of *seire facias*;" which was considered and passed finally.

Mr. STYER, on leave given, introduced "A supplement to the act incorporating the City Bank of Philadelphia, and printing the petition of the president and directors of said bank relative to the same, praying for the repeal of the proviso of their charter of incorporation."

Mr. ELLMAKER moved that the rules be suspended, and that the House proceed to the consideration of Senate bill No. 122, "A further supplement to an act relative to a State road in Lancaster and Chester counties."

Mr. PEIRCE called for a division of the question.

On the first division—the suspension of the rule,

The yeas and nays were required by Mr. ACKER and Mr. BERTOLET, and were as follows, viz:

YEAS.—Messrs. Abbott, Barnsley, Bayard, Brodhead, Bryson, Burley, Eckman, Ellmaker,



Fearon, Galley, Good, Gratz, Gray, Green, Gritman, Hamersly, Harding, Hill, Hottenstine, Keneagy, Ketchum, Matthews, M'Curdy, M'Dowell, Miller, Palm, Patterson, Pinkerton, Price, Pughe, Quigley, Smead, Styer, Thompson, Walborn, Walker, Witman, Wigton, Wilson, Woodring and Lawrence, *Speaker*—41.

**NAVS**—Messrs. Acker, Bertolet, Boyer, (Cleagfield,) Boyer, (Schuylkill,) Chase, Custer, Dismant, Dodds, Durboraw, Fleming, Foster, Graham, Irish, Jackson, Laird, Lawrence, (Washington,) Mann, Nill, Oaks, Peirce, Proudfoot, Rose, Shafer, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thorn, Wagonseller, Warden, Wilcox, Wiley, Williams, (Bedford,) Williams (Bucks,) and Zoller—37.

So the question was determined in the negative, two-thirds not voting affirmatively.

#### PETITIONS, &c.

The following petitions, &c., were presented and referred to their appropriate committees:

Mr. KINNEY, the petition of citizens of Bradford county, praying for such amendment to the State Constitution as will give to colored citizens equal rights with the whites.

Mr. PROUDFOOT, one from citizens of Cambria county, praying for a tax on dogs.

Mr. GRAHAM, one from citizens of Washington county, for the prohibition of the manufacture, sale or gift of intoxicating drinks.

Mr. BRODHEAD, two remonstrances numerous signed by citizens of Monroe county, against the repeal of the tonnage tax on the Pennsylvania railroad.

Mr. HOTTENSTINE, eleven remonstrances numerous signed, against annexing part of Northumberland to Union county.

Mr. BERTOLET, the petition of citizens of Berks county, to better secure them in their farms from strangers and trespassers.

Also, two remonstrances from citizens of Berks and Lancaster counties, against the laying out of a State road from Wernersville, Berks county, to Bechtel's mill, in Lancaster county.

Mr. WOLF, four petitions of sundry inhabitants of Warrington township, York county, praying for a law requiring the petitioners for new roads in said township, to be at all expenses of same.

Also, one from voters of West Manheim township, York county, for a change in the place of holding elections in said township.

Mr. WALKER, the remonstrance numerous signed of citizens of Somerset county, against the erection of a new county, to be called Ligonier.

Mr. FLEMING, four petitions from citizens of Clarion county, relating to the removal of the court house in said county.

Mr. SHAFER, one numerous signed by the most prominent citizens of West Chester, for a law to divide said borough into two election districts.

Mr. BARNESLEY, a petition from the officers of the Farmers' Bank of Bucks County, in favor of a law to compel country banks to keep their notes at par at Philadelphia and Pittsburgh.

Also, two from citizens of Bucks county, of like import.

Mr. WIGTON, a remonstrance from citizens of Cornwall township, Huntingdon county, against any part of Dublin township being annexed to Fulton county.

Also, the petition of citizens of Brady township, for the passage of an act authorizing the school directors of said township to enter and occupy land for school purposes.

Also, one from citizens of Cornwall township, for the repeal of the act creating the office of county school superintendent.

Also, the petition of citizens of Shade Gap, against any change in the law for collecting State and county taxes.

Also, the remonstrance of citizens of Huntingdon county, adjacent to Aughwick creek, against a law being passed to prohibit fishing with nets and seines in said creek and its tributaries.

Mr. ROSE, a petition from citizens of Fiddley and Cool Spring townships, Mercer county, praying for the passage of an act striking off so much of said townships as is included in the Mercer Union school district.

Also, one from citizens of Wolf Creek township, Mercer county, praying for the passage of an act to re-view the Mercer and Emlenton State road.

Mr. FOSTER, a memorial from the board of school directors of the Sixth ward, city of Philadelphia, against any change in the school law in said city.

Mr. WILSON, the petition of one hundred and thirty-six citizens of Beaver county, in favor of the abolition of the office of county school superintendent.

Also, one from citizens of same county, in favor of reforming the license law.

Also, one of eighty-one citizens of same county, for relief from the evil effects of the license law.

Mr. BURLEY, one from two hundred and four citizens of Blair county, for the relief of Jas. Plumer; which, on his motion, was read.

Mr. ZOLLER, one from a number of citizens of Pittsburg, praying that the act consolidating the wards of the city of Pittsburg for educational purposes, may not be repealed.

Mr. TAYLOR, one from citizens of Indiana county, in favor of the abolition of the office of county school superintendent.

Mr. PATTERSON, one from citizens of Juniata county, in favor of a law to tax dogs in said county.

Mr. STONEBACK, one from citizens of Montgomery county, in favor of a law compelling country banks to keep their notes at par in Philadelphia and Pittsburg.

Mr. QUIGLEY, seven petitions from citizens of Philadelphia, in favor of a law to vacate Lafferty's lane, city of Philadelphia.

Mr. LAWRENCE, (Washington,) one from citizens of Washington county, in favor of a law to abolish the office of sealer of weights and measures in said county.

Mr. WILLISTON asked, but did not obtain leave, to introduce a bill.

#### BILLS CALLED UP.

Mr. MANN called up House bill No. 1082, "An Act to lay out a State road in Potter and M'Kean counties;" which was considered and passed, and sent to the Senate for concurrence.

Mr. MATTHEWS called up House bill No. 976, "A further supplement to the act to incorporate the Philadelphia and Trenton railroad company."

An amendment was offered by Mr. FISHER; which was agreed to.

Mr. NEALL offered an amendment, as follows:

*Provided*, That no steam power be used for the transit of passengers or freight over said road, from Front and Harrison to Third and Willow Streets; which was agreed to.

Mr. WILEY contended that time was unnecessary for the people living on the proposed route, to forward their remonstrances. There was no necessity for hurrying its passage. It had only been a few days since the House passed a bill without the knowledge or assent of the people; and a bill too, which the chairman of the Railroad Committee had kept locked up in his desk, until within a short time of its being brought up for consideration.

Mr. WALBORN denied utterly that he had kept the bill locked up for any special purpose, and explained that he had only received it on the morning of the day on which it was offered.

Mr. WILEY, alluding to the merits of the

bill before the House, said that the extension of the Philadelphia and Trenton railroad was not needed, inasmuch as the City passenger railroad cars fulfilled every desired purpose. There was no necessity for the new road.

Mr. THORN said that a few years ago, the constituents of the gentleman who had just spoken, had desired a railroad to enable them to hold communication with the thickly built portions of Philadelphia. Their petition was granted, and the Frankford and Southwark railroad was constructed. The gentleman (Mr. WILEY,) now refused the very boon which a preceding Legislature had bestowed upon his constituents.

Mr. WILLIAMS, (Bucks,) was in favor of the passage of the bill, and would even be willing to vote to extend its provisions, so as to enable the company to run their cars into the depots of the Baltimore or Pennsylvania Central companies. He had occasion, when visiting his home, about once every two weeks, to pass over the Philadelphia and Trenton railroad for twenty miles, and he had invariably found it more trouble and expensive to proceed from the Kensington depot to the Pennsylvania Central depot in Philadelphia, than over this whole distance.

The charges made that the Camden and Amboy railroad were at the bottom of this movement, were not worthy of consideration, and amounted to nothing at all. That corporation was great and beneficial, and he was one of its friends. It was of immense utility in sustaining the government of New Jersey, and controlled the machinery of legislation in that State.

Mr. NILL inquired whether the city passengers had not kept the machinery of legislation active in Pennsylvania.

Mr. WILLIAMS, (Bucks,) replied that they probably had, with the assistance of a good deal of grease.

Mr. WILEY said the gentleman from Bucks had been mistaken about the expense of passing through Philadelphia. By merely walking about two squares it was possible to reach the Kensington depot for six and a quarter cents by either the Second and Third or Fifth and Sixth Street passenger railroads.

Already there were railroads constructed on nearly all of the streets running parallel with the Delaware river below Broad street, and the people of the district through which it was contemplated to take this Philadelphia and Trenton extension, were naturally and justly opposed to it. There had been no petitions in its favor, and no evidence that it was desired by anybody but the company. As for the allegation that it was not a move of the Camden and Amboy, he had only to say that the Philadelphia and Trenton road, in point of fact, belonged to that corporation. Gentlemen might say what they pleased on this head, but everybody knew how the matter really stood.

No doubt the Camden and Amboy had proved of incalculable benefit to New Jersey, inasmuch as it owned the State. For the very reason that its powers were already so extensive, he was opposed to increasing them, by giving the company any further privileges in Pennsylvania.

Mr. KENEAGY moved to postpone the bill for the present.

Mr. PRICE opposed the postponement, on the ground that it was needless. The merits or demerits of the act were apparent to everybody, and if it was postponed the only sufferers would be the traveling community. He knew from personal experience that the extension was absolutely needed. He had arrived at Kensington depot one night last summer in the rain, and had been obliged to pay an extortionate price to get into the heart of the city. This



inconvenience would be remedied by the extension.

Mr. WILEY wished to know whether passenger railroads had been constructed at that time.

Mr. PRICE said that they were partially constructed. The whole object of postponement, he would further say, was to defeat the bill.

Mr. WILLIAMS, (Bucks,) said that it was singular that gentlemen wanted the bill postponed, on the ground that they did not understand it. The question was not at all complicated, and he thought that any one with ordinary intelligence might see through it in a moment. The whole issue was whether passengers should be put to inconvenience and expense in getting into the city, or whether they should be taken there in the cars of the Philadelphia and Trenton company. Now some time since, he had visited Pittsburg, and was agreeably surprised to find himself carried into the very heart of the city. Why not adopt the same course in Philadelphia?

It was certainly unjust that the tens of thousands of travelers should be incommoded on account of the opposition of a few citizens. As for postponement, let the bill either stand or fall now by its own merits.

Mr. GRITMAN said that it was quite cheering to witness the interest which the gentleman from Bucks took in the affairs of Philadelphia; and it was, moreover, amusing to see how, apparently, he considered that the whole city was intended expressly for his use, free of charge.

He continued, further, and without expressing any decided opinion on the subject, thought that the people of Philadelphia ought themselves to determine upon the subject of the extension of the Philadelphia and Trenton railroad. They could more appropriately review objections which might be urged, such as the existence of numerous public schools upon the streets to be used, &c.

Mr. WALBORN thought that all who were acquainted with Philadelphia, the objects of the bill, and who understood the relation which those objects bore to the welfare of the metropolis, would vote for the extension of the Philadelphia and Trenton railroad.

A few days ago, a bill had passed the House, which provided for the construction of a tunnel nearly two miles and a half long, under one of the streets of Philadelphia. The project was one of the greatest ever attempted in this or any other country. The bill now before the House was a link in the chain, and would facilitate the connection of all railroads centering in Philadelphia.

Mr. PRICE wanted to know whether it would ever be determined where the depot of the underground railroad was to be located.

Mr. WALBORN said that he had seen drawings of the depots, and plans and sketches of every detail of the project.

Six years ago he had offered in councils, in the city of Philadelphia, a resolution relative to tunnelling the streets. That resolution had given rise to this very bill; and he was proud, after having overcome the opposition which he had encountered, and after having been denounced as a madman, to stand here to day and claim to be the originator of this great design, a design which had received the sanction of such eminent engineers as J. Edgar Thompson, and the members of the United States corps.

Now, this act was simply to allow the Philadelphia and Trenton railroad company to become a party to the union project, and to connect with other roads without recourse to outside conveyances or means. The result would show that the popular voice sanctioned the improvement.

The Camden and Amboy terminated opposite the city, and the trade which now flowed over that road would naturally come by the Philadel-

phia and Trenton railroad extension, directly into the heart of the city.

The course of some of the members of the House was hard to understand. Only a few days ago, and a portion of them had given the right of way to the extension of the Lebanon Valley railroad, which was directly calculated to take trade through the State. Now, they wanted to injure Philadelphia. It was very apparent that many of them knew nothing of the railroad interests of the city.

Mr. KENEAGY said that this was a reason for postponing the question until they could understand the interests.

Mr. WALBORN said that there seemed to be a disposition on the part of gentlemen to use the argument of ignorance, in order to procure a postponement.

Mr. CHURCH did not say that he would not finally vote in favor of the bill, but desired to have some more light on the subject, and to hear the opinion of the people who were interested. He was informed by the member from the Thirteenth District, (Mr. EVANS,) that there was considerable opposition to it.

Mr. FISHER said that the road only proceeded for a square and a half through that district.

Mr. CHURCH said that, moreover, there were public schools in one of the streets. This might be a serious objection.

He continued further to discuss the subject, alleging that he had been the firm friend of the Union tunnel project.

Mr. NILL wished to know whether it would result like the Atlantic Telegraph Cable.

Mr. NEALL considered that the remarks of the gentleman from Bucks, (Mr. WILLIAMS,) had been ill-timed and ill-natured. He had cast an imputation on travel through Philadelphia.

He continued further to defend Philadelphia, and to refute allegations and intimations against the intentions of her legislators and people.

Mr. THORN believed that the interests of the city and the people, required the road to be extended as provided by the act.

Mr. HAMERSLY moved to postpone indefinitely, in order to allow debate. He considered that the question simply was, whether travelers should be conveyed directly to their destination, or be subjected to the extortionate demands of hack-drivers.

Mr. EVANS acknowledged, as Mr. FISHER had asserted, that but a small portion of the road passed through his district. The gentleman (Mr. FISHER,) nevertheless, knew that many of his own constituents were opposed to the bill.

Mr. FISHER said that no remonstrances had been presented against the road, except as far as regarded Front street, which it was not proposed to use.

Mr. EVANS knew that the people had tore up track there years ago. He wished to inform the House, moreover, that New Market street, which it was intended to use, was only twenty-six feet wide, and contained three public schools within four squares.

Mr. KETCHUM made an amusing speech reviewing the Union tunnel project.

The motion to postpone indefinitely was withdrawn.

On the motion to postpone for the present, The yeas and nays were required by Mr. EVANS and Mr. CHURCH, and were as follow, viz:

YEAS.—Messrs. Abbott, Barlow, Bertelet, Chase, Church, Cnster, Dismant, Dodds, Evans, Fleming, Galley, Gray, Gritman, Hottenstine, Keneagy, Ketchum, Laird, Lawrence, (Washington,) McDowell, Palm, Pinkerton, Ramsdell, Rose, Shields, Stephens, Stoneback, Stnart, Taylor, Thompson, Walker, Warden, Witman,

Wiley, Williams, (Bedford,) Woodring, Zoller and Lawrence, *Speaker*—37.

NAYS.—Messrs. Acker, Barnsley, Bayard, Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Eckman, Ellmaker, Fearon, Fisher, Foster, Glatz, Good, Graham, Gratz, Green, Hamersly, Harding, Hill, Kinney, Mann, Mahaffey, Matthews, M'Clure, M'Curdy, Miller, Neall, Nill, Oaks, Patterson, Pennell, Peirce, Price, Proudfoot, Pughe, Quigley, Shafer, Smead, Smith, (Berks,) Styer, Thorn, Wagenseller, Walborn, Wigton, Wilcox, Williams, (Bucks,) Wilson and Wolf—50.

So the question was determined in the negative.

Mr. EVANS moved that the House go into committee of the whole, for the purpose of special amendment, as follows:

*Provided*, That the consent of the councils of the city of Philadelphia shall be first had and obtained, before said company shall lay their track or use and occupy any part or portions of the street aforesaid: *And provided*, The said company shall pay into the State treasury the sum of three mills per ton per mile on all freight passing over the portion of their road lying within the limits of the State of Pennsylvania, and the sum of twenty-five cents for each and every passenger over the same portion of their road.

Mr. WALBORN hoped that the House would not consent to go into committee of the whole for any such object. He strenuously opposed the imposition of this tonnage tax.

Mr. CHURCH favored the amendment. It had been alleged that money had been brought here to push through this bill. He did not believe it.

Mr. ABBOTT said that the matter should be referred to the councils of Philadelphia, as was provided in one of the amendments.

Mr. HAMERSLY rejected the insinuations which had been thrown out against the members of the House by Mr. CHURCH. If corruption had been attempted anywhere, it was just as likely to have been urged in the committee of which the gentleman from Philadelphia, (Mr. CHURCH,) was a member, as anywhere.

Mr. CHURCH denied having cast any reflections.

Mr. HAMERSLY wished to know, then, what the gentleman had meant by referring to an expenditure of money.

Mr. CHURCH had referred to an expenditure, but had, at the same time, said that he did not believe the members could be bribed.

Mr. HAMERSLY said that it was cowardly to make general insinuations, and still more cowardly to back down from them.

Mr. SMITH, (Berks,) wanted to know what the rumors of bribery were that Mr. CHURCH had referred to.

Messrs. CHURCH, HAMERSLY and McCLURE spoke further.

On the motion to go into committee of the whole,

The yeas and nays were required by Mr. EVANS and Mr. CHURCH, and were as follow, viz:

YEAS.—Messrs. Abbott, Barlow, Bertelet, Bryson, Burley, Campbell, Church, Custer, Dodds, Evans, Fleming, Galley, Good, Graham, Gratz, Gritman, Harding, Hill, Hottenstine, Jackson, Keneagy, Laird, Lawrence, (Washington,) Mahaffey, Nill, Oaks, Patterson, Pinkerton, Rohrer, Rose, Rouse, Shields, Stephens, Stoneback, Stuart, Thompson, Wagenseller, Walker, Warden, Witman, Wigton, Wiley, Williams, (Bedford,) Wolf, Woodring and Zoller—46.

NAYS.—Messrs. Acker, Bayard, Boyer, (Schuylkill,) Dnrboraw, Ellmaker, Fearon, Fisher, Foster, Green, Hamersly, Irish, Mann, Matthews, M'Clure, M'Curdy, Miller, Neall, Palm, Pennell, Price, Proudfoot, Pughe, Quigley, Shafer,



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 62.

Smith, (Berks,) Styer, Taylor, Thorn, Walborn, Wilcox, Williams, (Bucks,) Wilson and Lawrence, *Speaker*—88.

So the question was determined in the affirmative.

Mr. KINNEY paired off with Mr. SMEAD.

The House accordingly resolved itself into committee of the whole, (Mr. LAWRENCE, of Washington, in the chair,) on the above amendments; which were read and agreed to.

The committee rose, and the chairman reported the same to the House as committed.

The question recurring,

Shall the bill pass?

Mr. HAMERSLY moved that the House go into committee of the whole for the purpose of general amendment; which was agreed to.

Mr. LAWRENCE, (Washington,) was called to the chair.

Mr. HAMERSLY moved to amend the bill, by striking from the same the amendments just adopted by the House, and introduced by Mr. EVANS.

Mr. HAMERSLY said that the effect of the tax would be to divert trade to the other side of the river.

Mr. KENEAGY moved to amend the amendment, by striking out the resolution relative to the tonnage tax.

Not agreed to.

The amendment of Mr. HAMERSLY was agreed to.

Mr. THORN moved that the committee rise and report the bill.

Agreed to.

Mr. THORN called the previous question; which was sustained.

On the question,

Shall the main question be now put?

The yeas and nays were required by Mr. EVANS and Mr. ZOLLER, and were as follow, viz:

YEAS—Messrs. Barnsley, Boyer, (Schuylkill,) Eokman, Ellmaker, Fearon, Fisher, Glatz, Gratz, Green, Hamersly, Harding, Irish, Ketohum, Mann, Matthews, McClure, McCurdy, McDowell, Miller, Palm, Patterson, Pennell, Peirce, Price, Proudfoot, Pughe, Quigley, Shafer, Styer, Taylor, Thorn, Wagenseller, Walborn, Wilcox, Williams, (Bucks,) Wilson and Lawrence, *Speaker*—37.

NAYS—Messrs. Abbott, Barlow, Bayard, Bertolet, Burley, Campbell, Chase, Church, Custer, Dismant, Dodds, Evans, Fleming, Foster, Galley, Good, Graham, Gray, Gritman, Hill, Hottenstine, Jackson, Keneagy, Kinney, Lint, Lawrence, (Washington,) Mobaffey, Neall, Nill, Oaks, Pinkerton, Rohrer, Rose, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Walker, Warden, Witman, Wigton, Wiley, Williams, (Bedford,) Wolf, Woodring and Zoller—47.

So the question was determined in the negative.

The hour of 1 having arrived, the SPEAKER adjourned the House until this afternoon at 3 o'clock.

## SENATE—AFTERNOON SESSION.

THURSDAY, March 24, 1859.

Agreeably to order the Senate met at three o'clock.

Mr. SCOFIELD moved that the Senate do now adjourn.

On which,

The yeas and nays were required by Mr.

WELSH and Mr. GREGG, and were as follow, viz:

YEAS—Messrs. Scofield and Cresswell, *Speaker*—2.

NAYS—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Fetter, Finney, Francis, Gregg, Miller, Myer, Nuemacher, Palmer, Randall, Schindel, Steele, Thompson, Welsh, Wright and Yardley—20.

So the question was determined in the negative.

On motion of Mr. GREGG, the Senate reconsidered the vote on House bill No. 233, "An Act authorizing the State Treasurer to pay Nathaniel White, for damages sustained by him from the Commonwealth," and consideration of the same was postponed.

On motion of Mr. GREGG, House bill No. 435, "An Act to authorize A. H. M'Henry, guardian of the minor children of Thomas Babb, to invest certain moneys belonging to such minor children in real estate," was re-committed to the Committee on Estates and Escheats.

On leave given, Mr. WRIGHT, (Corporations,) reported with amendment, House bill No. 700, "An Act to incorporate the Roxborough Odd Fellows' Hall association;" which, on motion of the same Senator, was taken up; and after being duly considered, passed finally.

Mr. BLOOD, on leave given, read in place and presented to the Chair, a bill, entitled "An Act authorizing the Surveyor General to sell certain land."

Mr. GREGG, (Finance,) reported as committed, "An Act authorizing the State Treasurer to refund certain money to Samuel Baird."

On motion of Mr. FETTER, Senate bill No. 875, "An Act relative to the high sheriff of Mifflin county," was taken up, and after being duly considered, was negative.

On motion of Mr. MYER, the Senate reconsidered its vote on the final passage of Senate bill No. 6, "An Act to incorporate the Towanda water company," (which had been returned by the Governor in compliance with the request of the Senate,) and the bill being again before the Senate, on motion of Mr. MYER, it was amended, and, as amended, passed finally.

## BILLS CONSIDERED AND PASSED.

On motion of Mr. THOMPSON, House bill No. 652, "A further supplement to the act incorporating the Royersford bridge company, and the several supplements thereto."

On motion of Mr. PENNEY, (for the SPEAKER) Senate bill No. 868, "An Act relative to lists of assessment in Cambria county."

On motion of Mr. FINNEY, House bill No. 550, "An Act supplementary to an act incorporating the Waterford and Erie plank road company."

On motion of Mr. GAZZAM, House bill No. 1013, "An Act to empower the Methodist Episcopal church of East Liberty, Allegheny county, to sell and convey real estate."

On motion of Mr. CRAIG, House bill No. 804, "An Act to prevent the destruction of deer in certain counties of this Commonwealth."

On motion of Mr. BELL, House bill No. 783, "A supplement to the act incorporating the Cochranville hall association, of Chester county."

On motion of Mr. COFFEY, (the Committee on Corporations having been discharged from its consideration,) House bill No. 930, "A supplement to the act incorporating the borough of Apollo."

On motion of Mr. FRANCIS, (the Committee on Canals and Inland Navigation having been discharged from its consideration,) House bill No. 470, "An Act to appropriate locks Nos 8 and 10 of the French Creek and Franklin line of the Pennsylvania canal for the use of the county of Venango."

On motion of Mr. GREGG, House bill No. 482, "An Act to compel the supervisors of roads in Crawford township, Clinton county, to give security."

On motion of Mr. BREWER, Senate bill No. 765, "An Act to incorporate the Franklin high school and normal institute association in the borough of Martinsburg, Blair county."

On motion of Mr. BELL, House bill No. 497, "A supplement to the act incorporating the Phoenix iron company."

On motion of Mr. MILLER, House bill No. 452, "An Act conferring upon Sarah, Ann, Melissa, Warren B, Nancy, Ellen, and Nicholas D. Evans, minor children of David C. Evans, dec'd, and Catharine Evans, all the rights of children born in lawful wedlock."

On motion of Mr. KELLER, House bill No. 596, "An Act to change the time of the meeting of the county auditors of Northumberland county."

On the final passage of this bill,

The yeas and nays were required by Mr. SCOFIELD and Mr. KELLER, and were as follow, viz:

YEAS—Messrs. Baldwin, Blood, Brewer, Craig, Fetter, Harris, Keller, Marselis, Miller, Nuemacher, Palmer, Parker, Penney, Randall, Scofield, Shaeffer, Steele, Thompson, Welsh, Wright, Yardley and Cresswell, *Speaker*—22.

NAYS—None.

So the question was determined in the affirmative.

On motion of Mr. NUNEMACHER, House bill No. 691, "An Act to incorporate the Berks County association for the improvement of the breed of stock."

On motion of Mr. PALMER, (the Committee on Corporations having been discharged from its consideration,) House bill No. 1100, "A further supplement to the act incorporating the Donaldson improvement and railroad company, formerly the Eagle iron company."

On motion of Mr. GAZZAM, House bill No. 651, "An Act to lay out a State road in Westmoreland and Allegheny counties."

On motion of Mr. PARKER, House bill No. 709, "An Act to incorporate the Ridge Avenue and Mauryunk passenger railway company."

On motion of Mr. GREGG, House bill No. 477, "An Act to view and lay out a State road from the borough of Lock Haven, in the county of Clinton, to Snow Shoe, in Centre county."

On motion of Mr. MYER, House bill No. 712, "A supplement to the act incorporating the Cattawissa and Towanda railroad company."

On motion of Mr. PENNEY, Senate bill No. 262 "An Act relating to the city of Pittsburg."

[This bill was variously amended, on motion of Mr. PENNEY.]

On motion of Mr. BLOOD, Senate bill No. 760, "An Act authorizing the settlement of the accounts of Levi G. Clover, late collector at Pittsburg."

The hour of five having arrived, the SPEAKER adjourned the Senate until to-morrow morning at 9½ o'clock.



## HOUSE.—AFTERNOON SESSION.

THURSDAY, March 24, 1859.

The House was called to order at 8 o'clock. The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read, as follows:

EXECUTIVE CHAMBER,  
Harrisburg, March 24, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following acts of the General Assembly, viz:

On the 22d inst.,

"An Act to incorporate the Millport turnpike road company."

"An Act to repeal an act regulating the manner of voting at the general election in the counties of Wayne and Schuylkill, so far as the act relates to the county of Schuylkill."

"An Act to repeal former acts relating to the borough of Schuylkill Haven, and extending the general features of the act, entitled 'An Act relating to boroughs,' approved the 3d day of April, 1851, to said borough."

"Supplement to an act to incorporate the Lock Haven and Flemington plank road company and turnpike company, approved the 6th of February, A. D. 1856."

"An Act to authorize the election of two additional supervisors in Washington and Richland townships, Greene county."

"An Act abolishing the separate school district, erected out of a portion of the township of Upper Salford, in the county of Montgomery."

"An Act for the relief of Rachel George, widow of an old soldier."

"An Act changing the name of Prescott Packard Peck."

"An Act to incorporate the Union railroad company."

"An Act relating to the limits of the borough of Wrightsville, York county."

"An Act for the relief of Stephen H. Laughlin."

"A supplement to an act to incorporate the Commercial insurance company of Pennsylvania, approved the 23d of February, A. D. 1847, now called the Safeguard insurance company of New York and Pennsylvania."

"An Act in reference to certain mortgages therein stated."

"An Act to incorporate Mahanoy railroad company."

"A supplement to an act incorporating the Sheafferstown academy, in Lebanon county."

"An Act relating to deer in the counties of Adams, Berks, Franklin and Fulton."

"An Act to appoint a road commissioner to take charge of a portion of the Warren and Brookville, Warren and Ridgway, and of the Warren and Strattonville State roads, in Forest county."

"A supplement to an act to provide for the erection of a house for the employment and support of the poor, in Lehigh county."

"An Act repealing a supplement to an act incorporating the borough of Newport, in Perry county."

"An Act to amend the charter of the borough of Jersey Shore."

"A further supplement to the act incorporating the directors of the poor and house of employment for the township of Oxford and Lower Dublin, in Philadelphia county."

"An Act authorizing the Governor to incorporate a company to erect a bridge over Clearfield creek, Clearfield county, at Alexander's fording."

"An Act in regard to collectors, in the county of Tioga."

"An Act repealing certain supplements of the Wellsboro and Tioga plank road company."

WM. F. PACKER

The Clerk of the Senate being introduced, informed the House that the Senate amended the

House resolution relative to the final adjournment of the Legislature, by extending the time from the 5th to the 14th day of April proximo.

And on the question,  
Will the House concur?

Mr. CHASE moved its reference to the Committee on Ways and Means.

This raised some discussion, which was participated in by Messrs. M'CLURE, CHASE, NILL, WILLISTON, HAMERSLY, ROSE, THOMPSON, WALBORN and MILLER; whereupon the motion to commit was withdrawn.

Mr. WILCOX moved that the House concur in the Senate amendment.

Mr. WILLISTON moved to amend, by referring the same to the Committee on Ways and Means; which was not agreed to.

The question recurring,

Will the House concur in the Senate amendment, to adjourn on the 14th day of April?

The yeas and nays were required by Mr. M'CLURE and Mr. PINKERTON, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fleming, Galley, Glatz, Good, Graham, Gray, Green, Hamersly, Harding, Hill, Hottenstine, Jackson, Ketchum, Kinney, Laird, Mehafeey, Matthews, M'Curdy, Miller, Oaks, Patterson, Peirce, Price, Proudfoot, Pughe, Quigley, Ramsdell, Rohrer, Rose, Rouse, Shafer, Shields, Smith, (Berks,) Stephens, Stonehack, Taylor, Thompson, Wagenseller, Walborn, Walker, Warden, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Wolf, Woodring and Zoller—69.

NAYS—Messrs. Chase, Fearon, Fisher, Foster, Gratz, Gritman, Irish, Keneagy, Lawrence, (Washington,) Mann, M'Clure, M'Dowell, Neall, Nill, Palm, Pennell, Pinkerton, Stuart, Styer, Thorn, Witman, Wigton, Williston and Lawrence, *Speaker*—24.

So the question was determined in the affirmative.

Senate amendments to various bills were read and concurred in.

The House resumed the consideration of House bill No. 976, "A further supplement to the act incorporating the Philadelphia and Trenton railroad, approved the 23d day of February, 1832."

The question being,

Will the House agree to the report of the committee?

Mr. ABBOTT, asked, and obtained, the unanimous consent of the House to insert a proviso in the bill—"that said company must have the consent of the councils of Philadelphia before laying said track or tracks."

Mr. EVANS moved that the House go into committee of the whole, for the purpose of special amendment. That said company, in consideration of the occupancy of said streets, shall pay annually into the city and State treasury the sum of five thousand dollars each.

And on the question,

Will the House agree to the motion to go into committee of the whole?

The yeas and nays were required by Mr. EVANS and Mr. ROSE, and were as follow, viz:

YEAS—Messrs. Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Chase, Church, Custer, Dismant, Dodds, Eckman, Evans, Fleming, Foster, Galley, Good, Gray, Gritman, Hill, Hottenstine, Jackson, Keneagy, Kinney, Laird, M'Curdy, Oaks, Palm, Pinkerton, Rohrer, Rose, Shields, Smead, Stephens, Stonehack, Stuart, Thompson, Warden, Witman, Wiley, Williams, (Bedford,) Williston, Wolf and Woodring—43.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Durboraw, Ellmaker, Fisher, Glatz, Gra-

ham, Gratz, Green, Hamersly, Harding, Irish, Ketchum, Mann, M'Dowell, Miller, Neall, Peirce, Price, Proudfoot, Pughe, Quigley, Shafer, Styer, Thorn, Walborn, Wilcox, Williams, (Bucks,) Wilson and Lawrence, *Speaker*—32.

So the question was determined in the affirmative.

The House accordingly went into committee of the whole, (Mr. HILL in the Chair,) and the amendment was inserted.

The question being on the final passage of the bill,

The yeas and nays were required by Mr. EVANS and Mr. WILEY, and were as follow, viz:

YEAS—Messrs. Abbott, Barnsley, Barlow, Bayard, Bertolet, Bayer, (Schuylkill,) Brodhead, Bryson, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Foster, Galley, Glatz, Good, Graham, Gratz, Gray, Green, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehafeey, Matthews, McDowell, Miller, Oaks, Palm, Patterson, Peirce, Pinkerton, Price, Pughe, Quigley, Rohrer, Rouse, Shafer, Shields, Smead, Stephens, Stonehack, Stuart, Styer, Taylor, Thorn, Wagenseller, Walborn, Walker, Warden, Witman, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Wolf, Woodring and Zoller—73.

NAYS—Messrs. Burley, Chase, Church, Keneagy, M'Curdy, Neall, Nill, Proudfoot, Rose and Lawrence, *Speaker*—10.

So the question was determined in the affirmative.

Mr. WILCOX asked and obtained the unanimous consent of the House to refer the act concerning the removal of the seat of justice from Clearfield to Curwensville, in the county of Clearfield.

## CITIZENS' PASSENGER RAILWAY.

Mr. MEHAFFEY called up House bill No. 796, "A supplement to an act to incorporate the Citizens' passenger railway."

Several amendments were offered by Messrs. HARDING and EVANS, and were agreed to.

Mr. WALBORN moved further to amend the bill, providing that said company shall extend their road further than Ridge avenue; which was not agreed to.

The question being on the section as amended,

Mr. WALBORN moved to amend, by adding to the end thereof the following proviso:

That said company shall pay the sum of one thousand dollars per mile annually, the whole length of their road, into the city treasury, for the aforesaid privileges.

Mr. GRITMAN moved to strike out "city treasury," and insert "State Treasury;" which was not agreed to.

A rambling discussion here ensued;

When Mr. EVANS called for the previous question; which was sustained.

And on the question,

Shall the main question be now put?

The yeas and nays were required by Mr. CHURCH and Mr. HARDING, and were as follow, viz:

YEAS—Messrs. Abbott, Barnsley, Bertolet, Boyer, (Schuylkill,) Brodhead, Bryson, Campbell, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fisher, Fleming, Galley, Glatz, Good, Gratz, Gray, Gritman, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mehafeey, Matthews, M'Clure, M'Curdy, M'Dowell, Miller, Neall, Nill, Oaks, Palm, Patterson, Peirce, Pinkerton, Price, Proudfoot, Pughe, Quigley, Rohrer, Shafer, Shields, Smead, Smith, (Berks,) Stephens, Stonehack, Stuart, Styer, Wagenseller, Walker, Warden, Wiley, Williams, (Bedford,) Williams, (Bucks,) Woodring, Zoller and Lawrence, *Speaker*—68.



**YAYS**—Messrs. Bayard, Burley, Chase, Church, Foster, Graham, Green, Mann, Ramsdell, Rose, Taylor, Thorn, Witman, Wilcox and Wolf—15.

So the question was determined in the affirmative.

Mr. WALBORN'S amendment was then put to the House, and lost.

The section as amended was agreed to.

And on the question,

Shall the bill pass?

The yeas and nays were required by Mr. WALBORN and Mr. CHURCH, and were as follows, viz:

**YEAS**—Messrs. Bertolet, Boyer, (Schnylkill,) Brodhead, Campbell, Custer, Dismant, Eckman, Ellmaker, Evans, Fisher, Fleming, Foster, Gileley, Glutz, Good Gratz, Gray, Gritman, Hamersly, Hill, Hottensine, Jackson, Keneagy, Lord, Mehafeey, M'Clure, M'Dowell, Miller, Neall, Nill, Oaks, Patterson, Peirce, Plakerton, Price, Pughe, Quigley, Rohrer, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Siver, Thompson, Thora, Wagenseller, Walker, Warden, Wiley, Wolf, Woodring, Zoller and Lawrence, *Speaker*—54.

**NAYS**—Messrs. Abbott, Barnsley, Barlow, Bayard, Bayer, (Clearfield,) Burley, Church, Dodds, Durbin, Graham, Green, Harding, Lawrence, (Washington,) Mana, Matthews, M'Curry, Palm, Rose, Smend, Taylor, Walborn, Wigton, Wilcox, Williams, (Bedford,) Williams, (Bucks,) and Wilson—26.

So the question was determined in the affirmative.

The bill as amended is as follows:

"That the Citizens' passenger railway company be, and the same is hereby authorized, to extend their railway, by laying a single track with sufficient turnouts or sidings, along Poplar street from Tenth street to Nineteenth street; and shall have the right to connect the tracks already laid, by a single track along Columbia avenue, from Tenth to Eleventh streets, conforming to the established grades of said streets."

The hour of five having arrived, the **SPEAKER** adjourned the House until to-morrow morning at 9½ o'clock.

## SENATE.

FRIDAY, March 25, 1859.

The Senate was called to order by the **SPEAKER** at the usual hour.

The Journal was partly read; when,

On motion of Mr. HARRIS, its further reading was dispensed with.

### PETITIONS, MEMORIALS, &c.

Mr. WRIGHT presented the petition of citizens of Frankford and vicinity, praying for a modification of the Sunday laws.

Mr. MARSELIS, a memorial of the president and directors of the City Bank of Philadelphia, for a change of the location of said bank.

Mr. CRAIG, two remonstrances of citizens of Monroe county, against the repeal of the tonnage tax.

Mr. YARDLEY, a petition of the officers and directors of the Farmers' Bank of Bucks County, for the passage of a law compelling banks to keep their notes at par in Philadelphia and Pittsburgh.

Also, two petitions of citizens of Bucks county, of similar import.

Mr. HARRIS, a petition of citizens of Butler county, for a revision of the militia law.

Mr. FRANCIS, a petition of two hundred and four citizens of Lawrence county, praying for the abolition of the office of county superintendent of common schools.

Mr. PENNEY, a remonstrance of citizens of Pittsburgh, against any change in the school laws.

Also, a petition of eight hundred and sixty-nine citizens of Allegheny county, for the pas-

sage of House bill No. 555, establishing a work-house in said county.

Mr. BLOOD, a petition of citizens of Clarion county, praying for the removal of the county seat from Clarion to Shippensburg.

Mr. MYER, the petition of Samuel and Salisbury Cole, praying to be attached to Monroe borough school district, in Bradford county.

Also, a petition of citizens of Bradford county, praying for such an alteration of the Constitution of the State as will allow negroes to vote.

Mr. GAZZAM, a petition of citizens of Allegheny city and Sharpsburg, in favor of "An Act to incorporate the Allegheny and Sharpsburg passenger railway company."

Also, a petition of six hundred and twenty-five citizens of Allegheny county, in favor of the passage of House bill No. 555, establishing a work-house in said county."

Mr. SHAEFFER, a remonstrance of citizens of Lancaster city, against any branch of the Columbia Bank being located in said city.

### REPORT OF A COMMITTEE.

Mr. FRANCIS, (Vice and Immorality,) with amendment, House bill No. 555, "An Act for the reformation of drunkards, vagrants, &c., in Allegheny county."

### BILLS IN PLACE.

Mr. MARSELIS read in his place and presented to the Chair, a bill, entitled "A supplement to the act incorporating the City Bank of Philadelphia."

Also, "An Act to increase the number of aldermen in the Eleventh ward of the city of Philadelphia."

Mr. PARKER, "An Act to reduce the number of common councilmen in Philadelphia."

Mr. PENNEY, (for the **SPEAKER**.) "A further supplement to the act regulating lateral railroads."

### ORDERS OF THE DAY.

Senate bill No. 268, "An Act to incorporate the Commercial Bank of Pittsburg," came up in order on third reading, and after the first section had been read,

On motion of Mr. GAZZAM, consideration of the same was postponed for the present.

Senate bill No. 275, "An Act to authorize execution of process in certain cases in equity, concerning property within the jurisdiction of the court on defendants not resident or found therein," came up in order on third reading; whereupon, the first section being before the Senate,

Mr. BELL moved to go into committee of the whole, for the purpose of amending, by inserting after the word "hereditaments" in the seventh line, the words, "or for the perpetuation of testimony concerning any land, tenements, *et cetera*."

The motion was agreed to, and the Senate resolved itself into committee of the whole, (Mr. SHAEFFER in the Chair.)

The proposed amendment was agreed to, and the committee rose.

On the question,

Shall the report of the committee be adopted?

It was determined in the affirmative.

The several sections of the bill were agreed to.

On its final passage,

The yeas and nays were required by Mr. SCOTFIELD and Mr. BELL, and were as follows, viz:

**YEAS**—Messrs. Bell, Craig, Finney, Francis, Gazzam, Marselis, Miller, Nunemacher, Palmer, Parker, Penney, Shaeffer, Schindel, Steele, Thompson, Wright, Yardley and Cresswell, *Speaker*—18.

**NAYS**—Messrs. Brewer, Gregg, Harris, Scofield and Welsh—5.

So the question was determined in the affirmative.

### BILLS CONSIDERED.

On motion of Mr. BELL, the Senate proceed-

ed to the consideration of Senate bill No. 346, "An Act to authorize the appointment of boards of visitors to the several houses of employment, and for the support of the poor of this Commonwealth."

The first section of the bill being before the Senate,

Mr. BREWER moved to strike out the words, "and graduate of some known medical school," after the word "physician," in the ninth line.

Upon which motion,

The yeas and nays were required by Mr. BREWER and Mr. MILLER, and were as follows, viz:

**YEAS**—Messrs. Blood, Brewer, Fetter, Finney, Keller, Nunemacher, Palmer, Parker, Penney, Randall, Scofield, Steele, Welsh, Wright and Cresswell, *Speaker*—15.

**NAYS**—Messrs. Bell, Francis, Marselis, Miller, Thompson and Yardley—6.

So the question was determined in the affirmative.

The section, as amended, was adopted; as also the remaining sections; and the bill lies over on third reading.

Mr. BREWER called up Senate bill No. 280, "An Act relating to costs," on second reading.

Upon the question,

Will the Senate agree to the first section?

It was determined in the negative, and the bill fell.

On motion of Mr. PENNEY, the Senate proceeded to consider House bill No. 86, "An Act relating to costs in certain cases."

Upon the first section of the bill,

The yeas and nays were required by Mr. BELL and Mr. PENNEY, and were as follows, viz:

**YEAS**—Messrs. Coffey, Craig, Finney, Francis, Gazzam, Gregg, Harris, Miller, Myer, Palmer, Parker, Penney, Thompson and Yardley—14.

**NAYS**—Messrs. Baldwin, Bell, Blood, Brewer, Fetter, Keller, Marselis, Nunemacher, Randall, Scofield, Shaeffer, Schindel, Welsh, Wright and Cresswell, *Speaker*—15.

So the question was determined in the negative, and the bill fell.

On motion of Mr. RANDALL, House bill No. 598, "A supplement to an act to give jurisdiction in equity to the supreme court and the court of common pleas in the county of Philadelphia, in cases of disputed boundaries," was taken up, and after being duly considered, passed finally.

Mr. BELL called up Senate bill No. 4, "An Act to alter the districts of the supreme court," on second reading.

The first section being before the Senate,

Mr. BREWER moved to amend, by striking out all after the enacting clause, and inserting the following:

"That the Eastern, Western and Northern districts of the supreme court are abolished, but the prothonotary of the Eastern district shall continue as prothonotary of the nisi prius court."

**SEC. 2.** That all records and papers relating to any cause pending and undetermined in either of said districts, shall be transferred to the custody of the prothonotary of said court at Harrisburg.

**SEC. 3.** That the regular sessions of said court in banc, shall be held in the capitol at Harrisburg.

**SEC. 4.** That the judges, if they think it necessary, may sit elsewhere to hear arguments; but all final orders, judgments and decrees shall be made and recorded at Harrisburg; and all writs shall issue from thence.

**SEC. 5.** That the ordinary and proper expenses of said court at Harrisburg, shall be paid by the Commonwealth upon legal appropriations; but when the judges hear arguments else-



where, the expenses shall be paid by the proper county, as heretofore.

SEC. 6. That the court shall meet at Harrisburg on the first Monday of May, in each year, and sit by continued session as long as may be necessary.

SEC. 7. That the court shall have power, as heretofore, to fix the return days of writs for the respective counties, and the time for hearing the causes therefrom.

SEC. 8. That this act shall take effect on the first Monday of May next; but nevertheless, the regular September term for one thousand eight hundred and fifty-nine, shall be held at Pittsburg, as heretofore; and all acts inconsistent herewith, shall be and are hereby repealed.

On which amendment,

The yeas and nays were required by Mr. BREWER and Mr. MILLER, and were as follow, viz:

YEAS—Messrs. Baldwin, Brewer, Fetter, Finney, Gregg, Myer, Palmer, Scofield, Shaeffer, Steele, Welsh and Cresswell, *Speaker*—12.

NAYS—Messrs. Bell, Blood, Coffey, Craig, Francis, Gazzam, Harris, Keller, Marselis, Miller, Nunemacher, Parker, Penney, Randall, Schindel, Thompson, Wright and Yardley—18.

So the question was determined in the negative.

On motion of Mr. COFFEY, Blair county was attached to the Western district.

And on motion of Mr. FINNEY, Erie county was added to the Eastern district.

Upon the first section of the bill, as amended,

The yeas and nays were required by Mr. RANDALL and Mr. SHAEFFER, and were as follow, viz:

YEAS—Messrs. Bell, Coffey, Finney, Francis, Gazzam, Harris, Marselis, Miller, Palmer, Parker, Randall, Scofield, Schindel, Thompson and Wright—15.

NAYS—Messrs. Baldwin, Blood, Brewer, Craig, Fetter, Gregg, Keller, Myer, Nunemacher, Penney, Shaeffer, Steele, Welsh, Yardley and Cresswell, *Speaker*—15.

So the question was determined in the negative.

And the bill fell.

Mr. FINNEY called up Senate bill No. 5, "An Act to make the sessions of the supreme court permanent at Harrisburg," which was so amended (in committee of the whole,) as to simply abolish the Northern district of the supreme court, and attach it to the Middle district.

The bill, as amended, went through its various readings.

The title was amended, so as to read, "An Act to abolish the Northern district of the supreme court;" and, as thus amended, was agreed to.

Mr. KELLER said, every Senator appeared to cling with great pertinacity to his own district; and it appeared that his own little district is the only one to be slaughtered. Now, Mr. SPEAKER, said Mr. KELLER, I can see no just cause for this; and I hope the Senate will not pass this bill. I consider it unjust and unfair, for there is no cause for this disposition to lay under the ban of censorship my little locality. Our beautiful town of Sunbury is situated on the banks of the Susquehanna—a site unequalled for beautiful scenery, healthiness or advantages. Independent of these advantages, the accommodations are unsurpassed, and the citizens are kind and hospitable. But there are other inducements in its favor. The town of Sunbury is convenient of access, being only two hours' ride from the capital of the State. I can, therefore, see no just cause for abolishing the district; and I hope the Senate will do not only itself, but the district which I represent justice, by voting down the bill.

On its final passage,

The yeas and nays were required by Mr.

KELLER and Mr. FINNEY, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Brewer, Coffey, Craig, Fetter, Finney, Francis, Gazzam, Gregg, Marselis, Miller, Myer, Nunemacher, Palmer, Parker, Penney, Randall, Scofield, Shaeffer, Steele, Thompson, Welsh, Wright, Yardley and Cresswell, *Speaker*—26.

NAYS—Messrs. Blood, Harris, Keller, and Schindel—4.

So the question was determined in the affirmative.

On motion of Mr. SCOFIELD, the Senate proceeded to consider House bill No. 784, "An Act to authorize the overseers of the poor in the counties of Tioga, Potter and Northumberland to levy a poor tax on unseated lands."

Said bill went through its various readings, and passed finally.

Mr. KELLER called up House bill No. 728, "An Act to pay the clerk and sergeant-at-arms employed by the committee appointed to investigate the condition of certain banks of this Commonwealth," upon which the Senate resolved itself into committee of the whole, (Mr. PENNEY in the chair.)

Mr. RANDALL moved to amend, by striking out all after the enacting clause, and inserting: "That said clerk and sergeant-at-arms shall receive two hundred dollars each."

Which was agreed to.

After some time, the committee rose, and the chairman reported the bill as amended.

On motion, the Senate proceeded to second reading; when

Mr. WELSH moved to strike out "two hundred dollars," and insert "one hundred and fifty."

Upon which,

The yeas and nays were required by Mr. RANDALL and Mr. WELSH, and were as follow, viz:

YEAS—Messrs. Blood, Coffey, Gregg, Harris, Keller, Miller, Nunemacher, Penney, Scofield, Welsh, Yardley and Cresswell, *Speaker*—12.

NAYS—Messrs. Baldwin, Bell, Brewer, Finney, Francis, Gazzam, Marselis, Myer, Palmer, Parker, Randall, Shaeffer, Schindel, Steele, Thompson and Wright—16.

So the question was determined in the negative.

Upon its final passage,

The yeas and nays were required by Mr. GREGG and Mr. WELSH, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Brewer, Finney, Francis, Gazzam, Marselis, Myer, Parker, Randall, Shaeffer, Schindel, Thompson and Wright—14.

NAYS—Messrs. Blood, Gregg, Harris, Nunemacher, Penney, Scofield, Steele, Welsh, Yardley and Cresswell, *Speaker*—10.

So the question was determined in the affirmative.

On leave given, Mr. GAZZAM moved that when the Senate adjourns it adjourn to meet to-morrow morning at 9½ o'clock; upon which,

The yeas and nays were required by Mr. GAZZAM and Mr. COFFEY, and were as follow, viz:

YEAS—Messrs. Bell, Gazzam, Marselis, Miller, Penney, Shaeffer, Schindel, Welsh and Cresswell, *Speaker*—9.

NAYS—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Fetter, Francis, Gregg, Harris, Keller, Myer, Nunemacher, Palmer, Parker, Randall, Scofield, Steele, Thompson, Wright and Yardley—20.

So the question was determined in the negative.

Mr. MILLER moved that the Senate take up Senate bill No. 285, "An Act relative to brokers," which was agreed to; and the bill having passed committee of the whole, lies over.

On motion of Mr. YARDLEY, Senate bill No.

715, "A supplement to the act incorporating the Attleboro, Hulmeville and Bristol turnpike road company," was taken up, and after being duly considered, passed finally.

Mr. SCHINDEL called up House bill No. 752, "An Act to incorporate the Richmond and Schuylkill passenger railway company."

Said bill went through its various readings and passed finally.

Mr. GAZZAM moved that the Senate resume the consideration of Senate bill No. 268, "An Act to incorporate the Commercial Bank of Pittsburg."

Upon which motion,

The yeas and nays were required by Mr. GAZZAM and Mr. RANDALL, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Francis, Gazzam, Gregg, Palmer, Parker, Penney, Shaeffer, Thompson and Yardley—11.

NAYS—Messrs. Bell, Blood, Brewer, Keller, Marselis, Miller, Myer, Nunemacher, Randall, Steele, Welsh, Wright and Cresswell, *Speaker*—13.

So the question was determined in the negative.

On motion of Mr. STEELE, (the Committee on Canals and Inland Navigation having been discharged from its consideration,) the Senate proceeded to consider House bill No. 1062, "A supplement to an act to improve the navigation of the Lehigh river, in the counties of Monroe and Luzerne."

On motion of Mr. YARDLEY, (after the first section had been read,) the consideration of the same was postponed for the present.

Mr. THOMPSON called up Senate bill No. 710, "A supplement to the act incorporating the Spinnerstown and Goshenhoppen turnpike road company."

This bill passed finally.

On motion of Mr. BELL, Senate bill No. 169, "An Act relative to commissions of justices of the peace and aldermen," was brought before the Senate.

This bill passed its various readings; when, after some discussion upon its merits, on motion of Mr. BELL, it was postponed for the present.

On leave given, Mr. RANDALL read in place, "A further supplement to the act incorporating the Schuylkill railroad company."

On motion of Mr. MYER, House bill No. 876, "An Act to authorize the town council of the borough of Towanda to levy a special money tax" was taken up and passed finally.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor; which was read, as follows, viz:

EXECUTIVE CHAMBER,  
Harrisburg, March 25, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN—I have approved and signed the following acts of the General Assembly, viz:

"A supplement to an act entitled, 'An Act to incorporate the Big Mountain improvement company, approved April, 12th, 1851.'"

"An Act authorizing the directors of the poor in the county of Cumberland to re-build the barn and other buildings destroyed by fire."

"An Act relating to taxing dogs in West Nottingham township, Chester county."

"An Act to provide for the election of an additional supervisor in Wayne township, Mifflin county."

"An Act extending the provisions of an act concerning the apportionment of road viewers and road damages in Northampton county, to the county of Monroe," passed 22d April, 1858.

"An Act to change the lines of the borough of California, in the county of Washington."

"A supplement to the act incorporating the Clinton County coal company, authorizing the



bondholders to re-organize a company, under the name, style and title of the Eagleton coal company."

"A supplement to an act to incorporate the Fairmount and Arch Street passenger railway company," approved April 16, 1858.

"An Act authorizing a change of the name, style and title of the Allegheny and Bald Eagle railroad, coal and iron company, in Centre county."

"An Act to encourage the destruction of foxes in the county of Beaver."

"A supplement to an act to incorporate the Milton Saving Bank."

"An Act to provide for the collection of additional taxes in the township of Bingham, in the county of Potter."

"Supplement to the charter of the borough of Harrisburg."

"An Act to incorporate the members of the Olivet Methodist Episcopal church, in the village of Coatesville, Chester county."

"An Act to incorporate the Clearfield gas company."

"An Act supplementary to an act relating to roads, highways and bridges, in the counties of Warren, Venango and Mifflin, approved 9th April, 1844."

"An Act relative to passenger railway companies in the city of Philadelphia."

"Joint resolution to direct the Surveyor General to issue a patent to John Williams, Jr."

WM. F. PACKER.

The hour of one having arrived, the SPEAKER adjourned the Senate until this afternoon at 3 o'clock.

#### SENATE.—AFTERNOON SESSION.

The Senate met and was called to order at 3 o'clock. A quorum of Senators was present.

On motion of Messrs. MYER and YARDLEY, the vote on Senate bill No. 572, "Resolutions supplementary to an act relative to a revised penal code of Pennsylvania," was reconsidered, and consideration of the same was postponed for the present.

Mr. PALMER, on leave given, read in his place and presented to the chair, a bill, entitled "A supplement to an act to repeal former acts relative to the borough of Schuylkill Haven;" and, on his motion, (the Committee on Corporations having been discharged from its consideration,) said bill was taken up, and after being duly considered, passed finally.

Mr. BELL called up House bill No. 1056, "An Act to authorize the trustees of the Glen Run church to sell and convey certain real estate;" which, (the Committee on Estates and Escheats having been discharged from its consideration,) passed to second reading; when, on motion of Mr. SHAEFFER, it was re-committed.

Mr. FRANCIS, from the Committee to Compare Bills, made a report; which was read.

The following bill passed to third reading:

On motion of Mr. BLOOD, (for the SPEAKER) House bill No. 437, "An Act to abolish the office of sealer of weights and measures in Clearfield county."

[On motion of Mr. SHAEFFER, the counties of Lancaster and Dauphin were stricken from the bill.]

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. WRIGHT, (the Committee on Corporations having been discharged from its consideration,) House bill No. 821, "An Act to incorporate the Passenger Railroad relief association of Philadelphia."

On motion of Mr. YARDLEY, House bill No. 632, "An Act for the relief of Anna Stackhouse, a widow of a soldier in the Revolutionary war."

On motion of Mr. PARKER, House bill No. 694, "An Act to incorporate the Northern market company."

On motion of Mr. WRIGHT, (the Committee

on Corporations having been discharged from its consideration,) House bill No. 530, "A further supplement to the act consolidating the city of Philadelphia."

On motion of Mr. MYER, House bill No. 495, "An Act to repeal an act to establish a ferry over the Susquehanna river, at or near Ulster, Bradford county, and the several supplements thereto."

On motion of Mr. FINNEY, House bill No. 1009, "An Act to amend the act regulating boroughs, so far as the same relates to the borough of Edenhoro', in Erie county."

On motion of Mr. FRANCIS, (the Committee on Roads and Bridges having been discharged from its consideration,) House bill No. 838, "An Act to empower the electors of Pollock township, Lawrence county, to elect supervisors of highways and overseers of the poor for said township."

On motion of Mr. PARKER, the Senate proceeded, agreeably to the provisions of the Constitution, to the reconsideration of House bill No. 1097, "An Act to incorporate the Philadelphia City passenger railway company;" which was returned by the Governor with his objections thereto.

Mr. BELL moved to postpone consideration of the bill for the present; which motion he briefly supported, as a mark of respect due the Governor.

Upon the motion to postpone,

The yeas and nays were required by Mr. WRIGHT and Mr. BELL, and were as follow, viz:

YEAS—Messrs. Bell, Marselis, Nunemacher, Penney and Wright—5.

NAYS—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Finney, Francis, Gazzam, Gregg, Keller, Miller, Myer, Palmer, Parker, Randall, Scofield, Shaeffer, Schindel, Steele, Thompson, Welsh, Yardley and Cresswell, *Speaker*—23.

So the question was determined in the negative.

A discussion upon the merits of the bill and the objections of the Governor ensued, participated in by Messrs. MARSELIS, PENNEY and WRIGHT, in favor of the ground taken by the Governor, and Mr. GAZZAM against it.

Pending this discussion, Mr. FINNEY moved to postpone consideration of the bill for the present.

And upon this motion called the previous question, being seconded by Messrs. GREGG, COFFEY and MYER.

On the question,

Shall the main question be now put?

The yeas and nays were required by Mr. WRIGHT and Mr. BELL, and were as follow, viz:

YEAS—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Finney, Francis, Gregg, Harris, Keller, Miller, Myer, Palmer, Parker, Randall, Scofield, Shaeffer, Schindel, Steele, Thompson, Welsh, Yardley and Cresswell, *Speaker*—28.

NAYS—Messrs. Bell, Marselis, Nunemacher, Penney and Wright—5.

So the question was determined in the affirmative.

When the hour of five having arrived, the SPEAKER adjourned the Senate until 9½ o'clock to-morrow morning.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, March 25, 1859.

The House was called to order at 9½ o'clock. SPEAKER in the Chair.

The Clerk read the Journal of yesterday.

#### RULES SUSPENDED.

Mr. CHASE moved that for the purpose of receiving reports from committees, and reading bills in place, the rules be suspended.

Mr. HAMERSLY moved to amend, by embracing original resolutions; which was accepted.

Mr. THORN resisted the amendment, as thereby bills without status now, might by resolution take precedence over bills on third reading, by creating special orders for the consideration of such bills.

Mr. CHASE modified his motion, by striking out that portion of the same relating to original resolutions.

Mr. M'CLURE moved to amend, by restoring the same; which was not agreed to.

And the question recurring,

Will the House agree to the original motion?

It was determined in the affirmative.

On motion of Mr. ABBOTT, bills on the Private Calendar undisposed of, were made the special order for to-morrow morning.

#### BILL PASSED.

On motion of Mr. WAGENSELLER, (the Committee on Roads and Bridges having been discharged from the further consideration of the same,) "A further supplement to an act incorporating the Selinsgrove bridge company," was taken up and passed the House.

#### REPORTS OF COMMITTEES.

Mr. THORN, (Ways and Means,) with amendment, "An Act authorizing the Tinklepaugh coal company to borrow money."

Mr. WALBORN, (same,) with a negative recommendation, "An Act to repeal so much of the several acts of Assembly as imposes a tax on cattle."

Mr. GREEN, (same,) as committed, "An Act authorizing the State Treasurer to pay the Towanda bridge company, the balance of money due them."

Mr. WIGTON, (same,) as committed, "An Act relative to the tax on real and personal property for State purposes."

Mr. CHASE, (same,) as committed, "Resolutions relative to the purchase of a lot of ground adjoining the executive mansion," and moved that the rules be suspended to consider the same; which was not agreed to.

Mr. LAWRENCE, (Washington,) (same,) as committed, "An Act to abolish the office of sealer of weights and measures in Washington county."

Mr. GRITMAN, (Judiciary,) with a negative recommendation, "An Act to provide for the publication of general and local laws in English and German newspapers, and for the better accomplishment of the object in printing German State documents."

Also, as committed, House bill No. 1118, "An Act to decimalize the fee bill of the prothonotaries of the courts of common pleas of this Commonwealth."

Also, as committed, House bill No. 1119, "An Act to authorize an additional notary public in the borough of Canonsburg, Washington county."

Also, as committed, House bill No. 1120, "An Act relating to huckstering in the county of Lebanon."

Also, with a negative recommendation, House bill No. 1121, "A supplement to an act to incorporate the West Philadelphia passenger railway company."

Also, with a negative recommendation, "An Act supplementary to the act relative to the Dauphin and Susquehanna coal company."

Mr. IRISH, (Judiciary,) with a negative recommendation, "An Act to empower the clerk of the board of health to administer oaths and affirmations."

Also, as committed, "A supplement to an act relative to corporations and to estates held for corporate, religious and charitable uses, passed 26th April, 1855."

Also, as committed, "A further supplement to an act relative to the organization of the courts of justice," approved April 14, 1854.

Also, with a negative recommendation, "A supplement to an act for the greater certainty



of title and more secure enjoyment of real estate."

Also, as committed, "An Act supplementary to an act to limit sequestrations in case of the Erie canal company."

Also, as committed, "An Act to cure an irregularity in the incorporation of the borough of Carmichael, and to declare certain judicial proceedings therein valid."

Mr. M'CLURE, with a negative recommendation, "An Act to prevent the hawking and peddling without license in the county of York."

Also, as committed, "An Act relating to evidence."

Also, with a negative recommendation, "A supplement to an act for the greater certainty of title and the more secure enjoyment of real estate."

Also, as committed, "An Act to provide for taking testimony in cases of contested elections of members of the General Assembly."

Also, with amendment, "An Act relative to the exemption of three hundred dollars, to the widows and children of decedents."

Also, as committed, "An Act relative to challenging jurors in civil cases."

Mr. KETCHUM, as amended, "An Act requiring overseers of the poor and supervisors of roads, in Northumberland county, to give security."

Also, with a negative recommendation, "A supplement to an act to reduce the State debt and to incorporate the Pennsylvania canal and railroad company."

Also, with a negative recommendation, "An Act to prohibit the importation of fish into Philadelphia at improper seasons."

Also, as committed, "An Act to extend the jurisdiction of the orphans' courts in case of testamentary trusts."

Also, as committed, "An Act to prevent the disturbance of public meetings."

Also, as committed, "An Act to authorize the town council of Hollidaysburg to license drays and caris."

Mr. NILL, (Judiciary,) with a negative recommendation, "An Act to extend the civil jurisdiction of the justices of the peace of the several counties of this Commonwealth."

Also, with a negative recommendation, "An Act to repeal an act relating to executions against corporations."

Also, with a negative recommendation, "An Act to vest the title of certain water lots in the city of Erie for certain purposes."

Also, as committed, "An Act to require the overseers of the poor in Delaware township, Juniata county, to give bonds."

Also, as committed, "An Act to prevent injury to sidewalks in Girard township, in the county of Erie."

Also, as committed, "An Act repealing an act fixing the boundary line between the city of Reading and Alsace township, in Berks county."

Also, as committed, "An Act to extend the provisions of an act relating to collecting taxes in Venango county to the county of Mifflin."

Mr. GRATZ, (Judiciary,) as committed, "Resolutions relative to the removal of the seat of government from Harrisburg to Philadelphia."

Also, as committed, "A supplement to the act relative to attachment in execution."

Also, as committed, "An Act relating to executors, administrators and guardians."

Also, as committed, "An Act relative to the publication of opinions of the judges of the supreme court, in certain cases."

Mr. THOMPSON, (same,) with a negative recommendation, "An Act supplementary to the act of 27th February, 1798, relating to the production of books and papers upon the trial of causes."

Also, with a negative recommendation, "An

Act relative to appeals from the judgments of aldermen and justices of the peace."

Also, with a negative recommendation, "An Act in relation to appeal from the judgments of aldermen and justices of the peace."

Also, with a negative recommendation, "An Act regulating the weighing of anthracite, bituminous and semi-bituminous coal."

Also, as committed, "An Act relating to the sealers of weights and measures, in Northampton county."

Also, as committed, "An Act to change the name of Jno. H. Smith to that of J. Hoffman Smith."

Also, as committed, "An Act providing for the recording of certain papers in the county of Schuylkill."

Mr. CHASE, as committed, "An Act to authorize execution of process in certain cases in equity concerning property within the jurisdiction of the court or defendants not resident or found therein."

Also, as committed, "A supplement to an act relative to inspectors, &c., approved April 15, 1835."

Also, as committed, "An Act relative to vacating roads."

Also, with a negative recommendation, "An Act constraining the nineteenth section of an act to regulate turnpike and plank road companies, approved January 26th, 1849."

Also, (as negated,) "An Act to repeal a certain portion of an act passed the 16th June, 1836."

Also, (as negated,) "An Act to extend the civil jurisdiction of the justices of the peace of the several counties of the Commonwealth of Pennsylvania."

Mr. GRATZ, (as committed,) "An Act in relation to Edith T. Greene, of Canton township, Bradford county."

Mr. CHASE, (as committed,) "An Act to increase the pay of the county commissioners and auditors of Clarion county."

Mr. KETCHUM, (as negated,) "An Act authorizing the Pennsylvania railroad company to obtain a better supply of water for the uses of their road."

This bill, on motion of Mr. WALBORN, was re-committed to the Committee on Railroads.

Mr. WILLIAMS, (Bucks,) (Banks,) as committed, "An Act to repeal the act of April 13, 1858, entitled 'A supplement to the act re-chartering the Tradesman's bank of Philadelphia.'"

Mr. MATTHEWS, (same,) as committed, "An Act to increase the capital stock of the Southwark Bank, Philadelphia."

Mr. GLATZ, (same,) "Supplement to an act to incorporate the City Bank as committed."

Mr. WILLIAMS, of Bucks, (Claims,) as committed, "An Act to authorize the payment of the claim of John W. Geary and Israel Painter."

Also, as committed, "An Act for the relief of Shem Thomas."

Mr. WAGENSELLER, (same,) as committed, "An Act to authorize the payment of the claim of John C. Couch."

Mr. HARDING, (same,) as committed, "An Act relative to the claim of Burke and Gonder."

Mr. McCURDY (Vice and Immorality,) with a negative recommendation, "An Act relative to the modification of the Sunday laws."

Mr. JACKSON, (Election Districts,) "An Act to legalize the township elections in Bradford county."

Mr. KENEAGY (same,) as committed, "An Act declaratory of an act to apportion the city of Philadelphia," &c.

Mr. GALLEY, (same,) with a negative recommendation, "An Act to change the place of holding elections in East Brunswick township, Schuylkill county."

Mr. KINNEY, (Education,) with a negative

recommendation, "An Act to erect a separate and independent school district out of parts of townships in Allegheny and Westmoreland counties."

Mr. GRAHAM, (same,) with a negative recommendation, "An Act for the relief of Somerset borough school district, in Somerset county."

Mr. ZOLLER, (same,) with a negative recommendation, "An Act for the relief of Liberty township school district, in Bedford county."

Also, with a negative recommendation, "An Act abolishing the office of county school superintendent in Beaver county."

Mr. FOSTER, (same,) as committed, "A supplement to an act to provide for the due training of teachers for the common schools of the State, passed 20th day of May, 1857."

Mr. LAIRD, (same,) as committed, "An Act to establish the Penn industrial reform school."

Also, with a negative recommendation, "An Act annexing school district No 1, in Armstrong township, Indiana county, to the borough of Shelocta, for school purposes."

Mr. PUGHE, (Mines and Minerals,) as committed, "An Act to incorporate the Lehigh iron company."

Mr. BRYSON, (same,) as committed, "An Act to incorporate the Western coal-oil and iron company."

Mr. WITMAN, (same,) as committed, "An Act to incorporate the Rebecca iron company."

Mr. BERTOLET, (Agriculture,) as committed, "A supplement to the act for the better preservation of game and insectivorous birds, &c., passed at the last session of the Legislature."

Also, with a negative recommendation, "An Act to repeal an act to prevent the destruction of fish in Yellow creek, Bedford county."

Also, with amendment, "An Act to prevent the destruction of trout in Westmoreland and Blair counties."

Mr. TAYLOR, (Estates and Escheats,) with amendment, "An Act authorizing the executors of the late Elisha H. Biggs to sell certain real estate."

Also, (same,) as committed, "An Act to authorize the removal of the dead interred in the grounds connected with St. Stephen's church, Harrisburg."

Also, as committed, "An Act authorizing the removal of the dead from the burial ground deeded to the First Methodist Episcopal church of Norristown, Montgomery county, to the Norris City cemetery."

Mr. WILSON, (same,) as committed, "An Act to authorize the school directors of Jefferson township, Danphin county, to sell certain real estate."

Mr. PENNELL, (Boads and Bridges,) as committed, "An Act to change the time of electing officers of the Lehigh and Berks County turnpike road company."

Also, as committed, "An Act to incorporate the Millport and Zieglersville turnpike road company."

Mr. CHURCH, (Corporations,) as committed, "An Act to incorporate the Spring Garden engine company of Philadelphia."

Mr. ELLMAKER, (same,) as committed, "An Act repealing so much of the several acts of the General Assembly, as relates to the Glen Hope and Little Bald Eagle turnpike road company."

Also, with a negative recommendation, "An Act relative to the Mt. Joy car manufactory."

Also, as committed, "An Act to incorporate the Handel and Hadyn society of Philadelphia."

Mr. ACKER, (same,) as committed, Senate bill No. 506, "An Act to incorporate the Towanda gas and water company."

Also, as committed, Senate bill No. 511, "An Act to incorporate the Towanda and Athens telegraph company."



Mr. PRICE, (same,) with a negative recommendation, "An Act to incorporate the Valley Mills manufacturing company, of Fayette county."

Also, as committed, "An Act to incorporate the village of New Washington, Clearfield county, into a borough."

Also, with a negative recommendation, "A further supplement to an act regulating boroughs."

Also, as committed, "An Act to incorporate the American piano and melodeon savings society, of Philadelphia."

Also, with a negative recommendation, "An Act to incorporate the Eastern, Philadelphia and Pittsburg transportation company."

Mr. HAMERSLY, (same,) with amendment, "An Act to incorporate the Philadelphia Ocean steamship company."

Also, as committed, "An Act to incorporate the City and County insurance company of the city of Allegheny."

Mr. MILLER, as committed, "An Act for the appointment of policemen in the borough of Meadville, and for the settlement of claims on account of the poor of said borough."

Also, as committed, "An Act to incorporate the farmers and mechanics' mutual insurance company."

Also, with a negative recommendation, "An Act incorporating the borough of Johnstown."

Mr. GRATZ, (same,) as committed, Senate bill No. 440, "An Act to incorporate the Pittsburg park association."

Also, with amendment, "An Act to incorporate the Allen rolling mill."

Mr. WALBORN, (Railroads,) as committed, "An Act authorizing the Pennsylvania railroad company to obtain a better supply of water for the use of their road."

On motion of Mr. LAWRENCE, (Washington,) recommitted to the Committee on Judiciary.

Mr. ROSE, (Pensions and Gratuities,) as committed, "An Act for the relief of Margaret Coldwater, widow of Thomas Coldwater, a soldier of the Revolutionary war."

On motion of Mr. CHURCH, Senate bill No. 431, "An Act declaratory of an act to apportion the city of Philadelphia," was recommitted to the Committee on the Judiciary System.

Mr. PENNELL, (Roads and Bridges,) as committed, "A supplement to an act to incorporate the Lewisburg and Youngmans town turnpike road."

Mr. GOEPP introduced, on leave given, a resolution, setting apart next Monday afternoon for the consideration of House bill No. 182, "An Act to confer on certain associations of the citizens of this Commonwealth, the powers and immunities of corporations and bodies politic in law, and to confirm charters heretofore granted," which was adopted.

Mr. WILLISTON, from the special committee to whom was referred the subject, reported, as committed, "An Act establishing a general banking law."

Mr. GRITMAN, on leave given, introduced a resolution, that the House proceed to the consideration of said bill, and moved that the rules be suspended for that purpose.

Mr. CHASE moved to modify the same, by placing it at the top of the Calendar of Public bills for to-day.

Mr. THORN moved to amend the resolution, by substituting House bill No. 445, "An Act in reference to promissory notes, &c.," not agreed to.

On the question,

Will the House agree to the motion made by Mr. CHASE?

The yeas and nays were required by Mr. BARNESLEY and Mr. IRISH, and were as follow, viz:

YEAS—Messrs. Abbott, Barlow, Boyer, (Clear-

field,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Church, Eckman, Ellmaker, Evans, Foster, Glatz, Good, Graham, Gray, Green, Gritman, Hamersly, Harding, Irish, Keneagy, Ketchum, Laird, Lawrence, (Washington,) Mann, M'Clure, M'Curdy, Miller, Palm, Patterson, Pennell, Peirce, Pinkerton, Pugh, Quigley, Ramsdell, Rose, Rense, Shafer, Smead, Smith, (Berks,) Stephens, Taylor, Thompson, Wagenseller, Walborn, Witman, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wolf and Zeller—56.

NAYS—Messrs. Barnsley, Bayard, Custer, Disman, Durborow, Fearon, Fleming, Galley, Hill, Hottenstine, Jackson, Kinney, Mehafeey, Neall, Nill, Oaks, Price, Preudfoot, Rohrer, Shields, Stoneback, Stuart, Thorn, Walker, Warden, Wigton, Wilson and Lawrence, *Speaker*—28.

So the question was determined in the affirmative.

Mr. LAWRENCE, (Washington,) moved that when this House adjourn it do so to meet again at 3 o'clock this afternoon; which was agreed to.

On motion of Mr. PRICE, the Committee on Claims was discharged from the further consideration of a certain bill.

#### BILLS IN PLACE.

Mr. WILSON read in his place and presented to the Chair, "An Act repealing so much of the act of 29th April, 1841, as allows the State Treasurer to abate five per cent. on amounts of State tax paid in by counties fifteen days previous to the first of August annually."

Also, "An Act to authorize the Governor to appoint an auctioneer for Beaver county."

Mr. SMITH, (Berks,) "A supplement to the act regulating the militia of this Commonwealth."

Mr. BERTOLET, "An Act to authorize the laying out of a State road from Wernersville, to Bechtel's mill, in Lancaster county."

Mr. THOMPSON, "An Act authorizing the appointment of commissioners to sell the Northwestern railroad company." On motion of Mr. HAMERSLY, referred to the Judiciary Committee.

Mr. SHAFER, "An Act to divide the borough of West Chester into two election districts."

Mr. PEIRCE, "An Act relative to the supervisors in New London and East Marlboro' townships, Chester county."

Mr. ACKER, "An Act to change the manner of appointing revenue commissioners."

Mr. WITMAN, "An Act relating to the fees of aldermen, justices of the peace and constables."

Mr. PENNELL, "An Act relative to the borough of Chester, Delaware county."

Mr. GRAY, on leave given, from the Committee on Divorces, reported as committed, "An Act to annul the marriage contract between Charles A. Girard, of Green county, and Louisa, his wife."

Mr. ROSE, "A further supplement to an act authorizing the citizens of the borough of Mercer to erect a Union school house in said borough."

Also, "An Act relative to vendors of patent medicines in the county of Mercer."

Mr. BURLEY, "An Act authorizing the payment of the claim of Jesse Herbert, of Blair county."

Mr. BRYSON, "An Act to erect an independent school district in Slippery Rock township, Lawrence county."

On motion of Mr. LAWRENCE, (Washington,) the "Act authorizing the appointment of a notary public for Canonsburg" was referred to the Committee on Banks.

Also, "An Act relative to the Berks and Dauphin turnpike road company."

Mr. ECKMAN, "An Act authorizing the laying out of a State road in Lebanon county."

Mr. QUIGLEY, "An Act to incorporate the

board of directors of the fire department of Philadelphia."

Mr. GRATZ, "An Act to vacate a part of Wallace street, Philadelphia."

On motion of Mr. HAMERSLY, the above bill of Mr. QUIGLEY'S was referred to the Select Committee composed of the Philadelphia delegation.

Mr. THORN, "An Act to widen Market street, in the Ninth ward, Philadelphia."

Also, one to authorize the Butler House hotel company to change their corporate name.

Also, one to incorporate the Firemen's Fund insurance company of Philadelphia."

Mr. NEALL, "An Act relating to Tulip street, Philadelphia."

Mr. HARDING, "An Act to incorporate the Union manufacturing company of Philadelphia."

Also, one to incorporate the Moyamensing insurance company."

Also, one to incorporate the Schuylkill Haven company."

Mr. EVANS, "An Act to increase the number of aldermen in the Eleventh ward, Philadelphia."

Mr. ABBOTT, "A further supplement to the act consolidating the city of Philadelphia."

Mr. WILLISTON, "An Act for the relief of Wm. Rose and others."

Mr. RAMSDELL, "An Act directing the supervisors of the township of Heath, Jefferson county, and the supervisors of the township of Millstone, in Forrest county, to pay the expenses of opening a certain road in said townships."

Mr. STEPHENS, "An Act for the protection of the rights of the people of Wayne county."

Mr. WOLF, "An Act to incorporate the Wrightsville steam ferry company."

Mr. GOOD, "An Act authorizing the Allen Rifles to erect an armory."

Mr. PRICE, "An Act to create commissioners to lay out and open an alley in Elizabethtown, Lancaster county."

Also, "A further supplement to the act regulating the sale of intoxicating drinks."

Mr. PATTERSON, a remonstrance from citizens of Juniata county, against a law taxing dogs in said county."

Mr. MATTHEWS, "An Act to incorporate the board of directors of the fire department of the city of Philadelphia."

Mr. KETCHUM, "An Act to incorporate the Wilkesbarre and Kingston passenger railway company."

Mr. SMITH, (Berks,) "An Act to protect the wages of labor in Berke county."

Mr. SMITH, (Berks,) said that the bill, which was of considerable importance, was entirely local in its character, and by its prompt passage, would be the means of saving several thousands of dollars to the laboring men of his county, the loss of which was apprehended. The particulars of the case he did not just feel at liberty to state, but would respectfully ask the House to take up and pass the bill.

The bill was then taken up, and after having been modified by Messrs. WILCOX, WILLISTON, BOYER, (Clearfield,) GOOD and MANN, so as to extend the provisions of said act to the counties of M'Kean, Elk, Tioga, Clearfield, Lehigh and Potter, the bill was passed by the House.

Mr. WIGTON, "An Act relative to the claim of Robert C. Magill and Magill & Cross."

Mr. PRICE, a remonstrance from citizens of Lancaster, against the proposed establishment of a branch of the Columbia Bank in the city of Lancaster."

On motion of Mr. THORN, the House took up and passed House bill No. 553, "A supplement to the act incorporating the Philadelphia and Trenton railroad company, authorizing said company to hold some river front in Philadelphia."



Mr. KENEAGY, on leave given, offered a resolution, that a session be held on Monday evening next, commencing at 7 o'clock, to consider House bill No. 883, "An Act to prevent frauds at elections;" which was read the second time.

Mr. HAMERSLY moved to amend, by including House bill No. 129, "An Act to secure to the people of Philadelphia the right of free travel over certain highways;" which was accepted.

It having been stated that there was already a special order for Monday evening.

Mr. KENEAGY so modified his resolution as to make it read Wednesday evening.

Mr. WALBORN moved to amend the resolution, by striking therefrom all which relates to bill No. 129; which was not agreed to.

Mr. FOSTER moved to amend the resolution, by adding House bill No. 1132, relating to contested election cases of members of the Legislature; which was agreed to.

And the resolution as amended was adopted.

Mr. HAMERSLY, on leave given, from the Committee on Corporations, reported, as committed, "An Act to incorporate the Diligent insurance company."

Also, as committed, "An Act to incorporate the Tylersville water company."

Also, as committed, "An Act to incorporate the Elm Tree fire insurance company of Philadelphia."

Also, as committed, "An Act relative to North Lebanon borough, Lebanon county."

Mr. WAGENSELLER made a statement. There was on the Private Calendar of to-morrow, a bill in which his constituents were interested, viz: House bill No. 707, "An Act relative to ferridge over Shamokin dam." He would be obliged to be absent when the Private Calendar was taken up, and therefore called up the bill now.

The bill was taken up by the House.

Mr. HOTTENSTINE moved to postpone.

Not agreed to.

The bill was read the second and third time And being on final passage.

Mr. HOTTENSTINE opposed the bill, and said that the matter to which it pertained, should properly go to the courts for adjustment.

Mr. KINNEY considered that the bill deserved attention on the part of the members before it was thus abruptly passed.

Mr. WAGENSELLER reviewed the facts of the cases. The Susquehanna river at this point is wide, and there are two ferries here, one on either side of the river. One of these ferries, that of the eastern shore, belonged to the borough of Sunbury, and the other one on the western shore, had been for upwards of eighty years past in the hands of Dr. Hottenstine and his predecessors. In 1828 the canal was made, and in its construction the landing of Dr. Hottenstine was destroyed, but in consideration he was granted another point for a landing. This act was now intended simply to define his rights.

The canal runs for nearly a quarter of a mile through land of Dr. Hottenstine, and he had never charged and never would charge, one cent for damages. This bill is just and right, and is simply to prevent other parties from interfering with the rights of Dr. Hottenstine.

The question recurring,

Shall the bill pass?

The yeas and nays were required by Mr. HOTTENSTINE and Mr. BERTOLET, and were as follow, viz:

YEAS—Messrs. Barlow, Bayard, Boyer, (Schuylkill,) Burley, Chase, Dodds, Durbin, Eckman, Ellmaker, Evans, Fearon, Fleming, Glatz, Graham, Green, Harding, Jackson, Kinney, Matthews, McClure, McDowell, Miller, Oaks, Palm, Patterson, Price, Pughe, Rose,

Shaffer, Smith, (Berks,) Styer, Thompson, Wagenseller, Walborn, Walker, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wolf, Zoller and Lawrence, *Speaker*—44.

NAYS—Messrs. Bertolet, Boyer, (Clearfield,) Custer, Dismant, Galley, Good, Gray, Hamersly, Hill, Hottenstine, Laird, Mann, Shields, Smend, Stephens, Stoneback, Stuart and Warden—18.

So the question was determined in the affirmative.

A message was received from the Governor, vetoing the bill incorporating the Chestnut and Walnut Streets passenger railway company.

Mr. LAWRENCE, (Washington,) moved that the rules be suspended, and that the House proceed to the consideration of the veto message just read.

Mr. THORN moved an adjournment.

Not agreed to.

The motion to suspend the rules was agreed to.

And the question being,

Shall said bill pass, notwithstanding the objections of the Governor?

Mr. WARDEN moved that the vote by which the rules were suspended in this case be reconsidered.

And on the question,

Will the House agree to the motion?

The yeas and nays were required, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Bertolet, Chase, Church, Dismant, Dodds, Galley, Graham, Glatz, Harding, Neall, Pennell, Ramsdell, Shields, Stoneback, Thompson, Thorn, Warden, Wiley, Williams, (Bucks,) Williston and Willson—23.

NAYS—Messrs. Barnsley, Barlow, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Campbell, Custer, Durbin, Eckman, Ellmaker, Evans, Fisher, Fleming, Foster, Glatz, Goepf, Gray, Green, Gritman, Hamersly, Hill, Hottenstine, Jackson, Kenagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mahaffey, Matthews, McClure, McDowell, Miller, Oaks, Palm, Patterson, Peirce, Pinkerton, Price, Proudfoot, Pughe, Rohrer, Rouse, Shaffer, Sheppard, Smend, Smith, (Berks,) Stephens, Stuart, Styer, Wagenseller, Walborn, Walker, Witman, Wigton, Wilcox, Williams, (Bedford,) Wolf, Zoller and Lawrence, *Speaker*—62.

So the question was determined in the negative.

The hour of one having arrived, the SPEAKER adjourned the House until this afternoon at three o'clock.

#### HOUSE—AFTERNOON SESSION.

The House was called to order at three o'clock.

SPEAKER in the Chair.

In pursuance of a resolution of the House, the Senate returned House bill No. 864, to the House, for re-consideration.

Mr. JACKSON moved that the House reconsider the vote on House bill No. 864, "An Act authorizing the widening and extension of Market street, in Bloomsburg, Columbia county;" which was agreed to.

Mr. JACKSON said—

I am opposed to any hasty action upon a matter of so much importance to the citizens and tax payers of Columbia county. It is due to them that they have an opportunity of being heard upon the subject, and I therefore move that the further consideration of this bill be postponed for the present; which was agreed to.

Senate amendments to Senate bill No. 6, were read and concurred in.

Senate amendments to House bill No. 801,

relative to hunting deer with dogs, were read and concurred in.

Senate amendments to House bill No. 709, relative to the Ridge avenue railroad company, were read and concurred in.

Senate amendments to House bill No. 700, relative to the Roxboro' Old Fellows hall association, were read and concurred in.

Senate amendments to House bill No. 278, "An Act to revive the charter of the Lancaster, Lebanon and Pine Grove railroad company," were read and concurred in.

The House resumed the consideration of House bill relative to the Chestnut and Walnut streets passenger railway company, and vetoed by the Governor.

Mr. THORN did not presume to think that anything that he could say would interest the House, or convince members that it was necessary to pursue any particular course of action. Nevertheless he felt it to be due to himself, before casting his vote against the veto of the Governor, to give his reasons.

There was, perhaps, no man in the House in exactly the same position as himself as regarded this question. He had spent time and even money (and in saying this he only wished to be understood as referring to the legitimate expenses incurred in traveling and hotel expenses,) in obtaining the privilege of constructing a railroad on Chestnut and Walnut streets, in the city of Philadelphia.

One year ago, as now, he had believed that the question was only one of time as to when the road should be commenced, and one of privilege as to the hands in which it should be placed.

He would vote in favor of the bill, in opposition to the veto of the Governor, because the principal argument which the Executive had advanced was, that the councils of Philadelphia had control of the matter, applied just as well to the charters which had been granted to the Fourth and Eighth street companies, as to the Chestnut and Walnut, and as well to the Arch street as to any of them.

The Governor also alleged that there was in the bill no provision that councils should first acquiesce in the provisions of the bill. True. But councils could, if they were so disposed, protect themselves and the people, by the imposition of taxes on cars, or otherwise.

Now, this Legislature, last year, granted a charter to another set of commissioners to lay a railroad track on Chestnut and Walnut streets, in the city of Philadelphia, and that charter provided that councils should first give their assent. These municipal authorities, however, after having had the subject brought before them, postponed its consideration indefinitely. The bill, under these circumstances, remained in that legislature (for the city council was, in effect, a legislature, equal in numbers and importance, to that of the State,) for one year, and without any action.

One ground alleged by the Governor in his veto message was, that councils should consent to allow the streets to be used for railroad purposes. No later than yesterday, information was received, (unofficial, it is true,) that the municipal authorities had given their assent to the occupancy of the thoroughfares, according to the provisions of the charter of 1858.

He would repeat, that it was merely a question as to who should have the privilege. His own interests had been connected with the first project. When that was broached, he had been a mere citizen, with clear and undoubted rights to engage in any legitimate enterprise. Willingly, therefore, he lent his assistance in the plan. The bill, as he had said, had been passed by the Legislature, and placed in the hands of councils, who had kept huckstering it until yesterday, when, with marvellous and unexplained haste, they had affirmed it. Moreover,



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those bodies, in the discussion which they had had, listened to the remark which was made, "that it was no use to send a committee to Harrisburg to remonstrate against the passage of the new bill, unless they took with them fifty thousand dollars." He would repel any such insinuation thus unfairly and unjustly made.

Why was it, he would ask, (and he was talking now to the people, and not to the Legislature,) that the first bill containing a proviso requiring the assent of councils to render it valid, had been indefinitely postponed—allowed to linger for one year, and then brought up almost in a moment and passed? Councils met at three o'clock, and at eight he had received a telegraphic dispatch that the act had received the sanction of both branches and been signed by the Governor. Let those interested say why all this had been done. For his own part, he would simply reiterate the facts that a bill, after laying for one year, had been brought up and hurried through at a particular juncture, by a body of men, who, at the same time, gave vent to considerable virtuous indignation.

He was here ready to vote for the bill against the veto, because the only point in the message which was really worth consideration, viz: that the councils of Philadelphia should control their own thoroughfares, was refuted by the fact that the streets of Philadelphia, under the grant of William Penn, were actually subject to the authority of the Legislature of the Commonwealth. Perhaps no other city in the State was thus peculiarly situated.

Again, the fact was indisputable that the argument of the Governor, relative to councils controlling the right of way, had been just as applicable to Arch and Fourth and Eighth streets as to Chestnut and Walnut. It was to be remembered, and he would state, that the original Arch street charter, which had passed both branches, and received the countenance of all necessary departments of the government had been declared null by the supreme court. The authority over the streets of Philadelphia, under the charter of Penn, rests in the Commonwealth. This, perhaps, is not the case with reference to any other city in the Union.

As regarded the franchise granted to the first company, the question was, was there any, and where did it exist? Under the former bill, commissioners were appointed to sell stock, but as councils did not consummate the act of incorporation by giving it their sanction, of course, no stock was legally sold and no vested rights accrued. Now, however, they had passed the old bill, and the question arose, had the Legislature a right to repeal it? Clearly, this was not in the province of that body to determine. The Governor supposed that there was a doubt of the authority of the Legislature to repeal, but the fact was apparent that the question must be otherwise adjusted by tribunals that alone had the right.

In view of the circumstance that a year had elapsed—that several combinations had been formed to occupy the same streets—that the councils and mayor had signified their willingness to allow the occupancy of those thoroughfares—that councils elected by the same constituents as the members of the Legislature, had attempted to cast reproach on the body, he felt constrained to vote for the bill in opposition to the veto of the Governor, which he would do.

The question recurring,

Shall the bill pass, notwithstanding the objections of the Governor?

Mr. SMITH asked to have the message again read.

The Clerk again read the message.

And the question again recurring,

Shall the bill pass?

Agreeably to the provisions of the twenty-third section of the Constitution, the yeas and nays were called, with the following result:

YEAS—Messrs. Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Custer, Dismant, Dodds, Durhoraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Glatz, Goepf, Good, Graham, Gray, Green, Gritman, Hamersly, Harding, Hill, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Clure, M'Dowell, Miller, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Price, Proudfoot, Pughe, Ramsdell, Rohrer, Rouse, Sheppard, Smead, Smith, (Berks,) Stephens, Stonehack, Stuart, Styer, Taylor, Thompson, Thorn, Wagenseller, Walborn, Walker, Witman, Wigton, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Wolf, Zoller and Lawrence, *Speaker*—75.

NAYS—Messrs. Abbott, Acker, Church, Foster, Galley, Gratz, Quigley, Rose, Shafer, Wiley and Williston—11.

So the question was determined in the affirmative.

Mr. WARDEN paired off with Mr. BRODHEAD.

Senate amendments to the act incorporating the Richmond and Schuylkill passenger railway company, were read and concurred in.

The House resumed the consideration of House bill No. 241, "An Act to establish a Normal school in connection with Westminster college, New Wilmington, Lawrence county, Pa., vetoed by the Governor.

Mr. RAMSDELL spoke briefly against the position assumed by the Governor, and hoped the bill would pass, notwithstanding his objections.

Further discussion ensued between Messrs. KETCHUM, WILLISTON, KINNEY, RAMSDELL, GOEPP, ABBOTT, GRITMAN and HAMERSLY.

The question being, shall the bill pass notwithstanding the objections of the Governor?

In accordance with the twenty-third section of the Constitution, the yeas and nays were taken, with the following result:

YEAS—Messrs. Abbott, Bryson, Church, Graham, Gratz, Hamersly, Harding, Mann, Matthews, M'Clure, M'Dowell, Miller, Neall, Ramsdell, Rose, Taylor, Thorn, Walhorn, Wilcox, Wiley, Williston, Wilson Zoller and Lawrence, *Speaker*—24.

NAYS—Messrs. Acker, Barnsley, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Campbell, Chase, Custer, Dismant, Dodds, Eckman, Ellmaker, Evans, Foster, Galley, Glatz, Goepf, Good, Gray, Green, Gritman, Hill, Hottentstine, Jackson, Keneagy, Ketchum, Kinney, Laird, Mehaffey, Oaks, Patterson, Pennell, Peirce, Pinkerton, Proudfoot, Pughe, Rohrer, Shafer, Shields, Smead, Smith (Berks,) Stephens, Stonehack, Stuart, Thompson, Wagenseller, Walker, Warden, Witman, Williams, (Bedford,) Williams, (Bucks,) and Wolf—62.

So the question was determined in the negative.

Messrs. THOMPSON and DODDS said—

We vote to sustain the Governor's veto, because we believe appropriations of this description are impolitic; and, because the people we represent, and whose will we shall always be proud to obey, demand that we should do so.

Our constituents, sir, are the friends of education, but demand it shall be conducted upon a basis just and equitable. They believe they should be allowed to make such rules and regulations relative to education, especially by common schools, as they may think best adapted to their particular wants and requirements. For these reasons, they deem an effort to compel the tax payers of this State to assume the payment of even the sum mentioned in this bill, for the purposes therein specified, unjust and at war with that principle which recognizes the right of each man to dispose of his own, as he shall think proper. Are these views not well founded? Our constituents will educate their teachers and children, and educate well, and all they ask is, that they may be allowed to select and adopt their own plan. For these reasons, we vote No.

Mr. GRATZ moved that the Committee on Railroads be discharged from the further consideration of the act to incorporate the Thirtieth and Fifteenth Streets passenger railway company.

Mr. WALBORN opposed the motion.

Mr. THORN favored it.

Mr. PINKERTON said he would vote for the motion of the gentleman from Philadelphia (Mr. GRATZ) as he had a bill in the same committee relating to the security of property in the town of Tremont, and in which many of his constituents were deeply interested. He had read the bill in place six or eight weeks ago, met with the committee once and has never heard the whereabouts of the bill since. He would, therefore, vote to take the bill out of the committee.

And on the question.

Will the House agree to the motion?

It was determined in the affirmative.

Mr. PENNELL, on leave, offered a resolution that there be a session this evening, and that when the House adjourns then, it will meet again at three o'clock on Monday afternoon.

Mr. SMITH, (Berks,) moved to amend by meeting at seven and adjourning at nine o'clock, for the purpose of considering the bills on the Private Calendar, remaining undisposed of.

Mr. HAMERSLY moved to amend by meeting this evening to consider the free banking law.

And on the motion,

The yeas and nays were required by Mr. GRITMAN and Mr. HAMERSLY, and were as follow, viz:

YEAS—Messrs. Acker, Boyer, (Schuylkill,) Campbell, Chase, Church, Ellmaker, Fisher, Foster, Good, Graham, Gritman, Hamersly, Harding, Jackson, Keneagy, Ketchum, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Clure, Neall, Palm, Pennell, Peirce, Pughe, Ramsdell, Rose, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Stephens, Walborn, Witman, Wilcox, Wiley and Williston—39.

NAYS—Messrs. Abbott, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Bryson, Burley, Custer, Dismant, Dodds, Durhoraw, Eckman, Fearon, Fleming, Galley, Glatz, Goepf, Gratz, Green, Hill, Hottentstine, Kinney, Laird, M'Dowell, Miller, Oaks, Patterson, Pinkerton, Price, Proudfoot, Shields, Stoneback,



Stuart, Styer, Taylor, Thompson, Thorn, Walker, Warden, Wigton, Williams, (Bedford,) Wilson, Wolf, Zoller and Lawrence, *Speaker*—46.

So the question was determined in the negative.

Mr. M'CLURE moved that the House do now adjourn.

And on the motion,

The yeas and nays were required by Mr. THORN and Mr. M'DOWELL, and were as follow, viz :

YEAS—Messrs. Abbott, Boyer, (Schuylkill,) Bryson, Campbell, Chase, Dodds, Durboraw, Ellmaker, Fearon, Fisher, Fleming, Galley, Good, Graham, Green, Hamersly, Kinney, Laird, Lawrence, (Washington,) Mann, M'Clure, Neall, Patterson, Pinkerton, Proudfoot, Rose, Rouse, Smead, Thompson, Walborn, Walker, Warden, Witman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wiliston, Wilson, Zoller Lawrence, *Speaker*—40.

NAYS—Messrs. Acker, Barnsley, Barlow, Bayard, Boyer, (Clearfield,) Burley, Church, Custer, Dismant, Eekman, Foster, Glatz, Goepf, Gratz, Gritman, Harding, Hill, Hottenstine, Jackson, Keneagy, Ketchum, Mehaffey, Matthews, McDowell, Miller, Oaks, Palm, Pennell, Peirce, Price, Pughe, Ramsdell, Rohrer, Shafer, Sheppard, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Styer, Taylor, Thorn, Wilcox, Wiley and Wolf—46.

So the question was determined in the negative.

The question recurring,

Will the House agree to Mr. SMITH'S amendment?

Mr. WILLISTON moved that the further consideration of the question be postponed indefinitely.

And on the motion,

The yeas and nays were required by Mr. WILLISTON and Mr. LAWRENCE, (Washington,) and were as follow, viz :

YEAS—Messrs. Abbott, Burley, Campbell, Chase, Church, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Good, Graham, Green, Hamersly, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, Matthews, McClure, Neall, Palm, Patterson, Pinkerton, Proudfoot, Rose, Rouse, Smead, Thompson, Thorn, Walborn, Walker, Witman, Wigton, Wilcox, Williams, (Bedford,) Williston, Wilson, Zoller and Lawrence, *Speaker*—45.

NAYS—Messrs. Acker, Barnsley, Barlow, Bayard, Beretlet, Boyer, (Clearfield,) Custer, Dismant, Foster, Glatz, Goepf, Gratz, Gritman, Harding, Hill, Hottenstine, Jackson, Miller, Oaks, Pennell, Peirce, Price, Ramsdell, Rohrer, Shafer, Sheppard, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Styer, Taylor, Warden, Williams, (Bucks,) and Wolf—31.

So the question was determined in the affirmative.

Senate amendments to House resolution relative to the pay of the Clerk and Sergeant-at-Arms, for services rendered the bank investigation committee, were read and concurred in.

On motion of Mr. PATTERSON, the SPEAKER adjourned the House until to-morrow morning at 9½ o'clock.

#### SENATE.

SATURDAY, March 26, 1869.

The Senate met and was called to order by the SPEAKER at 9½ o'clock, A. M.

The Journal was read and approved.

The SPEAKER presented an abstract of the accounts of the Lehigh Valley railroad company.

#### LEAVE OF ABSENCE.

Mr. BREWER asked and obtained leave of absence for Mr. FETTER, for to-day.

#### REPORTS OF COMMITTEES.

Mr. RANDALL, (Railroads,) reported as committed, House bill No. 796, "A supplement to the act incorporating the Citizens' passenger railway company."

Also, (same,) as committed, House bill No. 976, "A supplement to the act incorporating the Philadelphia and Trenton railroad company."

#### ORIGINAL RESOLUTION.

Mr. COFFEY moved that when the Senate adjourns to day, it adjourn at 12 o'clock; which was considered and adopted.

#### ORDERS OF THE DAY.

The re-consideration of House bill No. 1097, "An Act to incorporate the Philadelphia City passenger railway company," which was pending when the Senate adjourned yesterday afternoon, came up in order,

The question being,

Shall the bill pass, notwithstanding the objections of the Governor?

Agreeably to the provisions of the twenty-third section of the first article of the Constitution, the SPEAKER ordered the yeas and nays, which were as follow, viz :

YEAS—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Finney, Francis, Gazzam, Gregg, Harris, Keller, Miller, Myer, Palmer, Parker, Randall, Rutherford, Scofield, Shaeffer, Schindel, Steele, Thompson, Welsh, Yardley and Cresswell, *Speaker*—25.

NAYS—Messrs. Marselis, Nunemacher, Penney and Wright—4.

Two-thirds having voted in the affirmative, the bill passed.

Messrs. COFFEY, FRANCIS, MYER, RANDALL and GREGG gave brief explanations of the reasons which controlled their votes upon this question. They had each voted to sustain the previous question, under the impression that the design was simply to ont off discussion upon the motion to postpone for the present, and not upon the merits of the bill or the propriety of the veto.

Mr. RANDALL gave notice, in connection with his statement, that he would place upon the record what he would have said upon the merits of this question, had not the ruling of the SPEAKER precluded.

Mr. COFFEY, in making his statement of the reasons which induced him to sustain the previous question, said he had labored under the impression that it did not apply to the bill itself, but simply to the motion to postpone.—He had desired to extend the time for the discussion of the veto, and to participate in that discussion himself. An examination of the authorities, however, had convinced him that the ruling of the SPEAKER was correct.

Mr. WRIGHT also arose to make a statement with reference to the subject, but the SPEAKER having ruled him out of order, unless his statement was confined to the reasons for his vote upon the question of sustaining or overruling the veto, he was prevented doing so.

An extract from the Journal of the House of Representatives was received and read, as follows :

*Resolved*, That if the Senate concur, House bill No. 760, "An Act to incorporate the Richmond and Schuylkill passenger railway company," be amended, by adding to the end thereof the following section :

SEC. 6. That the said company shall be subject to the provisions of ordinances heretofore passed by the councils of the city of Philadelphia, regulating passenger railways in said city.

On motion, the extract was concurred in.

On motion of Mr. PALMER, the Senate concurred in House amendments to Senate bill No. 10, "An Act for the better securing the payment of wages of labor in certain counties of this Commonwealth."

On motion of Mr. PENNEY, the Senate re-

ceded from its amendment to Senate bill No. 431, "A further supplement to the act regulating banks," in which the House of Representatives had refused to concur.

On motion of Mr. GREGG, the Senate concurred in House amendments to Senate bill No. 14, "An Act to lay out a State road from Shroyer's Gap to M'Call's mills."

House amendments to Senate bill No. 321, "An Act to incorporate the Philadelphia and Olney passenger railway company," were, on motion, concurred in.

On motion of Mr. BELL, (the Committee on Estates and Escheats having been discharged from its consideration,) the Senate proceeded to consider Senate bill No. 346, "An Act to authorize the appointment of boards of visitors to the several houses of employment and for the support of the poor of this Commonwealth."

The first section of the bill being before the Senate,

Mr. MARSELIS did not know but the bill was applicable to the city of Philadelphia. He asked the Senator from Chester whether such was the case?

Mr. BELL replied, not at all.

Mr. MARSELIS said the bill, at best, was a very foolish thing, and briefly opposed it, as objectionable in many of its features.

Mr. BELL again replied that the bill did not apply to Philadelphia; and although that fact was apparent upon the face of the bill, he had no objection to inserting a provision, that it shall not apply to the cities of Philadelphia and Lancaster.

Objection being made to the amendment offered, to that effect, by Mr. MARSELIS,

On motion of Mr. RANDALL, the Senate went into committee of the whole, for the purpose of special amendment, adding the proviso above alluded to.

The bill was reported as amended; when

The question recurring upon the bill as amended,

The yeas and nays were required by Mr. RANDALL and Mr. BELL, and were as follow, viz :

YEAS—Messrs. Baldwin, Bell, Blood, Coffey, Craig, Finney, Francis, Gazzam, Harris, Miller, Palmer, Parker, Shaeffer, Schindel, Steele, Thompson, Welsh, Wright, Yardley and Cresswell, *Speaker*—20.

NAYS—Messrs. Brewer, Marselis, Nunemacher, Penney, Rutherford and Scofield—6.

So the question was determined in the affirmative.

And the bill passed.

#### BILLS CONSIDERED.

On motion of Mr. RANDALL, the Senate proceeded to consider House bill No. 796, "A supplement to the act incorporating the Citizens' passenger railway company."

Said bill went through its various readings, and on its final passage,

The yeas and nays were required by Mr. WRIGHT and Mr. RANDALL, and were as follow, viz :

YEAS—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Finney, Gazzam, Harris, Keller, Marselis, Myer, Palmer, Parker, Penney, Randall, Rutherford, Scofield, Shaeffer, Schindel, Steele, Thompson, Welsh and Cresswell, *Speaker*—23.

NAYS—Messrs. Miller, Nunemacher and Wright—3.

So the question was determined in the affirmative.

On leave given, Mr. COFFEY read in his place and presented to the Chair, a bill, entitled "An Act to regulate the sales of railroads and canals under mortgages."

On motion of Mr. GREGG, House bill No. 693, "An Act to define the limits of the borough of Lock Haven," was taken up and passed finally.



On motion of Mr. BELL, (the Committee on Estates and Escheats having been discharged from its consideration,) the Senate proceeded to consider House bill No. 1056, "An Act to authorize the trustees of Glen Run Baptist church to sell certain real estate."

Mr. HARRIS moved that the Committee on the Judiciary be discharged from the consideration of House bill No. 893, "An Act to extend the provisions of the manufacturing law of 1849, to the manufacture of oils from mineral coal in Mercer county," and that the Senate proceed to consider the same; which was agreed to, and the bill, after being duly considered, passed finally.

Mr. MARSELIS called up Senate bill No. 792, "An Act to incorporate the Western library association of the city of Philadelphia," which went through its various readings, and passed finally.

On motion of Mr. NUNEMACHER, (the Committee on corporations having been discharged from its consideration,) House bill No. 466, "An Act to incorporate the Philomathean institute of Union township, Berks county," was taken up, and after being considered, passed finally.

House bill No. 976, "A supplement to the act incorporating the Philadelphia and Trenton railroad company," was taken up, on motion of Mr. PARKER, whereupon the Senate resolved itself into committee of the whole, (Mr. WRIGHT in the chair.)

On motion of Mr. PARKER, the proviso requiring consent of councils, as also the proviso requiring \$5,000 to be paid annually to the State, and the same amount to the city of Philadelphia, were stricken out, and the Chairman reported the bill as amended.

On motion, the Senate proceeded to second reading and consideration; when,

Mr. MILLER moved to insert the provisos stricken out in committee of the whole; which was not agreed to.

And upon its final passage,

The yeas and nays were required by Mr. RANDALL and Mr. WRIGHT, and were as follows, viz:

YEAS—Messrs. Baldwin, Bell, Blood, Brewer, Coffey, Francis, Gazzam, Gregg, Harris, Keller, Marselis, Palmer, Parker, Randall, Rutherford, Scofield, Shaeffer, Schindel, Steele, Thompson, Welsh, Yardley and Cresswell, *Speaker*—23.

NAY—Mr. Wright—1.

So the question was determined in the affirmative.

Mr. MYER moved that the Senate proceed to consider House bill No. 714, "An Act to compel the Williamsport and Elmira railroad company to fence their road."

Upon which motion,

The yeas and nays were required by Mr. RANDALL and Mr. MYER, and were as follows, viz:

YEAS—Messrs. Baldwin, Brewer, Gazzam, Gregg, Harris, Marselis, Myer, Parker, Penney, Rutherford, Steele, Welsh and Yardley—13.

NAYS—Messrs. Bell, Blood, Miller, Nunemacher, Palmer, Randall, Scofield, Shaeffer, Schindel, Wright and Cresswell, *Speaker*—11.

So the question was determined in the affirmative.

And the Senate resolved itself into committee of the whole, (Mr. YARDLEY in the Chair.)

After sometime the committee rose, and the Chairman reported the bill, as committed; when, on motion of Mr. MYER, the Senate proceeded to second reading.

Mr. RANDALL moved to amend, by striking out the words "Williamsport and Elmira railroad company," and inserting the words, "all railroad companies within the limits of this Commonwealth."

Upon the amendment, Mr. RANDALL made

a brief statement, contending that the principle should be made applicable to all roads.

Mr. MYER objected to the amendment as unjust.

Mr. GAZZAM thought the proviso should be applied to all roads in the Commonwealth, but it was almost too early to take that step at present.

Mr. GREGG condemned the amendment, and entered into the peculiar circumstances connected with this road, which called for the fencing of it through the cleared portions.

It was demanded by the farmers in the localities named, and it was the only means by which their property could be protected. He thought the omnibus amendment proposed by the Senator from Philadelphia was a covert one, and was an unmanly way of defeating a bill.

Mr. RANDALL said if the principle was correct, that one company should be compelled to fence their road, it was justly applicable to all.

Mr. GREGG replied that he was opposed to fencing all the roads in Pennsylvania, for it would be entailing upon those which were crippled, a weight which they cannot carry.

Mr. CRESSWELL had always been opposed to compelling railroad companies to fence their roads. The experience of all roads has established the fact that there is more property destroyed on roads which are fenced, than on those which are not. There would be an injustice in compelling all the companies of the State to fence their roads, and he was opposed to its passage.

Mr. MYER regarded the amendment, if adopted, as fatal to the bill. He presented two affidavits from citizens residing along the line, in support of the position that there was an express agreement, upon the part of the company, when the right of way was granted, to fence, in a good and substantial manner, their road, or portions of it. It was upon their agreement to do so, that he advocated the passage of the bill. The inducements held out to property holders through which the road runs, to grant the right of way, was this promise to fence. There was nothing more than simple justice in the demand; and he could not, for the life of him, see why they should not be compelled to comply with their contract.

Mr. SCOFIELD said the people who resided along the line of this road had grown wealthy, while the company has become poorer; and although the poor farmers, whose property, it had been alleged, was liable to destruction, had been benefitted, they would not take one dollar's worth of stock at anything like the sum it cost them. There might, possibly, be portions of the road which required fencing, and many others, possibly, which did not. He did not like to see this disposition manifested to characterize all railroad companies as monopolies, and to advocate the exaction of hitherto duties upon them upon that ground.

Mr. MYER again took the floor in advocacy of the bill, but the hour of 12 o'clock having arrived, the SPEAKER requested him to withhold his remarks, and adjourned the Senate until Monday afternoon at 3 o'clock.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, March 27, 1859.

The SPEAKER called the House to order at 9½ o'clock.

Prayer was offered by the Rev. J. Green Miles, of the Baptist church.

The Clerk read the Journal of yesterday.

On leave given, Mr. ECKMAN read in his place and presented to the Chair, the following bills:

"An Act to lay out a State road from a point on a public road leading from Jonestown, Lebanon county, to Woleherstown, Berks county, at or near Philip Batdorf's house, in the town-

ship of Jackson, Lebanon county, to the public road leading from Myerstown, Lebanon county, to Freystown, Berks county, at or near Daniel Batdorf's house, in Tulpehocken township, Berks county."

"An Act supplementary to an act to revive and continue the act, entitled 'An Act authorizing the Governor to incorporate a company for making an artificial road from the river Schuylkill, at Reading, Berks county, to or near Hummelstown, in the county of Dauphin.'"

And, on his motion, said bills were ordered to be placed on next Tuesday's Private Calendar.

#### ORIGINAL RESOLUTION.

Mr. STYER, on leave given, offered a joint resolution so to amend the act incorporating the Richmond and Schuylkill passenger railroad company, as to subject it to the provisions of the ordinances of city councils now in force or hereafter to be enacted, regulating city passenger railways in said city; which was adopted.

#### BILLS CONSIDERED.

Mr. WITMAN moved a suspension of the rules, in order to call up Senate bill No. 183, "Supplement to an act in reference to the running of locomotive engines and cars on connecting railroads;" which was agreed to.

Whereupon, said bill was taken up and considered.

Mr. FOSTER moved to postpone further consideration of the bill for the present; which was not agreed to.

On the question,  
Shall the bill pass?

The yeas and nays were required by Mr. FOSTER and Mr. ZOLLER, and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Beriolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Campbell, Chase, Church, Custer, Dismant, Durbin, Eckman, Ellmaker, Fearon, Fisher, Galley, Goepf, Good, Graham, Glatz, Gray, Green, Hamersly, Harding, Keneagy, Lawrence, (Washington,) Matthews, M'Clure, Miller, Neall, Nil, Oaks, Pennell, Peirce, Pinkerton, Price, Proudfoot, Pugh, Ramsdell, Saffer, Shepard, Smith, (Berks,) Stephens, Sturari, Styer, Thompson, Thorn, Walborn, Walker, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williston, Wilson and Lawrence, *Speaker*—59.

NAYS—Messrs. Foster, Glatz, Hottenstine, Kinney, Mann, Palm, Rose, Shields, Smead, Warden, Wolf and Zoller—12.

So the question was determined in the affirmative.

Mr. PRICE moved that the House proceed to the consideration of House bill No. 147, "An Act regulating the fees of aldermen, justices of the peace and constables, relative to poor and indigent persons in Lancaster county;" which was agreed to; whereupon said bill was taken up, considered and passed finally; and ordered that the Clerk present the same to the Senate for concurrence.

Mr. BAYARD called up Senate bill No. 440 "An Act to incorporate the Pittsburg park association;" which was considered and passed finally.

Mr. CHASE, on leave given, read "A supplement to an act to incorporate the Philadelphia City passenger railway company;" and, on his motion, said bill was taken up and considered.

[The bill repeals the provision of the general railroad law, requiring twenty days' notice of the opening of books of subscription to the stock of railroad companies, so far as relates to the Philadelphia City (Chestnut and Walnut street) passenger railroad company, passed this day.]

Mr. WILEY moved that the further consideration of the bill be postponed for the present.

On the motion,



The yeas and nays were required by Mr. WILEY and Mr. WILLISTON, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Church, Foster, Galley, Gratz, Neall, Nill, Rose, Shafer, Shields, Warden, Witman, Wiley and Williston—18.

NAYS—Messrs. Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Chase, Custer, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fisher, Fleming, Glatz, Goepf, Good, Graham, Gray, Green, Gritman, Hamersly, Harding, Hottenstine, Jackson, Keneagy, Ketchum, Kiuney, Laird, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Clure, Miller, Oaks, Palm, Pennell, Peirce, Pinkerton, Price, Proudfoot, Pughe, Ramsdell, Rohrer, Rouse, Sheppard, Smead, Smith, (Berks,) Stephens, Stuart, Styer, Thompson, Walborn, Walker, Wigton, Wilcox, Williams, (Bedford,) Wilson, Wolf, Zoller and Lawrence. *Speaker*—62.

So the question was determined in the negative.

The question recurring,

Shall the bill pass?

Debate took place between Messrs. WILLISTON, CHASE and HAMERSLY,

When Mr. WILLISTON moved the indefinite postponement of the further consideration of the question.

Symptoms of a further discussion manifesting itself,

Mr. WALBORN called for the previous question; which was sustained.

And on the question,

Shall the main question now be put?

The yeas and nays were required by Mr. NILL and Mr. NEALL, and were as follow, viz:

YEAS—Messrs. Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Custer, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fleming, Glatz, Good, Gray, Green, Hamersly, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Clure, Miller, Oaks, Palm, Pennell, Peirce, Pinkerton, Price, Proudfoot, Pughe, Rohrer, Rouse, Sheppard, Shields, Smead, Stephens, Stuart, Styer, Thompson, Thorn, Walborn, Walker, Witman, Wigton, Wilcox, Williams, (Bedford,) Wilson, Wolf and Zoller—57.

NAYS—Messrs. Church, Foster, Galley, Graham, Gratz, Hottenstine, Neall, Nill, Rose, Shafer, Warden, Wiley and Williston—13.

So the question was determined in the affirmative.

On the question,

Will the House agree to the title?

The yeas and nays were required by Mr. NILL and Mr. ROSE, and were as follow, viz:

YEAS—Messrs. Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Fearon, Fleming, Glatz, Goepf, Good, Graham, Gray, Green, Gritman, Hamersly, Harding, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Clure, M'Dowell, Miller, Oaks, Palm, Pennell, Peirce, Price, Pughe, Rohrer, Rouse, Sheppard, Smead, Stephens, Styer, Thompson, Walborn, Walker, Witman, Wigton, Wilcox, Williams, (Bedford,) Wolf, Zoller and Lawrence. *Speaker*—60.

NAYS—Messrs. Abbott, Acker, Church, Foster, Galley, Gratz, Hottenstine, Neall, Nill, Proudfoot, Rose, Shields, Warden, Wiley, Williston and Wilson—16.

So the question was determined in the affirmative.

On the question,

Will the House suspend the rules and read the bill a third time by its title?

The yeas and nays were required by Mr. FOSTER and Mr. NILL, and were as follow, viz:

YEAS—Messrs. Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Custer, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fleming, Glatz, Good, Graham, Gray, Green, Gritman, Hamersly, Harding, Jackson, Keneagy, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Clure, McDowell, Miller, Oaks, Palm, Peirce, Pinkerton, Price, Pughe, Ramsdell, Rohrer, Rouse, Sheppard, Smead, Smith, (Berks,) Stephens, Styer, Thompson, Thorn, Walborn, Walker, Witman, Wigton, Wilcox, Williams, (Bedford,) Wolf, Zoller and Lawrence. *Speaker*—60.

NAYS—Messrs. Abbott, Church, Dismant, Foster, Galley, Gratz, Hottenstine, Neall, Nill, Rose Shafer, Shields, Warden, Wiley, Williston Wilson—16.

So the question was determined in the affirmative.

The question recurring,

Shall the bill pass?

The yeas and nays were required by Mr. FOSTER and Mr. ROSE, and were as follow, viz:

YEAS—Messrs. Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fleming, Glatz, Good, Gray, Green, Gritman, Hamersly, Harding, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Clure, M'Dowell, Miller, Oaks, Palm, Peirce, Pinkerton, Price, Pughe, Rohrer, Rouse, Sheppard, Smead, Smith, (Berks,) Stephens, Styer, Thorn, Walborn, Walker, Witman, Wigton, Wilcox, Williams, (Bedford,) Wolf, Zoller and Lawrence. *Speaker*—57.

NAYS—Messrs. Abbott, Acker, Church, Foster, Galley, Graham, Gratz, Neall, Nill, Proudfoot, Rose, Shafer, Shields, Warden, Wiley, Williston and Wilson—17.

So the question was determined in the affirmative.

Mr. McCLURE moved that bill No. 598, "Supplement to an act to incorporate the West Philadelphia passenger railroad company," be re-committed to the Judiciary Committee; which was agreed to.

Mr. McCLURE moved to suspend the rules to offer a resolution, that this House will adjourn to day, and meet again on Monday at 3 o'clock, P. M.

On the suspension of the rule.

The yeas and nays were required by Mr. McCLURE and Mr. FLEMING, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Custer, Dismant, Durboraw, Ellmaker, Evans, Fisher, Glatz, Goepf, Good, Gratz, Gray, Green, Hamersly, Harding, Hottenstine, Jackson, Keneagy, Ketchum, Mann, Mehaffey, Matthews, M'Clure, Miller, Oaks, Palm, Peirce, Pinkerton, Price, Proudfoot, Pughe, Ramsdell, Rohrer, Shafer, Sheppard, Shields, Smead, Smith, (Berks,) Stoneback, Stuart, Styer, Thorn, Walborn, Warden, Witman, Wilcox, Wiley, Williston, Zoller and Lawrence. *Speaker*—57.

NAYS—Messrs. Bryson, Burley, Chase, Church, Eckman, Fearon, Fleming, Foster, Galley, Graham, Kinney, Laird, Lawrence, (Washington,) M'Dowell, Neall, Nill, Rose, Rouse, Stephens, Walker, Wigton, Williams, (Bedford,) Wilson and Wolf—23.

So the question was determined in the affirmative—two-thirds having so voted.

Mr. McCLURE then introduced the above resolution; which was read the second time:

And on the question,

Shall the same pass?

Mr. LAWRENCE, (Washington,) moved to amend, by meeting on Monday at 9 o'clock.

And on the motion,

The yeas and nays were required by Mr. LAWRENCE, (Washington,) and Mr. GRAMHAM, and were as follow, viz:

YEAS—Messrs. Barlow, Bryson, Burley, Campbell, Chase, Church, Dodds, Durboraw, Eckman, Fearon, Foster, Galley, Graham, Gratz, Gray, Kinney, Laird, Lawrence, (Washington,) M'Dowell, Neall, Rose, Rouse, Walker, Wigton, Wilcox, Williams, (Bedford,) Wilson and Wolf—27.

NAYS—Messrs. Abbott, Acker, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Custer, Dismant, Ellmaker, Fleming, Glatz, Goepf, Good, Green, Hamersly, Harding, Hottenstine, Jackson, Keneagy, Mann, Mehaffey, Matthews, M'Clure, Nill, Oaks, Palm, Pierce, Pinkerton, Price, Proudfoot, Pughe, Rohrer, Shafer, Sheppard, Shields, Smead, Smith, (Berks,) Stoneback, Stuart, Styer, Thompson, Thorn, Walborn, Warden, Witman, Wiley, Williston, Zoller and Lawrence. *Speaker*—50.

So the question was determined in the negative.

The question recurring,

Shall the resolution pass?

It was opposed by Mr. KINNEY, on the ground that adjournment was unnecessary.

Mr. SMITH, (Berks,) contended that the House was already three hundred and fifty bills ahead of the Senate, and that there was no actual necessity for the session either of Saturday afternoon or of Monday morning.

The resolution passed finally.

Senate amendments to the supplement to the act incorporating the Philadelphia and Trenton railroad company were read.

The Senate amended by striking the two provisions inserted by the House in the original bill, viz: one requiring the company to pay a bonus of ten thousand dollars, and the other requiring the assent of city councils.

Mr. THORN moved to concur, and called the previous question on his motion, which was sustained.

On the question,

Shall the main question be now put?

The yeas and nays were required by Mr. WILEY and Mr. LAIRD, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Bayard, Campbell, Durboraw, Eckman, Ellmaker, Fisher, Glatz, Graham, Gratz, Green, Gritman, Hamersly, Hill, Keneagy, Ketchum, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Clure, M'Dowell, Miller, Palm, Peirce, Price, Proudfoot, Pughe, Ramsdell, Rohrer, Rouse, Shafer, Styer, Thorn, Walborn, Wilcox, Wilson and Lawrence. *Speaker*—39.

NAYS—Messrs. Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Chase, Church, Custer, Dismant, Fleming, Foster, Galley, Good, Hottenstine, Jackson, Kinney, Laird, Neall, Nill, Pinkerton, Rose, Smith, (Berks,) Stephens, Stoneback, Thompson, Walker, Witman, Wigton, Wiley, Wolf and Zoller—31.

So the question was determined in the affirmative.

The question now recurring,

Will the House agree to the Senate amendments.

The yeas and nays were required by Mr. WILEY and Mr. NEALL, and were as follow, viz:

YEAS—Messrs. Acker, Bayard, Campbell, Durboraw, Eckman, Ellmaker, Fisher, Foster, Glatz, Graham, Green, Gritman, Hamersly, Harding, Keneagy, Ketchum, Lawrence, (Washington,) Mann, Matthews, M'Clure, M'Dowell, Miller, Neall, Nill, Palm, Peirce, Price, Proudfoot, Pughe, Rohrer, Rouse, Shafer, Styer, Thorn,



Walborn, Wilcox, Wilson, Zoller and Lawrence, *Speaker*—40.

**YAYS**—Messrs. Abbott, Bertolet, Boyer, (Clearfield,) Bryson, Burley, Chase, Church, Custer, Dismant, Dodds, Fleming, Galley, Good, Gratz, Hottenstine, Jackson, Kinney, Laird, Pinkerton, Rose, Smith, (Berks,) Stephens, Stoneback, Thompson, Walker, Witman, Wigton, Wiley and Wolf—29.

So the question was determined in the affirmative.

On the above two votes, Mr. WILLISTON informed the House that he had paired off with Mr. GOEPP, who would have voted aye had he been present.

Messrs. PROUDFOOT and PUGHE moved to re-consider the final vote had on the bill incorporating the Ebensburg and Cresson railroad company; which was agreed to; and, after having been amended by Mr. PROUDFOOT, was again passed finally.

The hour of twelve having arrived, the SPEAKER adjourned the House until next Monday afternoon at 3 o'clock.

### NETO MESSAGE.

EXECUTIVE CHAMBER,  
Harrisburg, March 25, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—A bill has been presented for the Executive approval, entitled "An Act to incorporate the Philadelphia City Passenger Railway Company."

The bill proposes to authorize the incorporation of a Company with power to construct passenger railways upon Chestnut and Walnut streets, in the city of Philadelphia, upon certain terms and conditions set forth in the bill.

The streets named are well known to be of the greatest importance to the city of Philadelphia, and any legislation affecting them should be carefully considered, well matured, and only adopted upon the clearest evidence that it is in accordance with the wishes of the people of the city, and particularly of those directly and immediately interested in these great thoroughfares. Unlike nearly all of the bills which have become laws in reference to passenger railways in the city of Philadelphia, the one under consideration does not require to its validity the assent of the local legislature of the city. The exclusion of this wise provision from the most important bill of the class, is of more than doubtful propriety.

But the principal objection, in my opinion, is that the General Assembly, at its last session, passed an act incorporating a company with power to occupy the streets referred to for a like purpose. The act, however, contains a provision that it should not go into operation until the assent of city councils had been first had and obtained.

Now, if this assent had been withheld, it is clear evidence that the body whose province it is more immediately to regulate and control the streets of the city, are unfavorable to this grant of power.

Whilst, on the other hand, if the consent of the councils has been obtained, and the former act has thereby gone into operation, I know of no reason why that act should be repealed and the proposed one substituted in its place and stead.

For these reasons, I am constrained to refuse to this bill the Executive approval, and herewith return it for re-consideration to the House of Representatives, where it originated.

WM. F. PACKER

### No. 1076.—FILE OF THE HOUSE.

WILEY, Militia System—March 21.

A SUPPLEMENT to an act for the better regulation of the militia of this Commonwealth, approved the twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter the pay of uniformed militia men, as provided for in the twenty-fourth clause of the ninth section of the act to which this is a supplement, shall be, for each officer, non-commissioned officer, musician and private of any uniformed company or troop, one dollar for every day actually on duty; and for each horse used by them, fifty cents per day; but no officer or member shall receive pay for parading oftener than four times in any one year.

SEC. 2. That hereafter the fines imposed by the third clause of the thirteenth section of the act aforesaid, shall be one dollar for every non-commissioned officer, musician and private; and that it shall be the duty of the court of inquiry or appeal, after having ascertained the amount of the fines aforesaid, to place the same in the hands of the constables residing near or convenient to the rendezvous, or regular parading ground of each of the respective companies constituting the brigade, whose duty it shall be to collect the same, deducting therefrom ten per cent. as commission for collecting, and paying over the remainder to the proper treasurer of the county, to be placed to the credit of the military fund; but in all cases where persons against whom such fines have been charged shall refuse to pay the same on demand, after due notice has been given according to the requirements of the law to which this a supplement, then it shall be the duty of the constables aforesaid, to collect such fines in the same manner as they are authorized to collect any debt upon civil process, together with lawful costs; but in no case shall absence or neglect to appear for the performance of military duty work a forfeiture of pay, except when upon a fair and impartial trial before the court of inquiry or appeal, the party so charged shall have been found guilty of willfully and without lawful excuse absenting himself from the regularly called parades of his company, regiment, brigade or division; but any refusal to appear after due notice has been given to answer such charge, either in person, or by affidavit duly sworn to and attested before a proper justice of the peace, shall be taken as evidence of willful neglect, and work a forfeiture of pay accordingly.

SEC. 3. That in all cases where calls shall be made for encampments, either by the Governor or the commanding officer of any division or brigade or regiment, no company shall go into camp before Tuesday morning, or remain longer than Saturday morning of the same week.

SEC. 4. That hereafter it shall be lawful for the Adjutant General to furnish each of the regularly organized companies of this Commonwealth with the requisite number of tents and equipments for camping purposes, under the same provisions and requirements of law as apply to arms and other equipments.

SEC. 5. That it shall be the duty of the several county treasurers of this Commonwealth to prepare annually a statement of the receipts and expenditures of the military fund of their respective counties, setting forth the amount received from each collector separately, and the amount paid each person to whom money may be due; which statement, after being examined and passed by the county auditors, shall be published in the same manner that the other accounts of the said county treasurer are by

law directed to be published; the expenses whereof to be paid out of the military fund of said county, and a statement of the same forwarded by the county treasurers to the State Treasurer of this Commonwealth, on or before the first day of February in each and every year.

SEC. 6. That the State Treasurer is hereby authorized and required to pay out of the aggregate military fund now accumulated, or that may hereafter accumulate, to the several county treasurers, any deficiencies of the county military expenses, wherein statements have been duly transmitted, agreeably to the fifth section of this supplement.

SEC. 7. That so much of the provisions of the act to which this is a supplement as are inconsistent with the provisions of this act be and the same are hereby repealed.

### No. 601.—FILE OF THE HOUSE.

GRATZ, Judiciary—March 3.

AN ACT relative to the sale of medicines in this Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That after the passage of this act, no druggist or other person, shall sell or give away any medicine, medicines or compounds of medicine, unless there shall be plain and legibly written or printed in the English language on the bottle, box or label of the medicine sold or given away, a correct formula of its component parts: *Provided,* That this act shall not apply to medicines, sold or delivered on the authority of a written prescription from a physician to his patient.

SEC. 2. That any person or persons violating the provisions of this act, shall be subject to a fine of fifty dollars for each and every offence, to be recovered as sums of like amount are now recoverable by law; one-half of said fine to be paid to the informer, and the other half to be paid to the county treasurer of the county in which said fine is recovered for the use of the poor.

SEC. 3. That when upon analysis by a competent chemist, it shall be found that such medicine, medicines or compounds, do not contain the ingredients, or to contain other ingredients in connection with those described on the label; that such person or persons, selling or giving away of such medicines or compounds, shall upon conviction, undergo an imprisonment in the county jail for a period of no less than one nor more than six calendar months.

SEC. 4. That the provisions of this act shall apply to medicines or compounds only which are to be taken internally.

### No. 306.—FILE OF THE HOUSE.

WIGTON, Ways and Means—Feb. 11.

AN ACT relating to the licenses of billiard tables and ten-pin alleys used at watering places and summer resorts, in this Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That after the passage of this act, it shall be lawful for all persons owning or occupying watering places and summer resorts in this Commonwealth, to be licensed for the privilege of using billiard tables and ten-pin alleys for the term of three months in a year, and pay in that proportion of the rates now or hereafter required to be paid per annum.

SEC. 2. That all laws conflicting with the foregoing section are hereby repealed, so far as relates to alterations made by this act.



## No. 685.—FILE OF THE HOUSE.

## CHURCH, Corporations—March 3.

AN ACT to incorporate the Industrial Home for girls.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Andrew Cheeseman, William Harris, James T. Shinn, Samuel Dickson, Edmund C. Pechin and David W. Dennison, all of the city and county of Philadelphia, and their associates, at present managers of the institution heretofore known as the Industrial Home for the instruction of girls in the arts of housewifery and sewing, and their successors, shall be, and they are hereby declared to be, a body politic and corporate, by the name and style of the Industrial Home for girls; and by the same name they shall have perpetual succession, with power to have a common seal, and the same to change at pleasure; to sue and be sued: to plead and be impleaded; to take, hold and dispose of all real and personal estate whatsoever; to purchase or erect such building or buildings as may be necessary for the purposes of said institution, and to do all and singular the things necessary, proper and lawful to be done for the well being of the said institution, and the due management and well ordering of the affairs thereof: *Provided nevertheless,* That the clear yearly income of the real and personal estate held by the said corporation within this Commonwealth shall not exceed the sum of five thousand dollars.

SEC. 2. That the object and design of this institution shall be to afford a home, clothing, schooling, and instruction in the arts of housewifery and sewing, for poor orphan girls, or such girls as may be neglected or deserted by their parents; the said children having in all cases attained the age of twelve years before admission.

SEC. 3. That the said trustees shall hold their first meeting on the second Tuesday in May next in the city of Philadelphia, at such time and hour as they, or a majority of them, shall designate; and they, or their successors, shall meet annually in January in each succeeding year, at such time and place as by their by-laws shall appoint; and they shall have power at the meetings so to be holden, in connection with the life-members of this institution, to elect trustees in the place of those who may be removed by death, resign, cease to act, or otherwise relinquish the said trust.

SEC. 4. That the said trustees and their successors shall have power to make all by-laws necessary or proper for the government of their own proceedings, and for the management of the said institution: *Provided,* That the same be not inconsistent with the constitution and laws of this Commonwealth; also, to appoint a president, treasurer, secretary, and such other officers as the convenient management of the affairs of the said corporation may require.

SEC. 5. That the said trustees and their successors shall have power also to meet from time to time, whenever and so often as the interests of the said institution may require, in such manner and according to such regulations as they may by their by-laws direct; and they shall have power, at any meeting convened as aforesaid, to appoint such teachers, managers, visitors and caretakers as may be necessary or proper for the instruction, control and care of the children received into the said institution; and to attain, in the best manner, the objects of the same; and to do all such other business as the proper management of the funds and general interests and concerns of said corporation may require.

SEC. 6. That the said trustees shall have power to receive and to retain under their control all such poor girls over the age of twelve

years as may be brought to the said institution for the purpose of being received into the same, by the father of such children, if he be living; or if he be dead, by the mother of said children; also, such orphan girls, and all such other girls as may be neglected or deserted by their parents, or their surviving parent, which shall be brought to them for the purpose aforesaid; subject nevertheless, in these last mentioned cases, to the approval of a judge of a court of record for the city and county of Philadelphia aforesaid; and the said girls, when so received, to detain, maintain, educate and control, until proper persons can be found who may be willing to receive them as apprentices to some useful art, trade, calling or employment: and thereupon the said trustees, or a committee of their board appointed for that purpose, shall have power, with the assent of any alderman or judge of a court of record of the said city or county as aforesaid, to bind by indenture, either in or out of the Commonwealth aforesaid, the said girls, or any of them, as apprentices as aforesaid, until the age of eighteen years; stipulating and agreeing nevertheless, on behalf of the child, in every such indenture, that the master or mistress shall provide meat, medicine, clothing, lodging, instruction, and all other things necessary, usual or proper, for the comfort and support of the children to be bound, for their well being and advancement in life; which indenture so made shall be of full force and effect for all and singular the purposes therein specified as aforesaid.

SEC. 7. That no misnomer of said corporation shall defeat or annul any gift, grant, devise or bequest of the said corporation: *Provided,* That it shall sufficiently appear by the will, gift, grant, or other writing, that the party making the same intended to give or pass thereby to the said corporation, the interest or estate therein expressed or described.

## No. 616.—FILE OF THE HOUSE.

## THOMPSON, Judiciary—March 3.

AN ACT to protect the wages of labor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all assignments of property, whether real or personal, which may hereafter be made by any person or persons, firm, company or association, whether chartered or not, to trustees or assignees, on account of inability or pretended inability at the time of such assignment to pay his, her, their or its debts, the wages and salaries of persons employed by such person or persons, firm, company or association shall be preferred and paid by such assignees or trustees, before any other creditors of such assignor or assignors.

SEC. 2. That in case of the death of any person resident within this Commonwealth, the wages or salaries of any person employed by him shall be first paid out of his estate before any other debts, except necessary funeral expenses, and medicine, and attendance, furnished in the last sickness; and in case of the dissolution of any firm, company or association, as aforesaid, or of the private sale, or transfer, or any determination whatsoever of the business of such firm, company or association, the wages and salaries of persons employed by them, shall be a lien upon their property, and shall be first paid out of the estate, effects and assets of such firm or company.

SEC. 3. That in all cases of executions, landlord's warrants, attachments, venditioni exponas, levavi facias, and writs of a like nature, hereafter to be issued for the sale of real or personal property, against any person or persons, firm, company or association as aforesaid, it shall be the duty of the sheriff, or other offi-

cer executing such writ, to give to the persons employed by the defendant in said writ notice of the issuing thereof by twenty printed handbills, put up in public places in the neighborhood of the property to be sold, at least two weeks before the proposed sale, requiring them to make known to him at least five days before the sale of said property, the kind and amount of their respective claims against such defendant; and when the claims shall have been so made known it shall be the duty of the sheriff or other officer to pay out of the proceeds of the sale under said writ the amount due to each of the persons so employed.

SEC. 4. That it shall and may be lawful for any person or persons to whom claims on account of wages or salaries may be due, from any person, firm, company or association, as aforesaid, when any such claim amounts to the sum of twenty-five dollars, to proceed to collect the same by distraining therefor in the same manner as is provided for the collection of rent, under the first section of the act of twenty-first March, Anno Domini one thousand seven hundred and seventy-two, giving a remedy by distress for rent: *Provided,* That the property of the actual debtor shall alone be liable to such distress.

SEC. 5. That the claims for wages, or on account of salaries mentioned in the foregoing sections, shall be a lien on the real estate of the persons, firm, company or association, liable to pay the same, prior and superior to all other liens upon said real estate, except the liens of judgments and mortgages, given for the purchase money of the property on which they are liens, and the liens of mechanics and materialmen, filed under the act of sixteenth of June, one thousand eight hundred and thirty-six, and its supplements, and except as may be in the foregoing sections excepted: *Provided,* That the persons who may be required to pay the claims intended to be preferred by the provisions of this act, shall, in every case, first exhaust the proceeds of the personalty, if there be such, before resorting to the realty, and that no one claim so preferred, or hereby made a lien, shall exceed the sum of one hundred dollars.

## No. 589.—FILE OF THE HOUSE.

## NILL, Judiciary—March 3.

A SUPPLEMENT to the act for the better preservation of game and insectivorous birds, approved April twenty-first, Anno Domini one thousand eight hundred and fifty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall not be lawful for any person to expose for sale in this State, between the first day of February and the first day of November, any canvass back, redhead or blackhead duck, under a penalty of five dollars for each and every offence, to be recoverable as provided for in the sixth section of the act to which this is a supplement.

SEC. 2. That it shall not be lawful for any person to buy or cause to be bought, or carry out of this State, for the purpose of supplying any private or public house, or market, any canvass back, redhead or blackhead duck, unless the same shall have been shot or taken in the proper season, under a penalty of five dollars for each and every such offence, to be recoverable as above specified.

SEC. 3. That the possession by any person in this Commonwealth of any of the game above specified, shot, killed or otherwise destroyed out of season as aforesaid, shall be *prima facie* evidence to convict under this act.



## No. 743.—FILE OF THE HOUSE.

GOEPP, Judiciary—March 7.

AN ACT to preserve the lien of mortgages in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* where the lien of a mortgage upon real estate is, or shall be prior to all other liens upon the same property, except other mortgages, ground rents, or the purchase money due to the Commonwealth, the lien of such mortgage shall not be destroyed or in any way affected by any sale made under or by virtue of the order or decree of any court of this Commonwealth, unless such court shall so expressly order upon petition of any creditor or party interested after due notice to the holder of such mortgage being the mortgagee, his executors or administrators, or any assignee thereof, by assignment duly recorded.

SEC. 2. That the notice required by the first section of this act, shall be by citation served upon the holder of such mortgage as aforesaid, whether he shall reside within the jurisdiction of such court or otherwise, or if he shall not reside within the jurisdiction aforesaid; also, upon any agent or attorney by him appointed to receive the interest upon such mortgage, in such manner as the court shall direct; and no order for the discharge of the lien of any mortgage shall be made as aforesaid, until due proof shall be made to the satisfaction of the court, that such service has been made as directed.

SEC. 3. That where any such order for the discharge of the lien of a mortgage shall be made as aforesaid, it shall be the duty of the party obtaining such order, within ten days thereafter to have a duly certified copy thereof recorded in the office of the recorder of deeds for the proper county, which shall be indexed by the recorder under the name of the original mortgagor, which being done, no person after such sale shall have been confirmed, shall be thenceforth heard to question the validity of such order or the fact of due service of the notice above required having been made.

SEC. 4. That the estate, lien or charge of the widow of a decedent under the intestate laws of the Commonwealth, or upon proceedings in partition of an intestate's estate, shall not be deemed and taken to be a prior lien to any mortgage within the meaning of this or of any other act of Assembly of this Commonwealth, so as to cause the discharge of such mortgage by any judicial sale, where the lien thereof would otherwise be preserved thereby.

## No. 298.—FILE OF THE SENATE.

BREWER, Militia—Feb. 11.

A SUPPLEMENT to an act, entitled "An Act for the regulation of the militia of this Commonwealth," approved April twenty-first, one thousand eight hundred and fifty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall be the duty of the several county treasurers of this Commonwealth, to prepare annually a statement of the receipts and expenditures of the military fund of their respective counties, setting forth the amount received from each collector separately, and the amount paid each person to whom money may be due; which statement, after being examined and passed by the county auditors, shall be published in the same manner that the other accounts of the said county treasurer are by law directed to be published; the expenses whereof to be paid out of the military fund of said county, and a statement of the same forwarded by the county trea-

surers to the State Treasurer of this Commonwealth, on or before the first day of February in each and every year.

SEC. 2. That the State Treasurer is hereby authorized and required to pay out of the aggregate military fund, now accumulated or that may hereafter accumulate, to the several county treasurers, any deficiencies of the county military expenses wherein statements have been duly transmitted agreeably to the first section of this supplement.

SEC. 3. That so much of the fourteenth section of this act, to which this is a supplement, as prohibits the paying any money out of the general military fund, except for the salary of the Adjutant General, his assistant and clerk, he and the same is hereby repealed.

## No. 727.—FILE OF THE HOUSE.

WILCOX, Ways and Means—March 3.

AN ACT relative to the manner of payment of coupons.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* all coupons heretofore issued by any county, city, borough or other municipal corporation within this Commonwealth, for interest due or to become due on any railroad bonds issued to any railroad company, or for any other purpose under the laws of this Commonwealth, or in payment of subscriptions to the capital stock of any such railroad company, shall as they become due and payable, be a legal tender in payment of taxes due or to become due to such county, city, borough or other municipal corporation which may have issued, or authorized the issue of such coupons or bonds; and it shall be the duty of the collectors of such taxes, and the treasurers of said county, city, borough or other municipal corporations, to receive said coupons in payment of such taxes, and to receipt for the same in like manner as if said taxes were paid in cash.

SEC. 2. That in all cases when the sum of money mentioned in said coupons, shall exceed the sum or amount of taxes due and payable by the person or persons holding and tendering such coupons in payment of taxes as aforesaid, then and in such cases, it shall be the duty of collectors and treasurers aforesaid, to receive such coupon or coupons in payment of taxes due, and for the excess or amount overpaid, to execute and deliver as such collector or treasurer in behalf of such corporation to the holder of such coupon or coupons, a warrant stating the sum or amount so overpaid and due thereon; which warrant so executed shall be a lawful tender *pro tanto* for the payment of any future taxes which may become due and payable by the holder thereof, to any such municipal corporation.

SEC. 3. That all coupons so redeemed and received in payment of taxes, shall be returned by the collectors to the proper treasurer of such county, city, borough or other municipal corporation; and in all cases where warrants shall be issued as aforesaid, such warrants shall be noted and designated by number, date and amount endorsed on the coupon or coupons for which they may have been given or exchanged, by the proper collector or treasurer who issued the same.

SEC. 4. That all coupons aforesaid, shall be a legal tender in payment of any and all debts due by the holder or holders thereof to any such city, county, borough or other municipal corporation which may have issued or authorized the issue of the same: *Provided however, That* nothing herein contained shall be construed to deprive any city, county, borough or other municipal corporation, of any right which they now possess, to obtain the decree of a court of

equity declaring any such bond in whole or in part void, by reason of fraud or illegality in the issue thereof.

## No. 27.—FILE OF THE SENATE.

BELL, Judiciary—Jan. 17.

A SUPPLEMENT to an act, entitled "An Act relating to executors and administrators," approved the twenty fourth day of February, Anno Domini one thousand eight hundred and thirty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* whenever the executors or administrators of a deceased plaintiff or defendant, in any action or proceeding pending in any court of this Commonwealth, resides without the jurisdiction of the said court, the writ of *scire facias*, provided by the twenty-seventh and thirty second sections of the act to which this act is supplementary, may be served on such executor or administrator by the sheriff of the county where he is resident, if in the opinion of the proper court such service may be reasonably practicable; but if otherwise, and also where the said executors or administrators reside in some other State in the United States, such service may be made by publication in one or more public newspapers, as in the opinion of the court will be most likely to give notice to the said executors or administrators; the said manner of service herein provided to have the same force and effect as the manner of service provided by the said act to which this is supplementary.

## No. 726.—FILE OF THE HOUSE.

WILCOX, Ways and Means—March 3.

AN ACT to increase the revenues of the Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, all tonnage, except the ordinary baggage of passengers carried or conveyed on or over any railroad authorized to be constructed by or under any law of this Commonwealth, shall be subject to a toll or duty for the use of the Commonwealth, at the rate of two and one-half mills per mile for each ton of two thousand pounds, and it shall be the duty of such companies, between the twentieth and thirtieth days of July, and between the first and tenth days of December, in each and every year, to cause to be made out and filed with the Auditor General, a true and correct statement, exhibiting the amount of such tonnage and the distance the same was carried or conveyed on or over their roads respectively; which statement shall be verified by the oath or affirmation of the proper officers having a knowledge of the premises; and at the time of filing said statement with the Auditor General, such companies shall pay to the State Treasurer the amount of toll or duty so accruing for the use of the Commonwealth.

## No. 573.—FILE OF THE SENATE.

BELL, Judiciary—March 8.

AN ACT in relation to writs of error, appeals and certioraries in the Supreme Court, and abolishing the court of nisi prius.

WHEREAS, It often occurs in cases pending in the supreme court, on writs of error, appeals and certioraries, that by reason of an equal division of the judges of the supreme court hearing the same, the judgments of the courts below are affirmed, and it is obvious in



such cases that there has not been such trial and decision as is contemplated by the judiciary system of the Commonwealth, and to which suitors are entitled; therefore

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, no entry made upon the record, in any writ of error, appeal or certiorari pending in the supreme court of this Commonwealth, shall have the force and effect of a final judgment or decision in the same by reason of an equal division of the judges, but the same shall remain pending and undetermined until heard and decided by a majority of the judges of the said court.

SEC. 2. That the court of nisi prius be, and the same is hereby abolished; and that the records, papers, and unfinished business of said court of nisi prius be, and the same are hereby transferred to the district court; the cases pending and undisposed of to be proceeded with in said district court as if they had been therein originated.

#### No. 780.—FILE OF THE SENATE.

COFFEY, Finance—March 22

AN ACT to provide a mode of levying tax against delinquent municipalities.

WHEREAS, Sundry cities and counties of this Commonwealth have failed to levy taxes to meet the interest upon their just debts; therefore.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That whenever any county, city or other municipality of this State, shall fail for two successive years to levy the taxes necessary to meet the interest upon any bonds issued by it under authority of acts of the General Assembly of this Commonwealth, it shall be the duty of the Auditor General to add to the rate of State taxes to be paid by said municipalities, or the people thereof, to the extent necessary to pay the interest upon said bonds, and require the amount collected as other State taxes are collected and paid into the treasury of this State.

SEC. 2. That when the amount thus levied is collected and paid into the State Treasury, it shall be the duty of the treasurer to give notice to the holders of said bonds, that he will pay the interest on the same, or as much of it as he may have received funds from this source to pay.

SEC. 3. That when any person or persons shall refuse to pay the tax thus assessed for a longer period than six months, it shall be the duty of the State Treasurer to sell any real or personal estate that the said party may be possessed of at the borough of Harrisburg, on giving thirty days' notice of the time and place of the sale, in one or more newspapers published in Pittsburg, or by handbill duly posted in said city.

#### No. 662.—FILE OF THE SENATE.

TURNER, Finance—March 14.

AN ACT to equalize taxation upon corporations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the capital stock of all banks, savings institutions and companies whatever, incorporated by or under any law of this Commonwealth, or that may be hereafter incorporated, shall be subject to and pay a tax into the Treasury of the Commonwealth annually, at the rate of one-half mill

upon each one per cent. of dividend made or declared by such bank, savings institution or company; and in case of no dividend being made or declared by such bank, savings institution or company, then a valuation of the capital stock of the same, agreeably to the thirty-third section of the act of twenty-ninth April, one thousand eight hundred and forty-four, entitled "An Act to reduce the State debt and incorporate the Pennsylvania railroad company," and so much of any existing law as is inconsistent with the foregoing provisions, is hereby repealed: *Provided*, That any institution or company, (except banks of issue) now liable for tax on capital stock, as also upon dividends, shall from henceforth be exempt from any tax upon dividends: *And provided further*, That hereafter all banks of deposit and discount or savings banks, shall be subject to the same tax as banks of issue; nothing however herein contained, shall be construed to make plank road or turnpike companies liable for any tax to the Commonwealth, when such companies make or declare no dividends.

#### No. 628.—FILE OF THE HOUSE.

CHASE, Judiciary—March 2.

AN ACT relating to the settlements of registers of wills, recorders of deeds, prothonotaries and clerks of courts, with the State Treasurer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the several registers of wills, recorders of deeds, prothonotaries, clerks of quarter sessions and clerks of orphans' courts in the Commonwealth, shall, on the first day of June next and quarterly thereafter, or oftener if required by the State Treasurer, pay into the treasury or such places of deposit as said treasurer shall designate, to the credit of the Commonwealth, the whole amount of money received during the period preceding said payments, and shall furnish to the State Treasurer statements under proper heads designating the source from which the money was received: *Provided*, That the quarterly payments of said officers falling due previous to the first day of June next, shall be made as heretofore required by law.

SEC. 2. That so much of the seventy-ninth section of the act of Assembly, approved the eighteenth day of May, Anno Domini one thousand eight hundred and fifty-seven, as is inconsistent herewith is hereby repealed.

#### No. 626.—FILE OF THE HOUSE.

CHASE, Judiciary—March 3.

AN ACT for the preservation of growing timber.

WHEREAS, In many parts of this State, persons who have no timber of their own, are in the habit of cutting timber and hoop-poles off the lands of others, and of selling the same as hewed logs, staves, shingles, rails and hoop-poles to purchasers in their vicinity; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That where any person or persons own land, and such owner or owners have reason to believe that any other person or persons are in the habit of cutting timber or hoop-poles growing on their lands, and of selling the hoop-poles, and of making the timber into staves, shingles, rails or hewed logs, and then of selling or trading the same to any storekeeper or storekeepers, or to any other person or persons who may purchase or trade for the same, it shall be lawful for the owner or owners of lands from which such hoop-poles or timber may be cut, to give notice in writing to such storekeeper or storekeepers,

or other persons who purchase or trade for the above mentioned articles, warning them not to purchase the same from such suspected person or persons named in said notice; and if, after such notice is given, any storekeeper or storekeepers, or other persons purchasing or trading for timber, shall buy or trade for any hoop-poles, staves, shingles or hewed logs that shall have been taken by such person or persons who have disposed of the same, from the lands of the owner or owners who have given such notice; such person or persons who have purchased or traded for the same, shall be liable to the owner or owners, in an action on the case, to be instituted in the court of common pleas of the proper county, for damages to four times the value of the said articles purchased or traded for: *Provided however*, That the time for commencing suit under this act shall not extend beyond one year.

#### No. 481.—FILE OF THE SENATE.

FINNEY, Judiciary—March 2.

AN ACT to amend an act, entitled "An Act to apportion the city of Philadelphia into single senatorial and representative districts agreeably to the provisions of the Constitution," approved April twenty-second, one thousand eight hundred and fifty-eight.

WHEREAS, By the third section of the act, entitled "An Act to apportion the city of Philadelphia into single senatorial and representative districts, agreeably to the provisions of the Constitution," approved April twenty-second, one thousand eight hundred and fifty-eight, the third election division of the Sixth ward is made to compose a part both of the sixth and seventh representative districts; therefore,

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in general assembly met and it is hereby enacted by the authority of the same,* That from and after the passage of this act the said third election division of the Sixth ward shall be deemed and taken as composing a part of the sixth representative district, as provided in said third section of the act, approved April twenty-second, one thousand eight hundred and fifty-eight; and said act shall be so taken and construed as if said third election division had not been made to compose a part of said seventh representative district.

#### No. 494.—FILE OF THE SENATE.

BELL, Judiciary—March 2.

AN ACT to regulate the practice and fees of sheriffs in cases of attachments.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases of the attachment of a debt, obligation, duty or sum of money due and owing by a garnishee to the defendant, whether such attachment be made by virtue of a writ of foreign attachment or of a writ of attachment issued on a judgment, it shall not be lawful for the sheriff or other officer to whom such writ is or shall be directed, or his deputy, to require any bond or other security, to indemnify him against the execution of such writ or any fee therefor, nor any other or greater sum or fee for executing such writ, than is by law allowed for serving a writ of *scire facias*.

SEC. 2. That whenever the sheriff or other officer to whom any writ shall be directed, may by law demand a bond or obligation of indemnity before executing the same, it shall be lawful for such officer to demand or receive as a fee for preparing such bond or obligation, one dollar, and no more.



# LEGISLATIVE RECORD.

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FOR THE SESSION OF 1859.

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## SENATE.

MONDAY, March 28, 1859.

The Senate was called to order by the SPEAKER at 3 o'clock, P. M.

The Journal of Saturday's proceedings was read and approved.

An extract from the Journal of the House of Representatives was received and read, as follows:

*Resolved*, That if the Senate concur, House bill No. 709, "An Act to incorporate the Ridge Avenue and Manayunk passenger railway company," be amended, by adding at the end of the eighth section, "that the said company shall be subject to the provisions of ordinances of city councils now in force or hereafter to be enacted, regulating passenger railways in said city."

On motion of Mr. PARKER, said extract was concurred in.

House amendment to "An Act to incorporate the Pittsburgh park association" was twice read and considered.

On the question,

Will the Senate concur?

It was determined in the negative.

On motion, the Senate concurred in House amendments to House bill No. 713, "An Act to incorporate the Ebensburg and Cresson railroad company."

## LEAVE OF ABSENCE.

Mr. WRIGHT asked and obtained leave of absence for Mr. SCHELL for a few days.

## REPORTS OF COMMITTEES.

Mr. SHAEFFER, (Private Claims and Damages,) reported, as committed, "An Act for the relief of the late firm of Moderwell & Longnecker."

Also, (same,) as committed, House bill No. 634, "An Act to authorize the payment of the claim of Emanuel Will, of Lancaster county."

Mr. BELL, (Judiciary,) as committed, House bill No. 386, "An Act to liquidate an amount due on a certain judgment, and to enforce collection of the same."

## BILLS IN PLACE.

Mr. TURNEY read in his place and presented

to the Chair, a bill, entitled "A supplement to the act of June 16, 1836, relative to executions."

Mr. KELLER, "A supplement to the acts incorporating the Catawissa, Williamsport and Erie, and the Williamsport and Elmira railroad companies."

Mr. PENNEY, "A supplement to the act providing for the election of an additional law judge in Allegheny county."

## BILLS CONSIDERED AND PASSED.

On motion of Mr. KELLER, House bill No. 762, "An Act relative to the Treverton coal and railroad company."

On motion of Mr. PENNEY, House bill No. 528, "An Act regulating the weighing of coal in Allegheny county."

[This bill was variously amended, on motion of Mr. PENNEY, and the title was so amended as to read, "An Act regulating the weighing of coal in Allegheny city."]

On motion of Mr. SCOFIELD, House bill No. 568, "An Act to prevent the hunting of deer with dogs in Morris township, Tioga county."

On motion of Mr. PALMER, Senate bill No. 744, "An Act repealing a certain act relative to auctions and auctioneers in the borough of Pottsville, Schuylkill county."

On motion of Mr. SCHINDEL, Senate bill No. 328, "A further supplement to the act incorporating the Norristown and Freemansburg railroad company."

On motion of Mr. THOMPSON, House bill No. 979, "A supplement to the act incorporating the Chestnut Hill and Cheltenham railroad company."

On motion of Mr. GREGG, House bill No. 412, "An Act relating to records in Union county."

On motion of Mr. BLOOD, Senate bill No. 858, "A supplement to an act incorporating the Sinnemahoning and Pittsburgh railroad company."

On motion of Mr. BELL, (the Committee on Private Claims and Damages having been discharged from its consideration,) House bill No. 465, "An Act for the relief of Joseph Danfield."

On motion of Mr. BALDWIN, (the Committee on Roads and Bridges having been discharged from its consideration,) House bill No. 835, "A supplement to the act incorporating the Conestoga and Beaver Valley turnpike road company and the supplement thereto."

On motion of Mr. BLOOD, (the Committee on Roads and Bridges having been discharged,) Senate bill No. 911, "An Act declaring part of Big Mill creek, in Clarion and Jefferson counties, a public highway."

On motion of Mr. CRAIG, House bill No. 805, "An Act to prevent the picking and gathering of cranberries in Tunkhannock township, Monroe county."

Mr. RUTHERFORD called up Senate bill No. 787, "An Act to incorporate the Susquehanna insurance company at Harrisburg," which went through committee of the whole and its various readings.

Upon its final passage,

The yeas and nays were required by Mr. TURNEY and Mr. RUTHERFORD, and were as follow, viz:

YEAS—Messrs. Francis, Gazzam, Gregg, Harris, Keller, Palmer, Penney, Rutherford, Shaeffer, Schindel, Steele and Thompson—12.

NAYS—Messrs. Bell, Blood, Craig, Fetter, Marselis, Miller, Nonemacher, Scofield, Turney, Welsh, Wright and Cresswell, *Speaker*—12. So the question was determined in the negative.

On motion of Mr. STEELE, Senate bill No. 684, "An Act to incorporate the Wilkesbarre and Pittston railroad company," was taken up, and having passed committee of the whole, lies over.

On leave given, Mr. WRIGHT read in his place, "An Act to incorporate the Byberry and Andalusia turnpike road company;" and, on his motion, (the Committee on Roads and Bridges having been discharged from its consideration,) said bill was taken up and passed finally.

On leave given, Mr. MILLER read in his place, "An Act relative to the collection of militia tax in Washington county;" and, on his motion, (the Committee on Militia having been discharged,) said bill was taken up, and after being duly considered passed finally.

House amendments to Senate bill No. 551, "A supplement to the act authorizing the laying out of a State road from New Castle, Lawrence county, to Emlenton, Venango county," were read; and, on motion, concurred in.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read, as follows, viz:

EXECUTIVE CHAMBER,  
Harrisburg, March 28, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following acts of the General Assembly, viz:

"A supplement to an act relative to the Philadelphia and Trenton railroad company."

"An Act to incorporate the Richmond and Schuylkill passenger railway company."

"An Act providing for the election of an additional law judge in the county of Allegheny."

"A supplement to an act to incorporate the Kittanning gas company."

"A further supplement to an act to incorporate the Allegheny railroad and coal company."

"An Act relating to the election of borough officers in the borough of Bellefonte."

"An Act to amend the charter of the Chesnut Hill iron ore company."

"An Act for the relief of Joseph Brady, a soldier of the Indian war."

"A supplement to the act incorporating the Mutual saving and loan association of Philadelphia."

"An Act authorizing Peter Martin and other trustees to sell a school house in Clay township, Lancaster county."

"An Act regulating the election of borough officers, in Burlington, Bradford county."

"An Act to incorporate the Chelton Hills water and gas company."

"An Act to incorporate the New Castle water company."

"An Act to incorporate the Uniontown gas and water company."

"An Act to authorize Lewis R. Greer to erect a ferry over the Allegheny river."

"A supplement to an act to incorporate the Westminster collegiate institute."

"A supplement to an act consolidating the city of Philadelphia."

"An Act to empower the Methodist Episcopal church of East Liberty to sell and convey real estate."



"A supplement to an act to incorporate the Citizen passenger railway company."

"A supplement to an act incorporating the Philadelphia and Reading railroad company."

"An Act to incorporate the Anderson Creek public road and navigation company."

"An Act to incorporate the Quicksilver mining company."

WM. F. PACKER.

On motion of Mr. WELSH, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

MONDAY, March 28, 1859.

The House met at 3 o'clock, and was called to order by the SPEAKER.

The Clerk read the Journal of Saturday.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read, as follows, viz:

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Mr. ABBOT, offered a joint resolution that bill No. 709, "An Act to incorporate the Ridge Avenue and Manayunk passenger railroad company," be so amended as to make said corporation subject to ordinance of city councils regulating city passenger railways; which was adopted.

Mr. LAWRENCE, (Washington,) on leave given, read "An Act to authorize the Chartiers Valley and Hempfield railroad company to lease their road to other companies or corporations,"

and moved that the rules be suspended to consider the same; which was not agreed to.

Mr. EVANS, on leave given, recorded his vote in the negative on the vote by which the House concurred in the Senate amendments to the "Supplement to the act incorporating the Philadelphia and Trenton railroad company."

### PETITIONS AND REMONSTRANCES.

The following petitions and remonstrances were presented and appropriately referred:

Mr. FOSTER, a remonstrance from the majority of the school directors of Pittsburg, against a bill recently passed by the Senate, changing the school laws in said city.

Also, one from thirty-six citizens of Pittsburg, of like import.

Also, the petition of forty citizens of Allegheny county, for the incorporation of the Allegheny and Sharpsburg passenger freight railway company."

Mr. McDOWELL, the petition from citizens of Allegheny city and county, numerously signed, praying for the passage of an act to incorporate a company to construct a passenger railway from Allegheny city to the borough of Sharpsburg, in said county.

Mr. ZOLLER, the petition of a number of citizens of Pittsburg, praying that neither the high school consolidation system nor the high school of the city of Pittsburg, may be abolished.

Mr. GALLEY, the petition of forty citizens of Menallen township, for the repeal of a law allowing Benjamin Brown the privileges of schools in German.

Mr. PRICE, the remonstrance of citizens of the city of Lancaster, against the proposed branch of the Columbia Bank being located at said city.

Mr. KENEAGY, the petition of citizens of Lancaster city, against the establishing of a Branch Bank in said city by the Columbia Bank.

Mr. ECKMAN, one from citizens of Lebanon and Berks counties, in favor of a certain State road being laid out in said counties.

Mr. OAKS, one from citizens of Pennsylvania, to require country banks to keep their notes at par at Philadelphia and Pittsburg.

Mr. GOEPP, a remonstrance against the removal of the seat of justice of Clearfield county.

Also, the petitions of John Merwine and William Wolf, Esqs., of the late will and testament of Godfrey Greenwich, deceased, to be exonerated from the payment of certain collateral inheritance tax.

Also, a petition to incorporate the Harmony anthracite coal company.

Also, one to prevent fishing and trespass in the townships of Bethlehem and Hanover.

Mr. MANN, one from citizens of the counties of Potter and McKean, in favor of a State road.

Mr. HAMERSLY, the memorial of General Duff Green, relative to the bill to incorporate the Pennsylvania fiscal agency; which, on his motion, was read, as follow:

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

The undersigned would respectfully represent, that the value of American railroad and other American securities in the European market, is at present regulated, in a great degree, by a very few wealthy European bankers, who use the control which they have obtained over such securities greatly to the injury of the United States, and especially to the injury of the manufacture of iron, and of the local interests and prosperity of this State. To remedy this state of things, he, with others, desires to organize an incorporated company with sufficient capital to enable them to make advances of money and of credit to railroad and other improvement companies, and also to aid, in like manner, contractors and manufacturers. Their

plan of operations is indicated in the bill, as amended in the Senate, entitled "An Act to incorporate the Pennsylvania fiscal agency." The purpose of this bill is to enable them to obtain, by subscription in the United States and in Europe, a fund, to be invested in such securities as are negotiable, which securities being held by the European agencies of the company, will be the basis of a credit on which the company may, from time to time, draw bills of exchange, from the proceeds of such bills of exchange the company can make advances of money to railroad companies, contractors, &c., and inasmuch as interest in the European market always rates much below the charge in this country, such agencies, by availing themselves of the credit created by their capital invested for that purpose, can at all times obtain funds in Europe on terms more favorable than they can be had here, and thus aid in the development of our system of improvements, and especially the coal and iron interests of Pennsylvania.

As the rate of interest charged will depend on the character of the security given, the bill proposes that the company may receive and hold in trust the property pledged for the payment of the bonds; which will be a guarantee that the money advanced will be properly applied, and due provision made for the payment of the interest and principal of the debts created through their agency.

As the bill now reads, the company will be a simple agency for the sale of American securities, with power to hold the property pledged for the payment in trust, and to use the credit created by such trust and their own capital, to borrow money in Europe, where the rate of interest is low, to be loaned to our improvement companies at less than they could otherwise obtain it.

The business of the negotiation of American securities in the European market, is now virtually monopolized by two European houses; and the only means of competing with these houses is to create by subscription a company with sufficient capital to create the requisite credit, to enable them to make the requisite advances. If one such company is successfully established, others will soon be created, for the field is large and remunerative.

DUFF GREEN.

Mr. SHEPPARD, two memorials from citizens of Philadelphia, relative to City passenger railways.

Mr. WOLF, a remonstrance from forty citizens of the borough of York, against the repeal of the office of county school superintendent.

Mr. GLATZ, two from citizens of same, of like import.

Mr. JACKSON, two remonstrances numerously signed by citizens of Columbia county, against the passage of any act for widening and extension of Market street, in Bloomsburg, at the expense of the county.

Mr. DODDS, one from citizens of Butler county, relative to the fees of M. F. White, late prothonotary of said county.

### EVENING SESSION.

Mr. HAMERSLY moved that the session of this evening be devoted to the consideration of bills on the Public Calendar.

Mr. PINKERTON moved to amend by striking out "public" and inserting "private," which was not agreed to.

Mr. RAMSDELL moved to amend by making the consideration of the general banking bill the first thing in order after the disposition of the personal liberty bill; which was not agreed to.

The original motion was then carried.

Mr. PINKERTON moved that the unfinished Calendar of last week, be placed at the head of to-morrow's Private Calendar; which was agreed to.



## ORIGINAL RESOLUTION.

Mr. GOOD offered the following resolution:

*Resolved*, That a session be held next Thursday evening, for the purposes of considering bills in which the House has made progress, and which have been postponed; which was read the second time.

Mr. PATTERSON moved to modify, by inserting "bills on second and third reading in their order," which was agreed to.

Mr. THORN moved further to amend, that Wednesday afternoon be set apart for the purpose of considering bills and motions on which the House has made progress, and which have been postponed; which was agreed to; and the resolution as modified was adopted.

On motion of Mr. ROHRER, the act relating to recorders of deeds was ordered to be placed on the Public Calendar for next Friday; which was agreed to.

## BILL PASSED.

On motion of Mr. HAMERSLY, House bill No. 723, "An Act to modify the existing auction laws of the Commonwealth," was taken up, considered and passed, and sent to the Senate for concurrence.

On motion of Mr. KINNEY, the Committee on Railroads was discharged from the further consideration of Senate bill No. 685, "An Act to incorporate the Wysauking railroad company."

On motion of Mr. THOMPSON, the act authorizing the re-view of a certain State road in Lawrence and Venango counties was taken up, and passed finally.

On motion of Mr. GRATZ, the act relative to the perpetuation of testimony in certain cases, was ordered to be placed on the Public Calendar.

Mr. ROHRER moved to suspend the rules in order to proceed to the consideration of Senate bill No. 294, "An Act relating to the recorder of deeds;" which was not agreed to.

## PETITIONS WITHDRAWN.

Mr. LAWRENCE, of Washington, asked and obtained leave to withdraw certain documents relative to the new county Monongahela.

## LEAVE OF ABSENCE.

Messrs. MANN and PRICE, severally asked and obtained leave of absence for Messrs. PENNEL and QUIGLEY.

## REPORTS OF COMMITTEES.

Mr. GRAHAM, (Education,) as committed, "An Act relative to certain school accounts in Porter township school district, Jefferson county."

Also, as committed, Senate bill No. 539, "An Act for the relief of Somerset borough school district, Somerset county," and moved that the House consider the same; which was not agreed to.

Mr. LAWRENCE, (Washington,) (Banks,) as committed, "An Act to authorize the establishment of the Tanner's and Miner's Bank of Carmelsville, Fayette county;" which, on motion of Mr. GALLEY, was placed on Private Calendar.

Mr. PRICE, (Railroads,) as committed, "An Act to incorporate the Seventh and Nineteenth Streets passenger railway company."

Mr. CHURCH, (same,) with a negative recommendation, "An Act to incorporate the Prime and Federal Streets passenger railway company."

Mr. PATTERSON, (same,) as committed, Senate bill No. 184, "A further supplement to the act incorporating the Duncanon, Landisburg and Broad Top railroad company, &c."

Mr. WALBORN, (same,) as committed, "An Act to incorporate the Twelfth and Thirteenth Streets passenger railroad company."

Mr. M'DOWELL, (same,) with a negative recommendation, "An Act to prohibit car or cart from standing on turn-outs in the town of Tre-

mont, Schuylkill county."

Mr. PINKERTON moved that the above bill be re-committed to the Committee on Judiciary System.

Also, with amendment, Senate bill No. 680, "An Act to incorporate the Pittsburg, Allegheny and Manchester railway company."

Mr. LAWRENCE, (Washington,) (same,) with a negative recommendation, "An Act to incorporate the Eighteenth and Twentieth Streets passenger railway company."

Mr. BURLEY, (same,) as committed, "An Act to authorize the Tyrone and Clearfield railroad company to borrow money."

Mr. EVANS, (same,) with a negative recommendation, "An Act to incorporate the South Pass railway company."

Mr. PUGHE, (Mines and Minerals,) as committed, "Supplement to an act relative to the New York and Middle Coalfield railroad company."

Mr. CHASE, (Select,) with amendment, Senate bill No. 307, "An Act giving justices of the peace with a jury of six power to hear and finally determine charges for crimes, &c."

Two hundred copies ordered to be printed.

## BILLS IN PLACE.

Mr. PRICE, "A supplement to the act relative to the support and employment of the poor."

Mr. GOOD, "An Act to erect the borough of Catasqua, Lehigh county, into a separate school district."

Mr. GOEPP, "An Act to reduce the amount of collateral inheritance tax to be paid by the estate of Godfrey Greenswich."

Also, "An Act to incorporate the Harmony anthracite coal company."

Mr. GRATZ, "An Act to vacate a certain street in Philadelphia."

Mr. PINKERTON, "A further supplement to an act to incorporate the Allentown railroad company."

Mr. RAMSDELL, "An Act relative to a re-view of a certain State road in Mercer and Venango counties."

Mr. JACKSON, "An Act, entitled 'A further supplement to an act to authorize the Canal Commissioner to examine the claim of Thomas Molley.'"

Mr. ROSE asked and obtained leave to withdraw certain papers.

Mr. ROUSE asked, but did not obtain leave, to offer a resolution.

Mr. PRICE, on leave given, from the Committee on Corporations, reported as committed, "An Act to incorporate the Wrightsville steam ferry company."

Agreeably to order, the House resolved itself into committee of the whole, (Mr. \_\_\_\_\_ in the chair,) on House bill No. 182.

AN ACT to confer on certain associations of the citizens of this Commonwealth the powers and immunities of corporations and bodies politic in law, and to confirm charters heretofore granted.

WHEREAS, The Legislature of Pennsylvania, by an act passed the twenty-second day of April, one thousand eight hundred and fifty, authorized and fully empowered the court of common pleas for the city and county of Philadelphia to grant acts or charters of incorporation to citizens of this Commonwealth, desirous of forming mutual savings fund, land and building associations, and by several supplements thereto have enlarged said authority, thereby encouraging citizens to form and invest their savings in said associations:

And whereas, The said act and its said several supplements have, by various other acts of the said General Assembly, been extended to various other counties of this Commonwealth:

And whereas, The authority thus granted has been freely exercised, and by such encourage-

ment and by allowing members of said associations to adopt such constitutions or articles of association as to them might seem most beneficial, and by allowing parents to sign the constitutions for and on behalf of their minor children, a large and constantly increasing interest has been created, such associations affording to the indigent an opportunity to save and profitably invest their savings, thus inducing the people to form habits of economy and self-denial, by setting apart periodically a portion of their earnings, enabling them to purchase or build their own homes, increasing the number of small real estate owners, and thereby enriching and strengthening the Commonwealth:

And whereas, Such associations are meritorious and deserving the care of the State; therefore

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That at any time, when ten or more persons may desire to form a mutual saving fund, loan or building association under the provisions of this act, they shall make application to the court of common pleas of the proper county, in the manner and at such times as are prescribed by the thirteenth section of an act passed the thirteenth day of October, in the year of our Lord one thousand eight hundred and forty, entitled "An Act relating to orphans' courts and for other purposes," and upon compliance with the provisions of the said section of said act, the said court shall be and hereby is fully empowered to grant acts or charters of incorporation to said associations; and the thirteenth, fourteenth and fifteenth sections of the aforesaid act of Assembly are hereby extended to and made a part of this act, with regard to said associations, corporations, or bodies politic in law: *Provided*, That no charter granted under or by virtue of the provisions of this act be for a longer period than twenty years.

SEC. 2. That the capital stock of any corporation created by virtue of this act shall at no time consist of more than two thousand five hundred shares of two hundred dollars each, the instalments on which stock are to be paid at such time and place as the by-laws shall appoint; no periodical payment to be made exceeding two dollars on each share; and if any stockholder shall neglect or refuse to make payment of instalments on stock or interest on loans, as directed by the by-laws, such stockholder, his assignee or legal representative, shall pay such fines for every neglect or refusal as the by-laws shall provide; all stockholders being six months in arrears in payment of their instalments shall be liable to a forfeiture of membership in the said corporation, when they shall be entitled to receive therefrom the same amount as a member withdrawing, as hereinafter provided; new shares of stock may be issued, in lieu of the shares withdrawn or forfeited; the stock may be issued in one or in successive series, in such amount as the board of directors or the stockholders may determine: *Provided*, That if the holder of matured stock desires to let the money due him or her remain in the said corporation, it shall be lawful to declare semi-annual dividends out of the profits of the business thereof on such matured stock; and any stockholder wishing to withdraw from the said corporation shall have power to do so, by giving thirty days' notice of his or her intention to withdraw, when he or she shall be entitled to receive the amount paid in by him or her, and such proportion of the profits as the by-laws may determine, less all fines and other charges: *Provided*, That at no time shall more than one-half of the funds in the treasury of the corporation be appropriable to the demands of withdrawing stockholders, without the consent of the board of directors; and that no stock-



holder shall be entitled to withdraw whose stock is held in pledge for security; upon the death of a stockholder, his or her legal representatives shall be entitled to receive the full amount paid in by him or her, and legal interest thereon, first deducting all charges that may be due on the stock; no fees shall be charged to a deceased member's account from and after his or her decease, unless his legal representatives of such decedent assume the future payments on the stock.

SEC. 3. That the number, titles, functions and compensation of the officers of any corporation created by virtue of this act, their terms of office, the times of their election, as well as the qualifications of electors and the ratio and manner of voting, and the periodical meetings of the said corporation, shall be determined by the by laws.

SEC. 4. That the said officers shall hold stated meetings, at which the money in the treasury, if over two hundred dollars, shall be offered for loan in open meeting, and the stockholder who shall bid the highest premium for the preference or priority of loan shall be entitled to receive a loan of two hundred dollars or more for each share of stock held by such stockholder: *Provided*, That a stockholder may borrow such fractional part of two hundred dollars as the by-laws may provide; and good and ample security shall be given by the borrower to secure the re-payment of the loan; in case the borrower shall neglect to offer security, or shall offer security that is not approved by the board of directors, he or she shall be charged with one month's interest, together with any expenses incurred, and the money shall be re-sold at the next stated meeting; in case of non-payment of instalments or interest by borrowing stockholders, for the space of six months, payment of principal and interest may be enforced by proceeding on their securities according to law.

SEC. 5. That a borrower may re-pay a loan at any time, and in case of the re-payment thereof before the expiration of the eighth year after the organization of the corporation, there shall be refunded to such borrower one-eighth of the premium paid for every year of the said eight years then unexpired; and in case of recovery of loans by process of law, when the amount collected by or distributed to the said corporation shall exceed the amount of loan taken by the borrower with interest and charges, the money shall be re-loaned at the next stated meeting, and the excess recovered beyond the amount required to pay the loan with interest and charges, shall be returned to the borrower from whom the money was collected, or his or her legal representative: *Provided*, That in case the said corporation shall have issued its stock in series, such re loan shall be made only to the stockholders of the same series: *And provided*, That if the premium offered for the re-loan shall be greater than that originally given by the defaulting borrower, the amount of the original premium only shall be paid over by the said corporation: *And provided*, That such defaulting borrower may at any time after the said re-lending, demand from the said corporation the amount required to be paid to a stockholder withdrawing his stock, saving and excepting, however, to the said corporation, the right to retain so much, or the whole thereof, as may be requisite to save it from loss, in case the amount recovered shall not suffice to pay the re-loan.

SEC. 6. That no premiums, fees or interest on such premiums that may accrue to the said corporation, according to the provisions of this act, shall not be deemed usurious, and the same may be collected as debts of like amount are now by law collected in this Commonwealth.

SEC. 7. That no corporation or association created under this act shall cease or expire

from neglect on the part of the corporators to elect officers at the time mentioned in their charter or by-laws; and all officers elected by such corporation shall hold their offices until their successors are duly elected.

SEC. 8. That the charters of incorporation heretofore granted by the courts of common pleas of the several counties of the Commonwealth to mutual saving fund, loan, land and building associations, under the authority of the act of twenty-second of April, one thousand eight hundred and fifty, entitled "A supplement to an act entitled 'An Act to prevent waste in certain cases within this Commonwealth, passed the twenty-ninth day of March, one thousand eight hundred and twenty-two; to land and building associations, giving the court of Susquehanna county jurisdiction in a certain case; relative to the service of process in certain cases; to party walls in West Philadelphia; to the proof of a certain will; to the sale and purchase of certain burial grounds in Philadelphia; to the laying of gas pipes in the district of Moyamensing; to the release of certain surties in Erie county; to the State Innatic hospital; relative to the service of process against sheriffs; to the rights of married women; to ground rents; and relating to foreign insurance companies,'" and its supplements, are hereby declared to be legal and valid; and it is hereby declared that the true intent and meaning of the said acts was to authorize the incorporation of companies or associations, with power to loan or advance to stockholders thereof the moneys accumulated from time to time, and to secure the re-payment of such moneys, and the performance of the other conditions upon which said loans were made, by bond and mortgage or other security, as well as with power to purchase or erect houses for the benefit of their stockholders; and that the premiums taken by the said associations for the preference or priority of such loans should not be deemed usurious: *Provided*, That nothing herein contained should be construed to affect cases adjudicated under the said acts.

SEC. 9. That any saving fund, loan or building association, incorporated by or under this or any other act or acts of Assembly of this Commonwealth, is hereby authorized and empowered to purchase, at any sheriffs' or other judicial sale, or at any other sale, public or private, any real estate upon which such association may have or hold any mortgage, judgment, lien or other incumbrance or ground-rent, or in which said association may have an interest; and the real estate so purchased, or any other that such association may hold or be entitled to at the passage of this act, to sell, convey, lease or mortgage at pleasure, to any person or persons whatsoever; and all sales of real estate heretofore made by such associations to any person or persons not members of the association so selling, are hereby confirmed and made valid.

Mr. GOEPP moved to strike out all after the word "share" in the fifth line down to the word "new" in the twelfth line, and insert the following:

"Every share of stock shall be subject to a lien for the payment of unpaid instalments and other charges incurred thereon, and that under the provisions of the by-laws there may be prescribed the form and manner of enforcing such lien;" which was agreed to.

Mr. ABBOTT moved the following amendment; which was agreed to.

To strike out all after the word "determine" in the fifteenth line, to the word "and," in the eighteenth line.

Numerous other amendments to the bill were made.

Mr. LAIRD moved to amend the sixth section, by adding the following proviso:

*Provided*, That the same shall not exceed the rate of six per cent. per annum.

And on the question,

Will the House agree to the amendment?

The yeas and nays were required by Mr. LAIRD and Mr. EVANS, and were as follows, viz:

YEAS—Messrs. Bryson, Campbell, Custer, Dis-mant, Foster, Galley, Glatz, Good, Gritman, Hot-tenstine, Kencagy, Ketchum, Laird, Mann, M'Curdy, M'Dowell, Oaks, Palm, Patterson, Proudfoot, Rouse, Stuart, Wagenseller, Warden, Wigton, Williams, (Bedford,) Wilson and Wolf—28.

NAYS—Messrs. Abbott, Acker, Bayard, Boyer, (Schuylkill,) Chase, Church, Dnrboraw, Eck-man, Ellmaker, Evans, Fearon, Fleming, Goepp, Graham, Gratz, Green, Hamersly, Lawrence, (Washington,) Mehaffey, Neall, Nill, Peirce, Price, Pughe, Ramsdell, Sbafer, Sheppard, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Syer, Thorn, Walborn, Walker, Witman, Wilcox, Wil-liston and Zoller—38.

So the question was determined in the negative.

The eighth section being under consideration, Mr. THOMPSON moved that the House do now adjourn; which was agreed to; whereupon, the SPEAKER adjourned the House until this evening at seven o'clock.

#### REMARKS OF MR. NILL,

On the passage of the bill to require the Pennsylvania railroad to pay the tonnage tax.

Mr. NILL said—

Mr. SPEAKER: Some of the gentlemen who have discussed this bill have attempted to create the impression that all who advocate this measure are inimical to the Pennsylvania railroad and its interests; that we are actuated by hostile feelings. I can assure the gentleman that such is not the case with me. I am willing to give my support, whatever it may be worth, to said railroad and its interests, as far as its chartered powers go. I give the corporation credit for its aid and influence in developing the resources of the State, and for the facilities it furnishes her citizens in sending their products to market. Thus far none here will more decidedly uphold said road in her rights. It must be borne in mind that all the franchises and privileges of this railroad were obtained from the State. She, by her power, created this wealthy and influential corporation. The corporators were desirous of obtaining the charter on the express condition of paying the tonnage tax. The State had an interest in having such a provision in said act. Her citizens have still a deep interest in requiring this part of the charter to be complied with. It is a part of the contract, and should be enforced. This road now owns the main line of the State improvements, which the tonnage tax was designed to protect, and for that line it paid nothing as a compensation for a release of this tax. Gentlemen say that corporations like this, with its millions of capital, and its more than a million of annual income, have no influence with the legislative bodies of the Commonwealth. Does our experience in our sales of the public works prove what is alleged? If so, how did it happen that when this railroad in 1857 agreed to pay one million and a half of dollars for the relinquishment of the tonnage tax, the enactment was connected with an unconstitutional provision that forever exempted its real and personal property from all kinds of taxation? Did that show that legislators were more mindful of State interests than of the welfare of this railroad? By this bill, we only propose to compel this work to comply with its charter. We are, however, told with a flourish of trumpets, by the gentleman from the city, (Mr. WALBORN,) that he desires all railroads to pay, and that his amendment must be attached to this act, or he will hold us responsible before the people for a



dereliction of duty. None of the other railroads have raised the arm of rebellion against the power that created them. They can be reached under our present laws; and for one, I will take the responsibility of voting against his amendment. I have no notion of sending the Attorney General and other State officers on a quixotic expedition after other railroads, some of which are unfinished, and others insolvent. It is our duty to compel this road to observe its obligations and keep its promises. If it disregards the stipulations it entered into with the State to obtain its charter, it would be a reproach to us, not to take back privileges and franchises that have been so unworthily bestowed. It is, however, said that this small tonnage tax interfered with its business operations. This is gravely given by wise legislators on this floor as a sound reason for releasing said tax. I ask what tax or license has ever been imposed that has not, to some extent, operated against the business of those from whom it was exacted? Are not your farmers, mechanics, laboring men, merchants and professional men burdened with heavy taxes to maintain the interest and honor of the Commonwealth, and to support the needful expenditures of counties, boroughs and townships? When crops fail, the taxes of the farmers are oppressive. They are almost equal to a small rent. The poor man who has a small house and lot of ground, or the widow who has not property much over the value of three hundred dollars, has to pay all the taxes demanded by the laws. No proposition is made to release them, yet we are asked to exempt this great and opulent corporation from the payment of this tonnage tax. Such unjust sentiments meet with no favorable response from me. I trust, nay, I know that the people will never sanction such a wrong. It is our duty to ourselves and to the Commonwealth to adhere to our rights, and not to abandon this very important and growing branch of revenue.

But another objection rises to our vision. It is asserted that this tonnage tax is unconstitutional. This is seriously argued by the gentleman from the city, (Mr. NEALL.) On this question I believe all of the seventeen members from the city, with the single exception of Mr. THORN, agree. I must take it for granted that they have thoroughly investigated and carefully considered this profound subject, because they have come to the conclusion stated. It would be unkind and uncharitable to them to think otherwise.

Here, Mr. HAMERSLY said that he had not so decided.

Mr. NILL replied that he was glad to find two who had not said the law was unconstitutional.

Mr. HAMERSLY explained by saying he had come to no conclusion either way.

Mr. NILL said, then I will leave the gentleman on the non-committal list. It is not my purpose to discuss the constitutionality of this tax, nor to reply to the arguments advanced by any of the gentlemen from the city. I will submit that to a more competent tribunal. If the tax is not paid, and the Commonwealth has to institute suit, our courts can dispose of this question.

Again, we are entreated not to pass this act to require not this defaulting, but this rebellious railway company, to pay what is justly owing to the State under contract, for the astonishing reason that our conduct may cause its bonds and stock to fall in the money market. We are supplicated to indulge its president and managers in their resolutions, setting the State authorities at defiance, and after so doing, to desist from any proceedings on part of the Commonwealth, which tends to enforce the laws—This is a modest request!! The State dare not claim the money due, lest the bonds and stocks of the road should be diminished in value!!—

We are quietly to submit to a yearly loss of revenue exceeding two hundred and thirty thousand dollars, for the mere reason that this corporation claims to substantially nullify the law. It would not suit to legislate on the matter, lest her welfare would suffer as to bonds and stocks. If these securities should depreciate, because of the difficulty between the corporation and the State, who is to blame? Certainly not the Commonwealth, for had the company performed in good faith its chartered stipulations, there would have been no cause of complaint. When the company have defied the State, and the latter proceeds by law to enforce its demands, if the final result should be the forfeiture of its charter, it can trace its disaster to the right cause, which is the temerity and the inordinate desire of gain in its managers. Let not this deter us from performing our duty and faithfully enacting such remedial laws as will tend to vindicate the honor and interests of this great Commonwealth. Let us show these and all other corporations that the time has not yet come in which a creature of the public, whose vitality had its origin in State authority, can control State legislation and trample the laws in the dust. But we are also told that there is no occasion for further enactment. That under existing laws corporations can be made pay their dues. It is true that from such bodies money can be collected. None, however, have taken the bold stand that this one has done.—All others, if tardy in making payments, acknowledge their indebtedness. For them additional laws are unnecessary, but for this railroad, considering their defiant conduct, it is but right that this act should be passed, directing that proceedings should be instituted—and that if the tonnage tax is not paid, there should be no cessation until a forfeiture of charter is obtained. For if the charter is only good against the State for the privileges granted the company, and invalid in favor of the State, for the reservations for the public benefit, it is time that it should be known.

#### NO. 1076.—FILE OF THE HOUSE.

WILEY, Militia System—March 21.

A SUPPLEMENT to an act for the better regulation of the militia of this Commonwealth, approved the twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

hereafter the pay of uniformed militia men, as provided for in the twenty-fourth clause of the ninth section of the act to which this is a supplement, shall be, for each officer, non-commissioned officer, musician and private of any uniformed company or troop, one dollar for every day actually on duty; and for each horse used by them, fifty cents per day; but no officer or member shall receive pay for parading oftener than four times in any one year.

SEC. 2. That hereafter the fines imposed by the third clause of the thirteenth section of the act aforesaid, shall be one dollar for every non-commissioned officer, musician and private; and that it shall be the duty of the court of inquiry or appeal, after having ascertained the amount of the fines aforesaid, to place the same in the hands of the constables residing near or convenient to the rendezvous, or regular parading ground of each of the respective companies constituting the brigade, whose duty it shall be to collect the same, deducting therefrom ten per cent. as commission for collecting, and paying over the remainder to the proper treasurer of the county, to be placed to the credit of the military fund; but in all cases where persons against whom such fines have been charged shall refuse to pay the same on demand, after due notice has been given according to the requirements of the law to which this a supplement,

then it shall be the duty of the constables aforesaid, to collect such fines in the same manner as they are authorized to collect any debt upon civil process, together with lawful costs; but in no case shall absence or neglect to appear for the performance of military duty work a forfeiture of pay, except when upon a fair and impartial trial before the court of inquiry or appeal, the party so charged shall have been found guilty of willfully and without lawful excuse absenting himself from the regularly called parades of his company, regiment, brigade or division; but any refusal to appear after due notice has been given to answer such charge, either in person, or by affidavit duly sworn to and attested before a proper justice of the peace, shall be taken as evidence of willful neglect, and work a forfeiture of pay accordingly.

SEC. 3. That in all cases where calls shall be made for encampments, either by the Governor or the commanding officer of any division or brigade or regiment, no company shall go into camp before Tuesday morning, or remain longer than Saturday morning of the same week.

SEC. 4. That hereafter it shall be lawful for the Adjutant General to furnish each of the regularly organized companies of this Commonwealth with the requisite number of tents and equipments for camping purposes, under the same provisions and requirements of law as apply to arms and other equipments.

SEC. 5. That it shall be the duty of the several county treasurers of this Commonwealth to prepare annually a statement of the receipts and expenditures of the military fund of their respective counties, setting forth the amount received from each collector separately, and the amount paid each person to whom money may be due; which statement, after being examined and passed by the county auditors, shall be published in the same manner that the other accounts of the said county treasurer are by law directed to be published; the expenses whereof to be paid out of the military fund of said county, and a statement of the same forwarded by the county treasurers to the State Treasurer of this Commonwealth, on or before the first day of February in each and every year.

SEC. 6. That the State Treasurer is hereby authorized and required to pay out of the aggregate military fund now accumulated, or that may hereafter accumulate, to the several county treasurers, any deficiencies of the county military expenses, wherein statements have been duly transmitted, agreeably to the fifth section of this supplement.

SEC. 7. That so much of the provisions of the act to which this is a supplement as are inconsistent with the provisions of this act be and the same are hereby repealed.

#### NO. 306.—FILE OF THE HOUSE.

WIGTON, Ways and Means—Feb. 11.

AN ACT relating to the licenses of billiard tables and ten-pin alleys used at watering places and summer resorts, in this Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That after the passage of this act, it shall be lawful for all persons owning or occupying watering places and summer resorts in this Commonwealth, to be licensed for the privilege of using billiard tables and ten-pin alleys for the term of three months in a year, and pay in that proportion of the rates now or hereafter required to be paid per annum.*

SEC. 2. That all laws conflicting with the foregoing section are hereby repealed, so far as relates to alterations made by this act.



No. 810.—FILE OF THE SENATE.

TURNERY, Finance—March 23.

SENATE COMMITTEE AMENDS—STRIKE OUT IN  
[BRACKETS] INSERT IN *italics*.

AN ACT to provide for the ordinary expenses of the Government, and other general and special appropriations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the following sums be, and the same are hereby specifically appropriated to the several objects hereinafter mentioned, for the year commencing on the first day of June, Anno Domini one thousand eight hundred and fifty-nine, to be paid out of any money in the treasury not otherwise appropriated.

SEC. 2. For the salary of the Governor of the Commonwealth, four thousand dollars.

For the salary of the Secretary of the Commonwealth, [inclusive of his compensation as commissioner of the sinking fund,] seventeen hundred dollars.

For the salary of the Deputy Secretary of the Commonwealth, one thousand [four] *five* hundred dollars.

For the salary of the Auditor General, [inclusive of his compensation as commissioner of the sinking fund,] one thousand seven hundred dollars.

For the salary of the Surveyor General, one thousand six hundred dollars.

For the salary of the Attorney General, three thousand dollars.

For the salary of the Adjutant General, six hundred dollars.

For the salary of the Superintendent of Common Schools, one thousand [four] *five* hundred dollars.

For the salary of the State Librarian, eight hundred dollars.

For the salary of the State Treasurer, inclusive of his compensation as commissioner of the sinking fund, one thousand seven hundred dollars: *Provided, That the foregoing salaries shall be paid quarterly at the office of the State Treasurer.*

SEC. 3. For clerk and messenger hire, in the Executive and State departments, six thousand dollars.

For contingent expenses in the Executive and State departments, as follows: postage and telegraphic dispatches, one thousand seven hundred dollars; stationery, four hundred and fifty dollars; fuel and lights, one hundred and twenty-five dollars; cleaning offices, [one hundred] *fifty* dollars; blank books, fifty dollars; repairs, fifty dollars; geological survey, freights and packages, one hundred and fifty dollars; new carpets in Executive chamber, two hundred dollars; miscellaneous expenses, one hundred and fifty dollars.

For clerk and messenger hire in the Auditor General's office, eight thousand [one] *six* hundred dollars, *or so much thereof as may be necessary.*

For contingent expenses, as follows: postage and telegraphic dispatches, five hundred dollars; stationery, three hundred and fifty dollars; fuel, seventy-five dollars; miscellaneous, seventy-five dollars.

For clerk and message hire in the Surveyor General's office, eight thousand [seven] *one* hundred dollars.

For contingent expenses, as follows: postage, four hundred dollars; stationery, two hundred dollars; fuel, seventy dollars; stove and repairs, sixty dollars; white-washing and scrubbing, fifty dollars; miscellaneous, fifty dollars, and for stationery furnished in one thousand eight hundred and fifty-seven, by George Bergner, not heretofore provided for, fifty-seven dollars and eighty-six cents.

For clerk hire in the Attorney General's office, eight hundred dollars; and hereafter the Attorney General shall be allowed eight hundred dollars annually for clerk hire.

For clerk and message hire in the school department, three thousand nine hundred dollars.

For contingent expenses, as follows: stationery and blank books, three hundred and fifty dollars; postage, including telegraphic dispatches, one thousand two hundred dollars; fuel, light, and cleaning office, sixty dollars; packing and distributing blank forms, laws and decisions, reports, et cetera, to the several districts, six hundred dollars; miscellaneous, fifty dollars.

[For clerks, messenger, and night-watch in the Treasurer's office, the State Treasurer to detail one of his clerks to act as clerk to the commissioners of the sinking fund, without additional cost to the Commonwealth, for such service, five thousand four hundred and fifty dollars.]

*For clerks, messenger and night-watch in the Treasurer's office, including compensation of clerk to commissioners of the sinking fund, five thousand four hundred and fifty dollars.*

For contingent expenses, as follows: postage and telegraphic dispatches, four hundred and seventy-five dollars; express charges, one hundred dollars; stationery and blank books, two hundred and fifty dollars; fuel and light, seventy-five dollars; miscellaneous, one hundred and fifty dollars.

For miscellaneous expenses of the State Library as follows: repairing telescope, forty dollars; [press for stamping, twenty-five dollars; making fires, sweeping, cleansing and white-washing, postage, freight, expenses of purchasing books, stationery, et cetera, three hundred dollars; miscellaneous books and newspapers, six hundred dollars; law books, English and Irish reports, elementary books and civil law, one thousand dollars; Pennsylvania Reports, for exchanges, three hundred and twenty dollars; binding, one hundred and fifty dollars; and assistant, one hundred and fifty dollars;] *making fires, postage, freight, stationery, expenses of purchasing books, cleaning and whitewashing library room, two hundred and fifty dollars; binding and lettering books, one hundred dollars; purchasing law books, six hundred dollars; miscellaneous books, three hundred dollars; for exchanges three hundred and twenty dollars; and assistant, one hundred dollars.*

SEC. 4. For the payment of the expenses of the Legislature, including the pay and mileage of the members, clerks and officers thereof, and the amount authorized by law for stationery, newspapers and lights, the sum of one hundred and fifty thousand dollars.

SEC. 5. For packing and distributing the laws and journals of the Legislature, to be performed under the direction of the Secretary of the Commonwealth, seven hundred dollars. *or so much thereof as may be necessary.*

SEC. 6. For the public printing, folding stitching and binding, thirty thousand dollars, or so much thereof as may be necessary on the settlement of the account of the contractor under his contract entered into in pursuance of the act approved the ninth day of April, Anno Domini one thousand eight hundred and fifty-six, entitled "An Act in relation to public printing."

SEC. 7. For the payment to the borough of Harrisburg, for supplying the public buildings with water, as per act of twenty-eighth day of April, Anno Domini one thousand eight hundred and forty, six hundred dollars.

For payment to the Harrisburg gas company, for gas for public buildings and walks, two thousand dollars, or so much thereof as shall be found due by the Auditor General, under the contract with the company, in pursuance of the

charter of said company and its supplement, to be paid on warrants of the Governor.

SEC. 8. For miscellaneous expenses, to be accounted for in the usual manner, three thousand dollars.

SEC. 9. For the support of the common schools, to be paid on warrants drawn by the superintendent in favor of the several school districts of the Commonwealth, in proportion to the number of [resident] taxables therein, two hundred and eighty thousand dollars, after deducting clerk hire and contingent expenses, as appropriated in the third section of this act, and the salaries of the county superintendents to be accounted for in the usual manner: *Provided, That the basis of distribution of the said sum shall be the number of the taxables of the several counties, respectively, as reported at the septennial enumeration to the Legislature of one thousand eight hundred and fifty-seven: And provided further, That the city of Philadelphia shall be entitled to a proportion on the above basis without contributing to the salaries of the county superintendents.*

SEC. 10. For the payment of pensions and gratuities, [ten] fifteen thousand dollars. *or so much thereof as may be required.*

SEC. 11. For the payment of the salaries and per diem allowance of the judges of the supreme court, eighteen thousand seven hundred dollars.

SEC. 12. For the payment of the salaries of the judges of the district court, and the president and associate law judges of the court of common pleas of the city of Philadelphia, sixteen thousand eight hundred dollars.

SEC. 13. For the payment of the salaries of the judges of the district court, and president judge of the court of common pleas of Allegheny county, eight thousand four hundred dollars.

SEC. 14. For the payment of the salaries and mileage of the president and associate law judges of the several courts of common pleas in this Commonwealth, except in the city of Philadelphia and the county of Allegheny, fifty-five thousand dollars. *or so much thereof as may be necessary.*

SEC. 15. For the payment of the salaries and mileage of the associate judges of the several courts of this Commonwealth, twenty-five thousand dollars.

SEC. 16. For the payment of the interest on the funded debt of the Commonwealth, that will fall due on the first days of July and August next, and the first days of January and February, one thousand eight hundred and sixty-two millions of dollars, or so much thereof as may be necessary.

SEC. 17. For the payment of the guaranty of interest for the Danville and Pottsville railroad company, by the act of the eighth of April, one thousand eight hundred and thirty-four, and the act of twelfth April, one thousand eight hundred and fifty-one, eight thousand five hundred and seventeen dollars and fifty cents, being the interest in full, on said guaranty, up to the first day of August, Anno Domini one thousand eight hundred and fifty-nine; to the Bald Eagle and Spring Creek navigation company, by the act of seventh April, Anno Domini one thousand eight hundred and thirty-five, ten thousand dollars: *Provided however, That said companies are hereby required to make it appear satisfactorily to the Attorney General that the said appropriations are due from the Commonwealth; and it shall be the duty of the Attorney General so to certify to the treasurer before any of the moneys herein appropriated are paid.*

SEC. 18. For the payment of the salaries of the officers of the Western penitentiary, ten thousand one hundred and fifty dollars; also, for gratuities paid to discharged convicts for the year one thousand eight hundred and fifty-eight, agreeably to the eighth section of the act of twenty-second of April, one thousand eight



hundred and twenty-nine, and the several supplements thereto, three hundred and eight dollars; and for paving in front of the prison, under the compulsory paving law of Allegheny city, the further sum of three thousand one hundred and eighteen dollars.

[Sec. 19. For the payment of the salaries of the officers of the Eastern penitentiary, twelve thousand eight hundred and ninety-five dollars; which sum may be drawn from the treasury in equal quarterly portions, on or after the fifteenth day of the months of June, September and December of the present year, and March of next year.]

SECTION 19. *For the payment of the salaries of the officers of the Eastern Penitentiary, sixteen thousand two hundred and forty dollars; for curbing and paving Corinthian avenue along the eastern side of the penitentiary, the sum of two thousand dollars; for the necessary repairs to the building, the sum of two thousand four hundred and twenty-three dollars, which sum for salaries of officers may be drawn from the Treasury in equal quarterly portions on or after the fifteenth day of the months of June, September and December of the present year and March of next year.*

Sec. 20. For the house of refuge of Philadelphia, the sum of twenty thousand dollars.

Sec. 21. For the house of refuge of Western Pennsylvania, in the county of Allegheny, eighteen thousand and five hundred dollars, to be applied as follows: for the salaries of officers, eight thousand and five hundred dollars; additions and repairs, four thousand dollars; and for the payment of debts, six thousand dollars.

Sec. 22. For the Western Pennsylvania hospital, five thousand dollars; and for the purpose of erecting suitable buildings, the further sum of twenty thousand dollars, [the last mentioned sum to be paid to said institution upon a bond being executed to the Commonwealth in said sum, with security to be approved by the Auditor General and State Treasurer, conditioned for the full erection and completion of said buildings without further aid from the Commonwealth.]

Sec. 23. For the Pennsylvania State lunatic hospital, the sum of twenty thousand dollars; to be applied to the payment of salaries, the support of the house, the renewal of furniture and fixtures, and to such repairs and improvements as may be required: [Provided however, That no part of the money appropriated in this section, except the salaries of its officers, shall be paid unless the accounts of repairs and expenses be found correct by the Auditor General.]

Sec. 24. For the Pennsylvania institution for the instruction of the blind, twenty-two thousand dollars.

Sec. 25. For the instruction of indigent pupils in the Pennsylvania institution for the instruction of the deaf and dumb, twenty-three thousand dollars: *Provided*, That the sums appropriated for the instruction of the blind, and deaf and dumb, shall be paid to said institutions, in proportion to the number of indigent pupils received by each, from the several counties of this Commonwealth, at the rates prescribed by law; evidence of the number of pupils to be furnished to the State Treasurer.

Sec. 26. For the Pennsylvania training school for feeble minded children, such amount as said institution may be entitled to receive under the provisions of the sixth section of the act incorporating said school, approved the seventh of April, Anno Domini one thousand eight hundred and fifty-three; [and for the purpose of completing the buildings now in progress, the further sum of twenty-five thousand dollars, to be paid to said institution upon a bond being executed to the Commonwealth in said sum, with security, to be approved by the Auditor General and State Treasurer, conditioned for the full completion of said buildings without further aid from the Commonwealth,] and for the purpose

of completing the buildings now in progress, the further sum of twelve thousand five hundred dollars, upon condition that an equal amount be raised for the same purpose by private contributions; the said sum not to be paid out of the Treasury until the Auditor General shall be satisfied that said amount to be raised by private contribution has actually been subscribed and paid.

Sec. 27. For the Northern Home for friendless children, five thousand dollars: *Provided*, that the said Northern Home for friendless children shall be subject to the provisions contained in the third section of an act, entitled "A supplement to an act to incorporate the subscribers to the articles of association, for the purpose of establishing and conducting an institution for the confinement and reformation of youthful delinquents, under the title of the House of Refuge," approved March twenty-third, one thousand eight hundred and twenty-six.

Sec. 28. For the Penn Asylum for indigent widows and single women, five thousand dollars.

Sec. 29. For the Orphans' Home at Zelig-nople, one thousand dollars.

Sec. 30. For the salary of the superintendent of the public printing, eight hundred dollars.

Sec. 31. To Richard J. Haldeman, publisher of the *Legislative Record*, compensation at the rate of seven dollars per page, for the numbers published at the present session, the amount to be certified as due by the [committee on printing of both Houses,] *superintendent of public printing*, and that the fortieth section of an act, entitled "An Act to provide for the ordinary expenses of government and other general and special appropriations," approved twenty-first April, Anno Domini one thousand eight hundred and fifty-eight, so far as it relates to the continuance of the contract, for the printing of a *Legislative Record*, with R. J. Haldeman, be and the same is hereby repealed: *Provided*, That the repeal hereby provided for shall not take effect until at the expiration of the present session.

[Sec. 32. To each of the fire companies of Harrisburg, now organized and in operation, one hundred dollars.]

[Sec. 33. For the preservation and repairs of the capitol, and improvement of the public grounds, inclusive of the compensation of the superintendent and watchman of the public buildings and grounds, the sum of three thousand dollars: *Provided*, That all moneys expended and contracts made, shall be at the direction and under the authority of the Secretary of State and the Auditor General.]

SECTION 33. *For the preservation and repairs of the capital and improvement of the public grounds, the sum of three thousand seven hundred and thirty-one dollars, or so much thereof as may be necessary to be expended for the following purposes, and no other: Repairs to dome and cornice of capitol building, one hundred and twenty-five dollars; painting dome and cornice of capitol, six hundred dollars; lumber, labor, et cetera, to continue the board walk to front of capitol, two hundred and twenty-five dollars; removing privies in rear of capitol, executive and land departments, excavating and completing trench for sewers, including cast iron pipe for same, and constructing the necessary water closets in basement of capitol, executive and land department buildings, one thousand dollars; sewer and water closet at Governor's mansion, three hundred and seventy dollars; for brick and laying pavement on North street, including gutter, sand, et cetera, six hundred dollars; to make extraordinary repairs in and about the public buildings, keeping clean and fitting up rooms in the arsenal to store books, documents, et cetera, eight hundred dollars: *Provided*, That all moneys expended and contracts made shall be at the direction and under the authority of the Secretary of State and the Auditor General.*

*For the payment of the superintendent and watchman of the public buildings and grounds, two*

*dollars and fifty cents per day for and during the period of his appointment.*

Sec. 34. For the payment of the expenses of the committee selected to try the contested election case, from the Third Representative district of Philadelphia, incurred by two sessions held in the city of Philadelphia, the sum of [six] two hundred and seventy-five dollars.

Sec. 35. That the State Treasurer is hereby authorized to pay John A. Smull, for services rendered the House of Representatives, the same compensation now allowed by law for an [assistant] transcribing clerk; [and for services performed during the last recess, in arranging the papers of last session, et cetera, and for the same services to be performed during the next recess, the further sum of three hundred dollars.]

Sec. 36. That the State Treasurer is hereby authorized to pay the clerks of the Senate and House of Representatives, the amounts necessary to pay the pages and folders employed during the present session, at the rate of one dollar per day each, for the time the Legislature is in session, and the further sum of ten dollars each to said pages and folders, except J. P. Hoffman, and G. H. Lenhart, who shall be paid the same amount as the assistant door-keepers are entitled to by this bill.

Sec. 37. That the State Treasurer is hereby authorized to pay John C. Morgan, Andrew W. Kimmell, William R. Gardy, James Williams Samuel McDonnell, John D. Reese and John Farrell, assistant door-keepers, for extra services after night, in and about the Hall, during the present session, one hundred dollars each.

[Sec. 38. That the State Treasurer is hereby authorized to pay L. Rogers three dollars per day, for thirty-eight days, with the usual mileage, for services in the contested election case of Matthews versus McClean, together with thirty dollars for expenses, while in the employ of the committee in Philadelphia.]

Sec. 39. That the State Treasurer is hereby authorized to pay George Manley, at the rate of one dollar and fifty cents per day, for services in cleansing and keeping in order the out-building of the two houses; the actual number of days employed, to be certified to by the Clerk of the House.

Sec. 40. That the State Treasurer is hereby authorized and directed to pay Alvin Day nineteen dollars and twenty-five cents, being the amount of a check drawn by the State Treasurer on the Bank of Pennsylvania, in May, one thousand eight hundred and fifty-seven, and dishonored by said bank.

Sec. 41. For transcribing for committee of ways and means, to be paid on the order of the chairman, twenty dollars.

Sec. 42. For postage and stationery used in the office of the late Attorney General, sixty-seven dollars and fifty-nine cents.

Sec. 43. That the State Treasurer is hereby authorized to pay the chief clerks of the Senate and House of Representatives, for the expense of indexing journals, one hundred and twenty-five dollars each; and also the sum of one hundred and twenty-five dollars to William H. Miller, clerk of the Senate, and to Jacob Ziegler, the late clerk of the House of Representatives, each for indexing the journals for the year one thousand eight hundred and fifty-eight.

Sec. 44. For the payment of salaries of tonnage agents in full to June first, one thousand eight hundred and fifty-nine, twelve hundred dollars.

[Sec. 45. That the State Treasurer is hereby authorized to pay the officers of the Senate and House of Representatives, except the Speakers, the following additional compensation for services rendered during the present session: To the chief clerks one hundred and fifty dollars, and assistant clerks, each one hundred dollars; to the bill, message, journal, comparing and transcribing clerks, each one hundred dollars;



to the sergeant-at-arms, messenger, door-keeper and post-master, and their assistants, each seventy-five dollars: *Provided*, That the assistant officers of the House, named by the principal at the first of the session, shall be included in the above, except those named in the thirty-eighth section of this bill.]

SEC. 45. That the State Treasurer is hereby authorized to pay the regular officers elected under the provisions of the act of one thousand eight hundred and fifty-five of the Senate and House of Representatives, except the Speakers, the following additional compensation for services rendered during the present session: To the chief clerks, one hundred dollars; to the assistant clerks each seventy-five dollars; to the bill, message, journal, comparing and transcribing clerks, each seventy-five dollars; to the sergeant-at-arms, messenger, door-keeper and postmaster, and their assistants, fifty dollars; *Provided*, That the assistant messengers of the House named by the principal at the first of the session shall be included in the above.

[SEC. 46. For the payment of the officers and privates of the first and second regiments of Pennsylvania volunteers, who served in the late war with Mexico, under the provisions of an act to provide for the payment of the first and second regiments of Pennsylvania volunteers, who served in the late war with Mexico, approved the twenty-ninth day of March, Anno Domini one thousand eight hundred and fifty-one, the sum of two hundred dollars.]

SEC. 47. To William P. Brady, the sum of one hundred dollars for filing the Legislative Record, and for services after the expiration of the session, and the pay of said Brady, as an officer of the Senate, shall be the same as that of a transcribing clerk, which shall be duly allowed, settled and paid.

SEC. 48. That there is hereby appropriated one hundred and fifty dollars to be expended by the clerk of the Senate in the purchase of fifteen thousand of Gavit's electrotype envelopes and the stamp for the use of the Senate.

SEC. 49. For transcribing for railroad committee in Senate, to be paid on the order of the chairman, twenty-five dollars.

SEC. 50. That the State Treasurer is hereby authorized to pay to David S. Spear, an officer of the Senate, the same compensation hereby allowed to the messenger and assistant messenger of the Senate.

SEC. 51. That the State Treasurer is hereby authorized to pay W. S. Picking, the salary of an assistant clerk.

SEC. 52. That the clerks appointed according to the seventeenth section of the act approved May seventh, one thousand eight hundred and fifty-five, shall be allowed the same rate of mileage as other officers of the Legislature, and at the same rate of compensation as is now allowed to the transcribing clerks by said act, in proportion to the time they shall serve as such.

SEC. 53. That the Auditor General shall not allow any account presented for settlement by any of the officers of the several institutions named herein, and to which appropriations have been made, unless the same shall be attested by the oath of the superintendent or other principal officer that the same is correct, and was expended for the items set out in the bill, and that the same was contracted for on the most favorable terms.

#### No. 743.—FILE OF THE HOUSE.

GOEPP, Judiciary—March 7.

AN ACT to preserve the lien of mortgages in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That where the lien of a mortgage upon real estate is, or shall be prior to all other liens upon the same property, except other mortgages, ground

rents, or the purchase money due to the Commonwealth, the lien of such mortgage shall not be destroyed or in any way affected by any sale made under or by virtue of the order or decree of any court of this Commonwealth, unless such court shall so expressly order upon petition of any creditor or party interested after due notice to the holder of such mortgage being the mortgagee, his executors or administrators, or any assignee thereof, by assignment duly recorded.

SEC. 2. That the notice required by the first section of this act, shall be by citation served upon the holder of such mortgage as aforesaid, whether he shall reside within the jurisdiction of such court or otherwise, or if he shall not reside within the jurisdiction aforesaid; also, upon any agent or attorney by him appointed to receive the interest upon such mortgage, in such manner as the court shall direct; and no order for the discharge of the lien of any mortgage shall be made as aforesaid, until due proof shall be made to the satisfaction of the court, that such service has been made as directed.

SEC. 3. That where any such order for the discharge of the lien of a mortgage shall be made as aforesaid, it shall be the duty of the party obtaining such order, within ten days thereafter to have a duly certified copy thereof recorded in the office of the recorder of deeds for the proper county, which shall be indexed by the recorder under the name of the original mortgagor, which being done, no person after such sale shall have been confirmed, shall be thenceforth heard to question the validity of such order or the fact of due service of the notice above required having been made.

SEC. 4. That the estate, lien or charge of the widow of a decedent under the intestate laws of the Commonwealth, or upon proceedings in partition of an intestate's estate, shall not be deemed and taken to be a prior lien to any mortgage within the meaning of this or of any other act of Assembly of this Commonwealth, so as to cause the discharge of such mortgage by any judicial sale, where the lien thereof would otherwise be preserved thereby.

#### No. 298.—FILE OF THE SENATE.

BREWER, Militia—Feb. 11.

A SUPPLEMENT to an act, entitled "An Act for the regulation of the militia of this Commonwealth," approved April twenty-first, one thousand eight hundred and fifty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall be the duty of the several county treasurers of this Commonwealth, to prepare annually a statement of the receipts and expenditures of the military fund of their respective counties, setting forth the amount received from each collector separately, and the amount paid each person to whom money may be due; which statement, after being examined and passed by the county auditors, shall be published in the same manner that the other accounts of the said county treasurer are by law directed to be published; the expenses whereof to be paid out of the military fund of said county, and a statement of the same forwarded by the county treasurers to the State Treasurer of this Commonwealth, on or before the first day of February in each and every year.

SEC. 2. That the State Treasurer is hereby authorized and required to pay out of the aggregate military fund, now accumulated or that may hereafter accumulate, to the several county treasurers, any deficiencies of the county military expenses wherein statements have been duly transmitted agreeably to the first section of this supplement.

SEC. 3. That so much of the fourteenth sec-

tion of this act, to which this is a supplement, as prohibits the paying any money out of the general military fund, except for the salary of the Adjutant General, his assistant and clerk, be and the same is hereby repealed.

#### No. 626.—FILE OF THE HOUSE.

CHASE, Judiciary—March 3.

AN ACT for the preservation of growing timber.

WHEREAS, In many parts of this State, persons who have no timber of their own, are in the habit of cutting timber and hoop-poles off the lands of others, and of selling the same as hewed logs, staves, shingles, rails and hoop-poles to purchasers in their vicinity; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That where any person or persons own land, and such owner or owners have reason to believe that any other person or persons are in the habit of cutting timber or hoop-poles growing on their lands, and of selling the hoop-poles, and of making the timber into staves, shingles, rails or hewed logs, and then of selling or trading the same to any storekeeper or storekeepers, or to any other person or persons who may purchase or trade for the same, it shall be lawful for the owner or owners of lands from which such hoop-poles or timber may be cut, to give notice in writing to such storekeeper or storekeepers, or other persons who purchase or trade for the above mentioned articles, warning them not to purchase the same from such suspected person or persons named in said notice; and if, after such notice is given, any storekeeper or storekeepers, or other persons purchasing or trading for timber, shall buy or trade for any hoop-poles, staves, shingles or hewed logs that shall have been taken by such person or persons who have disposed of the same, from the lands of the owner or owners who have given such notice; such person or persons who have purchased or traded for the same, shall be liable to the owner or owners, in an action on the case, to be instituted in the court of common pleas of the proper county, for damages to four times the value of the said articles purchased or traded for: *Provided however*, That the time for commencing suit under this act shall not extend beyond one year.

#### No. 494.—FILE OF THE SENATE.

BELL, Judiciary—March 2.

AN ACT to regulate the practice and fees of sheriffs in cases of attachments.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That in all cases of the attachment of a debt, obligation, duty or sum of money due and owing by a garnishee to the defendant, whether such attachment be made by virtue of a writ of foreign attachment or of a writ of attachment issued on a judgment, it shall not be lawful for the sheriff or other officer to whom such writ is or shall be directed, or his deputy, to require any bond or other security, to indemnify him against the execution of such writ or any fee therefor, nor any other or greater sum or fee for executing such writ, than is by law allowed for serving a writ of *scire facias*.

SEC. 2. That whenever the sheriff or other officer to whom any writ shall be directed, may by law demand a bond or obligation of indemnity before executing the same, it shall be lawful for such officer to demand or receive as a fee for preparing such bond or obligation, one dollar, and no more.



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## HOUSE.—EVENING SESSION.

MONDAY, March 28, 1859.

Mr. IRISH, having obtained leave to make a statement, said that while out of his seat this afternoon, a resolution had passed the House substituting another bill in place of the special order for this evening, which was House bill No. 432, entitled "An Act for the better security of personal liberty, &c." As the yeas and nays were not called on the resolution, and he had no opportunity of recording his vote on it, he rose for the purpose of asking the Chair whether a motion to re-consider the resolution would be in order?

The SPEAKER decided that the motion would not be in order now.

Mr. IRISH stated that he introduced that bill in good faith, and he intended to act towards it in good faith throughout, and did not wish to be understood as consenting to its postponement for the consideration of any other bill whatever. He made this statement for the purpose of placing himself right on the record.

### GENERAL BANKING LAW.

Agreeably to order, the House resolved itself into committee of the whole, (Mr. LAIRD in the chair,) on Senate bill No. 18, entitled "An Act to establish a general banking law."

The first section was read and agreed to.

The second section being before the committee,

Mr. GOOD moved so to amend the same, as to make the office of superintendent of the banking department elective.

Mr. SMITH, (Berks,) moved, as a modification of the amendment submitted by Mr. GOOD, the following:

"He shall be appointed by the Governor, by and with the advice of the Senate," and inserting in lieu thereof the words, "he shall be elected at the first general election held after the passage of this act, and every three years thereafter."

Mr. HAMERSLY. I do not know that I would object to that amendment, were it not that it would delay the operation of this bill

for six or nine months. If the gentleman would modify it, I might vote for it.

Mr. NEALL. I do not think it is going to take us till next October to make this bill a law.

Mr. KENEAGY. I would have a stronger objection to the adoption of the amendment of the gentleman from Berks, (Mr. SMITH,) and I think the House will agree with me; that is, to keep this matter out of the hands of politicians. To make the chief clerk to be elected by the people would place that officer in the power of politicians. I do not think he ought to be elected at all.

Mr. NEALL. I would ask the gentleman from Lancaster, (Mr. KENEAGY,) if the section remains as it is, whether it would keep this matter out of politics.

Mr. SMITH, (Berks.) It is well enough to talk about keeping this matter out of politics, but it is impossible to do it. I am certain, sir, if this person be elected by one of the political parties, it will be no more a matter of politics than to give the power of appointment to the Governor. I am not, sir, one of those persons who think the Governor ought to do everything. Sir, no subject has excited the popular attention in this State more than this subject of banking. There is nothing in which the popular mind has been more exercised than on this subject, and I think, sir, it is safer to allow the people to choose for themselves; those people whom we know are desirous of having a radical reform in the present system of banking; those people who know the inconvenience of a bad banking system; we should leave it to them to say who shall be this superintendent. This amendment strikes me as being eminently proper at this time. We should not allow a man to be appointed to this office, whose prejudices may be excited against the bill we are now about to pass. Let the people decide that question for themselves; who has that administrative faculty and who has those qualities of heart, that integrity and unquestioned honesty that alone can faithfully discharge the duties of that office. There is no use of talking about keeping the matter aloof from politics. You cannot do it, and I do not know that such a consummation, if effected, would be desirable.

Mr. WILSON. I concur heartily with the remark of the gentleman from Berks, that it would be impossible to keep this matter out of politics. Now, sir, we are met at the very outset with an objection which, to my mind, should at once persuade us to abandon this proposition in the bill. It is said, sir, if we make this controller elective, we throw the whole matter into politics. Now, sir, the election of the Governor of this Commonwealth is in the machinery of politics, and he has, according to the provisions of this bill, the appointment of the controller. Now, what is the difference between the people electing the controller, and electing the Governor who appoints the controller, and perhaps all politicians knowing upon whom that appointment is to light? Now, sir, in doing this, you unite the banking power with the executive power of this Commonwealth, and I defy gentlemen, with all their reason, to show that it does not effectually do so. It will be the union of the executive influence with the control of the money power—the union of the purse and the sword. I think this objection quite sufficient for any candid mind to come to this conclusion, that we should not adopt the

provision of this bill with reference to this matter. There are other objections, and I will mention one of them; it is this: The proposition is to place here the basis of this system upon the debt of this Commonwealth. How is that to be done? Why, it is done by preferring one set of creditors in the Commonwealth to that of the other. It is making the bonds which one man owns and has purchased, of more value than that of other men of equal value. Now, by this course of legislation, we undertake to create and stamp upon the bonds of the Commonwealth a value which is not inherent therein, because the market value of our bonds is five or six per cent. only. Well, sir, then we undertake to legislate here a banking value, and attach it to these bonds which they do not inherit. Now, sir, that cannot be done with equal and fair justice towards other men who hold bonds of similar value, and just in proportion as you enhance the value of these bonds, in the same proportion do you depress similar bonds or money belonging to other people. Another reason is, that we all—whether of the Republican or of the Democratic party—stand pledged to the people, and the people of this Commonwealth, or nine-tenths of them, are anxious, and look with eager eyes to that day, when the debt of this Commonwealth shall be wiped out. What is the argument afforded by the adoption of this bill? Why, sir, it is that the debt of this Commonwealth shall be made perpetual. The argument will be, sir, not only in favor of the perpetuity of the debt of this Commonwealth, but it will go strongly in favor of the expansion of it; the argument will be now increase of debt; for certainly if a small debt of twenty-eight, as some may render it, or forty millions dollars, as others may render it, is beneficial to the government, a larger one will be more so. Then, sir, by enacting this bill into a law, we establish an argument not only for the perpetuity of the debt of this Commonwealth but for its increase. I ask the gentlemen present, the representatives of the people of this Commonwealth, are you prepared for such a proposition? Sir, the debt of this Commonwealth is upon this body politic, like an ulcer upon the system, which we are all striving to cut away as speedily as possible. Yet that very ulcer is to be made the basis of a perpetual banking system.

Mr. HAMERSLY. I would ask the gentleman from Beaver (Mr. WILSON) how this matter is going to increase the State debt in any way.

Mr. WILSON. I said, Mr. Chairman, it would be an argument in favor of its perpetuity and also of its increase. Sir, this matter stands so. We will make the basis of our system similar to that which is the basis of the banking system of England, and are the people of Pennsylvania prepared for that step? Sir, the Constitution of Pennsylvania, as now amended, requires that the debt of this Commonwealth shall be reduced two hundred and fifty thousand dollars annually. Under the operation of the Constitution, which is the law of the land, we look to a day when this basis will be entirely swept away. What then will become of this banking system, under the operation of the existing laws? I contend that the Legislature has no right to make anything else than gold or silver the basis of our banking system, and yet, by this act, they will be required to keep but twelve and a-half per cent. of



all their basis in gold or silver. Under the operations of this law, any man who owns fifty thousand dollars can establish a bank worth that amount on its face, though it may really be worth less than that.

Mr. ROSE I would ask the gentleman a question: whether the Bank of Beaver county has sufficient specie on hand to keep going?

Mr. WILSON. They are bound to have sufficient to redeem their money, and I can say to the gentleman, too, that they can, and will, pay and redeem all notes brought into them; but it appears to me the gentleman alludes to rather a side issue. I would state I have no interest in that or any other bank in this country, and never had. Now, sir, I ask the members of this House if they are ready to make this change; whether they are ready to adopt the English system of banking; whether they are ready to invest in the Executive an influence with the money power of the country which this bill will effectually do?

Mr. ROSE said—

Mr. SPEAKER: It is not my intention at this time to discuss the merits of a paper currency, or to speak in detail of the provisions of this bill.

I may, before the vote is taken upon its final passage, give my views on this subject. But at present, I desire simply, in answer to some remarks of the gentleman from Beaver, (Mr. WILSON,) to call the attention of the House to one particular feature of the bill, and that is, its *general application*. This I regard as one of the strongest arguments in its favor.

This State has been afflicted with two great evils. The first is *special legislation*, and the second is, *too much legislation*, which is a consequence of the first. One year we pass a law, and the next we repeal it, or amend it, or add a supplement, without even waiting to test its wisdom or try its soundness. We enact laws for a particular township or county, or for the benefit of particular individuals, granting them chartered privileges, until each county and district has become a little municipality, "a kingdom within a kingdom." So extensive has been our legislation in this regard, that the laws of each session are sufficient to fill a large volume, and this volume seems to be increasing in dimensions every year, although it contains but few laws of a general application. It might, in truth, be said of our laws now, as Blackstone says of the Roman laws before the compilations of Hermogenes Gregorius and Papirius, "that they were computed to be many camels' loads."

The multiplicity of our laws, and this tendency to over-legislation, originates mainly from the evils of special legislation. This whole system, of granting special privileges to one man, or to a set of men, is not only wrong in principle, but is in contravention of the very object of government, which is the protection of our rights; not the rights of a few individuals composing a corporation, but the rights of all. A privilege, from its very definition, implies that it cannot be conferred upon any particular class of men, without militating more or less against the rights of all others who have not been thus highly favored. The Legislature should act only for the general good, and unless the community at large would be benefited by the passage of a law, it should never find a place upon the statute book. We are sent here to represent the interests of the State at large, and not the selfish interests of a few individuals or of a particular district. We are sent here not to grant monopolies or exclusive privileges to a few political favorites or "pets," but to guard and protect the rights of all. The poor are as much entitled to our legislative protection as the opulent, and those who perform the most menial services are as much an object of favor as those who sit in high places. In this respect, we are all placed upon a common level; and this is the

distinguishing feature of our republican form of government. And here, I do not wish to be understood as being opposed to all corporations, for a great deal of credit is due to these institutions as a class. Public companies have done a great deal towards the physical improvement of this and all other countries, and in fact occupy a very important place in the economy of our government. By their combinations of wealth and effort, they have succeeded in developing the resources of our country, and in advancing the physical condition of man to a degree that never could have been accomplished by individual effort alone. It is to public companies that we are indebted, in a great measure, for our railroads, canals, steamboats, docks, harbors, roads, bridges, fuel, light, commerce, and in fact for nearly all the comforts and luxuries of life. And I think it is not too much to say, that if such companies had never been organized, the world to-day would be but little removed from barbarism. Far be it from me, then, to detract one iota from the credit due to those companies, for the benefits that have resulted to the human race, from their organization.

Sir, to these mighty engines of human progress, I willingly accord that praise and honor to which they are justly entitled. It is not the public companies I object to; it is the mode by which they are incorporated; it is the granting of special privileges to these companies to the exclusion of everybody else. What interest is there, commercial, manufacturing, banking, navigation or railroad, that could not be as well secured and encouraged by general laws—laws which will place all upon the same footing, and allow any company of men, without regard to locality or circumstance, after complying with those restrictions which are necessary for the security of the public from imposition and fraud, to organize themselves, for the purpose of carrying on any branch of business?

Take, for instance, the business of banking. If we must have a paper currency—if the commercial interests of our Government demand it—if the business wants of the community require such a medium of exchange—why can it not be carried on just as well under the provisions of a general law? If the system of banking is wrong in principle, then no act of the Legislature granting a special charter, can legalize that wrong, and make it right for any class of men to engage in it. But if the system of banking is right in principle, then one man has just as good a right to embark in it as another; and if the public interests are not endangered by extending this privilege to a few men, who are able to give the requisite security, it cannot be any more dangerous to extend the privilege to all who are able to comply with the limitations and restrictions which are necessary for the safety of the community.

But this principle is no more true of banking than of any other branch of business. Railroad companies, navigation companies, insurance companies, coal and iron companies, gas companies, plank road companies, charitable companies, companies for the advancement of the arts and sciences, and all other kinds of companies, could, as well, and far better, be regulated by general laws, prescribing the mode by which they may obtain a charter, and limiting and defining their franchises and privileges. In this way, the public interests would be much better guarded; for it is the legislative experience of the world, that errors are far more likely to creep into special laws than laws of a general nature, and this for very obvious reasons; and so far as a tendency to excess in any branch of business is concerned, under the operations of this system, it would be left free to regulate itself, as the business wants of the community should require. If the Legislature were to adopt this system of *general legislation*,

it would do away with many other evils which necessarily follow in the wake of special legislation. While ever this body will countenance and encourage these companies, by granting them special favors, and by taking up three-fourths of every session as heretofore, legislating for their especial benefit, as a matter of course they will be here, "thick as the plagues of Egypt," either *in personam*, or by their agents or brokers, watching every opportunity to slip through some little supplement, or some little one-horse bill, drawn up by some astute and cunning lawyer, and which at first view may seem reasonable enough, but which embodies some enormous power, some gigantic privilege, couched in such ambiguous and obscure terms that it is impossible to detect it, upon mere cursory examination. These polite and courteous gentlemen will of course resort to every artifice, and betake themselves to every trick and device, for the purpose of making you believe it is *all right*. They will watch it, and nurse it, and foster and encourage it, in every stage of its proceedings, from its inception to its final passage; and by this process, these seemingly innocent little creatures are smuggled through the Legislature; but the moment they are hatched, they begin to thrust out their forked tongues, and indicate the propensities of a full grown serpent.

The applications for such favors are so numerous, that, in order to give all an equal chance, legislation must be done up with railroad speed, and members have neither the time nor the inclination to give these bills and supplements that attention which their own safety and the safety of their constituents absolutely require.

I ask gentlemen who have had some legislative experience in these halls, if such is not the case? I ask them if bills have not passed the House in this hurried manner, granting some monstrous privilege or licensing some flagrant wrong, and the error never detected, until after the bill had been returned with amendments from the Senate; or, perhaps, after it had passed that body, and been vetoed by the Governor? I will not presume that bills of this nature could receive the sanction of his excellency, the Governor; for, by a maxim of the ancient common law, "the King can do no wrong." But every day's experience in this House, proves what I have said to be true; and I do not say it out of any disrespect for the members of this body; for the fault is not in their want of attention, but in the present system of special, and, as a consequence, hasty legislation. By an examination of the House file of the session of 1857, it will be seen that 1335 bills were introduced in the House, all of which had to be acted upon by the Legislature; and, in addition to this, the Senate file shows that 1233 bills originated in that body, making in all 2568 bills presented for the consideration of the Legislature during that session. In 1858, there were 1002 bills introduced in the House and 939 introduced in the Senate, amounting in all to 1941 bills which were acted upon by the Legislature at its last session. At the present session, 1097 bills have been placed on file in the House up to this date, and 857 bills have been placed on file in the Senate, amounting in all, to nineteen hundred and fifty-four bills, and judging from the number recently read in place, and the number yet in the hands of committees, in both Houses, this amount will, in all probability, be swelled to the enormous sum of twenty-five hundred or three thousand, before the close of the session. Now, sir, I say it boldly, that no living man, I care not what his talents, or acquirements, or legislative experience, can, in a three or four months session, give these bills that thorough examination, which is necessary that he may vote upon them intelligently. And if this Legislature



were to remain in session for six months or a year to come, I have no doubt, but that bills would accumulate on our files as rapidly as they have done for the last three months, and we would be no nearer through with the business then, than we are now. And why? Because every man who wants to start a bank or to construct a railroad, or to build a house, or to organize a gas company, a coal company, an iron company or insurance company, a navigation company, or any other kind of a company, comes here and asks for a special charter. It is this hasty and indiscriminate legislation that has given birth to so many rotten banks and mammoth corporations, and it will continue to curse this State with monetary revulsions and general bankruptcy, until there is a radical reform. But how is the government to reform in this respect, while it tolerates this system of special legislation? Every year only increases the difficulty. The more of these companies you organize, the more numerous will be their applications for an extension or renewal of their privileges. You cannot blame them for coming here and pressing their claims, because you invite them and encourage them, by recognizing in them the right to ask these favors, and by acceding to their exorbitant demands.

It would be exceedingly impolite and discourteous to insult them or drive them away from these Halls, after encouraging them by such caressing attentions.

Gentlemen may make "buncombe" speeches about "borers," and ridicule these amiable and gaudy gentry, but that will not remedy the difficulty, so long as they minister to their wants and feed them with legislative crumbs. The only way to reform this growing evil, is to cease special legislation and pass none but general laws—bestow no favors, but place all upon the same broad platform of equality. That alone will banish corruption from the halls of legislation, and prevent the wealth and power of the State from being concentrated in the hands of the few to the detriment of the masses. For these reasons I am in favor, not only of a general banking law, but a general law regulating corporations of every description.

Mr. THORN. The gentleman from Mercer (Mr. ROSE) stated, a while ago, that the friends of this bill did not want to talk about it but to pass it; accordingly he made a speech, in which he said nothing about the amendment before the House or the bill itself. Now, I would only make one suggestion, that this is not an act to establish a general banking law at all; it had better have been denominated, under its terms, "An Act for the gradual but certain extinguishment of the banking system of Pennsylvania;" for that is just what its provisions will effect, under the operations of itself and the constitution which provides for the gradual but certain extinguishment of the debt of the State, which is the only basis upon which this system is to rest.

Mr. HAMERSLY. I hope the reason given by my colleague, (Mr. THORN,) will commend this bill to the attention of our Democratic friends. They have long been anxious to wipe out our present banking system, and in that endeavor I am willing to join them, and then if they wish to come in under the new system, let them come. The State debt will be paid at some time I hope, now not far distant, though I may not live to see it.

Mr. GRITMAN moved to modify the amendment, so as to give the Governor the power of appointing such superintendent until the next general election, after the passage of this act.

Mr. HAMERSLY moved the following as a substitute, which was accepted as a modification:

"He shall be chosen at the next general election, and shall hold office for three years; and the Governor shall appoint, immediately after

the passage of this act, a superintendent of the banking department, until the first Monday of February next, and until his successor has been duly elected and qualified."

Mr. THORN moved further to amend the bill, by requiring the bond of the superintendent to be approved by the supreme court, instead of the Governor; which was agreed to.

Mr. WILLISTON. I would suggest to the gentleman from Philadelphia, (Mr. THORN,) to allow the word "Governor" to remain where it is, and insert the words, "and judges of the supreme court."

Mr. GRITMAN. Now if the gentleman from Philadelphia, Mr. THORN, is opposed to or desires to embarrass this bill, let him just say so. There is a certain degree of fairness in everything. Now it is but a small matter of detail about this subject. I am willing to let it be the supreme court, or the Governor, or any other person placed in an official capacity. I see no particular reason why judges of the supreme court should be placed in the bill instead of the Governor, unless it is to embarrass us in regard to this bill. I cannot see that in any way this is going to tend to our benefit. The question before us now, is to change the present system of banking in the whole State.

Mr. THORN. I should not have risen again but for what the gentleman (Mr. GRITMAN,) has said this moment, that there was a certain degree of fairness in everything. If he had acted according to that principle, he would not have impugned my motive. He, this morning, heard me say I was in favor of the bill. Now, I just claim the privilege here, of offering an amendment when I choose. If the bill, in its details commends itself to my judgment, I will vote for it; if not, I will not. I have voted the whole session for the free banking law, and had I thought that bill was coming before the House at this time, I should have taken more pains to examine it, but it will hardly do for the gentlemen who are so clamorous about a free banking law, who call an evening session for its consideration, when a man gets up to offer an amendment, which in his mind is an improvement, to raise a holy horror of him for so doing.

Mr. GOEPP. The remarks of the gentleman from Luzerne, (Mr. GRITMAN,) have left me in a state of uncertainty from which I desire to be relieved. He finds fault—professing to be one of the special champions of the bill—with one of the gentlemen from Philadelphia, (Mr. THORN,) for offering that amendment, and in the same breath the gentleman tells us it is entirely immaterial whether this bill is approved of by the Governor or the supreme court. I really do not know how to vote on this amendment, so far as voting against or for the object of the friends of the bill is concerned. The gentleman from Philadelphia, (Mr. THORN,) and the gentleman from Luzerne, (Mr. GRITMAN,) though both friends of the bill, voted differently and in opposition to each other.

Mr. NEALL moved to amend the section further, by requiring said superintendent to give a bond in the penal sum of thirty instead of fifty thousand dollars.

Mr. NILL moved to amend the amendment, by increasing the amount to two hundred thousand dollars.

Mr. WILLISTON. I have refrained from participating in the discussion of amendments as they came up. I do not regard the minutiae of this bill as of any consequence whatever; whether the oath shall be taken before the Governor or the supreme court, or the oath given by the one or other as not of the slightest consequence; whether he shall be appointed by the people or the Legislature, as of little more consequence. The essence of this system is the security of the bill-holder. There lies the virtue of this bill, but I do not intend to discuss it at this time. Those who do not understand

the deficiencies of the present system could not be enlightened in the discussion of an evening. I might here remark that the term, free banking law, is a misnomer of the bill, but I am wandering. It is true that the provision to require a person to present a bond of two hundred thousand dollars would startle almost any one from attempting to give bail, but I am astonished that one of the most experienced legislators in this hall objects to the amount of bail, because such an immense amount of money will pass through his hands. Now, I say he would not have the control of one dollar.— Though millions be issued, he does not disburse one dollar in money. True, he issues the bills, but they are not money until they have gone into the hands of the bank. In looking at the matter, at the first glance, you might think this office was all-important—that the person filling it holds within his grasp untold thousands of dollars, whereas, he does not hold one dollar.— Now, I care little whether this matter be fixed at two or two hundred thousand, but the friends of the bill, on this floor, do not regard the bill as perfect in all its details; but they do regard it as perfect, in many particulars, as compared with the present system; and I do ask the persons who have the bill in charge, to pass it without too many amendments. Suppose there are fifty friends to the bill, on this floor; one may desire one thing, another a different thing, and if they differ, in regard to the minutiae, we never will have the bill. This is but the start.— This bill is not to remain intact forever. May the Heavens speed the day when the public debt of Pennsylvania will be blotted out. It may be left for those who come after us, to devise a system more secure than any yet thought of, but so long as the system proposed is of value for the present, and better than the one we now have, let us adopt it. I rose simply to dispel the apparently honest opinion the gentleman who has just taken his seat (Mr. NILL,) entertained.

This gave rise to considerable debate between Messrs. NEALL, NILL, HAMERSLY and WILLISTON.

And on the question,

Will the House agree to the amendment offered by Mr. NILL?

It was negatived.

Mr. THOMPSON moved to amend the amendment by increasing the penalty to \$300,000.

Pending its consideration,

Mr. CHASE moved that the committee rise, report progress and ask leave to sit again; which was agreed to. Whereupon the committee rose, and the Speaker resumed the chair.

And on the question, shall the committee have leave to sit again,

The yeas and nays were required by Mr. GOEPP and Mr. NEALL, and were as follow, viz:

YEAS—Messrs. Acker, Barnsley, Bayard, Custer, Dismant, Durboraw, Evans, Fearon, Fleming, Galley, Goepp, Hill, Hottenstine, Jackson, Mehaffey, McClure, Neall, Nill, Oaks, Pinkerton, Peirce, Proudfoot, Rohrer, Shafer, Shields, Stuart, Walker, Warden, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson, Wolf and Zoller—34.

NAYS—Messrs. Abbott, Boyer, (Schuylkill,) Bryson, Campbell, Chase, Church, Dodds, Eokman, Ellmaker, Foster, Good, Graham, Gratz, Gritman, Hamersly, Irish, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, McCurdy, McDowell, Miller, Palm, Patterson, Pugh, Ramsdell, Rose, Rouse, Sheppard, Smith, (Berks,) Stephens, Styer, Thompson, Thorn, Wagenseller, Walborn, Witman, Wilcox, Williston and Lawrence, *Speaker*—43.

So the question was determined in the negative.

The bill being before the House on second reading,



Mr. M'CLURE moved that the amendments adopted in committee of the whole be considered parts of the bill; which was agreed to.

The first section was then read and agreed to.

The second section was read as follows:

"That the chief officer of the said department shall be denominated the superintendent of the banking department. He shall be chosen at the next general election, and shall hold office for three years; and the Governor shall appoint immediately after the passage of this act a superintendent of the banking department, until the first Monday of February next, and until his successor has been duly elected and qualified," &c., &c.

Mr. WALBORN moved to amend the section, so that the superintendent of the banking department shall be chosen by the Senate and House of Representatives in the same manner as the State Treasurer is now elected.

And on the question,

Will the House agree to the amendment.

Mr. NILL moved that the further consideration of the question be postponed indefinitely.

Mr. NILL said—

Mr. SPEAKER:—I shall embrace this opportunity of advancing my views on this bill, in opposition to its passage. I hold the opinion that it is the duty of the Legislature to regulate the banking institutions with the intention of giving the people a good currency. My opinion on banks and on the manner in which they should be established, are in accordance with the writings of the political economists. Their arguments are to my mind conclusive. In the first place, men who wish to bank should, in my judgment, have money to lend; they should not be borrowers. The whole capital ought to be paid in in gold and silver, in honesty and good faith. Then this capital should be used in discounting good business paper, that has from sixty to ninety days to run. Paper that has been given for the valuable products of the country. Under this system notes of borrowers would be constantly maturing; in this way there would always be money on hand to meet the demands for the redemption of the circulation. Manage banks with integrity and intelligence, in conformity to these principles, and there will be a sound circulating medium that will give general satisfaction.

I regret that I have to urge that, in my judgment, this bill is unconstitutional. It gives the superintendent, when certificates that notice has been given by advertisement for six months, a right to create banking corporations. He has no limit to the number which he may call into existence. He can make one or one hundred in a day, if the applications require it. The legislative authority is delegated to him for the purpose. This power is almost monarchical. Now, I believe that the clear interpretation of the constitution is, that banks can only be created by the law-making power of the State. That the framers of the constitution never intended that this authority should be exercised by power deputed to one or more individuals. The constitution on this subject reads thus: "No corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges, without six months previous public notice of the intended application for the same, in such manner as shall be prescribed by law; nor shall any charter for the purposes aforesaid, be granted for a longer period than twenty years; and every such charter shall contain a clause reserving to the Legislature the power to alter, revoke, or annul the same whenever in their opinion it may injurious to the citizens of the Commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation."

The reason for permitting only one corporation of the kind to be created by one law, was to avoid the evil effects of combinations in the Legislature, with the object of carrying through several corporate acts at one time.

I respectfully submit, whether, under this act of Assembly, not only one, but several hundred may not be created. By conferring the authority to pass on corporations to the superintendent, we make void this constitutional restriction.

This bill also gives to the superintendent of banking the power now exercised over the banks of the State by the Auditor General. It entrusts him with control over the millions of State bonds that may be deposited with him as the basis of banking under this act, and gives him power to surrender the bonds so deposited on receiving other evidence of the debt of the State, as an equivalent therefor. He can, in the event of a certain contingency, collect the interest on the bonds; and when complaint is made that an institution is not safely managed, he can appoint a committee of three, at five dollars per day, to investigate the affairs of such bank; and if the report of such committee is unfavorable to such bank, he appoints a receiver, who takes possession of "the books, records, money, choses in action and property of such association of every description, including the securities deposited with the superintendent. The receiver is to receive five dollars per day and traveling expenses. He is also to convert all such effects into money, and pay the debts, and hand over the balance, if any, to the stockholders. This superintendent, with all this authority, is required to give security in the small sum of fifty thousand dollars. He controls and manages millions, and this is his guaranty for the faithful performance of his duty!

The gentleman from Mercer, (Mr. ROSE,) says, pass this bill, and your legislative halls will be cleared of the lobby. He alleges that corruption will leave her; I, with deference, disagree with him. If under this act, we get a dishonest and corrupt superintendent, and the temptations are great, what a fertile field would be furnished for festering corruption. The probability is that we would have our pecuniary institutions overwhelmed with fraud, and dripping with corruption. The principle of banking on the debts of the Commonwealth is unsound. Stocks in times of panic and pressure are first affected. Depreciation in value first reaches them. They are to be nearly the only security for the notes issued. Notes to the par value of the stock deposited, if I correctly understand this bill, can be put in circulation to redeem these notes, but all  $12\frac{1}{2}$  per cent. in gold and silver is, at the commencement of the bank, to be on hand. Is this sufficient to redeem the issues? I am convinced that it will prove lamentably deficient.

[Here Mr. GRITMAN asked Mr. NILL if he was not the attorney of a bank and a stockholder. He replied he was not the attorney of any bank, but that he was a stockholder in the Bank of Chambersburg, and likewise, a stockholder in a free bank in the State of Indiana, at Evansville, and that his experience had proved that the free banking system was not a reliable one.]

It was said by the gentlemen from Philadelphia, (Mr. THORN,) that this bill contemplated retaining the banking system in this State only until her debt was paid, because when the debt was extinguished the basis of the capital would cease. To me this is a singular position. Well would it be for the people if his prediction should be verified. I would, however, predict, that before one million of dollars of the debt is paid, this whole system will explode, and the greater part of the banks that come into being under it, will be insolvent. It is not in the nature of things that such a system can last. The

capital to start a bank on is too small. It is only fifty thousand dollars; one hundred thousand would not be large enough. What a number of banks forty millions of debt would furnish a basis of capital for. I believe there are thousands of substantial farmers whose obligations, bearing six per cent. interest, would be a safer foundation for banking than State bonds. They could be collected easier, and would sell for as much or more in the market. Yet who would dream of banking on the debts of individuals as a capital. It was but one year last September when monetary difficulties, attended by a suspension of the banks, some of which were insolvent, overspread the nation. Business was almost paralyzed; among all classes suffering existed. The laborers were deeply affected; many of the poor scarcely know where to find the necessities of life. Employment was scarce; and now, when all kinds of business is reviving, we are called upon to pass this bill, which may bring into existence two or three hundred banks. They will be found located in boroughs and townships in every county in the Commonwealth. They will issue notes from places that none but a person well versed in the geography of the State, can find or designate. The multiplicity of banks will cause their issues to be distrusted. Old and well established banking institutions will refuse to take such notes on deposit—These causes will occasion a depreciation in the notes. They will be disposed of at ruinous discounts, and a worse panic and more disastrous times than those of 1857, will befall our monetary matters; and more than this, this Legislature will be held accountable for all the ruinous consequences that will ensue. Three years hence the party now largely in the majority in this Hall, will occupy the place in numbers, that the Democrats now do. These are my views frankly given, and if this body is determined to make this bill a law, let them do it, and let those who aid in so doing, be responsible for the injuries which such legislation will inflict on the people by the currency created.—There seems to be a fretful anxiety on the part of the gentleman from the city (Mr. HAMERSLY) and others, to have this measure hurried through without discussion. Indeed, he appears to complain because this long bill has not been passed this evening, in a two hour's session. Such is the course of its supporters, after having let it slumber until near the end of the session. It ill becomes them to censure those who have not had an opportunity to read the bill until it was called up for consideration. Not more than one-half of the members have the bill, we are called on to pass, on their files. Such was my own condition, and had not the gentleman from Snquehanna (Mr. CHASE) kindly furnished me with his file, I would have had no opportunity of reading it. To me it appears unaccountably strange that the party which oppose the Democratic party, no matter by what name they may be called, should, with untiring energy, at all times, be the supporters of a paper currency. Their great panacea for all monetary ills is paper money. The lessons of experience, in opposition to the maxim that "experience teaches," is lost on them. I have now urged all the arguments which time will permit, and therefore, I shall conclude, and let the majority do as seems to them proper.

Mr. GOEPP hoped the vote on the indefinite postponement would not be pressed to-night. Whilst he was in favor of the principles of free banking, he was hardly prepared to cast his vote on a bill which he had had no opportunity of examining. He therefore moved that the House do now adjourn.

And on the motion,

The yeas and nays were required by Mr. WILSON and Mr. GRITMAN, and were as follows, viz:



YEAS—Messrs. Acker, Barnsley, Bayard, Boyer, (Schuylkill,) Bryson, Custer, Dismant, Durboraw, Eckman, Evans, Fearon, Fleming, Galley, Goepp, Hill, Hottenstine, Jackson, Laird, Mehaffey, M'Curdy, M'Dowell, Neall, Nill, Oaks, Patterson, Pinkerton, Rohrer, Shafer, Shields, Stoneback, Stuart, Wagonseller, Walker, Warden, Witman, Williams, (Bedford,) Williams, (Bucks,) Wilson, Wolf, Zoller and Lawrence, *Speaker*—41.

NAYS—Messrs. Abbott, Burley, Campbell, Chase, Church, Dodds, Ellmaker, Foster, Graham, Gratz, Gritman, Hamersly, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, M'Clure, Miller, Palm, Peirce, Proudfoot, Pughe, Ramsdell, Rose, Rouse, Sheppard, Smith, (Berks,) Stephens, Styer, Thompson, Thorn, Walborn, Wigton, Wilcox and Williston—36.

So the question was determined in the affirmative.

Whereupon, the SPEAKER adjourned the House until to-morrow morning at 9 o'clock.

#### SENATE.

TUESDAY, March 29, 1859.

The Senate was called to order by the SPEAKER at 9½ o'clock, A. M.

The Journal was read and approved.

The SPEAKER presented the remonstrance of the board of school directors for the borough of Martinsburg, Blair county, against any change of the act of May 8, 1854, entitled "An Act for the regulation and continuance of a system of education by common schools," and the supplements thereto.

#### PETITIONS, MEMORIALS, &C.

Mr. THOMPSON presented a remonstrance of citizens of Philadelphia, against the incorporation of the Penn steam engine, steamboat and steamship company.

Mr. BALDWIN, two remonstrances of citizens of Lancaster county, against the passage of an act authorizing the Columbia Bank and Bridge company to establish a branch in the city of Lancaster.

Also, a remonstrance of citizens of the same county, against the passage of an act to reduce the tolls on the Columbia and Chesnut Hill turnpike road company.

Mr. KELLER, two remonstrances of citizens of Bloomsburg, Columbia county, against the widening and extension of Market street, in said borough.

Mr. BLOOD, a remonstrance, numerous signed by citizens of Clarion county, against a removal of the seat of justice of said county.

Mr. WELSH, two remonstrances of citizens of York county, against the abolition of the office of county superintendent of common schools.

Also, two petitions of citizens of Warrington township, York county, praying for the passage of a law requiring the petitioners for new roads in said township to be at all the expense of viewing the same.

Mr. NUNEMACHER, six remonstrances of citizens of Berks county, against a law to authorize the laying out of a road from Hinnerst's church, in Muhlenberg township, to Hain's tavern, in Bern township, in Berks county.

Also, a petition of citizens of Berks and Schuylkill counties, for a State road from Auburn, Schuylkill county, to a point near Rencher's farm, in Upper Bern township, in Berks county.

Mr. PALMER, one of like import.

Mr. WRIGHT, a petition of citizens of Philadelphia and Bucks counties, in favor of an act to incorporate the Byberry and Andalusia turnpike road company.

Also, a remonstrance of William Carter, Silas Tomlinson and others, of the Twenty-third ward of the city of Philadelphia, against any law authorizing the city to purchase turnpike roads in the rural portions of said county.

Also, a petition of certain parties of Delaware, Lower Dublin and Byberry townships, for a law allowing them to elect their own supervisors, &c.

Also, two remonstrances numerous signed by persons employed in ship building in the Eighteenth ward, against the incorporation of the Penn steam engine, steamboat and steamship company.

Messrs. RANDALL and BELL, remonstrances of like import.

Mr. SHAEFFER, three remonstrances of stockholders of the Columbia Bank, against the repeal of a law allowing them to vote by proxy for directors.

Also, a remonstrance signed by 110 citizens of Lancaster county, against the passage of an act allowing the Columbia Bank to establish a branch in Lancaster city.

Also, a remonstrance of citizens of Lancaster city, against the incorporation of a new gas company in said city.

Mr. PENNEY, a petition of citizens of Allegheny county, in favor of a bill establishing a house of industry and reformation in said county.

Also, a petition of citizens of Allegheny county and city, in favor of the incorporation of the Allegheny and Sharpsburg passenger railway company.

Mr. GAZZAM, a petition of Geo. W. Ward and twenty-five others of Philadelphia, for the passage of a law prohibiting the surrender of fugitives from labor.

Also, a petition of thirty-three women of Philadelphia, of like import.

#### REPORTS OF COMMITTEES.

Mr. BELL (Judiciary) reported with a negative recommendation, House bill No. 578, "An Act relative to the claim of James Malone."

Also, (same,) with a negative recommendation, House bill No. 759, "An Act to repeal the 4th section of an act establishing a new judicial district," approved March, 1842.

Also, (same,) with a negative recommendation, "An Act authorizing the Surveyor General to sell certain land."

Also, (same,) with a negative recommendation, House bill No. 206, "An Act defining the punishment for certain offences."

Also, (same,) with a negative recommendation, House bill No. 735, "An Act to increase the fees of jurors in the rural districts of the city of Philadelphia."

Also, (same,) with a negative recommendation, House bill No. 737, "An Act relative to the duties of the port warden of Philadelphia."

Also, (same,) as committed, House bill No. 885, "An Act to repeal an act to increase the pay of commissioners, jurors and witnesses in certain counties of this Commonwealth, so far as the same relates to Fayette county."

Mr. MILLER, (same,) as committed, House bill No. 890, "An Act to confer on Horace G. Lutz the rights of a child born in lawful wedlock."

Also, (same,) as committed, House bill No. 888, "An Act to confer on Edward E. Lutz the rights of a child born in lawful wedlock."

Also, (same,) as committed, House bill No. 916, "A supplement to an act relative to the fees of aldermen, justices of the peace and constables in and for the city of Pittsburg and counties of Washington and Lancaster."

Also, (same,) with a negative recommendation, House bill No. 557, "A further supplement to the act regulating auctions in Lancaster city and the towns of this Commonwealth."

Also, (same,) with a negative recommendation, House bill No. 720, "An Act authorizing the trustees of Aaronsburg school to sell a certain house and lot in said town."

Also, (same,) with a negative recommendation, House bill No. 515, "An Act extending the

provisions of the fifteenth section of the act of April 2, 1853, entitled "An Act to incorporate the Rosemont cemetery company; relative to judicial proceedings, assessments and jurors in Columbia and Montour; to a certain State road; to the bounty upon fox scalps, in Luzerne county," &c., to Wyoming county.

Mr. SCOFIELD, (same,) as committed, House bill No. 742, "An Act authorizing the appointment of a measurer of paving stones."

Also, (same,) with a negative recommendation, House bill No. 722, "An Act to prevent public auction in Freeport borough, Armstrong county."

Also, (same,) with a negative recommendation, House bill No. 717, "An Act to empower Peter Klick and Peter Keony, trustees of a certain school house and lot of ground in Pinegrove township, Schuylkill county, to sell the same for the use of the Pinegrove township school district."

Also, (same,) with a negative recommendation, House bill No. 998, "An Act for the better security of daily laborers, mechanics and farmers, for work and labor done in Centre county."

Also, (same,) as committed, House bill No. 861.

Also, (same,) with a negative recommendation, House bill No. 211, "An Act supplementary to the several acts relative to the liens of mechanics and material men."

Mr. SCHINDEL, (Agriculture and Domestic Manufactures,) as committed, House bill No. 801, "An Act to prevent the killing of wild turkeys in the county of Huntingdon."

Also, (same,) as committed, House bill No. 985, "A further supplement to an act laying a tax on dogs in certain counties, and for other purposes."

Mr. NUNEMACHER, (Roads and Bridges,) as committed, House bill No. 1112, "A supplement to the act incorporating the Selinsgrove bridge company."

Also, (same,) as committed, House bill No. 922, "An Act to incorporate the Lincoln bridge company in the county of Berks."

Also, (same,) as committed, House bill No. 657, "An Act declaring Toombs' run a public highway."

Mr. THOMPSON, (same,) as committed, House bill No. 836, "An Act authorizing the supervisors of the Conestoga and Martick turnpike road to pay one-third of the cost of erecting a county bridge."

Also, (same,) as committed, House bill No. 518, "An Act for the division of Quincy township, Franklin county, for the election of supervisors."

Also, (same,) with a negative recommendation, "An Act authorizing the laying out of a State road in Potter and M'Kean counties."

Mr. RUTHERFORD, (same,) as committed, House bill No. 925, "An Act to amend the road laws and change the manner of appraising damages in the opening of public and private roads in the counties of Adams and Perry."

Also, (same,) as committed, House bill No. 889, "An Act to declare Lanrel run, in the counties of Clearfield and Elk, and Kersey run, in the county of Elk, public highways."

Also, (same,) as committed, House bill No. 832, "An Act declaring Newell creek, in McKean county, a public highway."

Mr. BALDWIN, (same,) as committed, House bill No. 1038, "An Act to repeal an act vacating part of a certain State road."

Also, (same,) as committed, House bill No. 820, "A supplement to an act to incorporate the Watsonstown bridge company."

Also, (same,) as committed, House bill No. 816, "A supplement to the act incorporating the Tuckahoe and Mount Pleasant plank road company."

Also, (same,) as committed, House bill No.



923, "An Act requiring the supervisors in the different townships in Cumberland county, to keep the wing walls and embankments of said county bridges in repair."

#### BILLS IN PLACE.

Mr. TURNER read in his place and presented to the Chair, a bill, entitled "An Act to change the corporate name of the Western coal company, and to empower the same to negotiate a loan."

Mr. PALMER, "A further supplement to an act relative to a burial ground and school lot in the borough of Pottsville."

#### ORIGINAL RESOLUTION.

On motion of Mr. PENNEY, the Senate reconsidered its vote on the final passage of House bill No. 576, "A supplement to the act incorporating the Western transportation company;" and the bill being again before the Senate, Mr. PENNEY moved to add the following proviso:

*Provided further,* That no bonds shall be issued for a less sum than one hundred dollars.

The amendment was agreed to; and the bill, as amended, passed finally.

#### ORDERS OF THE DAY.

The Senate resumed the consideration of House bill No. 714, "An Act to compel the Williamsport and Elmira railroad company to fence their road," which was pending when the Senate adjourned on Saturday last.

The question being upon the amendment offered by Mr. RANDALL, to include all railroad companies within this Commonwealth,

Mr. RANDALL had nothing additional to add to what he had said upon the subject, when it was last under consideration. He thought the justness of the principle would be conceded, that if one company is compelled to fence their road, that all should be.

Mr. MYER had no desire to controvert the general principle laid down by the Senator from Philadelphia, as to the justness of compelling all companies to fence their roads. Many important roads have been fenced, but there are others, and among them the Williamsport and Elmira, which are not provided with sufficient guards for the safety of life or property. That road had, he said, obtained subscriptions to its construction, as well as grants of the right of way, which could not have been done had not the inducement been held out that they were compelled, by the charter of their company, to fence their road.

In continuation of the subject, he argued the necessity of compelling this company to construct a fence along the line of their road. Experience has proved that not only property, but life, is safer where roads are fenced, than where they are not; and there was no principle of justice or right upon which a railroad company should be exempt from throwing these safeguards around their roads, any more than private individuals should be from fencing their lands. He did not go for imposing upon them unjust burthens, but he advocated the propriety of the passage of the bill, as originally reported, upon the ground that the Williamsport and Elmira company should be compelled to comply with their implied contract, which had been fully established by the following affidavits, which he had requested the Clerk to read, when the question was previously under discussion:

I, S. H. Newman, of Clinton, Bradford county, Pennsylvania, depose and say, that I traveled with and assisted for some days S. L. Gillet, agent for the Williamsport and Elmira railroad company, whose duty it was to buy or otherwise get possession of lands through which the said railroad company had located their road. The inducements held out to the land holders by the said agent, for the purpose of procuring on the most favorable terms possible, the right of way for said road was, that the said company would immediately upon taking possession of the said lands, fence, or cause to be

fenced, in a good or substantial manner, the said road, and that they would also build, whenever it was necessary for the convenience of the said land holders, good road-crossings and cattle guards; and I further depose and say, that property to a large amount has been destroyed by the trains running over the said road, which, according to the best of my knowledge and belief, might have been avoided had the pledges of the said company been properly adhered to.

S. H. NEWMAN.

On this 23d day of March, 1859, before me, the subscriber, a justice of the peace in and for the county of Bradford, personally appeared S. H. Newman, and being duly sworn, says the above is just and true, to the best of his knowledge and belief.

J. W. VANDYKE, J. P.

We, the undersigned, living along the line of the Williamsport and Elmira railroad, and who ceded to the company the right of way for said railroad, do depose and say, that it was the agreement between the Williamsport and Elmira railroad company and themselves, that the company should fence, and keep fenced, the railroad, and put proper cattle guards at the crossings, and that it was a part of the consideration for the cession of land for said railroad; and to some of us it was represented by the agent of the company for procuring the right of way that the company were by law obliged to do so.

N. B. Taber,

Lewis Wheat,

John Turner,

William Owen,

G. C. Spalding,

Ichabod Sellurd,

Horace Spalding,

James W. Newell,

H. F. Spalding,

Wm. J. Baker,

Goodwin Fuller,

C. F. Fuller,

J. W. Griffin,

Personally appeared before me, the above named, who being duly sworn doth depose and say that the above statement is just and true to the best of their judgment and belief.

J. W. VANDYKE, J. P.

CANTON, March 24, 1859.

It would be seen that it was upon the express understanding that the company were to fence their road, that the right of way was granted. He did not know whether the bill would pass, but he hoped that the sense of justice existing in the Senate would accord to these property-holders, along the line of the road, that protection which they were induced to expect, and which they have now the right to demand.

Mr. RANDALL said that if there was an existing contract to the effect indicated by the Senator from Bradford, the court have the power to enforce it, and is the proper tribunal to which to apply. He did not feel disposed to assist in imposing an improper and unjust burthen upon any road; and if one road was compelled to fence, it was but just that all should be. The Pennsylvania road was fenced nearly its entire length. Who did it? Not the company, but the property owners along the line. He had no feeling upon the matter, but he opposed the bill on the principle that a burthen should not be imposed upon a company who have lost all their stock in the construction of a road, while the people and property holders have been benefited.

Mr. MILLER would vote for the bill; but for no reason which had been urged by the Senator from Bradford. He would vote for it upon what he regarded as a principle, and no other motive influenced him. The simple question is the right to compel railroads to fence their roads, for the protection of the lives and property of our citizens. His position was, that any person engaged in a business which is dangerous in its character, either to life or property, should be compelled to throw around it every necessary safeguard; and the common law would compel them to do so. Such he regarded, to a certain extent, railroads, and spoke

of the law with reference to their liability to damages for the destruction of life and property, and contended that it was not their duty, but to their own interest to free the track of every obstruction, which would have a tendency to endanger either.

Mr. BELL thought the introduction of this general principle was made without due reflection. The bill, as introduced by the Senator from Bradford, included only the Williamsport and Elmira road, which, as had been contended, had received the right of way upon easier terms than they could have done, had not certain inducements been held out. But the bill was objectionable. He found, upon examining it, that it includes every portion of the road; and if the amendment prevailed, it would impose a burthen upon perhaps every road in the State, which would make them bankrupt. He was not prepared to vote for the amendment, although he was generally in favor of compelling these companies to protect life and property by every possible safeguard. He hoped the Senate would not act upon the matter without mature reflection and deliberation.

Upon the adoption of the amendment,

The yeas and nays were required by Mr. BLOOD and Mr. MYER, and were as follow, viz:

YEAS—Messrs. Blood, Harris, Marselis, Miller, Penney, Randall, Scofield, Wright and Yardley—9.

NAYS—Messrs. Baldwin, Bell, Brewer, Coffey, Craig, Fetter, Francis, Gazzam, Gregg, Keller, Myer, Nunemacher, Palmer, Parker, Rutherford, Shaeffer, Schindel, Steele, Turney, Welsh and Cresswell, *Speaker*—21.

So the question was determined in the negative.

Mr. BELL moved to postpone consideration of the bill until to-morrow.

Upon which motion,

The yeas and nays were required by Mr. MYER and Mr. BELL, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Brewer, Francis, Gazzam, Gregg, Harris, Keller, Myer, Parker, Penney, Thompson, Welsh and Yardley—14.

NAYS—Messrs. Blood, Coffey, Craig, Fetter, Marselis, Miller, Nunemacher, Palmer, Randall, Rutherford, Scofield, Shaeffer, Schindel, Turney, Wright and Cresswell, *Speaker*—16.

So the question was determined in the negative.

On motion of Mr. MYER, the following proviso was added:

*Provided,* That this company shall not be compelled to fence that portion of their road through lands not cleared."

Upon the final passage of the bill,

The yeas and nays were required by Mr. RANDALL and Mr. MYER, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Brewer, Fetter, Gregg, Harris, Keller, Miller, Myer, Parker, Penney, Rutherford, Steele, Thompson and Yardley—15.

NAYS—Messrs. Blood, Coffey, Craig, Gazzam, Marselis, Nunemacher, Palmer, Randall, Scofield, Shaeffer, Schindel, Turney, Welsh, Wright and Cresswell, *Speaker*—15.

So the question was determined in the negative.

On motion of Mr. TURNER, the Senate proceeded to consider Senate bill No. 840, "An Act to provide for the ordinary expenses of the Government, and other general and special appropriations."

Whereupon the Senate resolved itself into committee of the whole, (Mr. WRIGHT in the chair.)

The first, second, third, fourth, fifth, sixth, seventh and eighth sections were agreed to as follow:



SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the following sums be, and the same are hereby specifically appropriated to the several objects hereinafter mentioned, for the year commencing on the first day of June, Anno Domini one thousand eight hundred and fifty-nine, to be paid out of any money in the treasury not otherwise appropriated.*

SEC. 2. For the salary of the Governor of the Commonwealth, four thousand dollars.

For the salary of the Secretary of the Commonwealth, seventeen hundred dollars.

For the salary of the Deputy Secretary of the Commonwealth, one thousand five hundred dollars.

For the salary of the Auditor General, one thousand seven hundred dollars.

For the salary of the Surveyor General, one thousand six hundred dollars.

For the salary of the Attorney General, three thousand dollars.

For the salary of the Adjutant General, six hundred dollars.

For the salary of the Superintendent of Common Schools, one thousand five hundred dollars.

For the salary of the State Librarian, eight hundred dollars.

For the salary of the State Treasurer, inclusive of his compensation as commissioner of the sinking fund, one thousand seven hundred dollars: *Provided*, That the foregoing salaries shall be paid quarterly at the office of the State Treasurer.

SEC. 3. For clerk and messenger hire, in the Executive and State departments, six thousand dollars.

For contingent expenses in the Executive and State departments, as follows: postage and telegraphic dispatches, one thousand seven hundred dollars; stationery, four hundred and fifty dollars; fuel and lights, one hundred and twenty-five dollars; cleaning offices, fifty dollars; blank books, fifty dollars; repairs, one hundred dollars; geological survey, freights and packages, one hundred and fifty dollars; new carpets in Executive chamber, two hundred dollars; miscellaneous expenses, one hundred and fifty dollars.

For clerk and messenger hire in the Auditor General's office, eight thousand six hundred dollars, or so much thereof as may be necessary.

For contingent expenses, as follows: postage and telegraphic dispatches, five hundred dollars; stationery, three hundred and fifty dollars; fuel, seventy-five dollars; miscellaneous, seventy-five dollars.

For clerk and message hire in the Surveyor General's office, eight thousand one hundred dollars.

For contingent expenses, as follows: postage, four hundred dollars; stationery, two hundred dollars; fuel, seventy dollars; stove and repairs, sixty dollars; white-washing and scrubbing, fifty dollars; miscellaneous, fifty dollars, and for stationery furnished in one thousand eight hundred and fifty seven, by George Bergner, not heretofore provided for, fifty-seven dollars and eighty-six cents.

For clerk hire in the Attorney General's office, eight hundred dollars; and hereafter the Attorney General shall be allowed eight hundred dollars annually for clerk hire.

For clerk and message hire in the school department, three thousand nine hundred dollars.

For contingent expenses, as follows: stationery and blank books, three hundred and fifty dollars; postage, including telegraphic dispatches, one thousand two hundred dollars; fuel, light, and cleaning office, sixty dollars; packing and distributing blank forms, laws and decisions, reports, et cetera, to the several

districts, six hundred dollars; miscellaneous, fifty dollars.

For clerks, messenger and night-watch in the Treasurer's office, including compensation of clerk to commissioners of the sinking fund, five thousand four hundred and fifty dollars.

For contingent expenses, as follows: postage and telegraphic dispatches, four hundred and seventy-five dollars; express charges, one hundred dollars; stationery and blank books, two hundred and fifty dollars; fuel and light, seventy-five dollars; miscellaneous, one hundred and fifty dollars.

For miscellaneous expenses of the State Library as follows: repairing telescope, forty dollars; making fires, postage, freight, stationery, expenses of purchasing books, cleaning and whitewashing library room, two hundred and fifty dollars; binding and lettering books, one hundred dollars; purchasing law books, six hundred dollars; miscellaneous books, three hundred dollars; for exchanges, three hundred and twenty dollars; and assistant, one hundred dollars.

SEC. 4. For the payment of the expenses of the Legislature, including the pay and mileage of the members, clerks and officers thereof, and the amount authorized by law for stationery, newspapers and lights, the sum of one hundred and fifty thousand dollars.

SEC. 5. For packing and distributing the laws and journals of the Legislature, to be performed under the direction of the Secretary of the Commonwealth, seven hundred dollars, or so much thereof as may be necessary.

SEC. 6. For the public printing, folding stitching and binding, thirty thousand dollars, or so much thereof as may be necessary on the settlement of the account of the contractor under his contract entered into in pursuance of the act approved the ninth day of April, Anno Domini one thousand eight hundred and fifty-six, entitled "An Act in relation to public printing."

SEC. 7. For the payment to the borough of Harrisburg, for supplying the public buildings with water, as per act of twenty-eighth day of April, Anno Domini one thousand eight hundred and forty, six hundred dollars.

For payment to the Harrisburg gas company, for gas for public buildings and walks, two thousand dollars, or so much thereof as shall be found due by the Auditor General, under the contract with the company, in pursuance of the charter of said company and its supplement, to be paid on the warrant of the Governor.

SEC. 8. For miscellaneous expenses, to be accounted for in the usual manner, three thousand dollars.

The ninth section was amended on motion of Mr. BELL, so as to read,

SEC. 9. For the support of the common schools, to be paid on warrants drawn by the superintendent in favor of the several school districts of the Commonwealth, in proportion to the number of taxables therein, two hundred and eighty thousand dollars, inclusive of the salaries of the county superintendents to be accounted for in the usual manner: *Provided*, That the basis of distribution of the said sum shall be the number of the taxables of the several counties, respectively, as reported at the septennial enumeration to the Legislature of one thousand eight hundred and fifty-seven: *And provided further*, That the city of Philadelphia shall be entitled to a proportion on the above basis without contributing to the salaries of the county superintendents.

A motion was made by Mr. COFFEY, to further amend by striking out two hundred and eighty thousand dollars, and inserting three hundred thousand dollars.

Mr. COFFEY said he offered this amendment asking an increase of the State appropriation to the common schools, because he was convinced

of its propriety. The present appropriation was \$280,000, but out of this was taken for the salaries of county superintendents about \$38,000, leaving about \$250,000 for actual distribution among the public schools. He believed it to be the true policy of the Commonwealth gradually to increase this sum, from time to time, as the extension of the system progressed. He need not say that it is one of the chief duties of government to provide facilities, at the public expense, for the education of those who were hereafter to be the sovereign people, clothed with the rights and dignity of citizens, and responsible for the success and perpetuity of Republican institutions. This office of government was recognized in the establishment and maintenance of our noble educational system, and he might add that the admirable results of the system thus far had fully justified the wise efforts of its founders.

But the point he desired to make was, that, in the poorer and more sparsely populated districts of the State, the burden of local taxation for the support of the common school system, was most grievous, and nothing but the popular devotion to education had reconciled the tax-payers to it. In some of the western and northern counties, the rate of taxation for school purposes reached nearly three per cent. upon the valuation of property, and in all of them it was most oppressive. In some parts of his own county, the school tax, when added to the road, poor, county and State taxes, makes a fair interest upon the cash value of the property on which it is levied. This heavy school tax results from the fact that the districts are large and often thinly populated, and many school houses and schools are required to accommodate the people. He was in favor of any measure which will diminish this burden upon the tax-payers, and yet maintain the efficiency of the school system. The amendment which he had offered, proposes this relief, by taking from the State Treasury a part of what you now take from the people's pockets. The effect of it is, that the richer and more populous localities aid the poorer and more thinly settled neighborhoods to educate their children; that the counties which levy from two to ten mills school tax, shall contribute a portion to the relief of the counties which pay from fifteen to thirty mills. He was sure, that if Senators will reflect upon it, they would agree with him, that it is eminently just and right.

Consider that it is the interest of the whole State, that all her children should have the benefits of common school training. The welfare and prosperity of the whole depend upon the intelligence and virtue of all its parts. The school system is not founded upon the idea of local or partial benefit, but upon the conceded necessity of having knowledge generally diffused. The object of the system is not secured if you educate the children of one part of the State and allow the children of another part to remain in ignorance. Why do you educate them at all? Your answer is, that they may become intelligent and useful citizens, competent to understand and perform all the political, social and moral duties which in our country devolve upon all. The very life of the State rests in their intellectual and moral training, and therefore the State should see that they receive such training. But of what value is your theory if its practical result is to confer education upon the children of Chester and Berks counties, and deny it to the children of Indiana and Jefferson? Of course he conceded that each locality should bear its equal share of taxation; but he asserted that when you impose upon the rich county of Lancaster and the poor county of M'Kean, the same expense of maintaining common schools, you compel M'Kean to pay five or six times as much taxation, in proportion to her means, as you exact from Lancaster. She needs nearly as many



schools to a township as Lancaster, not because she is as populous, but because her children must be within a reasonable distance of the school house to enjoy its benefits. The number of schools is regulated by geographical necessity, and although the Lancaster school house may be crowded, and the M'Kean school house be full of empty benches, yet the expence of maintaining both is nearly equal. Hence your plan of local taxation compels the poorer counties to pay three or four times as much for exactly the same thing as the richer ones pay.—You fix the same time during which the schools shall be kept open in both, and in all respects you treat them as if the circumstances of both were equal. The result is, that in some parts of the State the cost of the system is never felt, and in others it keeps the people poor. Now, he asserted, that since the State thus recognizes and enforces the necessity of educating the whole community for the good of the whole, it is her duty, so far as possible, to equalize the burden.

Remember, that neither in theory nor in fact, is the duty of education a local concern. The State compels it for the public and general good. Indiana county does not educate her children for her own exclusive benefit, but for the benefit of Pennsylvania. It is important to Philadelphia and Schuylkill that Erie and Warren should train up intelligent citizens, because Erie and Warren contribute their share in the election of rulers who govern the whole. We, in the west, may have no voice in selecting your sheriffs and commissioners in the east, but we help to elect your Governor, and we send here representatives who aid in making your laws. It is, therefore, in the highest degree, your concern that we be trained to perform these duties intelligently. But if it be your concern that we be educated, and ours that you have the same advantages, why should we pay so much more for the luxury, and why should the law compel us to pay so much more than you? He answered that it was the plain duty of the State to equalize so far as she can, the burden of school taxation. He only proposed a short step in that direction, but believed it would not be hard to prove that our system of local taxes for school purposes is wrong in principle, and that the whole expence of the common schools should be paid out of the State Treasury, and all local taxes for that purpose abolished. He was deterred, however, from so doing by fear of the horror with which our wealthy brethren in the east would receive a proposition so agrarian.

But in fact the principle for which he contended was already recognized in the present appropriation to the common schools, and so long as any district in the State has a heavier burden to bear than is just, the State, to be consistent, ought to extend her relief from the common treasury.

It is a maxim no less wise than practicable, that we must learn to bear each other's burdens, and whilst our brethren of the richer counties are unwilling to apply it to the school system, they do not scorn to invoke its aid in behalf of their own schemes upon the treasury. Philadelphia is unwilling to contribute her share of twenty thousand dollars to educate the west, yet she appeals to western Senators to vote five thousand dollars out of the common treasury to support her indigent widows, and as much to her friendless orphans; charities which, however meritorious, are of purely local benefit.—She refused to help to educate his constituents, but wanted them to aid in maintaining her paupers.

Sir, I know that my amendment will be defeated by the Senators from the more populous districts, who, of course, are the majority; but that fact shall not deter me from asking justice for the western part of the State, which, if not so rich in material development, is yet a shining example to the east, of intellectual and moral

excellence, and of sound political faith; all of which, I firmly believe, are the direct fruits of her devotion to our noble common school system.

Pending the discussion upon which, Mr. TURNEY moved that the committee rise, report progress, and ask leave to sit again; which was agreed to.

And on the question.

Shall the committee have leave?

It was determined in the affirmative, and this afternoon was adopted as the time.

On motion of Mr. MILLER, the Senate proceeded to consider Senate bill No. 736, "An Act to legitimate Margaret Hast," and said bill passed finally.

On leave given, Mr. CRAIG, (Private Claims and Damages,) reported with amendment, "An Act for the assessment and recovery of damages on the North Branch and Wyoming canals;" and, on motion the amendments were ordered to be printed.

The hour of one having arrived, the SPEAKER adjourned the Senate until this afternoon at three o'clock.

#### SENATE—AFTERNOON SESSION.

The Senate met at 3 o'clock, a quorum of Senators being present.

Agreeably to order, the Senate resumed consideration of the appropriation bill; the question being upon the amendment offered by Mr. COFFEY to the ninth section, viz: to strike out \$280,000 and insert \$300,000.

Mr. TURNEY did not see any necessity for this increased appropriation. It was a liberal one, and there was no propriety in making an increased appropriation, for the mere purpose of exhibiting our excessive love for the system of common schools. The time may soon come when this increased sum may be demanded. But for the present, he hoped the section, as it stands without the amendment, would receive the sanction of the Senate.

Mr. BELL said there was such a thing as killing by kindness, and he thought the amendment of the Senator from Indiana partook largely of this peculiarity. He saw no good reason for the increased sum asked for, and was compelled to vote against it.

Mr. COFFEY defended the increased sum proposed by his amendment, as not only just, but necessary to the success of the system, and briefly entered into an explanation of the reasons upon which his advocacy of the amendment was based.

[NOTE BY REPORTER.—In the morning session, the consideration of the same section elicited considerable discussion upon the section itself and the various amendments proposed, between Messrs. SCOFIELD, TURNEY, FRANCIS, HARRIS, BREWER, COFFEY and BELL. The common school system, as well as the State superintendency, received flattering encomiums from each of these Senators; but the running, informal character of the discussion, and the many amendments—several withdrawn—in which it originated, render it almost impossible to present a sketch in anything like the necessary relevant form.]

On the question,

Will the Senate agree to the amendment?

It was determined in the negative, and the section was adopted.

The tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth and seventeenth sections were agreed to, and, as passed, are as follow:

SEC. 10. For the payment of pensions and gratuities, fifteen thousand dollars, or so much thereof as may be required.

SEC. 11. For the payment of the salaries and per diem allowance of the judges of the supreme court, eighteen thousand seven hundred dollars.

SEC. 12. For the payment of the salaries of the judges of the district court, and the president and associate law judges of the court of common pleas of the city of Philadelphia, sixteen thousand eight hundred dollars.

SEC. 13. For the payment of the salaries of the judges of the district court, and president judge of the court of common pleas of Allegheny county, eight thousand four hundred dollars.

SEC. 14. For the payment of the salaries and mileage of the president and associate law judges of the several courts of common pleas in this Commonwealth, except in the city of Philadelphia and the county of Allegheny, fifty-five thousand dollars, or so much thereof as may be necessary.

SEC. 15. For the payment of the salaries and mileage of the associate judges of the several courts of this Commonwealth, twenty-five thousand dollars.

SEC. 16. For the payment of the interest on the funded debt of the Commonwealth, that will fall due on the first days of July and August next, and the first days of January and February, one thousand eight hundred and sixty-two millions of dollars, or so much thereof as may be necessary.

SEC. 17. For the payment of the guaranty of interest for the Danville and Pottsville railroad company, by the act of the eighth of April, one thousand eight hundred and thirty-four, and the act of twelfth April, one thousand eight hundred and fifty-one, eight thousand five hundred and seventeen dollars and fifty cents, being the interest in full, on said guaranty, up to the first day of August, Anno Domini one thousand eight hundred and fifty-nine; to the Bald Eagle and Spring Creek navigation company, by the act of seventh April, Anno Domini one thousand eight hundred and thirty-five, ten thousand dollars: *Provided however*, That said companies are hereby required to make it appear satisfactorily to the Attorney General that the said appropriations are due from the Commonwealth; and it shall be the duty of the Attorney General so to certify to the treasurer before any of the moneys herein appropriated are paid.

The eighteenth section, which is as follows, being before the Senate,

SEC. 18. For the payment of the salaries of the officers of the Western penitentiary, ten thousand one hundred and fifty dollars; also, for gratuities paid to discharged convicts for the year one thousand eight hundred and fifty-eight, agreeably to the eighth section of the act of twenty-second of April, one thousand eight hundred and twenty-nine, and the several supplements thereto, three hundred and eight dollars; and for paying in front of the prison, under the compulsory paving law of Allegheny city, the further sum of three thousand one hundred and eighteen dollars.

Mr. PENNEY moved to amend by adding the following:

And for the purpose of removing the walls, extending the building, and increasing the number of cells, twelve thousand dollars.

Upon this amendment there was a brief discussion between Messrs. GAZZAM, PENNEY, RANDALL and TURNEY, in advocacy of the increased appropriation, as demanded by the growing wants of the institution, and the public interests, and by Mr. BELL in opposition.

The amendment was adopted, as also the section as amended.

The nineteenth section was read, as follows:

[SEC. 19. For the payment of the salaries of the officers of the Eastern penitentiary, sixteen thousand two hundred and forty dollars; for curbing and paving Corinthian avenue along the eastern side of the penitentiary, the sum of two thousand dollars; for the necessary repairs to the building, the sum of two thousand four hun-



# LEGISLATIVE RECORD.

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FOR THE SESSION OF 1859.

No. 66.

dred and twenty-three dollars, which sum for salaries of officers may be drawn from the Treasury in equal quarterly portions on or after the fifteenth days of the months of June, September and December of the present year, and March of next year.

Mr. RANDALL moved to amend, by adding the following,

And for the purpose of making a fire proof roof, six thousand dollars.

Upon this amendment there was also a brief discussion, in explanation of the necessities which demanded this increased appropriation, between Messrs. RANDALL, WRIGHT and GAZZAM, and by Messrs. TURNEY and BELL in opposition.

The amendment was not agreed to; and the question recurring upon the section, it was adopted.

The twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth and twenty-fifth sections were read and adopted, as follow:

Sec. 20. For the house of refuge of Philadelphia, the sum of twenty thousand dollars.

Sec. 21. For the house of refuge of Western Pennsylvania, in the county of Allegheny, eighteen thousand and five hundred dollars, to be applied as follows: for the salaries of officers, eight thousand and five hundred dollars; additions and repairs, four thousand dollars; and for the payment of debts, six thousand dollars.

Sec. 22. For the Western Pennsylvania hospital, five thousand dollars; and for the purpose of erecting suitable buildings, the further sum of twenty thousand dollars.

Sec. 23. For the Pennsylvania State lunatic hospital, the sum of twenty thousand dollars; to be applied to the payment of salaries, the support of the house, the renewal of furniture and fixtures, and to such repairs and improvements as may be required.

Sec. 24. For the Pennsylvania institution for the instruction of the blind, twenty-two thousand dollars.

Sec. 25. For the instruction of indigent pupils in the Pennsylvania institution for the instruction of the deaf and dumb, twenty-three thousand dollars: *Provided*, That the sums appropriated for the instruction of the blind, and deaf and dumb, shall be paid to said institutions, in proportion to the number of indigent pupils received by each, from the several counties of this Commonwealth, at the rates prescribed by law; evidence of the number of pupils to be furnished to the State Treasurer.

The 26th section was read, as follows:

Sec. 26. For the Pennsylvania training school for feeble minded children, such amount as said institution may be entitled to receive under the provisions of the sixth section of the act incorporating said school, approved the seventh of April, Anno Domini one thousand eight hundred and fifty-three; and for the purpose of completing the buildings now in progress, the further sum of twelve thousand five hundred dollars, upon condition that an equal amount be raised for the same purpose by private contributions; the said sum not to be paid out of the Treasury until the Auditor General shall be satisfied that said amount to be raised by private contribution has actually been subscribed and paid.

Mr. TURNEY moved to amend, by striking out all from the word "three" to the end of the section.

Mr. GAZZAM hoped the question would not be called upon this amendment, until the Sen-

ate had heard from the Chairman of the Committee on Finance some reason why this proposed appropriation should be withheld.

Mr. TURNEY explained the reasons which induced him to offer the amendment. He was earnestly opposed to this project, as one without a particle of merit. It was one of the first faults of the system, that these unfortunate imbeciles, are to be brought, by a system of training, to that degree of intelligence which opens their eyes to the fact that they are God's poor unfortunates, and that they must work their way through life under all the disadvantages of their mental defects. He saw no possible good to result from this species of training. It was all a folly and a farce to attempt to mould into intellectual form, that brain upon which God had stamped the mark of imbecility and weakness. He opposed it, upon the ground that it was wrong to open their eyes to the very misery which surrounds them. Do everything, he he said, which will add to their temporal comfort; clothe and feed them, and contribute in every rational way to their happiness; but do not entail upon them a worse misery, by thus rendering them familiar with their own defects, than they would be by being left in blissful ignorance of the intellect with which God had stamped the majority of his creatures.

He also opposed it, as being an aristocratic institution. It was not one which extended its alleged benefits or opened its doors to the unfortunate child of the poor—it was only the rich, who have gold to lavish, to whom its proposed blessing are to be extended.—The whole experience of this training had shown the folly of attempting to improve the intellect of these feeble-minded children; and he opposed the appropriation, not out of any spirit of economy, alone, but because there was nothing demanding it by justice, or the actual benefits which result to the community.

Mr. GAZZAM replied to the objections of the Senator from Westmoreland, and defended the institution, as designed, by its training, to benefit and elevate the feeble-minded of God's creatures. The appropriation he considered a moderate one, and the State was safely guarded from any future demands by the provisions of the section. He appealed to Senators not to withhold the aid, which was here asked, to place a noble institution upon a footing which promised success in its work of benevolence.—He hoped the section would be adopted without the amendment.

Pending the discussion upon the amendment offered by Mr. TURNEY, a motion was made by Mr. WELSH that the committee rise, report progress, and ask leave to sit again; which was agreed to; and, on the question,

Shall the committee have leave to sit again?

It was determined in the affirmative, and the bill was ordered to be the special order for tomorrow morning.

House amendments to Senate bill No. 607, "An Act supplementary to the several acts relative to the Dauphin and Susquehanna coal company," were read, and on motion, lie over.

On motion, the Senate adjourned until tomorrow morning at 9½ o'clock.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 29, 1859.

The SPEAKER called the House to order at 9½ A. M.

On motion of Mr. LAWRENCE, (of Washington,) the reading of the Journal was dispensed with.

Mr. HAMERSLY, through the Chair, inquired why the committee of conference, to which was referred the bill to abolish the present board of guardians of the poor of Philadelphia, had failed to make a report. He desired to know why this bill was held by the committee, week after week, and insisted upon the committee making a report at an early day, in order that the responsibility of the delay might rest where it properly belonged.

In reply to Mr. HAMERSLY'S question, Mr. GRATZ said:

I will answer my colleague, and give him the information he desires. The committees of conference, on the part of the Senate and House, were appointed some three or four weeks since; and it then became the duty of the chairman of the Senate committee to call us together.—The House committee was exceedingly anxious that the differences between the two branches of the Legislature, on this subject, might be speedily settled, and requested that a meeting be had at as early a date as possible. This request was not complied with until the lapse of about two weeks. It is, however, due to the chairman of the Senate committee, to say that, during a portion of this time, he was, unfortunately, confined to his bed with sickness. About a week back, a meeting was held, but we were unable to arrive at any fixed and definite action upon the bill. Since then we have had no meeting. The duty of convening us devolves upon the Senate committee. We await their call; and upon them alone rests the responsibility for the delayed action in committee. I have said thus much, in reply to the question of my colleague, for the simple purpose of placing the committee, of which I am a member, in its true position, before this House, and to exonerate it from the blame which it might otherwise incur.

Mr. GRATZ, on leave given, from the Judiciary Committee, reported, as committed, "A supplement to the act relative to the support of and employment of the poor;" and moved that the same be placed on to-day's Calendar; which was agreed to.

Mr. KINNEY moved that the "Act relative to the Towanda bridge company" be placed on to-day's unfinished Calendar of last Tuesday.

The CHAIR said such a motion was not recognized by the rules of the House.

Mr. WILLIAMS, (of Bucks,) on leave given, read, and presented to the Chair, "An Act to incorporate the Farmers' and Citizens' hay and straw market company of Philadelphia."

Mr. CHASE, on leave given, from the Committee on Ways and Means, reported, with amendment, "Resolution relative to the purchase of a lot adjoining the Executive mansion."

Mr. BAYARD read, and presented to the Chair, "An Act to authorize the Surveyor General to sell certain vacant lands."

Mr. NEALL, "A supplement to an act to incorporate the Fairmount market company;" on his motion, ordered to be placed on to-day's Calendar.

Mr. SMITH, (of Berks,) "A further supplement to an act to incorporate a company to make a lock navigation in the Schuylkill river."

On motion of Mr. LAIRD, House bill No.



1159, relative to the borough of Erio, was placed on to-day's Calendar.

Mr. RAMSDELL, on leave, presented the memorial of citizens of Bucks county, remonstrating against the passage of "An Act to divorce Mrs. H. B. Fry from her husband;" which was read.

On motion of Mr. WALBORN, the memorial, together with the names, were ordered to be printed in the *Record*, as follows:

*To the Honorable the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

The memorial of the undersigned, citizens of the county of Bucks, respectfully represents that we have learned with astonishment and alarm that the Committee on Divorces, in the House of Representatives, have reported a bill, on the petition of Mrs. Fry, granting a divorce between Horace B. Fry and Emily, his wife. We most earnestly remonstrate against the passage of said bill, as opposed to public morals, justice, right and the best interests of society.

Edward Harland,	John S. Paul,
R. V. Rentz,	Peter Pates,
R. Patterson,	N. Tyler,
Jos. Stackhouse,	John S. Kinsy,
J. K. Wildman,	Thos. B. Bailey,
Enos W. Bontcher,	J. Vansant,
Sam. Everitt,	D. P. Kinsey, Jr.,
C. N. Taylor,	J. Bessonet,
Anthony Burton,	Benj. Ball,
Anthony Swain,	D. Befford,
W. Kinsey,	L. A. Hogue,
J. V. Buckman,	N. M'Corkle,
Samuel Pike,	J. V. Fester,
W. L. Woodbury,	C. M. Foster,
C. W. Peirce,	Wm. Bache,
Thomas Scott,	James Harissou,
Henry A. Bailey,	J. E. Allen,
John W. Bailey,	H. N. Bostwick,
James Irvin,	Wm. Riley,
L. M. Wharton,	Geo. Watson,
David Swain,	

On motion of Mr. PINKERTON, an act entitled, "A further supplement to an act to incorporate the Allentown railroad company," was placed in to-day's Calendar.

Mr. THORN, on leave given, read the following:

"Supplement to an act to incorporate the West End insurance company of Philadelphia;" on his motion, placed on to-day's Calendar.

Mr. HAMERSLY, "An Act to incorporate the Bordeaux steamship company."

Also, "A supplement to an act to incorporate the North Pennsylvania railroad company;" which, on his motion, were ordered to be placed on to-day's Calendar.

#### BILLS ON SECOND READING.

Agreeably to order, the House resumed the consideration of bills on the unfinished Private Calendar of last Tuesday.

Whereupon, the following were read the second and third time, considered and passed, and ordered that the Clerk present the same to the Senate for concurrence:

"An Act to incorporate the Duquesne insurance company."

"An Act to authorize the laying out of a State road, in the counties of Carbon and Monroe."

"An Act to incorporate the Kylertown, Morrisdale and Phillipsburg plank road company."

"An Act relative to the fees of the sheriff of Crawford county."

"An Act to enable the commissioners of Crawford county to make certain compromises."

"An Act to incorporate the Jacksonville and Virginia Line clay and turnpike road company."

"A further supplement to an act to incorporate the town of Ashland, partly in Schuylkill and partly in Columbia counties, into a borough, approved February 13, 1857."

"An Act relating to the election of officers of the Wyoming canal company."

"An Act relating to the expenses of coroner's

inquests and to appeals by county commissioners, in Luzerne county."

"An Act establishing the location of the streets and alleys and lots in a certain part of the borough of Johnstown, Cambria county."

"Supplement to the act incorporating the Lehigh and Delaware plank road company."

"An Act to incorporate the Amity horse company."

"An Act to lay out a State road in Armstrong and Clarion counties."

"An Act to incorporate the Pittsburg gymnastic association."

"An Act declaring the Portage branch of the Sinnemahoning river, a public highway."

No. 1082. "An Act authorizing the laying out of a State road in Potter and McKean counties."

No. 1084. "An Act authorizing the Auditor General to examine the claim of James Bell, of Blair county, and to make report to the next Legislature."

Sen. 402. "Supplement to an act to incorporate the University of Kittanning."

No. 1085. "An Act relating to the election of overseers of the poor in the borough of Blairsville, and township, of Brurrell, in Indiana county."

No. 1088. "An Act to incorporate the Manayunk market company, in the city of Philadelphia."

No. 1090. "A supplement to the act incorporating the Exchange mutual insurance company of Philadelphia."

No. 1091. "An Act to incorporate Peach Bottom and Maryland turnpike road company."

"A supplement to an act to alter and amend the act erecting the town of Chester into a borough, and for other purposes therein mentioned."

"An Act declaring the north branch of Two-lick creek, in Indiana county, a public highway."

Senate bill No. 607, was read the second time, as follows:

AN ACT supplementary to the several acts heretofore passed relative to the Dauphin and Susquehanna coal company.

WHEREAS, By virtue of proceedings under a certain mortgage given by the Dauphin and Susquehanna coal company, the railroad of the said Dauphin and Susquehanna coal company, from its terminus at Rockville to its intersection with the Reading railroad at Auburn, together with its appurtenances, and all the mines, tracts of land, and other property of the said company, have been or may be sold at public sale under the said proceedings; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the person or persons for and on whose account the said railroad, mines, tracts of land and property have been or may be purchased, be and they are hereby constituted a body politic and corporate, in deed and in law, under the name and style of the Schuylkill and Susquehanna railroad company; with the rights, powers, privileges, immunities, franchises and appurtenances heretofore granted to or conferred upon the said Dauphin and Susquehanna coal company by any act or acts of assembly whatsoever, and subject to all the restrictions now imposed on said company by virtue of any such act or acts, except so far as such rights, powers, franchises or restrictions are increased or modified hereby; the capital of the said company to be one million five hundred thousand dollars, to be divided into shares of fifty dollars each, with full power and authority on the part of said company to borrow such sums of money not exceeding one million of dollars, at such rates of interest not exceeding ten per centum per annum, and issue the bonds of the company in sums of not less than one hundred dollars each, and mort-

gage the corporate franchises and estate, real or personal, or any part thereof of said company to secure the same.

SEC. 2. That the persons who are, or may become, purchasers and owners of said estate, road, and property, sold or to be sold under the said proceedings, shall meet in the city of Philadelphia, within fifteen days after they shall have received the conveyance for the said property and premises, due notice thereof having been given five days previously in two daily papers published in the city of Philadelphia, and elect a president and six managers, who shall continue in office until the first Monday in May, Anno Domini one thousand eight hundred and sixty; when and annually thereafter, on the same day, an election of president and six managers to serve for one year, shall be held as prescribed in the several acts relating to the said Dauphin and Susquehanna coal company, which were in force at the time of the said sale.

Mr. THORN moved to amend, by adding the following to the end of the first section:

*Provided,* That the ten per cent. bondholders shall be permitted to participate upon the same footing of equality with the seven per cent. bondholders in the benefits of the purchase and the privileges of the new organization: *And provided also,* That the preferred stock shall be received in payment from those who shall subscribe to the new stock at a valuation of not less than twenty-five per cent. of its present value.

Mr. THORN said that his constituents were to some extent interested in this matter, having invested their funds in the "Huckleberry road." There could, he thought, be no objection to the amendment.

He then recapitulated the facts in the case, which were, in brief, that there were four kinds of creditors, all of whom had lost money. These four creditors were the holders of the first and second mortgage bonds, of preferred stock and of ten per cent. bonds. Under foreclosure, the road had been sold by the second mortgage-holders, subject to the first mortgage, and fell into their possession. The object of the present amendment was, that in the new company just formed, the third and fourth parties might receive recognition, and be partly remunerated for the expenses which they had incurred. At a meeting in Philadelphia, this course, he understood, had been agreed upon.

The franchises of the old Dauphin and Susquehanna company had not passed at the sale, the real estate having only been transferred.

Mr. SMITH, (Berks,) moved to postpone the further consideration of the subject for the present.

Mr. PINKERTON hoped that the motion to postpone would not prevail. The new company had purchased the road on March 1st, and had since been managing and working it entirely without franchises. Three weeks ago at least, he had asked the House to grant this company corporate privileges, and had been refused. If the matter was now again postponed, it would certainly fall.

He scarcely doubted but that the bill, without the amendment, would meet the approbation of the members. The amendment was clearly wrong, as he could easily prove, if called upon. The interest which he had at first taken in the Dauphin and Susquehanna railroad had been solely in fulfilment of duty to his constituents, and without consultation with any officer of the road. The track afforded a thoroughfare from his region to Baltimore.

Mr. WALBORN opposed the postponement, and did not see why the House should hesitate to pass the bill without the amendment. The differences between the mortgage-holders were matters for the courts to pass upon. There was no reason why franchises should not be granted to the new company.



Mr. THORN did not design to interfere with the action of the courts. The new company had purchased all that was sold, viz: the real estate, and now it was asked that they should receive what belonged to somebody else, the franchisees.

Mr. PINKERTON rose to a point of order. The gentleman from Philadelphia, (Mr. THORN,) was not entitled to discuss the merits of the bill while the motion to postpone was pending.

The SPEAKER said that the gentleman, (Mr. THORN,) had not entered at length upon the merits.

Mr. GOEPP declared his intention to vote against the motion to postpone.

Mr. M'CLURE said that the gentleman from Philadelphia, (Mr. THORN,) was mistaken in supposing that the object of the bill was to take the franchises from original bondholders and confer them on the new company.

Mr. THORN had not so asserted.

The question being taken on the motion to postpone,

It was not agreed to.

Mr. M'CLURE recapitulated the facts in the case. There had been four classes of creditors, none of them having any lien on the franchises. Hence, when the sale took place, none of the privileges were conveyed, and the new company found themselves in possession of the real estate, but entirely without any corporate rights. Was it not just, under these circumstances, that such should be now bestowed by the Legislature?

The creditors had been notified and appeared before the supreme court, when the application was made by the second mortgage bondholders for a decree of sale. They then had an opportunity to make themselves heard in resisting a decree of sale, but the court issued the decree. Subsequently the sale was decreed on petition of the second mortgage bondholders, and after the decree the fourth class came forward and asked to have the order set aside. This was refused. Again, the sale having taken place, its confirmation was opposed by these same antagonistic parties. Thus three several and distinct rebuffs were given by the courts.

It was useless to assert that the franchises passed by the sale, for the creditors had not lent their money on the franchises, and were not entitled to claim any.

The sale had been made on the first of March, and the property had been bought in by the second mortgage holders, subject to the first mortgage. When the sale came before the supreme court for confirmation other creditors through their counsel objected, and after a hearing, the purchase was confirmed. He desired to call especial attention to this fact, as illustrative that the legal authorities had decided against the men who now came forward and asked to have their claims considered by the new company. These claimants who had not been reached by the sale, came into the Legislature and asked that franchises should not be granted to the new organization until their debts were paid. Why the application was manifestly unjust. The men had had a full hearing in the supreme court of the State.

Look at the matter as it really was. Millions of dollars had been expended, (not of Pennsylvania money,) by the first and second mortgage bondholders, who had supplied at least two-thirds of the original investment. Now, having partially recovered the property, they simply asked that privileges might be conferred whereby they would exist in a corporate capacity, in order to save something out of the wreck.

The third and fourth parties in interest, at the time of the sale, absolutely refused to pay one cent more than was bid for the property by the second mortgage holders, or to pay the expenses of a re-sale. Having failed to do this, to which they were legally entitled, they came with extraordinary audacity to solicit the Le-

gisature not to allow the purchasers to enjoy their property without their debts were first paid.

Again, he would repeat, the purchasers of the road were the owners of three-fourths of the stock, and it was worse than folly to say that the men who held fourth class claims ever paid more than a mere nominal value for them. They were simply speculators.

Mr. THORN reiterated the arguments which he had previously advanced, and laid particular stress on the fact that an agreement had been made by which the third and fourth class creditors should participate in the new organization.

The first mortgage holders, he said, after issuing bonds, had induced others to take them, and now wanted to take the road, put the proceeds in their pocket, and again pursue the same swindling policy. They had already swindled somebody out of three millions of dollars, and now wanted the privilege of doing the same again.

Mr. WALBORN wished to know whether the parties who made the sale, had not agreed that they would re-open it, if the third and fourth mortgage bond holders would pay part of the expense?

Mr. THORN was informed to the contrary.

Mr. M'CLURE said that it was unfair to charge the first mortgage holders with having swindled the other creditors, when those men had been in court, and after having been tendered a re-opening of the sale, had refused to pay even a portion of the expenses.

The allegations that the claimants had claims on the franchises of the road, was not correct.

Mr. GOEPP did not think the case a difficult one. The road had been sold at public sale under a foreclosure of the second mortgage, (there being four mortgages, none of them, however, touching the franchises.) The purchase money was to be applied to the payment of liens in their regular order. The first mortgage remained on the road. The proceeds, therefore, would go to pay the second mortgage firstly, and any excess would fall to the share of the others.

The sale transferred the real estate, but not the franchise. This remained in the original stockholders, but was of no value. Now the purchasers asked to be incorporated.

On what principle was it admissible for the third and fourth mortgage holders to be allowed to interfere with the property which others had bought? or to ask that the Legislature should withhold corporate privileges from others until they were admitted to a share in the profits of the operation? If there was swindling anywhere in the matter, it would be for the Legislature to accede to this ungracious demand.

He concluded with asserting the belief that a general law was necessary, by which purchasers of real estate (such as railroads, &c.,) could be created into corporations by the courts.

Mr. PINKERTON wanted to ask a question of the House. In reply to the intimation of Mr. GOEPP, that the parties should have gone into court, he wished to know who had ever heard of the supreme court having granted a charter to a corporation.

He denied that parties had endeavored to swindle the holders of the third and fourth mortgage bonds. As far as the agreement, which had been alluded to, was concerned, if there was such an agreement, why was it not produced?

He proceeded, by illustration, to show that the third and fourth mortgage bondholders had no legitimate right to interfere with or become interested with the purchasers.

Mr. THORN ridiculed the idea that some of the stockholders had invested their money, as he had understood Mr. M'CLURE to have stated previously, without any hope of a return.

He reviewed and refuted the arguments of Mr. PINKERTON.

Mr. WALBORN would vote for the bill on the principle that it was absurd for gentlemen, after having re-buttled a court to come to the Legislature for redress, particularly when it was probable that these same gentlemen had not paid ten cents on the dollar for their claims.

Mr. THOMPSON said—

MR. SPEAKER:—I had not intended to participate in the discussion of the questions involved in this controversy, but as they raise important principles, I may be pardoned for briefly stating my views and defining my position. I am further constrained to ask the indulgence of this House, because I had the honor of presenting a bill which provides by general enactment for just such cases as this. In this case we learn from both parties that this is simply a contest between the purchasers of this road, and the holders of the third and fourth mortgage bonds. In this controversy I feel no interest whatever, except so far as the result may effect a general principle. This company, by virtue of proper authority, had issued four distinct sets of bonds, and on the second of these; under a decree of the supreme court of Pennsylvania in equity, the road was sold at public sale; the purchase was made for the benefit of the holders of the several mortgage bonds, subject, however, to the first bonds, amounting to ninety-seven thousand dollars. In none of these bonds is it alleged, was there a clause including the franchises of this road. The mooted question then, of the effect of a sale under a mortgage, including the franchise, and so authorized to do by virtue of its charter, is next raised. None of the parties before us have, by virtue of this sale and purchase, any legal title to the corporate rights and franchises of this company. Where is the superior claim of these bond-holders over that of an humble citizen, whose little judgment is not reached by the sale of his neighbor's farm?

These men, sir, I grant, appeal to our sympathies through their misfortune, but do not misfortune and misery always arouse our sympathies? Here you have these men investing their money foolishly, at least not wisely, in what has proved to be worthless securities; but what equity does this raise? None whatever. A man becomes involved and mortgages his farm for ten thousand dollars; subsequently, other bonds become liens on the same farm in favor of what I will call the third and fourth bond-holders. On this first mortgage the farm is advertised for sale. All the creditors are notified to appear and bid. The sale is made to the holder of the first mortgage, and neither the second nor any subsequent mortgage is reached. Exceptions are filed to the approval of the sale. They are overruled. An auditor to make distribution is appointed at the suggestion of the second bond-holders. He appropriates the whole fund to the first. Exceptions are filed to his report. They too are overruled, the sale confirmed, and a deed delivered to the purchasers. So far, this is parallel to the case we have under consideration. Shall we be told, sir, that these men whose mortgages are not reached, have equities which demand the interposition of the Legislature or judiciary? Why, sir, should they object to the acknowledgment of the deed, until the purchaser had secured the payment of their demand, when they have refused to protect their interest by bidding at the sale?

If there is justice in one case, there is in the other; if it be just in small matters, it is still justice, although millions may be involved. For these reasons, I conclude the holders of these "third and fourth bonds" have no equities which should invoke legislative aid in their behalf. They occupy no worse position than the poorest man in your State, who loses his



money because the proceeds of sale did not reach his humble claims.

But we are told that an agreement was entered into between the purchasers of this road and the holders of these bonds, *before the sale*, by which the interest of these bondholders was to be protected. If this is true, it was a good ground on which the court might have refused to confirm the sale; but it is not *now* a reason to influence our action. That question belonged exclusively to the court; they have already adjudged and pronounced their judgment upon it, and this judgment is final and conclusive. We have neither the right nor the power to go behind that record which cuts off all the claim which these parties may have had, by virtue of such agreement. If *collusion* like this did exist, and these bondholders were, as they claim, a party to it, they could have made it appear to the court, and thus have prevented a confirmation of the sale; but, having acquiesced in the decree of the court, what right have they to come before us, and allege their complicity in a collusion such as this, as a reason why we should assist them at this late day in taking advantage of their own wrong? This request, it strikes me, comes with a very bad grace from the parties to this wrong. I will go as far, and labor as hard as any gentleman on this floor, to secure and protect the rights of every man, whether his right be estimated by dollars or millions; but I cannot create a right, even in this case, at the sacrifice of everything legal, just and equitable. I must, therefore, sir, vote against the amendment of the gentleman from Philadelphia.

Mr. HARDING called attention to a paper which had been laid upon the desks of some of the members; and which read as follows:

1. The Dauphin company, after sinking over four millions in cash, was sold out under a decree of the supreme court in equity, for the sum of \$370,000, and was purchased for and on account of the second mortgage bondholders, whose mortgage amounts to \$903,000. The property was sold subject to the first mortgage, \$97,000.

2. The decree under which the property was sold, went regularly through the court, every class of bondholders claiming under four mortgages; and all the creditors were cited into court to show cause why the decree of sale should not be granted: and all these different interests did appear by counsel, and the decree, after nearly a year of legal controversy, was obtained.

3. After the decree of sale was obtained, the third mortgage, (seven percent.,) and the fourth mortgage, (ten per cent.,) bondholders applied to the supreme court to set aside the decree; and, in consequence, testimony was taken and a trial had, and the supreme court refused to alter the decree, and ordered the sale to be made.

4. The sale was made on the 1st day of March last, and every effort was made to get the highest price possible; and the property on which, as before stated, over four millions had been expended; sold for only \$370,000, subject to a first mortgage of \$97,000. The entire failure of the coal, and the construction of the Lebanon Valley and Northern Central railroads, seem to have destroyed all value in the property.

5. After the sale was made, these seven (3d mortgage) and ten (4th mortgage) bondholders went into court, took testimony and made every possible exertion to set aside the sale, although they refused to give more for the property than it was sold for, or even to pay for re-advertising in case of a new sale; and thus, after a contest at every point, the supreme court of Pennsylvania, in equity, confirmed the sale, and have ordered the necessary deeds to be made.

6. Now these parties, after fighting this sale in every possible way through the supreme court, in equity—after refusing to purchase at the sale—after refusing to advance a single dollar, either as advance on the price obtained, or for the purpose of making a new sale—these parties come into the Legislature of Pennsylvania, and when these purchasers ask for an act of incorporation, under which they can operate the road, they ask the Legislature to tax these purchasers for their benefit, and to put these 4th mortgage bonds on an equality with the 2d mortgage.

7. The principal party here applying for this strange procedure, went into Dauphin bonds at a late day as a speculator, and having lost his money, he now asks to have it legislated back to him at the expense of parties who have suffered ten-fold more than he has, and who have purchased the property, and whose title to it is confirmed by the supreme court of Pennsylvania, in equity.

8. It is claimed that certain 2d mortgage bondholders agreed at the Girard House, that when the property should be sold these 4th mortgage bonds should come in. If such an agreement was made, which is denied; (and it is a fact that the majority in interest of the purchasers were not represented at that meeting,) let this contract, if it is one, be enforced by the courts. The Legislature is not the place to try contracts.

9. It will be seen from the foregoing that this decree, sale and confirmation has been contested at every point in the supreme court of the State of Pennsylvania, and the fair inference is that both justice and equity has been done to all the parties interested. The purchasers now come to the Legislature and ask for a charter to enable them to work the road—a road which is now transporting nearly 200,000 tons of coal to market; and this coal, without this road, must necessarily remain in the mines, to the destruction of nearly \$250,000 of improvements, which are entirely dependent on this road. There are also agricultural and manufacturing interests dependent on this road; and in every respect the public interest calls for the incorporation of these purchasers, to enable them to operate this important public improvement.

He alleged that there were contradictory statements in the paper which he alluded to, relative to the value of coal lands.

Mr. HAMERSLY contended that if an agreement had been made, by which the claims of the third and fourth mortgage holders were to be allowed, it would be but common honesty for the purchasers to adhere to their contract.

Mr. PINKERTON denied the existence of any such agreement.

Mr. McCLURE said that if it could be produced in writing, he would vote in favor of the amendment.

Mr. HAMERSLY said that if it had been actually and verbally made, it would be just as binding on honorable men as in writing.

Mr. SMITH, (Berks,) wished to refer the gentleman to the eighth article in the paper above given, which stated, very properly, that the Legislature was not the place to try contracts.

Mr. WALBORN said that agreements should be made which was not in writing.

Mr. HAMERSLY replied that the word of an honest man should be his bond.

Mr. McCLURE, relative to the contradictions noticed by Mr. HARDING, said that while the coal lands belonging to the company were valueless, the road yet did a heavy business in transporting coal from the Trevorton region.

The question being taken, on the amendment of Mr. THORN,

The yeas and nays were required by Mr.

PINKERTON and Mr. IRISH, and were as follow, viz:

YEAS.—Messrs. Abbott, Acker, Barnsley, Campbell, Church, Evans, Foster, Gatz, Hamersly, Harding, Matthews, Neall, Patterson, Peirce, Sheppard, Shields, Styer, Thorn, Wiley and Willistou—20.

NAYS.—Messrs. Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Chase, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Fearon, Fleming, Galley, Goepf, Good, Graham, Gray, Green, Hill, Irish, Kenagy, Laird, Lawrence, (Washington,) Mann, McClure, McCurdy, Miller, Nill, Oaks, Palm, Pinkerton, Price, Proudfoot, Ramsdell, Rose, Rouse, Shafer, Smith, (Berks,) Stephens, Stoneback, Thompson, Wagenseller, Walborn, Walker, Warden, Witman, Williams, (Bedford,) Williams, (Bucks,) Wilson, Woodring, Zoller and Lawrence, *Speaker*—53.

So the question was determined in the negative.

Mr. GRITMAN moved to amend the bill, by adding to the end of the second section the following proviso:

*Provided*, That the purchasers under said mortgage, before using or enjoying the franchises of the Dauphin and Susquehanna coal and railroad company, shall pay all debts contracted by said company for work and labor done, materials furnished, and all debts contracted within the counties in which said railroad and coal company may be situated.

Mr. GRITMAN said that he did not consider it the especial duty of the Legislature to protect either one or another class of bondholders, but it evidently was its duty to protect the laboring man. The new company if they wanted franchises should be made to pay the debts for material furnished to the road.

Mr. PINKERTON was not opposed to paying for labor, but the amendment brought up the same question that had just been disposed of.

Mr. GRITMAN said that he did not intend the amendment to cover the claims of bondholders.

Mr. HAMERSLY said that the company ought to pay the men who built the road, and who kept it in repair.

Mr. PINKERTON would not object to an amendment which covered this ground alone.

Mr. HAMERSLY thought that this amendment did so.

Mr. PINKERTON said that "material" may have been paid for by bonds, and that therefore the amendment would include third and fourth mortgage bondholders.

Mr. HAMERSLY said that some laborers had bonds.

Mr. GOEPP thought that the amendment covered more than work and labor. The company might have incurred large debts in the counties through which the road passed.

Mr. GRITMAN wanted to know whether the sale embraced the franchise privileges.

Mr. GOEPP said that there was a conflict of opinion on this point.

Mr. PINKERTON offered an amendment to the amendment, viz: to strike out all after the words "materials furnished."

Mr. WILLISTON opposed the amendment to the amendment.

Mr. THORN said that the purchasers were original stockholders and had incurred these debts. They should be made to pay them.

Mr. SMITH, (Berks,) said he was surprised that a gentleman upon the floor should have charged him with unusual interest in the bill. He entirely disclaimed such a feeling. At the inception of the debate he had moved a postponement with a view to further information from his constituents, but saw at once that the passage of the bill in some shape was inevitable. It was, therefore, his plain duty to make



it as acceptable to his friends at home, many of whom had expressed a deep concern in it, as he could. With the information he now had, he understood it to be their wish to have the bill pass as nearly as possible as it came from the Senate. For this reason he opposed the gentleman's amendment, which, if not made a condition precedent to the grant of additional power, would be a clear violation of the Constitution.

The gentleman had heretofore expressed himself favorably to the grant of similar powers to any incorporation who had means to use them, and had said that the laws of trade were immutable. His position to-day was entirely inconsistent with this principle.

Mr. HAMERSLY wished to modify the amendment to the amendment by inserting the words "land damages," which was accepted.

Mr. GOEPP defended the granting of the corporators privileges without rendering the company liable for the payment of claims. The money thus paid would go to benefit the contractors and not the workmen.

Mr. HAMERSLY said that the bonds of the company would be applicable for the payment of land damages.

On the amendment to the amendment, (offered by Mr. PINKERTON,)

It was not agreed to.

Mr. EVANS offered the following amendment:

*Provided*, That the company shall pay the same tax on tonnage passing over their road, as now paid by the Pennsylvania railroad company under existing laws.

Mr. PINKERTON said that the road could not possibly pay. The parties were poor, and the project would fall if the tonnage tax was imposed.

On the amendment to the amendment offered by Mr. EVANS,

The yeas and nays were required by Mr. EVANS and Mr. HARDING, and were as follow, viz:

YEAS—Messrs. Boyer, (Clearfield,) Burley, Dodds, Evans, Harding, Hill, Hottenstine, Jackson, Patterson, Rohrer, Shields, Stoneback, Stuart, Styer, Wagenseller, Warden, Witman, Williams, (Bedford,) Williams (Bucks) and Lawrence, *Speaker*—20.

NAYS—Messrs. Abbott, Acker, Barnsley, Bayard, Bertolet, Boyer, (Schuylkill,) Campbell, Chase, Church, Custer, Dismant, Durboraw, Eckman, Ellmaker, Fearon, Fleming, Foster, Galley, Goepp, Good, Graham, Gratz, Gray, Green, Hamersly, Irish, Keneagy, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, M'Clure, M'Curdy, M'Dowell, Miller, Neall, Nill, Oaks, Palm, Peirce, Pinkerton, Price, Pughe, Ramsdell, Rose, Rouse, Shafer, Smith, (Berks,) Stephens, Thompson, Thorn, Walborn, Wigton, Wilcox, Wiley, Williston, Wilson, Woodring and Zoller—60.

So the question was determined in the negative.

Mr. EVANS offered an amendment to the amendment, to oblige the company to pay annually into the State treasury the sum of three thousand dollars.

The yeas and nays were required by Mr. EVANS and Mr. THORN, and were as follow, viz:

YEAS—Messrs. Bertolet, Boyer, (Clearfield,) Burley, Custer, Dismant, Dodds, Evans, Gray, Hamersly, Jackson, Matthews, Patterson, Rohrer, Shields, Stephens, Stoneback, Styer, Wagenseller, Witman and Williams (Bedford)—20.

NAYS—Messrs. Abbott, Boyer, (Schuylkill,) Bryson, Campbell, Chase, Church, Durboraw, Eckman, Ellmaker, Fearon, Fisher, Foster, Galley, Glatz, Goepp, Good, Graham, Green, Hill, Irish, Keneagy, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, M'Clure, M'Curdy, Miller, Neall, Nill, Oaks, Palm, Peirce,

Pinkerton, Proudfoot, Pughe, Ramsdell, Shafer, Smead, Thorn, Walborn, Warden, Wigton, Wilcox, Williams, (Bucks,) Williston, Wilson, Woodring, Zoller and Lawrence, *Speaker*—51.

So the question was determined in the negative.

Mr. LAWRENCE, (Washington,) moved to strike out the proviso, and insert the following substitute:

*Provided*, That the said company shall be liable to pay all just claims for labor done in the construction of said road, and such damages as are due and unpaid to landholders by reason of its construction.

Mr. GRITMAN opposed this.

It was withdrawn.

The question being taken on the amendment of Mr. THORN,

The yeas and nays were required by Mr. HAMERSLY and Mr. HARDING, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Bayard, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Church, Custer, Dismant, Durboraw, Eckman, Evans, Fleming, Foster, Galley, Graham, Gratz, Gray, Gritman, Hamersly, Harding, Hill, Hottenstine, Jackson, Ketchum, Kinney, Laird, Mehaffey, Matthews, M'Clure, M'Curdy, M'Dowell, Neall, Nill, Oaks, Palm, Patterson, Peirce, Pinkerton, Proudfoot, Pughe, Ramsdell, Rohrer, Rouse, Shafer, Sheppard, Shields, Stephens, Stoneback, Stuart, Styer, Thompson, Thorn, Wagenseller, Walker, Warden, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Zoller and Lawrence, *Speaker*—66.

NAYS—Messrs. Fearon, Goepp, Good, Green, Keneagy, Mann, Miller, Price and Smead—9.

So the question was determined in the affirmative.

Mr. GRATZ moved to postpone for the present.

Withdrawn.

The section as amended was agreed to.

The bill passed finally.

#### ORIGINAL RESOLUTIONS.

Mr. MILLER, on leave given, offered a resolution, that hereafter no member shall be allowed to speak more than once, nor more than five minutes on any private bill, during the remainder of the session; which was read the second time.

Mr. WILLISTON entered his protest against the passage of the resolution. The gentleman might, with as much propriety, move to muzzle the mouths of the members.

On the final passage of the resolution,

The yeas and nays were required by Mr. WILLISTON and Mr. FOSTER, and were as follow, viz:

YEAS—Messrs. Acker, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Campbell, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Galley, Gray, Green, Jackson, Keneagy, Laird, Mehaffey, M'Dowell, Miller, Nill, Palm, Patterson, Pughe, Rouse, Sheppard, Smead, Styer, Wagenseller, Walker, Warden, Wigton, Wilcox, Williams, (Bedford,) and Lawrence, *Speaker*—36.

NAYS—Messrs. Abbott, Barnsley, Chase, Ellmaker, Evans, Fearon, Fisher, Fleming, Foster, Glatz, Goepp, Graham, Gratz, Hamersly, Harding, Hill, Hottenstine, Irish, Ketchum, Kinney, Lawrence, (Washington,) Mann, Matthews, M'Clure, M'Curdy, Neall, Oaks, Peirce, Price, Proudfoot, Shafer, Shields, Smith, (Berks,) Stoneback, Stuart, Thompson, Thorn, Walborn, Witman, Wiley, Williams, (Bucks,) Williston, Wilson, Woodring and Zoller—45.

So the question was determined in the negative.

Mr. SHEPPARD offered a resolution that the further consideration of House bill No. 182, "An Act to confer on certain associations the powers and immunities of bodies politic and corporate,

&c.," be made the special order for Wednesday morning, March 30th, immediately after the reading of the Journal.

On agreeing to proceed to the second reading of the same,

The yeas and nays were required by Mr. WILSON and Mr. WAGENSELLER, and were as follow, viz:

YEAS—Messrs. Abbott, Boyer, (Clearfield,) Church, Ellmaker, Evans, Fisher, Goepp, Good, Gratz, Hamersly, Harding, Matthews, Neall, Pughe, Rose, Rouse, Sheppard, Smith, (Berks,) Stoneback, Styer, Thorn, Walborn, Witman, Wiley, Williams, (Bucks,) Woodring, Zoller and Lawrence, *Speaker*—28.

NAYS—Messrs. Acker, Barnsley, Bayard, Bertolet, Bryson, Burley, Campbell, Chase, Custer, Dismant, Dodds, Durboraw, Eckman, Fearon, Fleming, Foster, Galley, Glatz, Graham, Green, Gritman, Hill, Hottenstine, Irish, Jackson, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, M'Curdy, M'Dowell, Miller, Nill, Patterson, Peirce, Price, Pinkerton, Ramsdell, Rohrer, Shafer, Shields, Stephens, Stuart, Thompson, Wagenseller, Walker, Warden, Wigton, Wilcox, Williams, (Bedford,) Williston and Wilson—54.

So the question was determined in the negative.

Mr. M'CLURE offered a resolution that for the purpose of considering Senate bill No. 483, "Supplement to an act to exempt property to the value of \$300 from levy and sale on execution and distress for rent, approved April 9th, 1849," this House will hold a session on next Thursday evening, commencing at 7 o'clock; which passed to second reading.

Mr. GOEPP moved to amend by including House bill No. 182, after the above bill shall have been disposed of; which was agreed to; and the resolution as amended was adopted.

Mr. BURLEY, on leave given, read in his place and presented to the Chair, "A supplement to the act incorporating the Nowry railroad company," which, on his motion, was taken up and passed.

Mr. PEIRCE, from the Committee to Compare Bills, made report; which was read.

On motion of Mr. ABBOTT, House bill No. 997, "An Act to reduce the number of aldermen in the Twenty-fourth ward, Philadelphia," was ordered to be placed at the foot of to-day's Calendar.

He also reported as committed, "An Act to authorize the payment of the claim of R. Young, for loss sustained by fire on the Philadelphia and Columbia railroad;" and, on his motion, the same was placed on the Calendar for to-day.

The House receded from its amendments to Senate bill No. 440, "An Act to incorporate the Pittsburg park association."

Mr. WALBORN, from Committee on Railroads, reported as committed, Senate bill No. 678, "An Act to incorporate the Pottsville and Minersville railroad company;" which, on motion of

Mr. BOYER, was placed on to-day's Calendar.

Mr. M'CLURE, (Judiciary,) as committed, Senate bill No. 598, "Supplement to the act incorporating the West Philadelphia passenger railway company;" and, on his motion, was placed on to-day's Calendar.

Mr. IRISH, on leave, read "An Act to amend an act relative to actions."

Mr. HAMERSLY offered a resolution that the committee of conference appointed on the part of the House on the act relative to the guardians of the poor, be instructed to report to this House on Thursday morning next; which was adopted.

Mr. THORN said—

Mr. SPEAKER: I am glad this resolution is before the House, and I thank my colleague,



(Mr. HAMERSLY,) for introducing it, for the reason that I have an opportunity of corroborating the remarks of another colleague, (Mr. GRATZ.) The committee of conference held one meeting about a week since, and adjourned subject to the call of the Senate committee, who, under the rules, have the power to convene us. The committee of this House are anxious to meet and to act, &c. We only await an opportunity, which is dependent upon the will of our friends in the Senate.

Adjourned until 3 o'clock, P. M.

#### HOUSE—AFTERNOON SESSION.

The House was called to order at 3 o'clock. SPEAKER in the Chair.

##### REPORT OF A COMMITTEE.

Mr. WALKER, (Roads and Bridges,) as committed, "An Act to establish a ferry across the Susquehanna river, near the furnace of Beaver, Geddes, Marsh & Co."

On motion of Mr. WAGENSELLER, ordered to be placed on the Calendar.

Mr. BAYARD, on leave given, presented "An Act to incorporate the Pittsburgh Turners association;" on his motion, ordered to be placed on the Private Calendar.

Mr. WITMAN, "An Act to authorize the Washington hose company to sell certain real estate."

Also, "An Act to incorporate the Harrisburg park association."

Mr. IRISH offered a resolution that a session be held this evening, commencing at 7 o'clock, for the purpose of considering bills on the Private Calendar.

Mr. THOMPSON moved to amend by fixing 9½ o'clock for the hour of adjournment.

Mr. KINNEY moved to amend the amendment by adjourning at ten o'clock; which was not agreed to.

On the amendment to adjourn at 9½ o'clock,

The yeas and nays were required by Mr. HAMERSLY and Mr. IRISH, and were as follows, viz:

YEAS—Messrs. Bertolet, Boyer, (Schuylkill,) Bryson, Campbell, Church, Custer, Dismant, Dodds, Durboraw, Galley, Glatz, Graham, Gratz, Gray, Hill, Jackson, Lawrence, (Washington,) Mann, Mehaffey, M'Curdy, Nill, Oaks, Palm, Rohrer, Rose, Sheppard, Shields, Smead, Smith, (Berks,) Stephens, Stoneback, Styer, Thompson, Wagenseiler, Walborn, Warden, Wiley, Williams, (Bucks,) Wilson and Woodring—40.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Burley, Chase, Eckman, Ellmaker, Fearon, Foster, Goepp, Good, Green, Hamersly, Harding, Irish, Keneagy, Ketchum, Kinney, Laird, M'Clure, M'Dowell, Neall, Pinkerton, Price, Proudfoot, Pughe, Ramsdell, Rouse, Shafer, Thorn, Walker, Witman, Wigton, Wiley, Williams, (Bedford,) and Lawrence, *Speaker*—37.

So the question was determined in the affirmative.

The resolution as amended was then adopted.

Mr. GOEPP, on leave given, (from the Committee on the Judiciary System) reported, as committed, Senate bill No. 275, "An Act to authorize the execution of process in certain cases in equity, concerning property within the jurisdiction of the courts on defendants not resident or found therein."

On motion of Mr. SHIELDS, the House proceeded to the consideration of House bill No. 788, "An Act to regulate the standard weight of oats;" and resolved itself into committee of the whole (Mr. GOOD in the Chair) for the purpose.

The bill, after having been amended, passed the committee.

The bill being before the House on second reading.

Mr. FOSTER moved to amend, by inserting the words, "per bushel," after the word pounds; which was agreed to.

And on the question, shall the bill pass,

The yeas and nays were required by Mr. KINNEY and Mr. SHIELDS, and were as follows, viz:

YEAS—Messrs. Acker, Barnsley, Bertolet, Bryson, Campbell, Church, Custer, Dismant, Dodds, Durboraw, Fearon, Fleming, Foster, Galley, Goepp, Good, Green, Gritman, Hill, Hottenstine, Keneagy, Ketchum, Laird, Lawrence, (Washington,) Mehaffey, M'Curdy, Nill, Oaks, Patterson, Pierce, Ramsdell, Rohrer, Shafer, Shields, Stephens, Stoneback, Stuart, Thompson, Wagenseiler, Walker, Warden, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Woodring and Lawrence, *Speaker*—49.

NAYS—Messrs. Abbott, Barlow, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Eckman, Ellmaker, Glatz, Graham, Gray, Harding, Irish, Jackson, Kinney, Mann, M'Dowell, Miller, Neall, Palm, Pinkerton, Price, Proudfoot, Pughe, Rouse, Sheppard, Smead, Smith, (Berks,) Styer, Thorn, Walborn and Wiley—33.

So the question was determined in the affirmative.

The House resumed the second reading and consideration of undisposed bills on Private Calendar of last Tuesday.

An act to annex the buildings of Wm. Bratton to the township of Beale, in the county of Juniata, came up in order, and was passed.

An act to incorporate the Huntingdon County Bank, was read the second time.

On the question, will the House agree to the bill.

The yeas and nays were required by Mr. GRITMAN and Mr. BERTOLET, and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Bayard, Burley, Durboraw, Eckman, Ellmaker, Fearon, Fleming, Galley, Graham, Gratz, Green, Hamersly, Harding, Kinney, Lawrence, (Washington,) Mann, Mehaffey, M'Curdy, M'Dowell, Nill, Patterson, Peirce, Price, Proudfoot, Ramsdell, Shafer, Styer, Thompson, Thorn, Wagenseiler, Walborn, Walker, Witman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson and Lawrence, *Speaker*—41.

NAYS—Messrs. Barnsley, Bertolet, Boyer, (Schuylkill,) Campbell, Chase, Custer, Foster, Glatz, Goepp, Good, Gray, Gritman, Hill, Irish, Jackson, Ketchum, Neall, Palm, Pughe, Sheppard, Smead, Smith (Berks,) Stephens, Stoneback, Stuart, Warden, Wiley, and Williston—28.

So the question was determined in the affirmative.

On the final passage of the bill,

The yeas and nays were required by Mr. GRITMAN and Mr. NEALL, and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Bayard, Burley, Durboraw, Eckman, Ellmaker, Fearon, Galley, Graham, Gratz, Green, Hamersly, Harding, Kinney, Lawrence, (Washington,) Mann, Mehaffey, M'Clure, M'Curdy, M'Dowell, Nill, Patterson, Peirce, Price, Proudfoot, Ramsdell, Shafer, Styer, Thompson, Thorn, Wagenseiler, Walborn, Walker, Witman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson and Lawrence, *Speaker*—41.

NAYS—Messrs. Barnsley, Bertolet, Boyer, (Schuylkill,) Campbell, Chase, Custer, Dismant, Evans, Fleming, Foster, Glatz, Goepp, Good, Gray, Gritman, Hill, Irish, Jackson, Ketchum, Neall, Oaks, Palm, Pinkerton, Pughe, Rose, Sheppard, Smith, (Berks,) Stephens, Stoneback, Stuart, Warden, Wiley and Williston—33.

So the question was determined in the affirmative.

"An Act to provide for the erection of a new county, out of parts of the counties of Crawford, Warren and Venango," came up in order, on second reading.

Mr. ROUSE moved to amend, by adding the following new section; which was agreed to.

SEC. 12. That the provisions of the second and third sections of this act, submitting the question to a vote of the citizens of Crawford county, shall be extended to the citizens of Warren county. That the notices of election shall be given in like manner, and the time of voting shall be the same in Warren county, as provided by the same sections for Crawford county; and if a majority of the electors of Warren county, shall vote against the new county, then this act shall be null and void; which was agreed to.

Mr. RAMSDELL offered the following amendment as section thirteen:

That the provisions of the second and third sections of this act, submitting the question to a vote of the citizens of Crawford county, shall be extended to the citizens of Venango. That the notices of election shall be given in like manner, and the time of voting shall be the same in Venango county, as provided by the same sections for Crawford county; and if a majority of the electors of Venango county shall vote against the new county, then this act shall be null and void.

And on the question,

Will the House agree to the amendment?

Mr. MILLER said he thought the citizens of the country out of which the new county is proposed to be made, should have something to say on the subject. He was in favor of squatter sovereignty. If the House, he said, would wait until the question would be voted upon by the people concerned in the matter, it would defeat the bill altogether.

\* Mr. RAMSDELL. It is not my wish, sir, to take up the time of the House in discussing this bill. If there ever was a bill presented here for the establishment of a new county unsupported and uncalled for, this is the one.

Mr. BOYER, (Clearfield.) I desire to ask the gentleman from Venango, whether he really thinks the bill to incorporate this new county is worse than that relating to Pine county.

Mr. RAMSDELL. Well, I will venture the opinion that Pine county cannot be worse than this. The gentleman from Warren, (Mr. ROUSE,) mindful, as he ever is of the interests of his county, has presented an amendment here, submitting the bill to the vote of the citizens of Warren county; and if it is right that the citizens of Warren county should determine that they shall have a part of their county stricken off, I cannot see why it is that the citizens of Venango county should not have the same privilege. Moreover, the residents of Crawford are to have this matter submitted to them in the ensuing election. But the gentleman is certainly mistaken, when he alleges that the citizens of Venango county request that a part of their district shall be stricken off.

Sir, I have presented petitions or rather remonstrances here, day by day, from my constituents, against the curtailment of their district. So far as I know, without a single exception, they are opposed to this measure, and if the gentleman is in favor of squatter sovereignty, he certainly would be willing to give the same privileges to Crawford, that he gives to any other; and I aver here, that the people in this district protest against this new apportionment of their county.

Mr. MILLER. I do not propose to discuss the merits of this bill at present, and indeed do not desire to occupy the time of the House, but rise for the purpose of making a single remark. I stated, as I understood it to be a fact, that those who lived in the parts of Venango county, proposed to be stricken off, were in favor of the proposition. This is the information I have. The gentleman, (Mr. RAMSDELL,) thinks it as just for Venango that she should have a vote on this question as Crawford. That part of Crawford to be affected by this proposed arrangement, must necessarily have a vote upon



it under the Constitution. The rest of the district does not and should not desire to interfere. They are perfectly willing that the residents of the several townships in interest, shall do just as they please.

Now, the proposition is, to take two hundred and thirty-four square miles off of Crawford county, and we are perfectly willing that they should go. The gentleman from Venango is not willing that sixty-six square miles should be separated from his district, in order to form this new county. But if by adopting his amendment he would consent to cease his hostility to the bill, I do not know but what I might be induced to consent to the amendment, if the gentleman would then consent to the passage of the bill.

Mr. ROSE spoke in opposition to the bill.

Mr. MILLER exhibited diagrams of the proposed county, and further defended the project.

Mr. RAMSDELL said—

MR. SPEAKER:—For the last thirty years, this new county *mania* has periodically raged. Last winter we passed a bill here authorizing the organization of a new county out of parts of Erie, Crawford and Warren. Agreeably to the requirements of the Constitution, the electors of Warren and Crawford counties, at the general election, voted on the question. The former, in a most signal and decisive manner, defeated the project. Nothing daunted, certain constituents of the gentleman from Crawford, (Mr. MILLER) who clings to this pet measure of his with eager tenacity, originate a new scheme, in which, in order to secure the requisite number of square miles, a part of the county of Venango is to be stolen. I say stolen, sir, for I can call it nothing else. Knowing the opposition throughout the county to this movement, they propose to take less than one-tenth part, in order to avoid a submission of the same to a vote of the people. I have taken the trouble to lay a draft of this proposed new county on the desks of most of the members. A reference to that will appeal more eloquently to the judgments of gentlemen than any remarks I can make. It proposes to take a strip off the northern part of our county, three miles wide and fifteen miles long, dismembering three townships and giving our county a figure such as no mathematician, however skilled in figures and angles, might not examine with profit—figures not described in geometry, present their uncommon proportions—neither octagons, pentagons, hexagons, nor rhomboids—angles neither regular, irregular, acute, or obtuse, are here. The county of Venango would present an appearance somewhat like a pair of saddle-bags, a little like a string, and not altogether unlike a Conestoga boat. But enough of this.

Mr. SPEAKER, I place my objections to this bill on other grounds mainly; and first, sir, my constituents, in the district proposed to be stricken into this new county, are opposed to it, or a majority of them. They do not live remote from the county seat, and are accessible to it by good roads. They have remonstrated here against going off in this visionary kite-flying expedition into Marion.

But, sir, what is more important to this Legislature is, the condition in which this county, if erected, will be placed. I need not tell gentlemen that it is contrary to the policy of the State to erect new counties, unless for good and valid reasons. Much as I am opposed to this, it is proper for me to say that there are portions of Venango county which I would consent, under proper circumstances, to have stricken off, not, however, into a little county of ten small townships. Sir, I oppose this bill, after all, mainly because it would be a direct and positive injury to the people in the proposed new county. On this account, if for no other, I trust the House will vote down this bill.

The question recurring,

Will the House agree to the amendment proposed by Mr. RAMSDELL?

It was determined in the affirmative.

And on the question,

Will the House agree to the bill as amended?

It was determined in the negative.

So the bill fell.

"An Act to incorporate the Hestonville, Mantua and Fairmount passenger railroad company," came up in order on second reading.

Mr. ABBOTT moved to amend, by striking out the whole of the first section and substituting a new one in lieu thereof.

Mr. WALBORN moved to amend the amendment, by inserting the names of Messrs. Ellmaker, Ashton and Welsh among the list of incorporators.

Mr. HAMERSLY opposed the amendment proposed by Mr. WALBORN, which was then put, and not agreed to.

Mr. GRITMAN moved to amend the amendment, by adding the name of Asa Brundage; not agreed to.

Mr. HARDING moved to add the following names:

R. L. Taylor, C. T. Jones and C. Paullin; not agreed to.

Mr. ABBOTT'S amendment was then agreed to; and the section as amended was agreed to.

Several other amendments were offered to the bill; which were agreed to.

And the bill as amended passed finally.

"An Act to incorporate the Chemical company of Pennsylvania," came up in order and was again read.

Mr. HAMERSLY moved that the further consideration of the bill be postponed for the present; which was agreed to.

"An Act relating to insurance companies and associations in the city and county of Philadelphia and county of Allegheny," came up in order, and was again read.

Mr. PATTERSON moved that the further consideration of the bill be postponed indefinitely.

Mr. NEALL, stating that he was opposed to the postponement of the matter, said: I wish to meet it fair and square, and am ready to meet it now. I wish to amend the bill, and strike out some of its objectionable features, and call upon the House, as they have done time and again, to consider this bill fairly and vote upon its merits.

Mr. STYER. The motion to postpone indefinitely was made by my colleague to bring the merits of the bill before the House. The second section of this bill provides for the appointment of two commissioners, into whose hands the insurance of Philadelphia fall. They have the power to kill the business of any company. Foreign companies are excepted. Companies with directors or associates selected from the business men of Philadelphia, whose standing is known, are the only ones subject to the provisions of this bill. I look on the bill as only an effort to create a good office for two of the favorites of the judges of the courts, whoever they may be, and find, on talking to some of my own constituents, that they are opposed to all the provisions of it.

Mr. NEALL. I hope the motion to postpone indefinitely will be withdrawn, for the purpose of allowing us to offer amendments to the bill. If, upon a fair discussion, its merits are proven to my satisfaction, and I am convinced of its utility and usefulness, I will vote for it.

Mr. THORN said—

Mr. SPEAKER: I regret exceedingly that I have again to occupy the time of the House; but upon this bill, in which I feel so much interest, I cannot remain silent. When the title was read, the confusion of voices for an indefinite postponement, surprised me; and it was difficult to determine who was anxious to have the honor of hearing his name on the Journal, as having made the motion.

The subject of this bill has long been before the community. Its provisions, I think, are very simple. The wants of the community are so well understood, that to render it of practical utility would be an easy task. I did suppose that gentlemen who lived in the remote portions of the State, and who cannot be interested in the bill, (except so far as its salutary provisions would protect them at home,) would be enabled, while raising their voices in opposition, to have given some reasons for its indefinite postponement.

It hardly needs an argument now, to show that of all the impositions and injuries inflicted upon the people of this Commonwealth, there perhaps have been none more injurious than insurance companies, or rather corporations calling themselves such. Now, what is here designed to be accomplished? Simply, to prevent associations of bad men, such as unquestionably do exist, from taking advantage of the ignorance of those whom necessity compels to insure their property. There is no community, perhaps, either in this State, or any other, that under our loose laws, have less chance to right themselves from swindling operators, than that of Philadelphia; and I doubt whether any other people have suffered as much.

The Legislature of last year passed a bill, which did not receive the executive sanction, for the reasons set forth on the Journals of this House. Now, we have endeavored to conform ourselves to the feelings and desires of the country gentlemen of this House, representing constituents outside of Philadelphia, and have endeavored to prepare a bill that will protect them as well as ourselves, and maintain, to a certain extent, the credit of the insurance companies of the Commonwealth. My colleague (Mr. STYER) says, that in conversation with his business friends and associates, he has heard a universal expression of disapprobation of this measure. He says, too, that he believes the only object of the bill is to supply a certain place for some favorite of the court. Well, sir, I have only to say, that the character and integrity of the judges of the court in whom the power of appointment of commissioners is vested, is unimpeached, and I believe will fully and faithfully perform their duty. The bill necessarily provides a place for some recipient who may not be exactly adequate; but, as this is the case in all our offices, certainly this is not a valid objection.

This bill presents itself on its own merits; and its object is to protect, and not interfere with the business interests of the cities of Pittsburgh and Philadelphia, or those of the people of the State. Now, let me illustrate this. Under the existing laws of the Commonwealth of Pennsylvania, there have been within the last four or five years, insurance companies located in Philadelphia, who have published statements to the effect that they possessed a certain amount of capital, and who have agencies extending all over the United States, and are receiving premiums, who actually never had six cents of *bona fide* capital.

Pending the remarks of the above gentleman, the hour of five having arrived, the SPEAKER adjourned the House until 7 o'clock this evening.

#### HOUSE—EVENING SESSION.

The House met again at 7 o'clock.

SPEAKER in the Chair.

#### INSURANCE BILL.

The House resumed the consideration of House bill No. 674, "An Act relating to insurance companies and associations in the city and county of Philadelphia and county of Allegheny."

The question being on the indefinite postponement of the bill, and Mr. THORN having the floor, he forwarded to the SPEAKER'S



desk resolutions unanimously adopted by the Philadelphia board of trade, in favor of an early passage of the bill now under consideration; which were read by the Clerk.

Mr. THORN renewed his remarks, which had been interrupted by the hour of adjournment of the afternoon session. He recapitulated the arguments then advanced, in favor of the bill, and proceeded as follows:

It was alleged by my colleague (Mr. STYER) that there was in Philadelphia great disapprobation of this bill. I will, as rebutting testimony, forward a copy of the proceedings of the board of trade of the city on this subject. The board, as all my colleagues know, is composed of some fifteen hundred active business men of the metropolis of this State.

Mr. THORN forwarded the paper referred to to the Clerk, by whom it was read.

It contained the proceedings of the board of trade, the members of which unanimously agreed to the bill.

This paper, I suppose, disposes of the question, as to what are the sentiments of the business men of Philadelphia, and shows plainly that they do desire the passage of this bill. There is one other incidental question, and that is, whether the insurance companies themselves favor it. Now I contend it is a matter of very little consequence whether they do or not.

It may be advisable to state what can be proven, and to give facts to show exactly the purpose contemplated by the bill. A certain insurance company located in Philadelphia, that is alleged to be opposing this project, is in exactly this position. They publish in the newspapers that they have assets to the amount of about \$2,000,000, and apparently so they have. But does the community, who go there to pay premiums, know how that capital is accumulated, and to what it is subject, and do the members of this House, and the gentlemen who desire an indefinite postponement, know that there is ninety-five per cent. of that capital, as a trust fund on perpetual policies, and liable to be withdrawn at any moment? Furthermore, is the fact apparent, that the actual paid capital is only four hundred thousand dollars, and that they hold risks to the amount of more than seventy millions of dollars.

This company objected to this bill, because it would make this exposition. Now there is another company in the city of Philadelphia, to all appearances a good one, in even a worse condition. This company holds a mortgage of one hundred and thirty thousand dollars upon about six acres of unimproved real estate, which is subject to a ground rent of twenty-one thousand, and the company has to pay the interest on the ground rent. The property mortgaged is supposed to be worth from five to six thousand dollars per acre, or thirty-six thousand dollars for the whole. Here we have a case where an alleged capital of a company to the amount of one hundred and thirty thousand dollars, based upon a property under a bond and mortgage, that would not realize to the company, if sold, over fifteen or twenty thousand dollars. Where such cases exist, and the one quoted is not a solitary one, can any one question or doubt the propriety of the passage of this bill?

Here we have a case where there is an alleged capital of the company to the amount of one hundred and thirty thousand dollars, which is based on bonds and mortgages that would not realize to the company, if sold, twenty thousand dollars, while that same company publishes that their mortgage and bonds are worth one hundred and thirty thousand dollars.

We have a right to protect the community, and it is our duty. This bill does not invade any corporate rights; it takes away from nobody any privileges; but just lays bare and shows to the world the condition of the insurance com-

panies. It will not affect the company that is solvent, because it only shows its condition; but it will tend to protect the community from imposition, and prevent, under the sacred seal of our State, an association from going all over the world, collecting premiums and putting them in their pocket or spending them in keeping ill regulated offices. When there comes a public calamity, these people walk away and leave honest insurers to seek and ask protection and a return of their money. Will any gentleman on the floor of this House get up and state a single objection to the bill. Is it not fair, when a company comes here and asks us, under the authority of the broad seal of the State, to give them a charter that they may show to the world upon what basis they are acting, that we should do so? Will any gentleman object to that? But some say "this is to create an office and give somebody a place." That may or may not be. They say it gives to some one the power to extort black mail. But, sir, while we are repelling and hurling back those assaults, will we not, at least, believe that honest men will perform their duty? That charge will just as well apply to the President of the United States, to the judges of the supreme court, or to the humblest representative who attempts to perform his duty in this hall. There can be no wise objection to this provision. And then again, the objection will be urged, (for I have to anticipate what I have heard in private conversation, as no one yet has the temerity to oppose the bill,) that we do not want special commissioners. Why, I myself was invited, by the board of underwriters of Philadelphia, to go and hear this bill discussed, after it had been printed in this House. I know not how many men compose this board, but I know that I have met there some eight or nine of the most respectable residents of the city, officers or directors, of what we consider the best insurance companies in Philadelphia. And let me tell you, those gentlemen are just as jealous of one another as can be. They make a line of distinction, and believe certain companies solvent, and certain others insolvent. This board of underwriters, moreover, reject those whom they think are not solvent.

Well, sir, when I went there, and listened to that discussion, they approved the general provisions of this bill to a man, except the subject of special commissioners. They said when any individual found himself swindled, let him make the necessary affidavit, go to the board of special commissioners or Auditor General, and let them examine into the facts of the case. After listening carefully to all their discussions, I made this suggestion to the board—that the only merit in this bill, as it seemed to me, was, that it would give publicity to the true character of the companies, and prevent disasters similar to that of the Pennsylvania Bank failure. I instanced this bank, which was believed by the community, up to two or three days of its open failure, to be as solvent as any other. There was a kind of community of interest that sustained that institution for a certain time, and the people up to three, or two days, of the time when the bank closed its doors, were confiding enough to believe that it was reliable, and its notes remained unchanged in value. Then, what did we behold when the fact burst upon us? If there had been commissioners to go and examine the books of that institution—men who knew how to examine—that capital would have been saved, and perhaps hundreds of families, and thousands of children, who now are in want of an education which was guaranteed to them by the funds held by the bank, would have been enlightened, and not as now, forced to drag a weary and dreary existence through this heartless world.

It is a fact, that we go like unsuspecting mortals, and ask a company to insure our property, without knowing anything of their true

condition. They publish columns and columns in the newspapers, of the amount of their assets; they tell you, sir, they have property valued at hundreds of thousands of dollars, and assets worth millions. *But are they really worth that?* The Mutual company tells you they have premium notes, but they don't tell you whether those notes are worth anything or not.

Gentlemen, it is the province of this Legislature to exercise any prerogative to protect the people in their business. (A voice, it is not.) Some body behind me, says it is not, and it really seems as if this was the case. I do not believe that you can take a public statement, or newspaper article, and so far as any body can understand, (I mean the public who do not learn the minutiae,) and find that it is true.—Some of the insurance companies in Philadelphia, are about the most insolvent of any in the country. Take the condition of those that have wound up within the last five years. What does it show? It says, that when they come to a settlement—when the assets were withdrawn, there was not a single cent's worth of property left them.

It is alleged, that this interferes with some little mutual companies, in and around our city. Let me say that it will not interfere with them. There is one in Roxborough; one in Germantown, and, I think, one in the Twenty-third ward, but it will not effect them at all.

Suppose you and I, Mr. Speaker, determine to insure each other's property. That is, we mutually agree, when one or the other's property is destroyed by fire, we will make up a sufficient sum to re-imburse the unfortunate person in that partnership. Now, if these companies have got nothing, this bill does not effect them. The purpose of this bill is to tell exactly what they have got, and let the world know it. If they have millions of dollars, why not let the fact be known? If they have premium notes to the amount of millions, as their capital, let us see what they are worth.

As regards the value of the securities held by these companies, it is only necessary to think that men who were worth money some days ago, are not worth anything now. The only purpose of this bill is to lay the transactions of these companies bare to the world, and let the fraudulent ones compete with those possessing a *bona fide* capital. One company says, "we have been doing a tremendous business,—dividing twenty-five per cent. per annum; but if you show the world that we have \$150,000,000 worth of risks, we won't get any more." Now, this expose is the only purpose of the bill. If there can be any possible objection to it, let some body urge it. If it is the intention of this House to postpone it, let me suggest that it might as well be settled at once. For myself and my constituents, and appealing to every sense of propriety and justice, I now ask the House whether the bill is not right? I call upon them to express their opinion on the subject. I have done my duty, and care nothing for the result, except so far as my obligations to my constituents shall induce me to care.

He continued further to advocate the passage of the bill, using forcible arguments, and exhibiting an intimate knowledge of the workings of the insurance companies and like corporations throughout the State.

Mr. GOEPP advocated an immediate vote on the subject.

Mr. IRISH said—

Mr. SPEAKER: I agree with the gentleman from Northampton, (Mr. GOEPP,) that time is precious, and do not propose to consume but a single moment. Before the vote is taken, however, to postpone, I desire to say, that although I do not approve of all the provisions of this bill, I am satisfied that something should be done to protect the community from being



swindled by bogus insurance companies. It is well known that it has become a business with a certain class of men to speculate on the credulity of the people, by means of insurance companies having mostly a nominal or fictitious capital, or no capital at all.

They open offices, receive premiums, and as soon as losses or reverses overtake them, pocket the money they have received, and leave the insured to whistle for the money they have paid for insurance, or for the losses against which they may have been insured. What can be fairer, than to require companies asking to be trusted with the custody of millions of property, to show that they are worthy of being trusted? The community ought to know who and what they are dealing with. Whether, when they pay a fair price for having their property insured, there is a reasonable prospect, judging from the resources of the company, that they will get the amount for which their property is insured, should they meet with a loss. This I understand to be the object of the bill; to afford people an opportunity of judging understandingly, what companies are worthy of their patronage, and of weeding out the corrupt institutions which infest our cities, and fatten upon community without serving any good purpose whatever.

There are some things in the bill which I would wish to see amended. I consider the fees for commissioners are larger than they should be, for one thing. I doubt the propriety of prohibiting a company from publishing such other statements, as it may see fit, in addition to the one mentioned in the act. There are other important amendments, which I should like to see incorporated into the bill. I do not wish to discuss them at this time, as there seems to be a desire to postpone the consideration of the bill indefinitely, before we have had an opportunity of offering such amendments as may be deemed necessary, and before it has even been read. I hope the House will proceed to the consideration of the act, section by section, and see if the objectionable features cannot be removed. Let its merits be fairly considered and discussed, at least, before proceeding to dispose of it in this summary manner.

Mr. THORN. I only desire to say what I forgot; that is, that every company incorporated in either of the States of New York or Massachusetts, is subject, by the laws of those States, to an investigation by commissioners, under the provisions of a much more stringent law than this would be. It is this, that if the Philadelphia company intend to establish an agency in New York or Massachusetts, before a license can be issued, or they are allowed to commence business, all their books and papers must be made subject to an exposition by those commissioners, whom the State appoints to investigate the facts.

The question recurring,

Will the House agree to the indefinite postponement of the further consideration of the bill?

The yeas and nays were required by Mr. THORN and Mr. IRISH, and were as follow, viz:

YEAS—Messrs. Abbott, Barnsley, Barlow, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Campbell, Custer, Dismant, Dodds, Durboraw, Fearon, Fleming, Galley, Glatz, Goepf, Good, Graham, Gritman, Hamersly, Hill, Hottenstine, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, McCurdy, Oaks, Palm, Patterson, Proudfoot, Pughe, Rouse, Smead, Smith, (Berks,) Stoneback, Styer, Thompson, Wagenseller, Wigton, Williams, (Bucks,) Woodring and Lawrence, *Speaker*—46.

NAYS—Messrs. Acker, Bayard, Bertolet, Chase, Church, Eckman, Ellmaker, Evans, Fisher, Foster, Gratz, Gray, Harding, Irish, Matthews,

M'Clure, M'Dowell, Miller, Neall, Peirce, Rohrer, Shafer, Sheppard, Shields, Stephens, Stuart, Thorn, Walborn, Walker, Warden, Wilcox, Wiley, Williston and Wilson—34.

So the question was determined in the affirmative.

"An Act to incorporate the Commercial Trust company," came up in order, and was read the second time.

Mr. SHEPPARD moved that the further consideration of the bill be postponed indefinitely; which was agreed to.

"An Act to incorporate the Hydropathic college and institute of Loretto," was again read and passed finally.

"An Act to incorporate the German Reformed and German Lutheran congregations of the Schwartzwald church and cemetery, in Exeter township, Berks county," came up in order and was read the second time.

On motion of Mr. JACKSON, the further consideration of the bill was postponed for the present.

"An Act to incorporate the Carolina steam navigation company," came up in order and passed finally.

"An Act to change the place of holding elections in Union township, Union county," came up in order on second reading and postponed until Monday next.

Mr. KINNEY moved that the House resume the consideration of House bill No. 461, "An Act to authorize the State Treasurer to pay the Towanda bridge company a balance remaining in the treasury, due them, in pursuance of a contract made with the board of Canal Commissioners, July 12, 1856."

Mr. THOMPSON moved to amend by adding the following to the end of the first section:

"Whenever the Attorney General shall file in the office of the State Treasurer, his opinion, that the purchasers of the North Branch canal are not liable for the payment thereof, under the act authorizing the sale of the said canal;" which was agreed to.

The bill was then read the second and third time.

And on the question,

Shall the bill pass?

The yeas and nays were required by Mr. BERTOLET and Mr. STEPHENS, and were as follow, viz:

YEAS—Messrs. Abbott, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Burley, Campbell, Chase, Church, Ellmaker, Fearon, Foster, Goepf, Graham, Gratz, Green, Harding, Irish, Keneagy, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, M'Clure, M'Curdy, M'Dowell, Miller, Palm, Peirce, Ramsdell, Rouse, Shafer, Sheppard, Shields, Styer, Thorn, Walborn, Witman, Wigton, Wilcox, Williams, (Bucks,) Wilson, Woodring and Lawrence, *Speaker*—45.

NAYS—Messrs. Acker, Bertolet, Boyer, (Clearfield,) Custer, Dismant, Dodds, Durboraw, Eckman, Evans, Fleming, Galley, Glatz, Gray, Gritman, Hill, Hottenstine, Jackson, Ketchum, Matthews, Neall, Nill, Oaks, Patterson, Rose, Smith, (Berks,) Stephens, Stoneback, Stuart, Thompson, Wagenseller, Walker, Warden, Wiley, Williams, (Bedford,) and Williston—35.

So the question was determined in the affirmative.

"An Act to reduce the number of aldermen in the Twenty-fourth ward of the city of Philadelphia," came up in order, and was passed finally.

Agreeably to order, the House proceeded to the consideration of bills on the Private Calendar.

Whereupon, the following were taken up, and no objections being made, were laid aside, and prepared for second reading:

Sen. No. 38. "An Act to refund to the West

Chester gas company, the amount of tax overpaid by them into the State treasury."

No. 1022. "An Act to authorize the opening of Seventeenth street, between Francis street and Ridge avenue, in the Fifteenth ward of the city of Philadelphia."

Sen. 338. "A further supplement to an act to incorporate the Conestoga and Beaver Valley turnpike road company, passed 27th March, 1855."

Sen. 561. "An Act to authorize Walter J. Smith to erect a ferry over the Allegheny river at Warren."

Sen. 418. "An Act to authorize the Auditor General and State Treasurer to re-examine the account between the Commonwealth and the president and managers of the Northampton bridge company."

No. 1026. "An Act relative to private alleys in Harrisburg."

No. 1027. "Supplement to the act to incorporate the Valley and Mountain turnpike and plank road company."

No. 1028. "A supplement to an act to incorporate the Washington and Manor turnpike road company, approved the 20th day of April, 1853."

Sen. 332. "An Act to incorporate the Centreville and Pineville turnpike road company."

Sen. 339. "An Act to incorporate the Marietta, Mount Joy, Sporting Hill and Manheim turnpike road company, in Lancaster county."

Sen. 571. "An Act to incorporate the New Ephrata and Litiz turnpike road company."

Sen. 367. "An Act to incorporate the Centre Valley turnpike road company."

No. 1033. "An Act to incorporate the Lampeter and Bridgeport turnpike road company."

No. 1034. "A supplement to an act incorporating the Quarryville and Unicorn turnpike road company."

"Resolution relative to the pay of Clerk's hire."

No. 1035. "An Act to establish a ferry over the Allegheny river at Freeport."

Sen. 472. "A supplement to an act to incorporate the Hartsville and Centreville turnpike road company."

Sen. 407. "An Act to repeal a part of the fourth section of an act to appoint road commissioners to take charge of a portion of the Warren and Ridgway turnpike road, in Elk and Forest counties, approved the 15th day of April, 1858."

Sen. 496. "An Act to repeal the second section of an act providing for the expenses of roads and poor in Pitt township, in the county of Allegheny, approved 21st April, A. D. 1846."

Sen. 475. "An Act to incorporate the Lancaster and Sunhill turnpike road company."

No. 1043. "An Act to incorporate the Pequa and Beaver Valley turnpike road company."

No. 1044. "An Act to alter the road laws in the township of Madison, in the county of Luzerne."

Sen. 216. "An Act to attach Somerset county to the Middle district for the supreme court of Pennsylvania."

No. 1052. "An Act relative to the estate of William B. Smith, late of the city of Reading, Berks county, deceased."

No. 1053. "An Act authorizing the executor of John Wragg, late of the county of Luzerne, deceased, to sell and convey certain real estate."

No. 1054. "An Act fixing the place of holding elections in South Buffalo township, Armstrong county."

Sen. 199. "An Act to incorporate the New Britain turnpike road company."

Sen. 337. "An Act to incorporate the Black Rock bridge company."

No. 1071. "Supplement to an act incorporating the Carbondale and Providence plank road and turnpike company."

No. 1095. "An Act declaring Willow creek,



in Warren and M'Koan counties, a public highway."

Sen. 13. "An Act to incorporate the Hollenback and Hanover turnpike road company."

No. 1097. "An Act to incorporate the Odd Fellows hall association of Thompsonstown, Juniata county."

No. 1099. "An Act allowing the treasurer of Beaver county a credit for certain balances of militia fines collected by him and paid *bona fide* to the uniformed militia for duty done according to law."

#### BILLS OBJECTED OFF THE CALENDAR.

By Mr. BARNESLEY, bill No. 1042, "An Act to lay out a State road in Bucks and Lehigh county."

By Mr. HILL, "An Act, entitled 'Supplement to an act incorporating the Spinnerstown and Goshenhoppen turnpike road company.'"

By Mr. IRISH, "An Act to annul the marriage contract between Horace B. Fry, and Emily L. his wife."

The hour of half-past nine o'clock having arrived, the SPEAKER adjourned the House until to-morrow morning at 9½ o'clock.

#### SENATE.

WEDNESDAY, March 30, 1859.

The Senate met and was called to order at 9½ o'clock, A. M.

The Journal was partly read; when, on motion of Mr. MYER, the reading was dispensed with.

Mr. SCHELL appeared in his seat.

#### REPORTS OF COMMITTEES.

Mr. WRIGHT, (Corporations,) reported, as committed, "A further supplement to the act incorporating the city of Philadelphia."

Also, (same,) as committed, House bill No. 1101, "An Act to repeal the fifty-seventh section of an act regulating boroughs, so far as the same relates to the borough of New Hope, Bucks county."

Also, (same,) with amendment, House bill No. 668, "An Act incorporating the Warwick manufacturing company."

Also, (same,) as committed, "An Act to incorporate the board of directors of the fire department of the city of Philadelphia."

Also, (same,) as committed, "An Act to incorporate the Evangelical Lutheran Synod of Western Pennsylvania."

Also, (same,) as committed, House bill No. 879, "An Act to incorporate the Belle Isle salt company."

Also, (same,) as committed, "An Act to incorporate the Pennsylvania fire insurance company."

Also, (same,) as committed, House bill No. 687, "An Act to alter the general borough law, so far as relates to the borough of Nazareth, Northampton county."

Also, (same,) as committed, House bill No. 943, "An Act to incorporate the German Hall of Arts."

Also, (same,) with amendment, House bill No. 399, "A supplement to the act incorporating the Mutual fire insurance company of Sinking Springs, Berks county."

Also, (same,) as committed, House bill No. 880, "An Act authorizing the Manayunk gas company to consolidate its stock."

Also, (same,) as committed, House bill No. 867, "An Act incorporating the ministers and elders of the United Presbyterian church."

Mr. STEELE, (same,) as committed, House bill No. 454, "A supplement to the act to incorporate the City of Carbondale."

Also, (same,) as committed, House bill No. 981, "A supplement to the act incorporating the Farmers' mutual fire insurance company of Harbor Creek township, in the county of Erie."

Also, (same,) as committed, House bill No.

945, "A supplement to an act to incorporate the Erie City hall association."

Also, (same,) as committed, House bill, No. 827, "An Act to incorporate the Lost Creek iron company."

Also, (same,) as committed, House bill No. 751, "An Act to incorporate the Montour navigation improvement company."

Also, (same,) as committed, House bill No. 858, "An Act to incorporate the South Philadelphia steamboat company."

Also, (same,) as committed, "An Act to incorporate the Philadelphia and Foreign steamship company."

Mr. GAZZAM, (same,) as committed, House bill No. 856, "An Act incorporating the ministers and elders constituting the First United Presbyterian Synod of the west."

Also, (same,) as committed, "A supplement to the act erecting the village of East Birmingham into a borough."

Also, (same,) as committed, House bill No. 673, "A supplement to an act incorporating the Mutual deposit insurance association of Philadelphia."

Also, (same,) as committed, House bill No. 824, "An Act to incorporate the Cambria coal company."

Also, (same,) as committed, "An Act to incorporate the Sewickley cemetery company."

Also, (same,) with a negative recommendation, House bill No. 791, "An Act to incorporate the Delaware and Schuylkill steam tug company."

Also, (same,) as committed, House bill No. 1005, "An Act to incorporate the National Art association."

Mr. SHEAFFER, (same,) with a negative recommendation, "An Act to incorporate the Philadelphia and Pittsburg telegraph company."

Also, (same,) with amendment, "An Act to incorporate the Schuylkill transportation company."

Also, (same,) as committed, House bill No. 928, "An Act to incorporate the Clearfield water company."

Also, (same,) as committed, House bill No. 868, "An Act relating to the Columbia water company."

Also, (same,) as committed, House bill No. 946, "An Act to incorporate the Laporte gas and water company."

Also, (same,) as committed, House bill No. 917, "A supplement to an act regulating boroughs."

Also, (same,) as committed, House bill No. 683, "An Act to incorporate the Protection fire insurance company, to be located in the city of Philadelphia."

Also, (same,) as committed, House bill No. 701, "An Act to incorporate the Hope manufacturing company."

Also, (same,) as committed, House bill No. 1007, "An Act to incorporate the Butler mutual insurance company."

Also, (same,) as committed, House bill No. 990, "An Act to incorporate the North End mutual insurance company of Philadelphia."

Mr. SCHELL, (same,) as committed, House bill No. 692, "An Act to incorporate the Williamsport library association."

Also, (same,) as committed, House bill No. 672, "A further supplement to the act incorporating the Home manufacturing company."

Also, (same,) as committed, "An Act to incorporate the Bordeaux steamship company."

Also, (same,) as committed, House bill No. 825, "An Act authorizing the Bostwick iron company to mine coal, *et cetera*."

Also, (same,) as committed, House bill No. 681, "An Act to incorporate the Drivers' beneficial association No. 1, of the State of Pennsylvania."

Also, (same,) as committed, House bill No.

907, "An Act to extend a certain act relating to mutual, savings fund, land and building associations, in the county of Susquehanna."

Also, (same,) as committed, House bill No. 859, "An Act to incorporate the South-Western market company."

Mr. BELL, (Judiciary,) as committed, "An Act relative to the estate of James Rogers, deceased."

Mr. RANDALL, (Railroads,) as committed, House bill No. 1253, "A supplement to the act incorporating the Philadelphia City passenger railway company."

Mr. STEELE, (same,) as committed, House bill No. 1083, "An Act to incorporate the Chester, Leipsville and Darbyville passenger railway company."

Mr. CRAIG, (same,) with amendment, House bill No. 126, "A supplement to the act incorporating the Second and Third Streets passenger railway company."

Mr. COFFEY, (same,) as committed, House bill No. 753, "An Act to incorporate the Mahoning railroad company."

Also, (same,) as committed, House bill No. 966, "An Act relative to the East Mahanoy railroad company."

Mr. SHAEFFER, from the Committee on Militia, asked that said committee be discharged from the consideration of "An Act to incorporate the Valley Forge Military academy," and that the same be referred to the Judiciary Committee; which was agreed to.

Mr. BLOOD moved that the same committee be discharged from the consideration of House bill No. 806, "An Act authorizing the sale of the armory of the Independent Guards of Fredericksburg, Lebanon county, a disbanded corps," and that the same be referred to the Committee on Estates and Escheats; which was agreed to.

#### BILLS IN PLACE.

Mr. WRIGHT read in his place and presented to the Chair, a bill, entitled "A supplement to the act incorporating the Fairmount Market company."

Mr. PARKER, "A supplement to the act incorporating the Girard College passenger railway company."

Mr. YARDLEY, "An Act providing for the assessment of damages on the Delaware Division canal."

Mr. MYER, "An Act relative to the Towanda and Burlington plank road company."

Mr. RUTHERFORD, "An Act relative to the pay of assessors in Dauphin county."

Mr. BELL, "A supplement to an act relative to bonds issued by Allegheny county for stock in railroad companies."

Mr. FINNEY, "An Act changing the time and place of holding elections in Oil Creek, Crawford county."

Mr. FETTER, "An Act authorizing the sheriff of Mifflin county to appoint William Shimp as deputy."

#### ORIGINAL RESOLUTIONS.

Mr. SCOFIELD offered the following resolution; which (the rule having been suspended) was twice read, considered and adopted:

*Resolved*, That the State Superintendent of Common Schools be requested to inform the Senate what amount of money was paid to county superintendents during the last school year, and what amount, in his opinion, will be required for this year.

Mr. RANDALL moved that the Senate hold a session this evening at 7 o'clock, for the consideration of private bills; which was agreed to.

#### HOUSE AMENDMENTS.

On motion, the Senate concurred in House amendments to "An Act relative to the fees of sheriffs in Crawford county."

House amendments to Senate bill No 607



"An Act supplementary to the several acts relative to the Dauphin and Susquehanna coal company," were read; and

On motion of Mr. GREGG, consideration of the same was postponed for the present.

House amendments to Senate bill No. 257, "An Act to incorporate the Bedford gas company," were concurred in.

#### ORDERS OF THE DAY.

Agreeably to order, the Senate resumed the consideration of the appropriation bill, in committee of the whole, (Mr. WRIGHT in the Chair,) the question being upon the amendment to the twenty-sixth section offered by Mr. TURNEY, viz: to strike out the appropriation of twelve thousand five hundred dollars to the Pennsylvania training school for feeble minded children.

Mr. PALMER said—

Mr. Chairman, the Senator from Westmoreland, Chairman of the Committee on Finance, (Mr. TURNEY,) moved to amend this section, by striking out the appropriation for the completion of the buildings now in progress for the use of the training school for feeble-minded children, but argues that that portion of the section making the usual annual appropriation of four thousand dollars towards the support of the school should stand, and has declared, in the course of his remarks in support of his amendment, that the whole idea of this school is a humbug, that the results have not been and never can be beneficial to any but the salaried officers connected with it, and that it is a positive injury rather than a benefit to its unfortunate inmates. The Senator contends that the minds of the feeble-minded and idiotic of our race, being radically unsound, are not susceptible of cultivation, or if they are, it is only to such extent as will lay bare before the unfortunate possessors the truth of their pitiful, helpless and hopeless condition, and thus render them more miserable. He argues that

"Where ignorance is bliss,  
'Tis folly to be wise."

But if the Senator from Westmoreland is sincere, I greatly wonder that he should agree that the people of the State should be humbugged, the feeble-minded children injured, and the Treasury of the Commonwealth depleted, to the amount of four thousand dollars annually for the support and continuance of this institution. If his premises are correct and his conclusions just, it would be far better for the Commonwealth to withdraw its helping hand altogether, and permit this worse than useless—this positively pernicious institution, to go down—even by positive enactment to blot it out of existence, rather than to continue it. I cannot comprehend the logic of the argument which would dole out from year to year enough money to enable this school to linger along in a sickly existence, and would refuse a sum sufficient to ensure its fair trial and show forth its merit, if it have merit. No, Mr. Chairman, if this institution be a meritorious one, let us deal with it as the Senators of a great State ought to deal with its benevolent organizations—having proper regard to the condition of our treasury and the ability of the Commonwealth, let us appropriate whatever reasonable sum the requirements and necessities of the organization demand for its fair trial and full efficiency. If it be, as the Senator from Westmoreland declared it is, a miserable humbug, practically useless and positively injurious, let us not wastefully add other thousands of dollars to the thousands already wastefully expended.

But, Mr. Chairman, I suspect that in this matter, the Senator's heart is warmer towards this school than his speech would indicate, and that in his zeal in his high place as Chairman of the Finance Committee, to protect the public treasury and economize the public expenditure,

he has spoken in excess of his real views, for the purpose of inducing the Senate to curtail his appropriation. I cannot otherwise understand the apparent contradiction of his position. He agrees that the four thousand dollars annual appropriation is necessary and proper; he has not shown, nor undertaken to show, that the twelve thousand five hundred dollars conditional upon the payment of a like sum, by voluntary subscription of charitable individuals, is not also absolutely necessary for the completion of the buildings now in progress for the use of the school, and for its successful extending operations.

If there is no merit in this institution, the Senate need not fear to make this conditional appropriation. If it is a humbug, no dollar of this conditional appropriation will ever be drawn from the treasury of the State. I say so, because none but a meritorious institution could reasonably expect to command the approval of the charitable and most intelligent (because the most charitable and liberal hearted are the most intelligent,) of the community, and their subscriptions and payments in money to the large amount of twelve thousand five hundred dollars, without which this State appropriation will never be paid. The fact that the friends of this school have agreed that the appropriation may rest upon this condition, is at least evidence of their confidence in its merits before the community, and their success in securing its payment, if they do thus secure it, is also conclusive evidence, to my mind, that it is deserving our aid.

Mr. Chairman, I am compelled to confess to the committee, what I remarked to a Senator near me, during the speech of the Senator from Westmoreland, that his positions and arguments sounded to my ears like a voice from the dark times of five or more centuries ago, when the idiotic and insane of the human race were either neglected, or guarded against by chains, bolts and bars, as circumstances might require so many brute beasts to be treated, according to their respective dispositions. Sir, this and all similar institutions for the amelioration of the condition of the unfortunate, distressed and suffering of our race, spring up necessarily and unavoidably in the pathway of an advancing civilization and enlightenment, and although some may sneer at it as humbug, God and good angels, and all good men, smile approvingly upon such work. What think you, sir, is at the bottom of the magnificent benevolent associations, the Orders of Free Masons, Odd Fellows, Sons of Temperance, Sons of Malta, American Mechanics, and the other myriads of charitable and beneficial organizations, which fill our land like great armies with their banners? Think you it is the outward display of banners and regalia, or the mysteries of the secret ceremonials and mystic rites of their lodge rooms, which thus draw men together and link them in strong ties, so strong as to induce the expenditure of the millions of money annually collected and disbursed by these associations? I tell you nay, it is deeper and broader, and more significant than all outward show or inner mystery of ceremonial. It is the practical embodiment and outshadowing of the spirit of christian love, teaching men that "there is one God, the Father of us all, and all we are brethren." It is the true spirit of our excellent christianity, teaching the common paternity of God, and the common brotherhood of men every where, which, breaking through the formulas of creeds and the formalism of sects, brings men together upon a common platform of universal love, kindness and charity, urges them on to works of benevolence, and commands their active sympathy for the unfortunate of their kind.

See what this spirit has done for the blind, once so dark and helpless—for the deaf and dumb, formerly so fearfully mysterious in their

deprivation of hearing and speech—for the insane, who were treated as wild beasts. Your penitentiaries and houses of refuge, combining moral and religious instruction with active industry, for the entire reformation of criminals and the vicious, attest its power and influence. Magdalen asylums, and hospitals for the treatment and cure of inebriates, restore to society those unfortunates of both sexes, who, given up to the control of the baser passions, were lost to themselves, their families and friends—asylums for indigent widows and single women—homes for deserted and friendless children—hospitals for the reception and relief of the indigent sick—agents for the amelioration of the condition of prisoners—a multitude, too great to be numbered, of these and similar plans of philanthropy, ramifying and extending their operations into every channel, nook and cranny of society, bespeak the presence and activity of universal love of humanity.

To all these, our great State, as in duty bound, has bid God speed; and in many cases, in a spirit of noble liberality, has lent a helping hand; and now, last of all, comes this school for idiots and the feeble-minded of the children of the State; and we are told it is humbug, and that the practical results have not been and never can be commensurate with the amount of money expended, because these idiots are not capable of entire intellectual restoration. I am not prepared to admit this broad proposition to be true, as applied to all idiots and feeble-minded. But what if it were? No more is a large portion of the insane capable of being entirely restored; but is it nothing to have relieved the hopelessly insane from the filthy straw of the dark, unwholesome dungeons in which they were formerly confined; from the strait jacket and the fetters; from the chains, the bolts and iron bars through which they were formerly viewed by the impudently curious, or the tearful eyes of heart-stricken, sorrowing friends; and through which the miserable inmates glared wild defiance, and yelled imprecations upon their real or fancied persecutors? Is it nothing that they have been taken out from these living graves, and have been washed clean and decently clothed, and treated with kindness, and are ruled by the law of love?

It is not denied that at least this much has been done for the amelioration of the condition of these feeble-minded children—they have been raised from the abasement of brutes to assume the outward forms of decent humanity; and in many cases they have been almost, if not entirely, restored, at least so far as to become self-reliant and self-supporting; and I contend, and can demonstrate, that in a mere money point of view, it is economical for the State to lend to the work her aid and support.

If we could imitate some nations of savages, and murder these unfortunates, we could thus rid ourselves and the State of the burden of their support; but as we probably cannot agree to do this, we are compelled to keep them alive, either as an unequal burden upon the charitable, or by equal taxation of the people. These proposed buildings for this school, when completed, are calculated for the reception of at least one hundred and fifty children. If one fourth of these can be rendered self-supporting annually, it would be a fraction over thirty-seven children; who, if they remained hopelessly and helplessly idiotic, at the public charge, would each cost at least one hundred and fifty dollars per annum. This would be five thousand five hundred and fifty dollars per annum, and allowing them an average life of twenty years, would amount to one hundred and eleven thousand dollars, as the economical money saving to the State of each year by this institution, when fully organized and in successful operation.

But he who can reduce this to a mere ques-



tion of money saving must be a colder calculator than myself. Who can weigh the money value of a mind restored, of a soul developed—of the joy and gladness of parents, relatives and friends over a single lost one found?

I cannot consent to pursue the argument further, or to multiply its illustrations. I am informed that the necessities of this institution require for the entire completion of its proposed buildings, on which the State has already expended the sum of forty thousand dollars, the further sum of fifty-five thousand dollars, and that the buildings will then be the cheapest and most economical in the State, in proportion to their capacity. Of this sum the managers ask the Legislature to appropriate twenty-five thousand dollars, upon condition that they shall secure the balance of thirty-five thousand dollars by voluntary subscriptions from the philanthropic citizens of the country, and that this shall be a final appropriation from the State for building purposes. The House bill contained the appropriation required, and I trust it will be restored by the Senate before the bill passes finally, and that it will receive the Executive approval.

The amendment was agreed to, as also, the section as amended, which reads thus:

SEC. 26. For the Pennsylvania training school for feeble minded children, such amount as said institution may be entitled to receive under the provisions of the sixth section of the act incorporating said school, approved the seventh of April, Anno Domini one thousand eight hundred and fifty-three.

The twenty-seventh section being before the Senate, as follows:

SEC. 27. For the Northern Home for friendless children, five thousand dollars: *Provided*, that the said Northern Home for friendless children shall be subject to the provisions contained in the third section of an act, entitled "A supplement to an act to incorporate the subscribers to the articles of association, for the purpose of establishing and conducting an institution for the confinement and reformation of youthful delinquents, under the title of the House of Refuge," approved March twenty-third, one thousand eight hundred and twenty-six.

Mr. SCOFIELD said that, under existing laws, each county had the charge of its own poor. It was manifestly proper that such should be the case, and that the eyes of the people of each particular section should be directed to their own matters. It would not do for Philadelphians to look at Warren county, or for Warren county to direct their attention to Philadelphia. The adoption of these laws was, moreover, necessary for the economical distribution of funds, which were obtained through local influences.

Now, this section provided that the State should, by State tax, take care of a portion of the poor of Philadelphia. The friendless children properly came under the poor law, and should be made subject to the county rule as it at present existed.

Why was it that the city wished to fasten on the State her orphans and widows, when they were properly subjects of her own charity? As well might she demand an appropriation for her poor house. Other counties supported their own residents, and it was both just and equitable that Philadelphia should do the same.

He recollected, last winter, when he was approached by one of the lawyers, sent out by the Northern Home, that he had told a gentleman, distinctly, that the precedent would be a bad one. The sum then asked for was five thousand dollars, and the lawyer, while contending that it should be given, said that the commercial world had suffered a revulsion—private charities had been exhausted—and if the appropriation was made that one year, it would not be again solicited.

He had replied that the precedent would fas-

ten upon the State an annual appropriation, and the present application convinced him that he had been right. If the request was granted this session, it would assume the position of a permanent thing for the future.

Mr. RANDALL favored this appropriation to the Northern Home for friendless children, because the institution was one of the best in the country, and had been referred to by the Governor in his last annual message as entitled to State protection.

As regarded the action of the committee on this section, he might be permitted to say a word. In that committee, there had been no objection urged to individual members against the appropriation. He hoped that the section would pass as it stood.

Mr. WELSH stated that the intimation just given by Mr. RANDALL, that the committee had been unanimously in favor of the section, was incorrect. He had been opposed to the introduction of any of these sections, not because he was opposed to the institutions, but solely on account of their local character. The State should not be made to assist local institutions.

He did not wish to be understood as opposing charitable institutions, but as he had said, he could not agree to the principle of local institutions thus applying and obtaining assistance to the detriment of other sections of the State.

Mr. COFFEY was opposed to the city being allowed to ask the State to support her paupers.

Mr. MARSELIS did not look at the Northern Home as a local institution. It was connected with a State, and was a production of the State. Moreover, many of its inmates derived their origin from the interior counties of the Commonwealth, and were the children of parents who, borne down by the tide of misfortune or error, became victims of poverty. Many of them had been driven from their own counties, where they had been unable to gain a subsistence, and like driftwood came down to the city, the great centre of life.

The people of Philadelphia were taxed highly to support their benevolent institutions, and were daily adding their contributions to this laudable end. The amounts subscribed by the State were mere nothings.

Many of the children, he would repeat, were the offspring of unfortunate parents, who, by high taxes and exacting laws, had been forced from garrets and cellars into almshouses. Who made those laws except the Legislature? Was not that body answerable, to some extent, for the misery thus inflicted?

The Commonwealth received large sums from the city of Philadelphia, and exacted from that metropolis such amounts as doubtless contributed not a little to driving her people to poverty and wretchedness. The least return that Pennsylvania could make was to contribute to the support of her benevolent institutions.

Mr. HARRIS said that he had children, widows and poor people in his own district who required all the relief that could be given.—There was, as a gentleman had already said, a general law making it incumbent upon each county to support its own poor, and as well might he ask the Legislature to aid the poor house in his own district, as for the gentleman from Philadelphia to solicit this appropriation. The citizens of Mercer sustained a poor house by their own individual enterprise.

The question was purely a local one, as was the institution, and for those reasons he should vote against the appropriation.

Mr. SCOFIELD contended that those who went from the country were not victims of poverty, but those who afterwards raised themselves to a proud pre-eminence.

Mr. MARSELIS admitted that this was true to a great measure.

Mr. SCOFIELD again defended those who went from the country to the city.

Mr. MARSELIS utterly denied any intention of reflecting on the honest, industrious class of citizens.

Mr. RANDALL denied that the institution was a local one, and paid a high compliment to its lady officers, who gave their services without recompense.

Mr. SCOFIELD wished to know if it was not private charity from the country, which, to a great measure, sustained the institution.

Mr. RANDALL did not know. He continued explanatory of the institution, and lauded it highly.

The section was not agreed to.

The twenty-eighth section, which is as follows, was negatived:

SEC. 28. For the Penn Asylum for indigent widows and single women, five thousand dollars. The twenty-ninth section was read, as follows:

SEC. 29. For the Orphans' Home at Zelienople, one thousand dollars.

Mr. HARRIS explained the objects of the Orphans' Home at Zelienople.

Mr. BELL hoped that Senators would vote for the measure, and not let their charity be confined to any particular portion of the State. The institution was general in its charities.

Mr. PALMER spoke in favor.

Mr. HARRIS alleged, as had been before stated, that its charities were general and extended.

This section was voted down.

The thirtieth and thirty-first sections were adopted, as follow:

SEC. 30. For the salary of the superintendent of the public printing, eight hundred dollars.

SEC. 31. To Richard J. Haldeman, publisher of the *Legislative Record*, compensation at the rate of seven dollars per page, for the numbers published at the present session, the amount to be certified as due by the superintendent of public printing; and that the fortieth section of an act, entitled "An Act to provide for the ordinary expenses of government and other general and special appropriations," approved twenty-first April, Anno Domini one thousand eight hundred and fifty-eight, so far as it relates to the continuance of the contract, for the printing of a *Legislative Record*, with R. J. Haldeman, be and the same is hereby repealed: *Provided*, That the repeal hereby provided for shall not take effect until at the expiration of the present session.

Mr. RUTHERFORD moved to re-instate the following, which had been stricken out by the Senate committee:

SEC. 32. To each of the fire companies of Harrisburg, now organized and in operation, one hundred dollars.

Mr. GREGG wanted explanation.

Mr. RUTHERFORD said that the Capitol buildings were not fire-proof.

Mr. FINNEY wanted to know whether it was expected that the citizens of Harrisburg would set them on fire.

Mr. PALMER said that there was no adequate protection for the State papers and buildings, and that the sum should be given to the firemen.

Mr. MILLER wished to know what the borough authorities paid firemen.

Mr. RUTHERFORD said, nothing at all, beyond giving them the house, apparatus and hose.

Mr. PALMER said that the sum of one hundred dollars for each company was considered to be the *pro rata* that the Commonwealth ought to pay.

Mr. SHAEFFER strongly advocated the measure, and paid the highest compliment to the Harrisburg firemen—they were men of character and standing.

Mr. YARDLEY should vote for the section, on the ground that it would be actual economy.



Mr. GAZZAM said that the Commonwealth ought to have taken measures years ago to protect the property.

Mr. MILLER said that the Commonwealth had made Harrisburg what it was, and the firemen might at least voluntarily serve.

Mr. FRANCIS would vote for the section, because it was right.

The motion was agreed to.

The thirty-third and thirty-fourth sections were adopted, and are as follow :

SEC. 33. For the preservation and repairs of the capitol, and improvement of the public grounds, the sum of three thousand seven hundred and thirty-one dollars, or so much thereof as may be necessary to be expended for the following purposes : repairs to dome and cornice of capitol building, one hundred and twenty-five dollars; painting dome and cornice of capitol, six hundred dollars; lumber, labor, et cetera, to continue the board walk to front of capitol, two hundred and twenty-five dollars; removing privies in rear of capitol, excavating and completing trench for sewers, including cast iron pipe for same, and constructing the necessary water closets in basement of capitol, one thousand dollars; sewer and water closet at Governor's mansion, three hundred and seventy dollars; for brick and laying pavement on North street, including gutter, sand, et cetera, six hundred dollars; to make extraordinary repairs in and about the public buildings, keeping clean and fitting up rooms in the arsenal to store books, documents, et cetera, eight hundred dollars: *Provided*, That all moneys expended and contracts made, shall be at the direction and under the authority of the Secretary of State and the Auditor General; for the payment of the superintendent and watchman of the public buildings and grounds, two dollars and fifty cents per day for and during the period of his appointment.

SEC. 34. For the payment of the expenses of the committee selected to try the contested election case, from the Third Representative district of Philadelphia, incurred by two sessions held in the city of Philadelphia, the sum of two hundred and seventy-five dollars.

The thirty-fifth section was read, and is as follows :

SEC. 35. That the State Treasurer is hereby authorized to pay John A. Smull, for services rendered the House of Representatives, the same compensation now allowed by law for an transcribing clerk.

Debate ensued between Messrs. BELL, TURNEY and RANDALL.

The section was agreed to.

The thirty-sixth section was considered and adopted.

SEC. 36. That the State Treasurer is hereby authorized to pay the clerks of the Senate and House of Representatives, the amounts necessary to pay the pages and folders employed during the present session, at the rate of one dollar per day each, for the time the Legislature is in session, and the further sum of ten dollars each to said pages and folders, except J. P. Hoffman, and G. H. Lenhart, who shall be paid the same amount as the assistant door-keepers are entitled to by this bill.

The thirty-seventh section was negatived.

SEC. 37. That the State Treasurer is hereby authorized to pay John C. Morgan, Andrew W. Kimmell, William R. Gardy, James Williams, Samuel McDonnell, John D. Reese and John Farrrell, assistant door-keepers, for extra services after night, in and about the Hall, during the present session, one hundred dollars each.

The thirty-eighth was stricken out by the committee.

The thirty-ninth, which is as follows, was adopted :

SEC. 39. That the State Treasurer is hereby authorized to pay George Manley, at the rate of

one dollar and fifty cents per day, for services in cleansing and keeping in order the out-building of the two houses; the actual number of days employed, to be certified to by the Clerk of the House.

The fortieth was amended, on motion of Mr. TURNEY, so as to read :

SEC. 40. That the State Treasurer is hereby authorized and directed to pay Alvin Day nineteen dollars and twenty-five cents, being the amount of a check drawn by the State Treasurer on the Bank of Pennsylvania, in May, one thousand eight hundred and fifty-seven, and dishonored by said bank; and to J. D. Hamilton the sum of fourteen dollars, an amount due on settlement.

The forty-first, forty-second and forty-third sections were adopted, as follow :

SEC. 41. For transcribing for Committee of Ways and Means, to be paid on the order of the chairman, twenty dollars.

SEC. 42. For postage and stationery used in the office of the late Attorney General, sixty-seven dollars and fifty-nine cents.

SEC. 43. That the State Treasurer is hereby authorized to pay the chief clerks of the Senate and House of Representatives, for the expense of indexing journals, one hundred and twenty-five dollars each; and also the sum of one hundred and twenty-five dollars to William H. Miller, Clerk of the Senate, and to Jacob Ziegler, the late clerk of the House of Representatives, each for indexing the journals for the year one thousand eight hundred and fifty-eight.

The forty-fourth being before Senate,

SEC. 44. For the payment of salaries of tonnage agents in full to June first, one thousand eight hundred and fifty-nine, twelve hundred dollars.

Mr. TURNEY moved to amend, by adding the following :

"And the office of tonnage agent is hereby abolished, from and after the first day of June, 1859."

Pending the discussion upon which,

On motion of Mr. WELSH, the committee rose, reported progress, and obtained leave, to sit again this afternoon.

A message was received from the Governor, which was read, as follows :

EXECUTIVE CHAMBER,  
Harrisburg, March 30, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN :—I return herewith to the Senate, where it originated, a bill, entitled "A further supplement to the act to incorporate the Harrisburg female seminary."

It is proposed by the bill under consideration, to exempt "the building and lot of ground, with the appurtenances, occupied by the Harrisburg female seminary, from taxation, so long as the same shall be used and occupied as such seminary."

The building and lot referred to, are private property, held by individual owners, and leased for the purposes of a seminary. To exempt such property from taxation is virtually to add the amount of the annual tax to its rental; but, were it otherwise, and were it certain that the passage of the bill would benefit the institution alone, public policy, in my opinion, forbids its enactment.

As a general rule, all private property in the State should be subject to taxation—and especially, when it is used for private purposes. If an exception be made, it should be general, and embrace all private property similarly occupied. To exempt this particular property from taxation, and to tax property used and occupied in like manner by others, would be unequal, and therefore unjust.

My views on this subject were communicated to the General Assembly at its present session, in returning with my objections a bill passed by

the last Legislature, within ten days of its adjournment, entitled "An Act to exempt certain school property from taxation," to be found on the twentieth page of the *Legislative Record*. Inasmuch as my views remain unchanged, I am constrained, by a sense of duty, to return this bill without the Executive approval, for reconsideration.

WM. F. PACKER.

The bill being again before the Senate, and the question being,

Shall the bill pass, notwithstanding the objections of the Governor?

The SPEAKER ordered the yeas and nays, agreeably to the provision of the Constitution, as follow :

YEA—Mr. Rutherford—1.

NAYS—Messrs. Baldwin, Bell, Brewer, Craig, Fetter, Finney, Gazzam, Gregg, Keller, Marselis, Miller, Nunemacher, Palmer, Peuney, Schell, Scofield, Shaeffer, Steele, Thompson, Turney, Welsh, Wright and Yardley—23.

So the question was determined in the negative.

On leave given, Mr. SHAEFFER, (Corporations,) reported, as committed, "A supplement to the act incorporating the Fairmount market company."

The hour of one having arrived, the SPEAKER adjourned the Senate until 3 P. M.

#### SENATE—AFTERNOON SESSION.

The Senate met at 3 o'clock, P. M.

Agreeably to order, the Senate resumed the consideration of the appropriation bill, in committee of the whole, (Mr. WRIGHT in the chair;) the question being upon the amendment to the forty-fourth section offered by Mr. TURNEY, viz: to abolish the office of tonnage agent; which, after some discussion, was withdrawn by Mr. TURNEY, but subsequently renewed by Mr. BELL, and adopted.

The question recurring upon the section as amended, Mr. SCOFIELD moved further to amend by striking out \$1200 and inserting in lieu thereof \$400; which was not agreed to.

On the question,

Will the committee agree to the section as amended?

It was determined in the affirmative.

The forty-fifth section was amended, on motion of Mr. SCHELL, so as to read as follows:

SEC. 45. That the State Treasurer is hereby authorized to pay each of the regular officers elected under the provisions of the act of 1855 of the Senate and House of Representatives, except the Speakers, one hundred dollars additional compensation, for services rendered during the present session.

On motion of Mr. TURNEY, the forty-sixth section, stricken out by the Senate committee, was re-inserted as follows:

SEC. 46. For the payment of the officers and privates of the first and second regiments of Pennsylvania volunteers, who served in the late war with Mexico, under the provisions of an act to provide for the payment of the first and second regiments of Pennsylvania volunteers, who served in the late war with Mexico, approved the twenty-ninth day of March, Anno Domini one thousand eight hundred and fifty-one, the sum of two hundred dollars.

[Mr. TURNEY presented a communication from the Auditor General in favor of the above appropriation; which was read.]

The forty-seventh, forty-eighth, forty-ninth and fiftieth sections were adopted as follows:

SEC. 47. To William P. Brady, the sum of one hundred dollars for filing the *Legislative Record*, and for services after the expiration of the session, and the pay of said Brady, as an officer of the Senate, shall be the same as that of a transcribing clerk, which shall be duly allowed, settled and paid.



SEC. 48. That there is hereby appropriated one hundred and fifty dollars to be expended by the clerk of the Senate in the purchase of fifteen thousand of Gavit's electrotype envelopes and the stamp for the use of the Senate.

SEC. 49. For transcribing for railroad committee in Senate, to be paid on the order of the chairman, twenty-five dollars.

SEC. 50. That the State Treasurer is hereby authorized to pay to David S. Spear, an officer of the Senate, the same compensation hereby allowed to the messenger and assistant messenger of the Senate.

The fifty-first section, which is as follows, was not agreed to.

SEC. 51. That the State Treasurer is hereby authorized to pay W. S. Picking, the salary of an assistant clerk.

The fifty-second section was adopted.

SEC. 52. That the clerks appointed according to the seventeenth section of the act approved May seventh, one thousand eight hundred and fifty-five, shall be allowed the same rate of mileage as other officers of the Legislature, and at the same rate of compensation as is now allowed to the transcribing clerks by said act, in proportion to the time they shall serve as such.

Mr. BELL offered the following, as the fifty-third section, which he supported at length, reviewing the history, objects and prospects of the Pennsylvania Colonization society, and presenting its claims:

That the sum of two thousand dollars be appropriated for the purposes and in the manner hereinafter prescribed: When the Pennsylvania colonization society shall furnish satisfactory proof to the Auditor General, that any number of free persons of color, residents of this State, and their children shall have been actually transported to the Republic of Liberia, or other place on the northern coast of Africa, or that they shall have embarked for transportation thither, the Auditor General shall draw his warrant on the treasury, in favor of the treasurer of the said Pennsylvania Colonization society, for such sums of moneys as may be necessary to pay the expenses of transporting and sustaining such persons for a limited time on the coast of Africa: *Provided*, That not more than sixty dollars shall be allowed for the transportation and subsistence of any one person above the age of fifteen years, nor more than thirty dollars for any person above the age of two years, and under the age of fifteen.

Mr. GAZZAM replied to the Senator from Chester, giving the reasons which would influence him in opposing this appropriation.

Pending the discussion upon this amendment,

On motion of Mr. WELSH, the committee rose, reported progress, and obtained leave to sit again to-morrow.

House amendments to "An Act to incorporate the Penn industrial reform school," were read; and, on motion, concurred in.

The hour of five having arrived, the SPEAKER adjourned the Senate until this evening at seven o'clock.

#### SENATE—EVENING SESSION.

The Senate was called to order by the SPEAKER at 7 o'clock.

On motion of Mr. FETTER, the Senate resumed the consideration of Senate bill No. 323, "An Act to incorporate the Northumberland and Juniata railroad company," on second reading.

The first section having been read, Mr. WELSH moved to postpone consideration of the bill for the present.

Upon which motion,

The yeas and nays were required by Mr. FETTER and Mr. KELLER, and were as follow, viz:

YEAS—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Finney, Francis, Gregg, Harris, Nunemacher, Palmer, Schell, Schindel, Thompson, Welsh and Cresswell, *Speaker*—16.

NAYS—Messrs. Fetter, Gazzam, Keller, Marselis, Scofield, Shaeffer, Steele, Turney and Wright—9.

So the question was determined in the affirmative.

Mr. GAZZAM called up Senate bill No. 697, "An Act to authorize the State Treasurer to refund to Samuel Baird certain money paid by him."

Said bill passed committee of whole, and came up on second reading.

Upon the merits of this bill, and the legal points connected therewith, a discussion ensued between Messrs. GAZZAM, TURNEY, SCHELL, PENNEY and RANDALL.

Mr. PENNEY offered the following proviso to the first section:

*Provided*, That the counsel fees due the attorneys for the Commonwealth, be first paid out of the amount refunded.

The proviso was not agreed to.

And the question recurring,

Upon the first section,

The yeas and nays were required by Mr. TURNEY and Mr. GAZZAM, and were as follow, viz:

YEAS—Messrs. Brewer, Coffey, Fetter, Finney, Gazzam, Gregg, Harris, Keller, Palmer, Parker, Rutherford, Scofield, Shaeffer, Schindel, Thompson, Wright and Yardley—17.

NAYS—Messrs. Marselis, Miller, Nunemacher, Penney, Schell, Steele, Turney, Welsh and Cresswell, *Speaker*—9.

So the question was determined in the affirmative.

The preamble having been read, Mr. PALMER moved to amend by striking out the words, "as by law he was required;" which was agreed to, and the bill passed finally.

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. YARDLEY, House bill No. 742, "An Act to authorize the appointment of a measurer of paving stones in the city of Philadelphia."

On motion of Mr. FINNEY, House bill No. 931, "A supplement to the act incorporating the Farmers' Mutual fire insurance company of Harbor Creek township, in the county of Erie."

On motion of Messrs. SCOFIELD and FETTER, the Senate re-considered the vote on the final passage of House bill No. 787, "An Act to incorporate the Susquehanna insurance company at Harrisburg," and consideration of the same was postponed for the present.

On motion of Mr. PARKER, the Senate proceeded to consider House bill No. 1253, "A supplement to the act incorporating the Philadelphia City passenger railway company."

Whereupon the Senate resolved itself into committee of the whole, (Mr. FINNEY in the chair.)

After some time, the committee rose; and, on motion, the Senate proceeded to second reading.

The first section being before the Senate,

Mr. WRIGHT appealed to the Senate to vote down this supplement, giving his views in reference to the course of the Legislature on this subject, and deprecating the hurried manner in which the act incorporating this company had been passed.

He was followed by Mr. FINNEY, who was in favor of the immediate passage of this supplement, and who contended that the Legislature had but exercised its right and power in such cases.

Upon the adoption of the first section,

The yeas and nays were required by Mr. WRIGHT and Mr. PARKER, and were as follow, viz:

YEAS—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Fetter, Finney, Francis, Gregg, Harris, Nunemacher, Palmer, Myer, Palmer, Parker, Randall, Rutherford, Schell, Scofield, Shaeffer, Schindel, Steele, Turney, Welsh, Yardley and Cresswell, *Speaker*—26.

NAYS—Messrs. Gazzam, Marselis, Nunemacher, Penney and Wright—5.

So the question was determined in the affirmative.

The second section was agreed to, as also the title.

Upon the final passage of the bill,

The yeas and nays were required by Mr. WRIGHT and Mr. PARKER, and were as follow, viz:

YEAS—Messrs. Baldwin, Blood, Brewer, Coffey, Craig, Fetter, Finney, Francis, Gregg, Harris, Keller, Miller, Myer, Palmer, Parker, Randall, Rutherford, Schell, Scofield, Shaeffer, Schindel, Steele, Turney, Welsh, Yardley and Cresswell, *Speaker*—26.

NAYS—Messrs. Gazzam, Marselis, Nunemacher, Penney and Wright—5.

So the question was determined in the affirmative.

On motion of Mr. RUTHERFORD, the Senate proceeded to consider House bill No. 404, "A further supplement to the act incorporating the Philadelphia and Reading railroad company."

The first section of the bill being before the Senate,

Mr. RANDALL moved to postpone consideration of the bill for the present.

The yeas and nays were required by Mr. RUTHERFORD and Mr. RANDALL, and were as follow, viz:

YEAS—Messrs. Blood, Keller, Marselis, Penney, Randall, Shaeffer, Steele, Turney, Welsh and Wright—10.

NAYS—Messrs. Bell, Brewer, Coffey, Craig, Fetter, Francis, Gregg, Harris, Myer, Nunemacher, Palmer, Parker, Rutherford, Schell, Scofield, Schindel, Thompson and Yardley—18.

So the question was determined in the negative.

The first section being again before the Senate,

Mr. TURNEY moved to amend by striking out the word "Harrisburg," in the twenty-first line, and inserting in lieu thereof, the word "Reading."

The provisions of the bill were discussed by Messrs. RUTHERFORD, SCHELL and GAZZAM, in favor of, and Messrs. TURNEY and SHAEFFER, against.

Pending their discussion, the Senate adjourned until to-morrow morning at 9½ o'clock.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 30, 1859.

The House was called to order at 9½ o'clock, by the SPEAKER.

Prayer was offered by the Rev. G. J. Martz. The Clerk read the Journal of yesterday.

Mr. WITHROW, on leave given, called up House bill No. 551, "An Act to require the Pennsylvania railroad company to change the location of a certain road, in Wayne township, Mifflin county."

The bill was read the second time.

Mr. WALBORN hoped the House would not proceed to the further consideration of the bill, and moved that it be postponed for the present.

Mr. WITHROW defended the bill, and forwarded to the SPEAKER'S desk a paper in relation thereto; which was read.

Mr. PATTERSON said that they asked nothing more than to require the Pennsylvania railroad company to construct a township road under their railroad, just where it was before.

Mr. HAMERSLY said it would involve the expenditure of a great deal of money. He could favor the bill if the principle were applied to all railroads. Under the circumstances,



however, he considered it would be an act of gross injustice to require the Pennsylvania railroad to make this road. If road viewers were asked, he would vote for the bill.

Mr. BURLEY spoke against the passage of the bill.

The motion to postpone was carried.

Mr. IRISH, on leave given, read in place and presented to the Chair, "An Act relative to the claim of George Reider."

Mr. THOMPSON, on leave given, called up House bill No. 1106, "An Act to incorporate the Perry coal and oil company;" which was considered and passed, and sent to the Senate for concurrence.

Mr. WILLIAMS, (Bucks,) on leave given, presented "An Act to incorporate the Philadelphia and New Hope railroad company," and on his motion said bill was taken up, considered and passed, and sent to the Senate for concurrence.

Mr. LAIRD, on leave, called up Senate bill No. 482, "An Act to establish the Penn industrial reform school;" which was considered.

Mr. LAIRD amended the bill, by adding the names of a number of gentlemen as corporators.

The bill was further amended by Mr. LAIRD, and passed its several readings.

On final passage,

The yeas and nays were required by Mr. NILL and Mr. ZOLLER, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Bayard, Bertolet, Boyer, (Clearfield,) Brodhead, Bryson, Burley, Campbell, Church, Custer, Dismant, Durboraw, Eckman, Ellmaker, Fearon, Fleming, Foster, Galley, Glatz, Goepp, Gratz, Green, Gritman, Hamersly, Harding, Hill, Hottentstine, Jackson, Keneagy, Kinney, Laird, Lawrence, (Washington,) Mehaffey, M'Curdy, Miller, Neall, Oaks, Peirce, Proudfoot, Pughe, Quigley, Rohrer, Rose, Shafer, Sheppard, Shields, Smith, (Philadelphia,) Stoneback, Styer, Thompson, Thorn, Warden, Wigton, Wilcox, Williams, (Bucks,) Williston, Withrow, Woodring, Zoller and Lawrence, *Speaker*—62.

NAYS—Messrs. Boyer, (Schuylkill,) Chase, Graham, Nill, Smith (Berks,) and Wilson—6.

So the question was determined in the affirmative.

Mr. BERTOLET, on leave given, called up House bill No. 1272, "A further supplement to an act to authorize the Governor to incorporate a company to make a lock navigation on the river Schuylkill;" which was considered and passed, and sent to the Senate for concurrence.

Mr. ABBOTT, on leave given, read "A supplement to the act incorporating the Ridge turnpike road company."

Mr. BARNESLEY from the Committee to Compare Bills, made report; which was read.

Mr. ECKMAN, on leave given, presented "A supplement to an act to incorporate the North Lebanon railroad company;" which, on his motion, was taken up and considered.

Mr. SMITH, (of Bucks,) called upon Mr. ECKMAN to explain the provisions of the bill.

Mr. ECKMAN forwarded to the SPEAKER'S desk a paper relative to the same; which was read by the Clerk.

The bill then passed

Mr. WILLIAMS, (of Bedford,) on leave given, called up Senate bill No. 184, "A further supplement to the act incorporating the Duane, Landisburg and Broadtop railroad company," and which was considered, and passed finally.

Mr. BALLIET, on leave given, from the Committee on Election Districts, reported, and committed, "An Act changing the place of holding elections in St. Clair township, Bedford county;" which, on his motion, was taken up, and passed finally, and sent to the Senate for concurrence.

Mr. GRAHAM, on leave given, called up House bill No. 1117, "An Act to abolish the office of sealer of weights and measures in Washington county;" which passed finally, and was sent to the Senate for concurrence.

Messrs. McCURDY and GALLEY moved to make the above act applicable to Cumberland and Fayette counties; which was agreed to.

Mr. ROHRER, on leave given, called up bill 380, an act relative to incorporated cemetery companies. The House resolved itself into committee of the whole. (Mr. SHEPPARD in the chair,) for the purpose of considering the same.

The bill passed committee of the whole, and was again read and passed finally, and sent to the Senate for concurrence.

Mr. PEIRCE, on leave given, read an act to incorporate the Downingtown, Brandywine and Piqua railroad company.

Mr. BOYER, (of Schuylkill,) an act to regulate the standard weight of powder, in kegs; which, on his motion, was taken up, considered and passed finally, and sent to the Senate for concurrence.

Mr. MEHAFFEY, on leave given, presented to the Chair the following bills, which were appropriately referred.

"A supplement to an act authorizing the canal Commissioners to investigate certain claims for damages, &c., and fixing the rates of toll to be charged by the Larry's Creek plank road company, approved the 8th day of April, 1851."

Also, "An Act construing the nineteenth section of an act regulating turnpike and plank road companies," approved the 26th day of January, 1849.

Mr. WALBORN, "A supplement to the act to incorporate the North Branch railway company."

Mr. FOSTER asked, but did not obtain leave, to offer a resolution, that the consideration of the Private Calendar be made the special order for to-morrow forenoon.

A message from the Governor was received and read. It is as follows:

EXECUTIVE CHAMBER,  
Harrisburg, March 30, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I return herewith to the Senate, where it originated, a bill, entitled "A further supplement to the act to incorporate the Harrisburg female seminary."

It is proposed by the bill under consideration, to exempt "the building and lot of ground, with the appurtenances, occupied by the Harrisburg female seminary, from taxation, so long as the same shall be used and occupied as such seminary."

The building and lot referred to, are private property, held by individual owners, and leased for the purposes of a seminary. To exempt such property from taxation is virtually to add the amount of the annual tax to its rental; but, were it otherwise, and were it certain that the passage of the bill would benefit the institution alone, public policy, in my opinion, forbids its enactment.

As a general rule, all private property in the State should be subject to taxation—and especially, when it is used for private purposes. If an exception be made, it should be general, and embrace all private property similarly occupied. To exempt this particular property from taxation, and to tax property used and occupied in like manner by others, would be unequal, and therefore unjust.

My views on this subject were communicated to the General Assembly at its present session, in returning with my objections a bill passed by the last Legislature, within ten days of its adjournment, entitled "An Act to exempt certain school property from taxation," to be found on the twentieth page of the *Legislative Record*.

Inasmuch as my views remain unchanged, I am constrained, by a sense of duty, to return this bill without the Executive approval, for re-consideration.

WM. F. PACKER.

Mr. GOEPP moved that the rules be suspended, and that the House resume the consideration of House bill No. 182. "An Act to confer on certain associations of citizens of this Commonwealth the powers and immunities of corporations and bodies politic in law, and to confirm charters heretofore granted."

Mr. GRITMAN called for the division of the question.

And on the question,

Will the House suspend the rule?

The yeas and nays were required by Mr. GOEPP and Mr. CHASE, and were as follow, viz:

YEAS—Messrs. Acker, Balliet, Barlow, Custer, Dismant, Durboraw, Eckman, Ellmaker, Fearon, Fleming, Goepp, Good, Gratz, Gray, Hamersly, Harding, Hill, Hottentstine, M'Clure, Neall, Nill, Peirce, Price, Ramsdell, Shafer, Sheppard, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stoneback, Stuart, Styer, Thorn, Walborn, Witman, Wilcox, Wiley, Williams, (Bucks,) Williston, Wilson, Withrow, Woodring, Zoller and Lawrence, *Speaker*—44.

NAYS—Messrs. Barnesley, Bryson, Burley, Campbell, Chase, Dodds, Foster, Galley, Graham, Gritman, Irish, Jackson, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, McCurdy, M'Dowell, Miller, Oaks, Palm, Patterson, Proudfoot, Pughe, Quigley, Rose, Rouse, Smead, Stephens, Thompson, Wagenseller and Warden—33.

So the question was determined in the negative; two-thirds not voting in the affirmative.

GENERAL BANKING LAW.

Agreeably to order, the House resumed the consideration of Senate bill No. 18, "An Act to establish a general banking law."

Mr. NILL withdrew his motion to postpone indefinitely the further consideration of the bill.

The question recurring,

Will the House agree to the amendment proposed by Mr. WALBORN—which was to choose the superintendent of the banking department in the same manner as the State Treasurer is now chosen.

Mr. WALBORN. I offered that amendment because I believed it to be the best and most peaceable way of electing a superintendent of banking. If, sir, this Legislature is allowed to select a man for that office, I believe there would be more fairness in the selection of a man of known financial ability for this very important post. If we allow this man to be elected by the people, there will be a continual scramble by every politician who desires the position, whether he has any financial talent or not. The Legislature would be more particular in the selection of this person than a convention, merely got together for this purpose, could be.

Mr. MILLER. I hope this amendment will not prevail. There is no better nor fairer way of electing any officer than by the people.

I think there is just as much danger of corruption and undue influence being used in the Legislature as in a political convention.

Mr. WILEY. When a certain bill, some weeks ago, was before the House, my colleague on my right (Mr. WALBORN) opposed that bill because it took from the hands of the people the election of certain officers. He is now advocating just the reverse of what he held at that time.

Mr. WALBORN. At the time to which the gentleman alludes, we were called upon to pass a bill providing for an appointment by the judges of the courts. I mean the appointment of the guardians of the poor. This is a different case from that. Here we are called upon to vest the



power of appointment of a person, who shall have the distribution of a vast amount of money, in the Legislature; and I ask this House to determine that they shall take upon themselves that power.

The question on the amendment being put, it was not agreed to.

Mr. WALBORN moved to insert the words: "and the loans of the United States."

Mr. NEALL moved to insert the words: "and loans of the city of Philadelphia;" which was not agreed to.

Mr. GOOD. I hope this amendment will not carry. If it does, I will be forced to vote against the bill.

On the motion of Mr. WALBORN,

The yeas and nays were required by Mr. FLEMING and Mr. GOOD, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barlow, Campbell, Chase, Church, Dodds, Fearon, Glatz, Goepp, Graham, Gritman, Hamersly, Harding, Keneagy, Ketchum, Kinney, Laird, Mann, Mehaffey, M'Clure, M'Curdy, Miller, Palm, Patterson, Price, Proudfoot, Pughe, Rose, Shafer, Sheppard, Smead, Styer, Thompson, Wagon seller, Walborn, Walker, Witman, Wileox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston and Zoller—45.

NAYS—Messrs. Barnsley, Bertolet, Brodhead, Custer, Dismant, Durboraw, Fleming, Foster, Galley, Good, Gray, Green, Hill, Hottenstine, Irish, Jackson, M'Dowell, Neall, Nill, Oaks, Peirce, Rohrer, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Warden, Wilson and Withrow—30.

So the question was determined in the affirmative.

Mr. WILSON moved to amend in the thirteenth section to strike out the word "loan" and insert "debt."

The amendment was not agreed to.

The question recurring on the section as amended, it was agreed to.

Mr. FLEMING moved to strike out in the fourteenth section, the word "debt" and insert "loan;" which was not agreed to, when the section as amended, was agreed to.

In the twentieth section, Mr. THOMPSON offered the following amendment; which was agreed to:

That no person or association of persons, shall be permitted to commence or carry on the business of bankers, under this act, in the cities of Philadelphia and Pittsburg, unless its capital stock shall be at least \$250,000, nor in any other portion of the State, unless its capital shall at least be \$25,000.

Mr. WALBORN moved to strike out the words "two hundred and fifty" and insert "one hundred;" which was not agreed to.

Mr. GOEPP moved to postpone the further consideration of the bill for the present.

Mr. WOODRING moved to postpone the bill indefinitely.

On the motion of Mr. WOODRING,

The yeas and nays were required by Mr. GRITMAN and Mr. WILCOX, and were as follow, viz:

YEAS—Messrs. Balliet, Barnsley, Bayard, Bertolet, Boyer, (Clearfield,) Brodhead, Burley, Custer, Dismant, Durboraw, Eckman, Evans, Fearon, Fleming, Galley, Glatz, Gray, Hill, Hottenstine, Jackson, Mehaffey, M'Curdy, M'Dowell, Nill, Oaks, Proudfoot, Rohrer, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stoneback, Stuart, Walker, Warden, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow and Woodring—40.

NAYS—Messrs. Abbott, Acker, Barlow, Boyer, (Schuylkill,) Bryson, Campbell, Chase, Church, Dodds, Ellmaker, Fisher, Foster, Good, Graham, Gratz, Green, Gritman, Hamersly, Harding, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Matthews,

M'Clure, Miller, Neall, Palm, Patterson, Peirce, Pughe, Ramsdell, Rose, Rouse, Shafer, Sheppard, Smead, Stephens, Styer, Thompson, Thorn, Wagon seller, Walborn, Witman, Wileox, Wiley, Williston and Lawrence, *Speaker*—50.

So the question was determined in the negative.

The question recurring on the motion of Mr. GOEPP.

The yeas and nays were required by Mr. GRITMAN and Mr. IRISH, and were as follow, viz:

YEAS—Messrs. Acker, Balliet, Barnsley, Bayard, Bertolet, Boyer, (Clearfield,) Bryson, Custer, Dismant, Durboraw, Eckman, Evans, Fearon, Galley, Goepp, Gray, Hill, Hottenstine, Irish, Jackson, Mehaffey, M'Clure, M'Dowell, Nill, Oaks, Peirce, Price, Quigley, Rohrer, Shields, Smith, (Berks,) Stuart, Walker, Warden, Williams, (Bedford,) Williams, (Bucks,) Wilson, Woodring and Zoller—39.

NAYS—Messrs. Abbott, Barlow, Boyer, (Schuylkill,) Brodhead, Burley, Campbell, Chase, Church, Dodds, Ellmaker, Fisher, Foster, Glatz, Good, Graham, Gratz, Green, Gritman, Hamersly, Harding, Keneagy, Ketchum, Kinney, Laird, Mann, Matthews, Miller, Neall, Palm, Patterson, Proudfoot, Pughe, Ramsdell, Rose, Rouse, Shafer, Sheppard, Smead, Smith, (Philadelphia,) Stephens, Stoneback, Styer, Thompson, Thorn, Wagon seller, Walborn, Witman, Wigton, Wileox, Wiley, Williston, Withrow and Lawrence, *Speaker*—53.

So the question was determined in the negative.

On the twenty-first section, Mr. SHEPPARD moved to strike out the amendment of the gentleman from Butler, (Mr. THOMPSON,) and insert the words—"to allow banking in the rural districts on one hundred thousand dollars;" which was not agreed to.

Mr. GOEPP. I have not yet heard any reason suggested, why any individual shall not be allowed, provided he possesses the requisite amount of stock, to do business in banking, upon just so much amount of capital as he desires. You allow him to deal in dry goods, and embark in any other business; yet, in this you say he shall not embark, unless he has a certain amount of capital. It is urged, on the other side, that a bank with twenty-five thousand dollars would not be a profitable concern. Let that be referred to the people. Men are not apt to embark in an unprofitable business; and if they find, that with a capital of twenty-five thousand dollars, they cannot make any profit, they will not be long engaged in it. If we are to have a free banking law, let us have it on the principle of supply and demand. I do not approve of these artificial restrictions which can only tend to restrict trade. This bill provides that any person who deposits United States stock may embark in this business. If this be so, then why not leave the individual embark in the business as he thinks best. Why should you restrict the man in straitened circumstances from engaging in this business, while his more fortunate neighbor may go into it, and make money out of it. There is another matter here which I do not understand, and about which, I would like to have information.

This section we are now considering, goes on to say, that the capital stock shall be paid in gold or silver coin, or their equivalent, and so on. I do not understand the clause, and frankly confess the fact. It is very unintelligible, and I would be obliged to the friends of the bill, to tell me if it means anything. You allow an individual to go into this banking business, and yet you tell him he must pay twenty-five per cent. of his capital. To whom does he pay it? There is nobody to pay it to but himself, and he might pay it to himself to his own satisfaction.

Mr. HAMERSLY. I rise just to suggest to

the friends of this bill, they have not time to discuss it, and they should take a vote as soon as possible.

Mr. McCLURE. I desire simply to say, that while I shall vote for any well digested free banking law, I shall vote for no law that will allow a bank to be organized with a capital of less than one hundred thousand dollars. If this amendment does not prevail, I shall vote against the bill.

The question on the amendment being then put, it was not agreed to.

The section, as amended, was agreed to.

In the twenty-third section, Mr. THOMPSON offered the following proviso; which was agreed to.

*Provided*, That all notes presented for payment as aforesaid, by any person or corporation, at one time, or by any person for him or them, shall be included in a single protest: *Provided*, That the notary public making such protest, shall be allowed — cents for each note included in such protest, in addition to the fees now allowed for protesting a bill of exchange.

Mr. STEPHENS moved to amend, by offering the following proviso, to come in at the end of the forty-first section:

*Provided also*, That the provisions of this act shall only extend to those banks whose charters expire from time to time, and such other banks as the Legislature may see fit to establish, as the wants of the community may require; which was not agreed to.

The bill, as amended, was then agreed to.

And on the question,

Will the House suspend the rule and read the bill the third time by its title?

The yeas and nays were required by Mr. EVANS and Mr. NEALL, and were as follow, viz:

YEAS—Messrs. Abbott, Barlow, Bryson, Burley, Campbell, Chase, Church, Dodds, Fisher, Foster, Good, Graham, Gratz, Green, Gritman, Hamersly, Harding, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Matthews, M'Clure, Miller, Palm, Price, Pughe, Ramsdell, Rose, Rouse, Sheppard, Smead, Smith, (Philadelphia,) Styer, Thompson, Thorn, Walborn, Witman, Wileox, Williston and Lawrence, *Speaker*—43.

NAYS—Messrs. Acker, Balliet, Barnsley, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Custer, Dismant, Durboraw, Eckman, Evans, Fearon, Fleming, Galley, Glatz, Goepp, Gray, Hill, Hottenstine, Irish, Mehaffey, M'Curdy, M'Dowell, Neall, Nill, Oaks, Peirce, Proudfoot, Quigley, Rohrer, Shafer, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Wagon seller, Walker, Warden, Wigton, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Woodring and Zoller—47.

So the question was determined in the negative.

The hour of one having arrived, the SPEAKER adjourned the House until this afternoon at 3 o'clock.

#### HOUSE—AFTERNOON SESSION.

The House was called to order at 3 o'clock.

Mr. PUGHE, on leave given, presented the following acts:

"An Act to incorporate the trustees of Jenkins township, Luzerne county."

"An Act to incorporate the trustees of the borough of Pittston, Luzerne county."

On motion of Mr. PRICE, Senate bill No. 475, "An Act to incorporate the Lancaster and Sunhill turnpike road company," was taken up and passed finally.

Mr. IRISH, on leave given, presented an act entitled "A supplement to the act erecting the village of East Birmingham into a borough."

Ordered to be placed on the Private Calendar. Mr. BARNESLEY, "An Act to authorize the



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 67

Auditor General and State Treasurer to re-examine the account of the Bustleton and Feasterville turnpike road company," and moved a suspension of the rules to consider the same; which was not agreed to.

Mr. BRYSON moved the rules be suspended, in order to proceed to the consideration of House bill No. 215, "An Act relating to the taking of depositions."

Not agreed to.

## BILLS ON THIRD READING.

Agreeably to order, the House proceeded to the consideration of bills on third reading.

House bill No. 57, "An Act relative to Chat-ham and Tioga streets, Philadelphia," came up in order and was passed finally.

House bill No. 202, "Resolution relative to the payment of certain moneys into the State Treasury by the Manufacturers' and Mechanics' Bank of Philadelphia."

The question being,

Will the House agree to the motion to reconsider the vote by which said bill was passed? It was determined in the negative.

House bill No. 221, "An Act for the registration of births, marriages and deaths in the city of Philadelphia," came up in order and passed.

House bill No. 855, "An Act confirming the report of a re-view in Northumberland county," came up in order and passed.

Mr. M'CLURE moved that the vote had on the final passage of the above act be reconsidered. He was under the impression that its provisions were in direct violation of the law.

Mr. HOTTENSTINE said—

Mr. SPEAKER: In reply to the gentleman from Franklin, (Mr. M'CLURE,) I will say that the object of the passage of this bill is solely to confirm the report of the views finally and conclusive, for the reasons set forth in the preamble. And further, I would say, if I dare to believe the opinions of an able and experienced attorney, (Mr. Lawson,) of our county, that the court has power to vacate said road. And further, Mr. SPEAKER, I suppose the court would not have granted the re-view, did it not hold the same opinion. And, for the information of the House, I would state that the gentleman from Montour is correct, so far as relates to the act under which this road was laid out; but the first act relative to the same road in dispute, was passed in 1853, and the commissioners appointed in said act reported negatively. I would ask the gentleman from Montour, whether there are not now three roads running part of the way from Milton to Limestoneville, parallel, not more than two hundred and fifty rods apart at the farthest distance? and if I did not, on Friday previous to my reading this bill in place, tell him that some of my friends desired me to try to get said report confirmed by act of Legislature, on account of saving much labor and expense to the farmers living along said road, because the fences were merely temporarily made, and some fields entirely opened, and would not dare to do it until finally confirmed by the court, which could not legally take place until August term? And now, he certainly had two weeks time to get information, and prepare himself sufficiently for the final passage of the bill; and therefore he certainly ought not to complain that it was again sprung upon him to-day unexpectedly. And the people of my township are almost unanimously opposed to it; and if, to take the whole number of the citizens of our

county, nine out of ten would be opposed to the road; and it is entirely located in our county, and therefore I hope will pass; and he has received petitions from Limestone township, Montour county, containing only one hundred and fifteen signers, not half (as I suppose,) the number of taxables of said township. Also, one from Milton, Northumberland county, containing one hundred and fifteen signers, not half the taxables of said borough, and not one, so far as I know, from the township in which I live, in which the road is entirely located. He is also correct that I am opposing it on account of the expense accruing to our county and township, and I think I am safe to say that it would cost our county three thousand dollars damages at the very lowest calculation, if the damages would be assessed as high in proportion, as has been the case heretofore, besides the cost of building fences and the making of the road.

Mr. OAKS said—

The gentleman from Northumberland, (Mr. HOTTENSTINE,) took advantage of my being absent on last Saturday morning, to spring this bill. It was, I may state, the only time that I was out of my seat during the session, and then only, because I did not believe that there would be a quorum in attendance.

Now, sir, an act passed at the session of 1856, appointing commissioners to lay out a road from Limestoneville, in Montour county, to Milton, in Northumberland county. The commissioners met agreeably to law and surveyed the road. The people of Northumberland county refused to open the road until last fall, when they were compelled to take action and open it.

Now, sir, the people of Northumberland county, had this matter before the Legislature at the two last sessions, and failed to get the law repealed, and now, sir, I hope that the House will not pass this bill.

The road laid out some sixty or one hundred years ago, will not answer the purposes of the present day. It is contracted and hilly. The farmers of our section raise large quantities of grain, which is transported to Milton, and the new road is necessary for their use.

The gentleman from Northumberland, (Mr. HOTTENSTINE,) has said that I signed a petition in favor of the road. This is true in a measure.

But the gentleman should have recollected that I was then in a different position from now. Then, I was merely a private individual. Now, representing a constituency equal, if not superior in intelligence to any in the State, I have other and higher duties.

I conclude with the hope that this bill will not pass.

The motion to reconsider was carried.

The question again recurring, Shall the bill pass?

It was determined in the negative.

Senate bill No. 122, "A further supplement to an act to view and lay out a State road in Lancaster and Chester counties," came up in order on final passage.

Mr. ACKER moved that the House go into committee of the whole for the purpose of special amendment, as follows:

That Amos S. Henderson, of Lancaster county, Jonathan Roberts and Archemedes Robb, of Chester county, be, and are hereby authorized, to audit the accounts of the commissioners

named in the act to which this is a supplement, and ascertain and determine the sum or sums of money to be paid to them for work done under authority of the said act, and present to its directors; and that the supervisors of the townships through which the road passes, are hereby authorized to lay and collect a tax for the payment of the said sum or sums of money, the expense of said audit to be paid jointly by the parties interested.

Mr. ELLMAKER said—

Mr. SPEAKER: I believe I have occupied the time of this House about as little probably as any other member upon this floor, in the different debates that were had during the session; and, I must confess, I feel loath to trespass upon the time of the House now, at this important stage of the session.

But, sir, I believe I would be false to the position I occupy as a member of this body, as well as recreant to the duty I owe the Senator from Lancaster, (Mr. BALDWIN,) who is my immediate constituent, if I did not urge the immediate passage of this supplement.

Why, Mr. Speaker, the act creating these commissioners was urged and passed by citizens of Chester county alone, Lancaster county having no show or lot in the matter. Dr. Dickey, a man well known all over this State as one of the most distinguished citizens of Chester county, had charge of this bill, and through his instrumentality the bill became a law, passing this branch of the Legislature by a vote of 53 to 4.

I ask the attention of the House whilst I read a single section empowering these Commissioners to lay out and construct a State road, and also the supplement giving the power to the Commissioners to lay and collect a tax.

Now, Mr. Speaker, is it not plain that the original act contemplated that a majority of these Commissioners should lay and collect the taxes accruing from the making of this road? Yet, sir, from the fact that the word majority having been inadvertently omitted.

I ask, sir, would it be right, that the gentlemen from Chester should prevent the passage of this supplement, when all that is asked in the supplement is, that the majority should proceed to collect the taxes accruing from the laying out of this road? There can be nothing wrong in that—there can be no advantage taken in it. They require these accounts should be audited by the township auditors, who are elected by the people of the respective townships through which the road passed. Is not that right?

Why, sir, when this supplement was before the Senate, the able and distinguished Senator from Chester did not raise his voice against it. Is it not fair to presume that, if this bill was such an outrage upon the citizens of Chester county, that the Senator from that county would have been apprised of it, and endeavored to prevent its passage, through that body? But, sir, he understood no such thing; when asked concerning it, he said it was right.

Yet, sir, the gentleman from Chester would have us believe that this is an enormous outrage upon the rights of the citizens of Chester county. Why, they are responsible for the act. It originated with them, and through them these commissioners were appointed. And now, sir, they want this Legislature to let the commissioners father the expenses, after these commissioners have carried out their instructions from the Legislature. Is there a member upon this floor that would be so ungrateful as that?



Why, Mr. SPEAKER, the original act contemplated all that we ask in this supplement. Yet, sir, the gentlemen from Chester have persisted in retarding the passage of this supplement, with a pertinacity and zeal that would be worthier of a more righteous and holier cause. I hope, therefore, that the supplement will pass without amendment.

Mr. ACKER said—

Mr. SPEAKER:—This amendment is so manifestly right and just, that I do not think it necessary to enter into a discussion of the question; it will and must commend itself to the good sense of the House. Mr. Henderson is known to us all, as a gentleman of ability and integrity. Messrs. Roberts and Robb are equally respectable—live remote from the scene of contention, and would undoubtedly act impartially and fairly. And it seems to me, sir, that there must be something wrong in the accounts of the estimable gentleman who is urging this bill, if he fears this investigation.

Mr. SHAFER said—

Mr. SPEAKER:—The gentleman from Luzerne, (Mr. GRITMAN,) alleges that the people of Chester county refuse to pay the obligations that are resting upon them for the construction of this disputed road. Now, I would call the attention of the gentleman to the purport of the amendment submitted by my colleague, (Mr. ACKER,) which provides emphatically for the auditing and collection of this amount claimed by these commissioners. Now, if the claim is strictly fair, just and proper, why fear a candid and impartial investigation by the gentlemen here named; one being a prominent citizen of Lancaster county, and personal friend of the commissioners most interested in the passage of this supplement, and the other two gentlemen are entire strangers, and disinterested in this project. Now, this very refusal, on the part of the gentleman from Lancaster, to a proposition so fair and reasonable, throws around the claims of these gentlemen a slight degree of suspicion.

Mr. PEIRCE said—

Mr. SPEAKER:—I did not intend to make any further remarks on this bill. But the speech of the gentleman from Luzerne seems to make it necessary for some one to reply. Now, Mr. SPEAKER, I am at a loss to understand the great interest this gentleman seems to take in this matter. I can assure him that his speech proves conclusively that he misapprehends the whole question. The amendment offered by my colleague, is entirely clear of the objection brought against it. It is not in the least liable to the interpretation put upon it. The gentleman charges "that the people of Chester county are unwilling to pay for this road, now that these commissioners have it finished, although they are very willing to use it." The gentleman again proves that he knows nothing at all about this road. I can inform him that if he would visit our county and attempt to ride over this same road, he might find himself unable to do so, and be about in the same fix as one of the commissioners, who attempted to travel this great road, and stalled at the very first grade he came to. After this experiment, the gentleman from Luzerne could tell more about it, and then would have a right to be fully heard on this floor. The other gentlemen who have spoken on the same side, have failed to meet our amendment; they have failed to show wherein it would not be proper; but have satisfied themselves alone with charges against the people I have the honor in part to represent, because, forsooth, they ask but simple justice.

We made no charges against the gentlemen who represented our county in 1857, and who, it is stated, introduced this original bill. We are fully satisfied that they did what they believed to be their duty. But why is it that the commissioners named in that act are not satis-

fied with the original bill? They are the party who are complaining, and are not satisfied to stand by their agreement. It is them, and them alone, that come here year after year, asking and begging for additional legislation to get themselves out of difficulty. During the very session that the original bill passed, these same men had a supplement passed, giving themselves the right to lay and collect the tax. By that act the people are ready and willing to stand. We are not here asking for legislation to rid ourselves of those acts of the Legislature. By them we are willing to stand. Although every man will admit that this same bill and supplement are entirely too loose in their provisions; they give entirely too much power to these commissioners. We are not now about to complain, neither should these gentleman who voluntarily accepted to act under its provisions.

Mr. ELLMAKER desired to ask the gentleman from Chester a question. How would the matter have been if one of the commissioners had died?

Mr. PEIRCE. I can answer the gentleman very readily. The position of things, Mr. Speaker, would have been about as they are now. There would have been but two commissioners left. When one of the commissioners refused to act—which is the history of this case—the remaining two should have proceeded, in accordance with the provisions of the bill, and had the vacancy filled by the appointment of a third person. But, in direct violation of law, they proceeded to act. Therefore all this difficulty.

I assure you, Mr. Speaker, if this supplement does pass it cannot and will not accomplish the object these commissioners desire. It is well calculated to delay the settlement of this whole matter. The only way to settle the difficulty properly is to have the accounts of these men properly audited, as provided for in the amendment of my colleague. Nothing could be fairer than this, and I am surprised that any gentleman should oppose this mode of compromise. If this is to be voted down, as there seems to be a determination to do, and every other reasonable offer refused, all I have to say is, go ahead, gentlemen. You can never satisfy an honest community that your bill is right, or ought to be complied with. I am surprised that gentlemen on this floor should insist upon this unheard of mode of settling a difficulty. The idea that this difficulty between the tax-payers of West Calm and Sadsbury townships and the two commissioners is to be settled by leaving the whole matter to these two men, making them not only witnesses to their own case, but also judge and jury, is decidedly cool. Now, Mr. Speaker, I leave this whole matter, having done what I consider my duty in opposing this supplement, and am now willing to let those take the full responsibility who are determined to pass this thing.

Mr. NILL offered the following amendment, as a substitute for the amendment proposed by Mr. ACKER; which was accepted by that gentleman as a modification.

*Provided*, That the said commissioners, before proceeding to collect the tax, shall enter into a bond to pay over to the supervisors of the respective townships in which said tax is assessed, all moneys collected by them, over and above what is necessary to defray the expenses incurred in making said road; which was accepted as a modification, and the bill as thus amended was passed.

The bill as amended, passed finally.

"An Act to incorporate the Towanda and Wappasseva railroad company," came up in order.

On motion of Mr. KINNEY, Senate bill No. 685 was substituted for the same; which was passed finally.

"An Act relative to the expenses of collecting taxes in Fayette county," came up in order;

and, on motion of Mr. GALLEY, postponed for the present.

"An Act to abolish the board of health of the city of Philadelphia," &c., came up; and, on motion of Mr. CHURCH, indefinitely postponed.

"An Act relating to the collection of State and county taxes in Luzerne county, and for other purposes," came up in order; and, on motion of Mr. KETCHUM, indefinitely postponed.

"An Act authorizing the widening and extension of Market street, Bloomsburg," came up in order; and, on motion of Mr. JACKSON, was postponed for the present.

"An Act to change the place of holding elections in Union township, Union county," came up in order; and, on motion of Mr. WAGENSELLER, postponed for the present.

#### BILLS ON SECOND READING.

"Resolutions relative to the granting of pensions to soldiers of the war of 1812," came up in order; and, on motion of Mr. THOMPSON, indefinitely postponed.

"An Act to increase the pay of jurors and witnesses in Northampton county," came up in order; and, on motion of Mr. GOEPP, indefinitely postponed.

"A supplement to the eleventh section of the act passed March 27, 1819," came up in order; and, on motion of Mr. FOSTER, postponed for the present.

"An Act repealing part of an act declaring Big Sandy creek a public highway," came up in order and was passed.

"An Act to authorize the judges of the several courts of common pleas of Pennsylvania, to reserve points of law and to order judgments of non-suit."

On agreeing to the bill,

The yeas and nays were required by Mr. WILSON and Mr. NEALL, and were as follow, viz:

YEAS—Messrs. Abbott, Bayard, Boyer, (Schuylkill,) Burley, Chase, Church, Custer, Dismant, Ellmaker, Foster, Glatz, Goepp, Good, Graham, Gratz, Gritman, Hamersly, Hill, Hottenstine, Jackson, Keneagy, Mann, Matthews, M'Clure, M'Curdy, M'Dowell, Nill, Palm, Patterson, Peirce, Price, Quigley, Shafer, Sheppard, Smith, (Berks,) Smith, (Philadelphia,) Stonehack, Thompson, Walker, Wigton, Wilcox, Wiley, Williams, (Bedford,) Woodring and Lawrence, *Speaker*—45.

NAYS—Messrs. Boyer, (Clearfield,) Brodhead, Campbell, Eckman, Fleming, Laird, Neall, Oaks, Rohrer, Rose, Shields, Wagenseller, Warden, Williams, (Bucks,) Wilson and Withrow—16.

So the question was determined in the affirmative.

On the final passage of the bill,

The yeas and nays were required by Mr. WAGENSELLER and Mr. WITHROW, and were as follow, viz:

YEAS—Messrs. Abbott, Bayard, Boyer, (Schuylkill,) Bryson, Burley, Chase, Church, Custer, Dismant, Durhoraw, Eckman, Fisher, Foster, Glatz, Goepp, Graham, Gratz, Hamersly, Hill, Irish, Jackson, Lawrence, (Washington,) Mann, Matthews, M'Clure, M'Curdy, M'Dowell, Nill, Palm, Price, Prondfoot, Quigley, Ramsdell, Shafer, Sheppard, Smith, (Berks,) Smith, (Philadelphia,) Stuart, Styer, Thompson, Warden, Witman, Wilcox, Zoller and Lawrence, *Speaker*—45.

NAYS—Messrs. Campbell, Fleming, Galley, Good, Gray, Green, Laird, Neall, Patterson, Stephens, Stonehack, Wagenseller, Walker, Wigton, Williams, (Bucks,) Williston, Wilson and Withrow—18.

So the question was determined in the affirmative.

"An Act declaring the streets and alleys in Roberts' addition to the borough of Cattawissa, in Columbia county, to be public highways," came up in order, and was passed.

"An Act releasing George S. Jamison, col-



lector at Blairsville, from the payment of money due the Commonwealth," came up in order; and, on motion of Mr. WOODRING, postponed for the present.

"An Act erecting the counties of Clearfield, Jefferson and Elk into a new judicial district, to be called the Twenty-sixth," came up in order.

Mr. RAMSDELL moved that the further consideration of the bill be postponed for the present.

Mr. ROSE moved to amend by postponing the bill indefinitely.

On the motion,

The yeas and nays were required by Mr. CHURCH and Mr. WILCOX, and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Custer, Dismant, Durboraw, Eckman, Fisher, Graham, Irish, Kinney, Mann, Matthews, M'Clure, M'Curdy, M'Dowell, Miller, Nill, Patterson, Peirce, Ramsdell, Rose, Rouse, Shafer, Smead, Thompson, Wagenseller, Walker, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson and Withrow—37.

NAYS—Messrs. Bertolet, Boyer, (Clearfield,) Brodhead, Burley, Church, Ellmaker, Fleming, Foster, Galley, Glatz, Goepf, Good, Gray, Green, Gritman, Hamersly, Hill, Hottenstine, Jackson, Keneagy, Laird, Lawrence, (Washington,) Mehaffey, Neall, Oaks, Palm, Price, Proudfoot, Rohrer, Sheppard, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Styer, Walborn, Warden, Witman, Wigton, Wilcox, Wiley, Woodring, Zoller and Lawrence, *Speaker*—46.

So the question was determined in the negative.

The motion to postpone for the present was not agreed to.

Mr. ROSE opposed the passage of the bill at some length.

Mr. M'CLURE set aside all political motives. Judge Burnside did not desire his district dismembered, neither did Judge White. Burnside did not sit six weeks in the year.

Mr. WILLISTON contended that there were already too many districts in the State.

Mr. RAMSDELL alleged that there were political reasons concerned.

Mr. KINNEY rose to reply to the gentleman from Mercer. The gentleman had appealed to the political prejudices of the majority of this House to vote down this bill. He regretted that an attempt should be made to create or annihilate a judicial district on political grounds, and he would assure the gentleman that it was the very last argument that would induce him to vote against the district. The attempt to annihilate the Wilmot district last winter had been referred to as a precedent. He had too much respect for the high-minded Democrats holding seats on this floor, who had the courage to denounce that political outrage last winter, to now strike a blow at their contemplated district on political grounds. He should probably vote against the bill, but it would be because it is unnecessary, and not because it would result in placing a Democrat on the bench.

Mr. BARLOW entered his protest against the measure.

Mr. BOYER, (Clearfield,) said—

Mr. SPEAKER:—It is, of course, with extreme reluctance, that I now rise to claim, even for a few moments, the indulgence of this House, for I had intended, after the few remarks on the question to postpone this matter indefinitely, to submit the question to the House, purely on the merits which it wears on its face, and trust to the magnanimity of the House for its decision, rather than detain it by anything like argument, in support of this proposed new district; but the many broadsides which it has received from gentlemen on this floor, urges the necessity of my saying something in reply to the gentle-

men who have deemed it their duty to assail this bill in the manner they have been pleased to do. My friend from Mercer, in his zeal to redress certain political grievances, is certainly very unkind in his strictures upon the causes which, in his opinion, actuate the friends of this bill, and I have only to say that they never have, and never will, neither here nor elsewhere, consent to make this a party question, however much he may insist upon characterizing it as such. The gentleman from Franklin, in his feeling of opposition to this measure, appears to forget the statistical part of this question, as it was called to his attention on a former occasion, during the present session; for he again commits the error of classing this as the smallest district in the State, when he, no doubt, well knows that facts prove the contrary.—It is needless for me to again reiterate what I have already on a former occasion said, that instead of making this the smallest district in the State, as that gentleman represents, it will have some three or four under it, while it still leaves the Tenth district, from which it takes Elk county, with ten thousand and four hundred taxable inhabitants; and leaves the Fourth district (which is Judge White's district,) still larger than the Twenty-sixth, &c, instead of its now being the smallest in the State, as the gentleman from Franklin, (Mr. M'CLURE,) would have us believe. To the gentleman from Centre, who enters his protest against having Clearfield stricken off from Judge Burnside's district, I have only to say that we desire to enter our solemn protest to remain any longer attached to Centre county. Judicially, our interests are entirely at variance with each other. As a people we have little or no communication. The Allegheny mountains, which run directly between us, cuts us off from all intercourse of a business character with the people of Centre county. Theirs is strictly an agricultural county, while ours is a lumber county; and consequently, our interests cannot be identical, as they should be, to preserve harmony between us.—Of the people of Centre county, I say nothing, for I know nothing about them; but this I do know, and that is, that the people in my county desire to be stricken off from Centre county, and to have this new district made.

One word, sir, with reference to the proposition of the gentleman from Franklin, to relieve Judge McCalmont from the arduous duties which his large district imposes on him, which is to strike off Forrest from his, (Mr. McCalmont's) district, and attach it to Judge White's, and Jefferson to Judge Burnside's. Now, sir, in regard to the labor of Judge White's district, I know nothing; but so far as Judge Burnside is concerned, the proposition is simply absurd; for in our county we get (either through Judge Burnside's piety or something else, for he will not travel on Sundays,) about fourteen days court in the year. This, I am told, is a very liberal estimate, for the Judge never reaches Clearfield (our county seat,) until Monday evening, and not unfrequently until Tuesday afternoon, and the courts almost universally adjourn on Friday noon; thus rendering it impossible almost to give the business of our courts that attention which they require at the hands of the presiding officer, although it must be admitted that Judge Burnside possesses great legal ability, and is unusually prompt and expeditious in the discharge of the business of the courts.

Now, Mr. Speaker, I appeal to the good sense of this House, to its integrity and dignity, to suffer no partizan considerations to influence members in casting their votes on the final passage of this bill, but to meet the question fairly and candidly, consider its merits—for it really has merit—and then if they cannot cast their votes in favor of the bill, I, at least, will feel no reason for complaint. We do not ask this dis-

trict from partizan motives, nor do we ask it on account of the heavy population which the district contains, for it must be admitted that there are many larger districts in the State, where the business of the courts are discharged with the utmost dispatch, and where no delay occurs only such as through the uncertainty of the law are unavoidable; but what our district lacks in population it makes up in area of miles, and this is what causes the great inconvenience and consequent delay in the business of our courts; for with the facilities we have for traveling, and the great distance from one place of holding courts to another, together with the kind of roads to be traveled over, it is utterly impossible for our judges to give the legal business of the district that attention which they should, and this is why we ask this new district, and I sincerely hope the magnanimity of this House will grant us this humble request.

Mr. CHURCH considered that politics should not be brought into the question. He favored the bill.

Discussion further ensued between Messrs. ROSE, M'CLURE, RAMSDELL and CHURCH.

Mr. M'CLURE moved that the House go into committee of the whole for the purpose of striking out Elk county; which was not agreed to.

Mr. RAMSDELL moved to go into committee of the whole for the purpose of striking out Jefferson county; which was not agreed to.

On the final passage of the bill,

The yeas and nays were required by Mr. ROSE and Mr. WILCOX, and were as follows, viz:

YEAS—Messrs. Boyer, (Clearfield,) Brodhead, Burley, Church, Evans, Fleming, Foster, Galley, Glatz, Goepf, Good, Gray, Green, Gritman, Hamersly, Hill, Hottenstine, Jackson, Keneagy, Laird, Lawrence, (Washington,) Mehaffey, Neall, Oaks, Price, Proudfoot, Rohrer, Sheppard, Shields, Stephens, Styer, Walborn, Warden, Wigton, Wilcox, Wiley, Woodring and Lawrence, *Speaker*—38.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Campbell, Chase, Custer, Dismant, Dodds, Durboraw, Eckman, Fearon, Fisher, Graham, Gratz, Harding, Irish, Ketchum, Kinney, Mann, Matthews, M'Clure, M'Curdy, M'Dowell, Miller, Nill, Palm, Peirce, Quigley, Ramsdell, Rose, Rouse, Shafer, Smead, Smith (Berks,) Smith, (Philadelphia,) Stoneback, Stuart, Thompson, Thorn, Wagenseller, Walker, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow and Zoller—51.

So the question was determined in the negative.

Mr. HOTTENSTINE said—

My reason for voting for the new judicial district was because the gentleman from Mercer, (Mr. ROSE,) who acknowledged that he had brought in a bill at the last session for the same purpose, and was defeated, and it seemed to me that his violent opposition was somewhat tinged with retaliation, or else he should not have referred to the few Democrats who voted against indefinite postponement, impugning their motives as being purely politically; which I, for one, positively deny, because able arguments have been made for and against the bill by members of his own party.

Mr. M'CLURE moved that the House reconsider the vote by which the House approved of the report of the committee relative to the expenses in the contested election case of the Third representative district, Philadelphia.

And on the question,

Will the House agree to the motion?

A motion was made by Mr. M'CLURE, that the same be postponed for the present.

Mr. GOEPP asked, but did not obtain leave, to introduce a resolution, that bills in which the



House has made progress be the first thing in order this evening.

On motion of Mr. QUIGLEY, the SPEAKER adjourned the House until this evening at 7 o'clock.

#### HOUSE—EVENING SESSION.

The House re-assembled at 7 o'clock.

Mr. M'CLURE asked and obtained the unanimous consent of the House to have returned to him for correction the report of the committee (approved by the House) on the expenses of the Third representative district contested election case.

Mr. FOSTER, on leave given, introduced "An Act, entitled 'A further supplement to an act to incorporate a company to erect a bridge over the Allegheny river opposite Pittsburg.'"

On his motion, ordered to be placed on yesterday's Calendar.

Mr. LAWRENCE, (Washington,) on leave given, from the Committee on Banks, reported as committed, "An Act to authorize the Auditor General to cancel any balance standing open against the Lebanon Bank in his office on dividends of said bank."

On motion of Mr. ECKMAN, ordered to be placed on yesterday's Calendar.

Mr. KETCHUM, on leave given, from the Committee on Railroads, reported with a negative recommendation, "An Act to require the Little Schuylkill coal navigation and railroad company to fence their road, for the protection of property in Schuylkill county."

On motion of Mr. GRATZ, the House resolved itself into committee of the whole, (Mr. WILEY in the chair,) on Senate bill No. 275, "An Act to authorize the execution of processes in certain cases in equity, concerning property within the jurisdiction of the court or defendants not resident or found therein."

The bill was read and passed committee of the whole.

The bill being before the House on second reading,

Mr. NILL moved the postponement of its further consideration for the present; which was not agreed to.

The bill passed to third reading, and being on final passage, on motion, the further consideration was postponed for the present.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor; which was read, as follows, viz:

EXECUTIVE CHAMBER,  
Harrisburg, March 29, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following acts of the General Assembly, viz:

On the 28th inst., "An Act to incorporate the Ridge Avenue and Manayunk passenger railway company."

On the 29th inst., "An Act to empower John Ranson to put a sheer boom in the Loyalsock creek."

"An Act to incorporate the Sunbury gas company."

"An Act for the payment of certain moneys by the school directors of Williams township, Northampton county."

"A supplement to the act to incorporate the Perrysville, East Waterford and Waterloo plank road company, approved the 18th day of April, 1853."

"An Act to incorporate the trustees of the Young Men's Christian building association of Philadelphia."

"An Act to lay out a public road from Shoemaker's mill to the borough of Muncy, in Lycoming county."

"An Act relative to the assessment of taxes in the township of Thornbury."

"An Act authorizing the commissioners of

Adams county to sell and convey certain real estate."

"An Act to incorporate the United Presbyterian congregation of Unity church, of Venango township, in the county of Butler."

"An Act to revive and extend the act incorporating the Zieglerstown and Kutztown turnpike road company."

"A supplement to the Willow Street turnpike road company."

"An Act to incorporate the Delaware County passenger railroad company."

"An Act to grade, curb and pave Main street, in the town of Myerstown, Lebanon county."

"An Act to incorporate the Industrial Home for girls."

"An Act to incorporate the Chester steamboat company."

"An Act for the better regulation of the Mercer County, Shenango Valley, Montour County and Allegheny County agricultural societies."

"An Act to incorporate Douglassville and Yellow House turnpike road company."

"An Act to incorporate the Hanover gas light company."

"A supplement an act to incorporate the president and managers of the Belmont avenue and plank road company, approved the 8th of April, 1853."

"A supplement to the act whereby the dock coal company was incorporated under the act of Assembly of 7th of April, 1849, entitled 'An Act to encourage manufacturing operations in this Commonwealth, and the several supplements thereto.'"

"An Act to incorporate the Mutual fire insurance company of Annville, Lebanon county."

"A further supplement to the act incorporating the Donaldson improvement and railroad company, approved 5th day of May, A. D. 1841."

"A further supplement to an act to incorporate the Mercer and New Castle railroad company."

"An Act to prevent fishing with nets, seines and set-nets in the East Conococheague creek below the borough of Chambersburg, on the lands owned by Bernard Wolff and William Heyser, known as the Holywell paper mill property."

"An Act to change the place of holding elections in Piney township, in the county of Clarion."

"An Act to incorporate the Roxborough Odd Fellows' Hall association."

"A supplement to the act incorporating the Patterson, Johnstown, Peru Mills and Concord plank road company, approved the 18th day of April, 1853."

"An Act relating to public roads in Snyder and Juniata counties."

WM. F. PACKER.

On motion of Mr. IRISH, the House concurred in Senate amendments to House bill No. 576, "A supplement to the act to incorporate the Western transportation company."

On motion of Mr. THORN, the House took up, and passed finally, Senate bill No. 399, "An Act requiring railroad companies to make uniform report to the Auditor General."

#### SPECIAL ORDER.

Agreeably to order, the House proceeded to the consideration of bills, which were made the special order for this evening.

Whereupon, the House resolved itself into committee of the whole (Mr. IRISH in the Chair,) on House bill No. 333, "An Act to prevent frauds at elections," as follows:

WHEREAS, The purity of the ballot-box is indispensable for the security of the rights and the free and full expression of the will of the people:

And whereas, Experience has clearly demonstrated that gross frauds are practiced at elections in this Commonwealth, destructive alike

of the morals of our citizens and the stability of our institutions; therefore, to suppress such alarming evils, tending to the overthrow of free government; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* in elections, by the citizens of this Commonwealth, no person shall be entitled to vote, who, having been an alien, has not been naturalized, in conformity with the laws of the United States, at least six calendar months before the election at which he offers to vote, and who is not otherwise qualified, according to the constitution and laws of this Commonwealth.

SEC. 2. That as the only evidence that such alien has been naturalized as aforesaid, he shall produce a certificate thereof, under the seal of the court where such naturalization took place, made out and dated at least six calendar months before the election at which he offers to vote, except such person shall have resided in the ward, district or township, for ten years or upwards next preceding such application to vote, which residence must be known to at least one member of the board of election officers; in which case the oath of such applicant shall be *prima facie* evidence of such naturalization.

SEC. 3. That it shall be the duty of the inspectors of elections, on the production of such certificate as aforesaid, to examine the same; and on the request of any qualified voter present, who is known as such, to require the evidence by the oath of a known qualified elector, that the applicant to vote is the identical person named in such certificate of naturalization, and to note the name of the person who makes such oath on the list of voters.

SEC. 4. That the inspectors of elections shall not permit any person so naturalized as aforesaid, to vote without the production of such certificate as evidence of his right to vote, save he has resided in the district ten years, in accordance with the provisions of section second, when they may receive evidence by oath as is therein provided.

SEC. 5. That it shall be the duty of the inspectors, on the production of such certificate as aforesaid, and the examination thereof, carefully to retain and keep the same until twelve o'clock meridian of the next day succeeding such election, when, or as soon thereafter as can be conveniently done, such certificate shall be restored to the owner thereof, unless in the meantime an affidavit should be made by a qualified elector before some alderman or justice of the peace, that there is just reason to suspect that such certificate of naturalization is forged, or has been fraudulently obtained or used at such election; in which case it shall be the duty of the inspectors to retain the said certificate until an investigation can be made, or in case of a contested election or criminal prosecution in relation thereto, until the same can be produced in evidence therein.

SEC. 6. That no person, otherwise duly qualified, shall be permitted to vote unless he produce a receipt for the payment of State or county tax within two years, and give satisfactory proof by his own oath, or that of another, that he has paid such tax; and if the said tax is a personal tax or assessed on personal property and paid within twenty days immediately preceding the election at which he offers to vote, he shall produce the receipt for the payment of the same with such satisfactory evidence as aforesaid; on failure to produce a receipt in the case of a tax on real estate, or paid more than twenty days before such election, he shall make oath to the payment thereof.

SEC. 7. That it shall be the duty of the inspectors, on the production of the receipt for such personal tax so paid, within twenty days immediately before such election, to examine



and carefully keep the same until twelve o'clock meridian of the day next succeeding such election, when, or as soon thereafter as may be convenient, they shall return the same to its proper owner, unless in the meantime an affidavit should be made before an alderman or justice of the peace that there is good ground to believe such receipt to be false, fraudulent or forged, or that the same was fraudulently used at such election, in which case it shall be the duty of the said inspectors to retain such receipt and produce it in evidence in case of contested election, or criminal prosecution.

SEC. 8. That it shall be the duty of the collector of taxes or other officer entitled by law to receive taxes, to whom a personal tax or tax on personal property is paid which would entitle the person paying the same to vote at any election in this Commonwealth, to express on the face of his receipt for the same, when such tax is paid, within twenty days of the time of such election, the place of residence of the person so paying such tax, and, if in a city, the name of the street or alley, and the number of the house, and, if the house is not numbered, the name of the cross street nearest thereto, with the name of the township, ward, precinct or district in which he is entitled to vote; and it shall be the duty of such tax collector or officer to keep a book or register, in which he shall enter such tax so paid, the name of the person paying, and the district in which he is entitled to vote, with the name and number of his house, if he resides in a city; and he shall, on demand of any citizen, furnish a copy of any entry therein on payment of the sum of one cent for every ten words therein contained; and no person who has paid such tax, being otherwise qualified, shall be entitled to vote in any other district or precinct than that so expressed in the said receipt, unless he has bona fide changed his residence to another election district or precinct, so as to have become entitled to vote therein under existing laws.

SEC. 9. That it shall be the duty of the inspectors of election in each and every ward of the city of Philadelphia, when they meet as is now provided by law, for the purpose of adding to the list of taxable inhabitants prepared by the assessor, the names of such citizens as are constitutionally qualified to vote, carefully to inquire whether the person who asks to have his name so added to the said list is constitutionally qualified to vote; and for that purpose they shall require the same evidence as is herein required, and as is required by existing laws to prove at the general election that the person so applying is qualified to vote; and it shall furthermore be their duty when they so add the name of a citizen so constitutionally qualified as aforesaid, to give him a certificate thereof, in which it shall be stated the ward and precinct, the name of the street or alley, and the number of the house, if the house has such number, or in case the house has no number, the name of the nearest cross street to the house in which he resides, which certificate such citizen shall produce when he offers to vote on such extra assessment, and without which evidence his vote shall not be received at such election; and the said certificate shall, on being so produced, be retained and restored by the inspectors for the time and in the manner as is provided for the receipt for the payment of personal tax as aforesaid.

SEC. 10. That it shall be the duty of the court of common pleas or any judge thereof, upon the application of ten citizens, alleging, under the oath of one or more, that they are apprehensive of frauds in any election district, to select and authorize at least three persons to be present with the officers of the election, in such district, during the election for which they shall be so selected, and at the preparation of the tally paper, and while the said officers are

making out and signing the returns of such election; and the persons so selected, shall keep a list of the voters voting thereat, noting thereon whether the voter was challenged or objected to or not; the reason of such challenge or objection, and the name of the witness examined; and it shall also be lawful for either of the persons selected, as any other citizen might do, to object to a person offering to vote, and to require the investigation of such objection; and the officers of such election in such election districts, are required to afford to the persons so selected and authorized, every convenience and facility for the discharge of their duty; and if the said officers shall refuse to permit the persons selected and authorized as aforesaid, to be present and perform the duties aforesaid, such refusal shall be evidence of fraud in conducting said election, in such district, and shall be sufficient to set aside the same; and the persons so selected shall be paid the same amount and in the same manner as is now provided for the payment of the judges and inspectors of elections.

SEC. 11. That if any officer or officers, required to perform any duty or duties, by the provisions of this act, shall neglect or refuse to discharge the same, he or they so offending, shall be deemed and adjudged guilty of a misdemeanor in office, and on conviction thereof, shall be fined any sum not exceeding one hundred dollars, and undergo an imprisonment, in the discretion of the court, for a period of not less than thirty days nor more than one year.

SEC. 12. That the provisions of this act shall be, in addition to the existing laws for the regulation and conducting of elections, except where the same are herein altered or supplied.

The first section of the bill was read.

Mr. GRITMAN moved that the committee rise, report progress, and ask leave to sit again; which was agreed to; and the committee rose.

On the question,

Shall the committee have leave to sit again?

The yeas and nays were required by Mr. NEALL and Mr. QUIGLEY, and were as follow, viz:

YEAS—Messrs. Acker, Balliet, Boyer, (Clearfield,) Brodhead, Burley, Campbell, Chase, Custer, Dismant, Durhoraw, Evans, Fearon, Fleming, Foster, Galley, Goepf, Gritman, Hill, Hottenstine, Jackson, Laird, Lawrence, (Washington,) Nill, Oaks, Quigley, Rohrer, Smith, (Berks,) Stephens, Stoneback, Stuart, Warden, Wigton, Wilcox, Williams, (Bedford,) Williams, (Bucks,) and Woodring—36.

NAYS—Messrs. Abbott, Barnsley, Boyer, (Schuylkill,) Bryson, Church, Eckman, Ellmaker, Fisher, Graham, Gratz, Green, Hamersly, Harding, Irish, Keneagy, Ketchum, Kinney, Mann, Mehaffey, Matthews, M'Clure, M'Curdy, McDowell, Miller, Neall, Patterson, Proudfoot, Pughe, Ramsdell, Rose, Shafer, Sheppard, Styer, Thompson, Thorn, Wagenseller, Walborn, Walker, Witman, Wiley, Williston, Wilson, Withrow and Lawrence, *Speaker*—44.

So the question was determined in the negative.

The bill being before the House on second reading,

Mr. GRITMAN moved that the further consideration of the bill be postponed for the present.

On the motion,

The yeas and nays were required by Mr. GRITMAN and Mr. EVANS, and were as follow, viz:

YEAS—Messrs. Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Burley, Custer, Dismant, Dodds, Evans, Fearon, Fleming, Foster, Galley, Goepf, Graham, Gritman, Hill, Hottenstine, Irish, Jackson, Ketchum, Laird, Lawrence, (Washington,) Mehaffey, M'Dowell, Miller, Nill, Oaks, Pughe, Quigley, Rohrer, Rose, Smead, Smith, (Berks,) Stephens, Stuart,

Thompson, Thorn, Walker, Warden, Wigton, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Woodring and Zoller—47.

NAYS—Messrs. Abbott, Acker, Balliet, Barnsley, Bryson, Campbell, Church, Durhoraw, Eckman, Ellmaker, Gratz, Green, Harding, Keneagy, Kinney, Mann, Matthews, M'Clure, Neall, Patterson, Peirce, Proudfoot, Ramsdell, Shafer, Sheppard, Styer, Walborn, Witman, Wiley, Williston and Lawrence, *Speaker*—31.

So the question was determined in the affirmative.

Mr. KENEAGY said—

I am giving my vote against the postponement of this bill. I desire to say here, as no other opportunity was afforded me, that the necessity of the times seem to demand a speedy and prompt action, upon the part of the Legislature of the State, to insure to the people those just and impartial rights, guaranteed by the Constitution to them, in the exercise of the elective franchise.

I feel, also, by insisting upon action being taken in this bill, that I am performing a duty which I owe to my constituents, and to the people of the State of Pennsylvania.

I do so, without wishing to urge any party principle or measure, without any sinister or political motive, and with the firm conviction that the great mass of the bona fide citizens have demanded, and are now demanding some such thing as a registry law, or other device, which shall prevent frauds at elections, and purify the elective franchise.

The House having refused, therefore, to permit this bill to have a hearing at this time, and at this late day of the session, I view it is tantamount to a refusal of its import, and here record my dissent from its action, believing that I have discharged my duty, fully and fairly, in bringing the matter before it.

Agreeably to order, the House resolved itself into committee of the whole, (Mr. EVANS in the chair,) on House bill No. 129, "An Act securing to the people of Philadelphia the right of free travel over certain highways," as follows:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for a majority of the freeholders owning real estate fronting on the whole or any section of any turnpike or plank road within the city of Philadelphia, such section being nearest the paved highways of said city, to petition the councils thereof to declare the same to be taken as and for one of the streets of said city; and within thirty days thereafter, it shall be the duty of said councils by ordinance, to declare that such turnpike or plank road so far as within the city limits, or for such section as may be next the paved streets as prayed for, shall be taken and used as, and for one of the streets or highways of said city; but the same shall not be taken possession of by the city authorities, until the damages therefor shall be assessed and paid.*

SEC. 2. That immediately after the passage of such ordinance, it shall be the duty of the court of quarter sessions of the city and county of Philadelphia, either to appoint six disinterested commissioners, or to cause viewers to be drawn, as in case of ground taken for roads or highways, as may be prayed for in the petition, to assess the damages; and such commissioners or viewers, or a majority thereof, shall proceed forthwith to assess the value of such turnpike or plank road or section thereof within said city, according to its actual and fair value to the corporation owning the same; and the proceedings and report of said commissioners or viewers, or a majority of the same, shall be made to said court, under the general laws in force in said city as to highways, and he sub-



ject to the action and powers of said court in all respects as in other road cases, and the damages be in like manner paid by the said city: *Provided*, That in estimating the value of such turnpike or plank road or section thereof, regard shall not be had to the original cost thereof; but the present actual value to the corporation owning the same, after deducting such sums as would be necessary to keep the same in thorough and complete repair, shall alone be considered and assessed.

SEC. 3. That if the corporation owning said turnpike or plank road shall for three months next after the date and publication of such ordinance, neglect to present their petition for the assessment of the value or damages aforesaid, it shall be lawful for any twenty of the freeholders as aforesaid to present a petition for said purpose to said court, giving ten days' notice of such presentation to the corporation owning said turnpike or plank road, and to the city solicitor.

SEC. 4. That it shall be the duty of said city councils to provide for the payment of said damages within ninety days after the same shall have been assessed and reported to the court; and the corporate authorities of said city are hereby authorized to borrow from time to time, on the faith of the city, such sum or sums as may be necessary to carry out the provisions of this act.

SEC. 5. That it shall not be lawful for any passenger railway company heretofore or hereafter incorporated, to use any portion of any turnpike or plank road so taken possession of by the authorities of said city, until they have filed in the office of the city solicitor their written obligation to comply with all the ordinances of said councils regulating passenger railways; and that all laws or parts of laws inconsistent herewith, be and the same are hereby repealed.

Mr. THORN moved to amend the first section, by striking from the eighth and ninth lines the words "it shall be the duty" and the word "to," and insert after the word "councils," the word "may;" which was agreed to.

And the section as amended was agreed to.

The fourth section was amended by Mr. THORN, after the word "reported," in the third line, the words "and approved by;" which was agreed to.

Mr. GRATZ offered the following new section, which was agreed to:

"That no passenger railway company now incorporated, or which may hereafter be incorporated within the space of five years from the passage of this act, shall use or occupy for railway purposes, any turnpike or plank road, within the city of Philadelphia, which may be declared a public highway in accordance with the provisions of this act, without first paying into the treasury of said city one-half the sum or sums of money which the said city may have paid to the said plank road or turnpike company, as the damages assessed under the provisions of the second section of this act."

The bill having been gone through with, the committee rose, and the Chairman reported the same with amendments.

The bill being before the House on second reading.

Mr. HAMERSLY moved to amend the first section by restoring it to its original form.

Mr. HAMERSLY. I would say in regard to that amendment, the people of the rural districts are satisfied to do what the gentlemen from the city are opposed to doing. We are willing to pay for any of the turnpikes which shall be occupied by our passenger railways, and make no objection to that amendment.

Mr. SHEPPARD said—

I hope the amendment will not prevail, and the section adopted as reported by the committee of the whole. The object of the section as amended is to allow the councils to purchase

these turnpikes and plank roads if they see proper. But I think we should not pass an act here to compel them to purchase these roads.

Mr. HAMERSLY said—

Mr. SPEAKER: It is not my intention at this late hour of the session, and when every member of the House is anxious to have his own bills considered, to intrude upon its time and patience by any lengthy remarks. The question before the House is plain and simple, and is so fully explained by the bill itself, that the necessity for this, I trust, does not exist. This bill simply proposes to open a way for the authorities of the city to carry out the implied pledges of consolidation, to perform an act of simple justice to the rural districts, which have been subjected to all the disadvantages arising from consolidation, without reaping a single advantage in return, except the empty honor of residing in the city of Philadelphia. The bill before the House, Mr. Speaker, does not contemplate that the city shall purchase all these roads at once, but it provides a gradual method for the accomplishment of this very desirable end. Now let us look at the facts of the case. The whole length of turnpikes and plank roads in the city is something less than one hundred miles. A fair estimate of the value of those roads, based upon the dividends at present declared, would not exceed two thousand dollars per mile, making in all two hundred thousand dollars. The interest upon this sum would be twelve thousand dollars. The assessed value of the real estate in the city is about one hundred and sixty millions of dollars. A tax of eight cents on each thousand dollars of this valuation would yield a sum sufficient to pay the interest on the two hundred thousand dollars, which is assumed to be the cost of purchasing these roads; or, if the city should decide to pay the whole cost of the purchase at once, a tax of one dollar and twenty-five cents on each one thousand dollars of the valuation of this real estate would be sufficient for the purpose. Now supposing that it would cost the city three hundred dollars per mile to keep their roads in repair, it would add thirty thousand dollars per annum to the original cost, which a tax of twenty cents on each one thousand dollars would be more than sufficient to pay. Thus to purchase their roads and keep them in repair, a farmer in one of the rural districts, whose property is assessed at five thousand dollars, would have to pay a tax of some five or six dollars, instead of the twenty or thirty dollars which many of them are now compelled to pay every year, while the greater portion of the former tax would occur but once.

This, Mr. Speaker, is the true aspect of the question, and I appeal to this House to say whether there is anything unreasonable in our demands. Since the consolidation act was passed, our taxes have gone on increasing from year to year, until they are nearly doubled in many parts of the rural districts. We have had to shoulder our share of the large debt of the city, although the rural districts were comparatively free from debt at the time they were embraced within its limits. While the people of the rural districts are taxed to pay for keeping in repair the streets of the old city, over which its citizens are allowed to pass free of toll, we find turnpike gates intercepting our progress over all our own highways, and we cannot even drive into the city to pay our taxes, without submitting to the demands of the toll-gatherer. In the district which I have the honor to represent upon this floor, toll-gates are located in the very heart of the late boroughs of Germantown and Manayunk, interposing a barrier to trade, and restricting the intercourse between friend and friend. All that we ask, Mr. Speaker, all that this bill proposes to do, is to place us upon an equality with our neighbors in the old city. There is surely nothing unreasonable in this, and I am greatly surprised that a proposition,

which must commend itself to the judgment of every member of this House by its justice and fairness, should meet with such violent opposition from our city friends. But I will detain the House no longer. I have an abiding confidence in the justice of the majority of this House, and I feel assured that they will vote with us to carry out a measure which, while it will do no injustice to any one, will add greatly to the prosperity of all. Pass this bill, Mr. Speaker, and remove the barriers which separate us from our city brethren—promote social and business intercourse between town and country—throw open our highways to all who choose to travel over them, and in a few years the increased valuation which you will thus give to real estate in the outer districts will more than compensate you for all its present cost.

Mr. WALBORN. I beg leave to ask the gentleman whether the property in the rural districts is charged at the same rate of taxation as in the built up portions of the city?

Mr. HAMERSLY. The same rate of taxation is charged in two-thirds of my district, as is charged in the district in which the gentleman, (Mr. WALBORN,) resides. We have our taxes almost doubled, as we cannot travel a half mile, without paying toll, and I cannot see why we should not be placed on the same footing with the citizens living in the heart of the city, when we pay the same amount taxes.

Mr. THORN. My colleague says there are about one hundred miles, and says they will cost about two thousand dollars per mile.—That depends upon circumstances, and those circumstances are not prescribed in this bill.—He has failed to tell you, however, how much it will cost to keep that hundred miles in repair for one year. I will now ask the gentleman, as he has investigated the subject, how much he thinks it would cost per mile, to keep those plank roads and turnpikes in repair per annum?

Mr. HAMERSLY. I would answer the question of my colleague, if I thought it at all necessary it should be done. The streets in the city of Philadelphia are kept up, no matter what the cost per mile may be, by the city, and the obligation upon them to keep up our streets is just the same.

Mr. THORN. The explanation of the gentleman is, of course, satisfactory to me, and quite as intelligible to the House. It is estimated that it costs about twelve or fourteen hundred dollars per year per mile, to keep in repair a paved avenue. It is believed it costs per mile per year about three hundred dollars to keep in repair plank roads and turnpikes.—There would have to be paid, in case this bill becomes a law, three hundred dollars per mile per year for one hundred miles for keeping this road in repair. Now there would be two hundred thousand dollars to be paid, and it might just as well, under the provisions of this bill, be two millions. Now I am afraid to ask for what purpose, because, then, my friend from Bucks, (Mr. WILLIAMS,) might vote against my proposition, as he cannot come, without paying his little five cents, into the middle of the city of Philadelphia with his load of hay; but that is not the question at issue here.

The point is simply this: The act of consolidation authorized the councils to purchase and make free all the plank roads, turnpikes and bridges within the limits of our city. Now here is a proposition to compel the city councils, within one single day, to purchase the whole of these roads and pay for them, and the gentleman knew well when he drew up this bill, that those councils had not the power to do such a thing.

Much has been said lately, about the paltry privilege of borrowing money to pay these corporations, but not a single word is said about realizing taxes that they must pay to the Common-



wealth for this privilege of making public highways. I admit, that the people in the rural districts might, occasionally, when they rode into the city of Philadelphia, save five or ten cents. My friend here, and another there, will serve the wishes of their immediate constituents, by making the city of Philadelphia, in its corporate capacity, pay for the avenues constructed for their benefit; at the same time, sir, they make the city of Philadelphia pay for the gas pipes that are laid in these places where they live. They have the police protection, and the city pays for it. The territory is so sparsely settled, that nobody can travel on foot, or from one house to another, without protection; therefore, the police have to be on horses. All this the city of Philadelphia has to pay for, and yet these gentlemen are still asking for more.

Now, sir, I do aver, at least I think I am right in what I say, that out of the whole delegation in this House, there are just three members in favor of this proposition. And I ask this House, or the majority of it, (for I am now for a single moment, speaking politically.) to say, will they now fasten upon the city of Philadelphia, within one single month, that is, should these people in the rural districts choose to petition the city councils, another debt or an addition to the present debt of one million of dollars at least; because, the keeping in repair of these roads, and the original purchase together, is far above what I have stated—a million of dollars. The provisions of this bill make all its turnpikes and plank roads, streets for all time hereafter. No matter what the surveys of the city may now be, or intended to be, this bill takes from the councils of the city of Philadelphia any power, except that which may be given them by act of the Legislature, to vacate or change any of these crooked or triangular plank roads and turnpikes, that may exist in the city of Philadelphia.

Mr. HAMERSLY rose to explain, and read a few lines from the bill in question, and said, they, of course, are liable to all the ordinances in regard to plank roads.

Mr. THORN. I do not care further to discuss this question. I would simply state that this is an attempt, not precipitately—because this bill has been before us for sometime—to make the city purchase all these plank roads and turnpikes. If the House of Representatives choose to fasten this debt upon the city, I cannot help it. I wash my hands clear of the responsibility; but I do not believe the House will consent to pass the bill.

Mr. WILEY said—

Mr. SPEAKER: The bill under consideration is one in which I, in common with a large majority of my constituents, feel interested. I have the honor of representing a large rural district of the city of Philadelphia. A district through which pass several turnpikes and plank roads upon which toll is now charged. The bill before us provides for the purchase of all these roads, in the consolidated city, by the councils of Philadelphia, of the different companies and corporations owning the same, at a fair and reasonable valuation, to be made by commissioners to be appointed by the court for that purpose; and that when these roads or any portion of them shall become the property of the city, they or such portion shall be made free to all who may travel over them, as is the case in the more densely populated parts of Philadelphia. Previous to the act of consolidation, and before the city and county were united in one municipal government, we of the rural districts were willing and satisfied to pay toll in passing over these turnpikes and plank roads; for then it was right and just that we should do so. We made no complaints, and had no claims upon any authority to purchase and make them free for travel. But, sir, since consolidation, we do contend that it is but equal

justice to us all, as Philadelphians, that these roads should be the common property of Philadelphia, and as such be exempted from toll, the same as are the other streets of our beautiful city. At the time when that matrimonial alliance of city and county was urged upon us so powerfully; when the friends of that measure used every argument in their power to persuade us to forego our objections to consolidation; when they portrayed in eloquent terms the many and great advantages we were to receive from it, among other reasons it was said that these roads were to be made free, and these ugly toll gates, which are a nuisance, were to be torn down. But, sir, what has been the result? We have waited several years for the fulfilment of this promise, but thus far we have waited in vain; and now we ask of this Legislature as a right, and not as a favor, the passage of this bill, which is designed to accomplish the object, and place us upon an equality, to a certain extent, with our city friends. Before consolidation, the rural portions of the now city of Philadelphia were separate and independent in their local affairs and in their government. We apportioned, collected and expended our own taxes. We kept in repair our own roads, streets, footways, &c. The money thus collected by taxation, was judiciously applied for these and other purposes, and we were generally out of debt, and usually had money in our treasuries. After consolidation, we were of course under common municipal government. The county had to assume with the city her debt; we become liable for her debts, and we expect to have to assist in paying them. And yet, when we come before this Legislature for what we conceive to be our rights, as country Philadelphians, we meet with opposition from those who are individually benefited, as well as the constituency they represent, on account of the union of city and county under the same government. It is all very well; it is all right and proper that we should help to pay debts we never contracted; but, sir, when we ask that comparatively a small burthen should be divided among us, we are told that we must bear it alone. It is urged by my friend, Mr. THORN, as an objection to the passage of this bill, that the people of the rural districts are not taxed as heavily as those residing in the thickly settled portions of the city. I admit that a portion of my district is released from a certain proportion of taxation; but, sir, the majority of the citizens of that district are taxed at the same rate as those who live in the heart of the city; and further, sir, many of them pay for what they never receive. The inhabitants of the village in which I reside, when I am at home, have been, and are at this very time, paying for gas to light up the streets of that town, and there is not now, nor never has been, a gas lamp within a mile of the place. It is true, as has been stated by my colleague, (Mr. CHURCH,) that some three months ago, city councils did, through the persevering efforts of our members of that body, give us some fluid lamps, and they are like angels' visits, few and far between, and are consequently of but little use. Now, must we be contented with this kind of treatment? And must we have injustice added to injustice, when we come here and merely ask for so reasonable a measure as is contemplated in this bill. It was, sir, the oppression produced by unequal taxation which caused our brave forefathers to resist British rule; and we, I trust, having some of the same kind of the blood in our veins, and the same spirit in our souls, if we do not rebel against our wrongs, we will at least demand, so far as this bill is concerned, that our rights shall be respected. Now, as it regards the expense of purchasing these roads, I will call the attention of the House for a moment to this point. It is correctly stated, I believe, that there are one

hundred miles of turnpikes and plank roads, in the aggregate, in the whole of the rural districts. It is also estimated, and I think truly, that two thousand dollars per mile would be a just and fair valuation for them, and hence, according to this calculation, the whole amount incurred by the purchase would be two hundred thousand dollars. A small sum, certainly, for the great and growing metropolis of Pennsylvania, with her one hundred and sixty or seventy millions of taxable property. The way we in the rural districts are situated is simply this: We are compelled to travel over these roads frequently, in our ordinary pursuits of business. Farmers, in going to and returning from market with their produce, must pass through the unpleasant task every few miles of stopping along the way and pay toll,—certainly a very great inconvenience, especially when the weather is cold, stormy and disagreeable, to say nothing of the expense which is incurred during the course of a year. Many persons also who do business in the city, have their residences in the country, the warm months of the year, and are obliged to travel over some of these roads in passing to and from Philadelphia. They may be paying high taxes in the city, and likewise in the country, on their property, and yet they must be taxed over again in the way of toll, as well as be subjected to the trouble and delay on their journey. When we get within certain distances of the city of Philadelphia, we find the streets open and free to all who wish to travel over them. We can ride all day long over the streets of the queen of American cities, without charge; and this is all right and proper and just. We would not have it otherwise. But where is the justice in us having to pay toll because we happen to be a little more unfortunate in living at a greater distance from the State house than our neighbors? There is no justice or equality in this. We are a part of Philadelphia, and we should all have the same privileges and rights; we ask for nothing more, and we will submit to nothing less, I assure you, if we can help it. We already pay our share of the taxes to carry on the municipal government, and we are willing also to pay our proportion of the expense which will be incurred from the buying of these turnpikes and plank roads; and I do think that it is no more than fair and equal, that this should be made one common debt of the whole consolidated city, and that not a part should be compelled to pay the whole cost of keeping up these roads, besides paying the companies dividends. I know that the financial affairs of the city are not in a flourishing condition. I know that it is necessary to practice all the economy in our power in reference to her situation in this respect. I should be as much gratified as any gentleman upon this floor or in that city, to see our debts paid and our treasury full, and I hope the day will soon come, when such happiness will be realized; though I must confess, that I fear it is not yet near. But, sir, I believe that this is an economical measure. It is a fact, if I am not very much mistaken, that many persons of Philadelphia are driven over to New Jersey to seek homes, because of this road tax; men of means, whose money would be very acceptable to our own citizens, if kept in circulation at home among them; and I think it is well for us not to lose sight of this matter in our contracted views of economy. Mr. Speaker, in my humble opinion, there is not a measure before this Legislature, with more justice to commend it to our support than this one. There is not a single objection that ought to be urged against it. It is a shame and disgrace to a city like Philadelphia, with improvements extending in all directions, with her enterprising spirit of progress in every thing appertaining to greatness; with her present and future prospects of superiority, to have her



roads and streets tramelled and obstructed with toll and toll gates. I believe it will not only redound to her honor, but to her advantage, if this bill becomes a law. We live too late in the day to be old fogies. The march of improvement is onward, and let us be careful that we throw no obstacles in the way. I appeal to this House, to consider well the merits of this act; and then, if in the judgement of the members of this body, it is not conceded to be a just measure, I, as one of the friends of the bill, will submit cheerfully to its defeat. But, sir, I believe that this is a proper and equitable measure, and as such, I trust will receive the united support of this Legislature. I would reply to the arguments of my friend and colleague, (Mr. THORN,) but they have been ably answered and confuted by my other colleagues, Mr. HAMERSLY and Mr. ABBOTT, the first of whom introduced the bill into this House. I thank gentlemen for their kind attention and patience during this somewhat long and tedious discussion, and in conclusion have only to say, that I hope they will give their cordial support to this bill.

Mr. THORN. I have to say a single word more on this question, but before I do say it, I would like to ask the gentleman, last up, (Mr. WYLIE,) how far the most remote portion of his district is from the State House?

Mr. WILEY. I would state that it is about fifteen miles.

Mr. THORN. So I thought. Now, I will venture to say, sir, that I can come from the most remote portion of his district to the heart of the city of Philadelphia, by avoiding the turnpike, without paying one single cent. I will allege that I can come from the district of the other gentleman, (Mr. HAMERSLY,) without paying a cent. But then, forsooth, speculators and others have built turnpikes and plank roads, and now these gentlemen come here and ask that the city shall buy them all out. How much of the gentleman's (Mr. WILEY'S,) district, pays as much tax as we do?

Mr. WYLIE. Two-thirds of that district pay as much tax as do the people of the city.

Mr. THORN spoke for a short time longer in defence of his position.

Mr. HAMERSLY. I will not detain the House longer, except merely to say, that, as this bill is so manifestly fair, its principles so just, that I hope the House will not fail to pass it.

Mr. THORN. For the purpose of testing the sense of the House on this question, I move the further consideration of this subject be indefinitely postponed.

Further debate took place between Messrs. ABBOTT, GRITMAN and THORN.

On the motion to postpone indefinitely,

The yeas and nays were required by Mr. WILEY and Mr. QUIGLEY, and were as follow, viz:

YEAS—Messrs. Bertolet, Boyer, (Clearfield,) Brodhead, Chase, Church, Custer, Dismant, Evans, Fleming, Galley, Goepp, Graham, Gratz, Gritman, Harding, Hill, Hottenstine, Irish, Jackson, Ketchum, Matthews, M'Clure, Neall, Oaks, Proudfoot, Pughe, Quigley, Rohrer, Sheppard, Shields, Smead, Stephens, Styer, Thompson, Thorn, Walborn, Wilcox and Lawrence, *Speaker*—38.

NAYS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bryson, Burley, Campbell, Dodds, Durbarow, Eckman, Fearon, Foster, Green, Hamersly, Keneagy, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, McCurdy, McDowell, Miller, Nill, Patterson, Peirce, Ramsdell, Rose, Smith, (Berks,) Stuart, Walker, Warden, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Woodring and Zoller—42.

So the question was determined in the negative.

Mr. THORN moved that the further consideration of the same be postponed for the present.

The yeas and nays were required by Mr. WILEY and Mr. QUIGLEY, and were as follow, viz:

YEAS—Messrs. Boyer, (Clearfield,) Brodhead, Chase, Dismant, Evans, Fleming, Galley, Glatz, Goepp, Gratz, Gray, Gritman, Harding, Hill, Hottenstine, Irish, Jackson, Matthews, Neall, Oaks, Pughe, Quigley, Rohrer, Sheppard, Shields, Smead, Stephens, Styer, Thompson, Thorn, Walborn, Warden, Witman, Wilcox, Woodring and Lawrence, *Speaker*—36.

NAYS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bertolet, Bryson, Burley, Campbell, Church, Custer, Dodds, Fearon, Foster, Graham, Green, Hamersly, Keneagy, Kinney, Laird, Lawrence, (Washington,) Mann, M'Curdy, M'Dowell, Miller, Nill, Peirce, Proudfoot, Ramsdell, Smith, (Berks,) Stuart, Wagenseller, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson and Zoller—40.

So the question was determined in the negative.

The question recurring,

Will the House agree to the amendment of Mr. HAMERSLY?

Mr. QUIGLEY moved that the House do now adjourn.

And on the question,

The yeas and nays were required by Mr. HAMERSLY and Mr. FOSTER, and were as follow, viz:

YEAS—Messrs. Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Chase, Church, Dismant, Evans, Gray, Harding, Hill, Jackson, Keneagy, Matthews, M'Clure, Miller, Neall, Oaks, Palm, Peirce, Pughe, Quigley, Rose, Sheppard, Shields, Styer, Thompson, Thorn, Walborn, Warden, Witman, Wilcox, Woodring and Lawrence, *Speaker*—34.

NAYS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Burley, Campbell, Custer, Dodds, Eckman, Fearon, Fleming, Foster, Galley, Goepp, Graham, Green, Hamersly, Hottenstine, Irish, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mehaffey, M'Dowell, Nill, Patterson, Proudfoot, Ramsdell, Smead, Smith, (Berks,) Stuart, Wagenseller, Walker, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow and Zoller—43.

So the question was determined in the negative.

Mr. CHASE moved that, for the purpose of considering the business on the SPEAKER'S desk, the further consideration of the bill be postponed for the present.

Mr. FOSTER moved to amend as follows: "That the House postpone the further consideration of the bill in order to proceed to the consideration of House bill No. 1132, 'An Act relating to the taking of testimony in contested election cases of members of the General Assembly;'" which was subsequently withdrawn.

Mr. HAMERSLY moved that the further consideration of bill No. 129 be postponed, and that it be the first thing in order on Friday morning next.

Mr. SHEPPARD moved to amend by extending the time to next Tuesday evening.

Mr. HAMERSLY here called the previous question; which was sustained.

And on the question,

Shall the main question now be put?

The yeas and nays were required by Mr. QUIGLEY and Mr. THORN, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bryson, Burley, Campbell, Dodds, Eckman, Fleming, Galley, Graham, Green, Hamersly, Irish, Keneagy, Kinney, Lawrence, (Washington,) M'Dowell, Nill, Smith, (Berks,) Stuart, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Woodring and Zoller—41.

Stuart, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams (Bucks) Wilson, Withrow and Zoller—31.

NAYS—Messrs. Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Chase, Church, Custer, Dismant, Evans, Foster, Glatz, Goepp, Gratz, Gritman, Harding, Hill, Jackson, Ketchum, Matthews, M'Clure, M'Curdy, Neall, Oaks, Palm, Peirce, Proudfoot, Pughe, Quigley, Ramsdell, Rose, Sheppard, Smead, Styer, Thompson, Thorn, Walborn, Warden, Woodring and Lawrence, *Speaker*—39.

So the question was determined in the negative.

The question recurring,

Will the House agree to the SPEAKER'S amendment?

Mr. LAWRENCE, (of Washington,) moved that the House do now adjourn.

And on the question,

The yeas and nays were required by Mr. FOSTER and Mr. PATTERSON, and were as follow, viz:

YEAS—Messrs. Balliet, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Chase, Church, Dodds, Evans, Fearon, Fleming, Galley, Glatz, Graham, Gratz, Gray, Green, Harding, Hill, Jackson, Keneagy, Ketchum, Laird, Lawrence, (Washington,) Mehaffey, M'Clure, Miller, Neall, Nill, Oaks, Palm, Patterson, Peirce, Proudfoot, Quigley, Rose, Sheppard, Smead, Stuart, Styer, Thompson, Thorn, Wagenseller, Walborn, Walker, Warden, Witman, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Woodring and Lawrence, *Speaker*—56.

NAYS—Messrs. Acker, Barnsley, Bryson, Burley, Campbell, Custer, Foster, Goepp, Gritman, Hamersly, Irish, Kinney, M'Curdy, McDowell, Pughe, Rohrer, Smith (Berks,) and Zoller—18.

So the question was determined in the affirmative.

Senate amendments to House bill No. 1253, "Supplement to an act to incorporate the Philadelphia City passenger railway company," were read.

Mr. NEALL moved that the further consideration of the question be postponed for the present.

Not agreed to.

Mr. LAWRENCE, (Washington,) moved that the House concur in the Senate amendments.

And on the motion,

The yeas and nays were required by Mr. QUIGLEY and Mr. NEALL, and were as follow, viz:

YEAS—Messrs. Barnsley, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Custer, Dismant, Dodds, Eckman, Evans, Fearon, Fleming, Glatz, Goepp, Graham, Gray, Gritman, Hamersly, Hill, Hottenstine, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mehaffey, Matthews, M'Clure, M'Curdy, M'Dowell, Miller, Oaks, Palm, Patterson, Peirce, Price, Proudfoot, Pughe, Rohrer, Smead, Smith, (Berks,) Styer, Thompson, Thorn, Wagenseller, Walborn, Walker, Witman, Wigton, Wilcox, Williams, (Bedford,) Withrow, Woodring, Zoller and Lawrence, *Speaker*—61.

NAYS—Messrs. Acker, Balliet, Church, Foster, Gratz, Harding, Irish, Neall, Nill, Quigley, Rose, Warden, Wiley and Williams, (Bucks,)—14.

So the question was determined in the affirmative.

On motion, the SPEAKER adjourned the House until to-morrow morning at nine and a half o'clock.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 68.

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## SENATE.

THURSDAY, March 31, 1859.

The Senate met and was called to order by the SPEAKER at 9½ o'clock, A. M.  
The Journal was read and approved.

## REPORTS OF COMMITTEES.

Mr. BREWER, (Judiciary,) reported, with a negative recommendation, House bill No. 911, "An Act extending the provisions of an act to increase the pay of county commissioners, jurors and witnesses in certain counties of this Commonwealth, passed March 20, 1857, to the county of M'Kean."

Also, (same,) with a negative recommendation, House bill No. 988, "An Act to restrict sales by auction in the counties of Northampton and Lehigh."

Also, (same,) with a negative recommendation, House bill No. 995, "An Act relating to costs before magistrates, in Allegheny county."

"Mr. BELL, (same,) with a negative recommendation, "A supplement to the act of June 16, 1836, relative to executions."

Also, (same,) as committed, House bill No. 147, "An Act regulating the fees of aldermen, justices of the peace and constables, relative to poor and indigent persons, in Lancaster county."

Also, (same,) with amendment, House bill No. 1000, "An Act requiring the sheriff of Cumberland county to compel all persons committed to the jail of said county for vagrancy to work."

Mr. MILLER, (same,) as committed, "A supplement to the act providing for the election of an additional law judge in Allegheny county."

Also, (same,) with a negative recommendation, "An Act relative to verdicts and judgments in ejectment."

Mr. SCOFIELD, (same,) with a negative recommendation, House bill No. 1238, "An Act for the protection of the wages of labor in Berks county."

Also, (same,) with a negative recommendation, House bill No. 1064, "An Act relative to expenses of coroners' inquests and appeals by county commissioners in Luzerne county."

Mr. WELSH, (Estates and Escheats,) with a negative recommendation, House bill No. 435, "An Act to authorize A. H. M'Henry, guardian of the minor children of the late Thomas Babb, to invest certain moneys belonging to such minor children in real estate."

Mr. PENNEY, (same,) with a negative recommendation, House bill No. 471, "An Act to empower Sibina R. Sloan to sell certain real estate."

Mr. PALMER, (same,) with a negative recommendation, House bill No. 719, "An Act to repeal an act to vest in Nancy Christy the right of this Commonwealth to the estate of Prudence Christy, late of Dunbar township, Fayette county."

Mr. MARSELIS, (Banks,) with a negative recommendation, House bill No. 813, "An Act supplementary to an act incorporating the Six Penny saving fund of Philadelphia."

Also, (same,) with a negative recommendation, House bill No. 398, "A supplement to the act incorporating the Mt. Joy savings institution."

Mr. SCHELL, (same,) with a negative recommendation, House bill No. 812, "A supplement to an act incorporating the West Philadelphia mutual saving fund and trust company."

Mr. KELLER, (same,) with a negative recommendation, House bill No. 288, "An Act to incorporate the Dime savings institution of Pottsville."

Also, (same,) with a negative recommendation, "A supplement to the act incorporating the City Bank of Philadelphia."

Mr. MYER, (same,) with a negative recommendation, House bill No. 814, "A supplement to an act to increase the capital stock of the Columbia Bank."

Mr. GAZZAM, (same,) with a negative recommendation, House bill No. 1012, "A supplement to the act incorporating the Spring Garden saving fund society."

Also, (same,) with a negative recommendation, House bill No. 877, "An Act to incorporate the North Western savings institution."

Mr. THOMPSON, (Canals and Inland Navigation,) as committed, House bill No. 1272, "A further supplement authorizing the Governor to incorporate a company to make lock navigation on the Schuylkill river."

Mr. COFFEY, (Railroads,) with amendment, "An Act to incorporate the Allegheny and Sharpsburg passenger railway company."

Mr. STEELE, (Private Claims and Damages,) with a negative recommendation, House bill No. 463, "An Act for the relief of Jacob Rearick, of Mifflin county."

Mr. RUTHERFORD, (same,) with a negative recommendation, "An Act authorizing the payment of the claim of William D. Miller, of Allegheny county."

Mr. SCHELL, (same,) with a negative recommendation, Senate bill No. 1008, "An Act authorizing the investigation of the claim of Dennis McDonnell."

Also, (same,) as committed, House bill No. 807, "An Act for the relief of Thomas Bridgens, collector of the military tax for the borough of Lock Haven, in Clinton county, for the year 1856."

Mr. CRAIG, (same,) as committed, House bill No. 460, "An Act authorizing the appointment of commissioners to examine and adjust certain claims, et cetera."

## BILLS IN PLACE.

Mr. WRIGHT read in his place and presented to the Chair, a bill, entitled "A further supplement to the act consolidating the city of Philadelphia."

Mr. PENNEY, "A further supplement to the act to facilitate the transportation of coal and coke boats over the Monongahela navigation, and to incorporate the marine insurance company."

Mr. BALDWIN, "A supplement to the act incorporating the Quarryville and Unicorn turnpike road company."

Also, "An Act to incorporate the Lampeter and Bridgeport turnpike road company."

Mr. KELLER, "An Act for the relief of the military companies of the third brigade of the eighth division of the Pennsylvania militia."

## ORIGINAL RESOLUTIONS.

Mr. BLOOD moved to reconsider the vote on the final passage of House bill No. 36, "An Act relating to costs in certain cases."

The motion was seconded by Mr. FETTER, and agreed to.

Consideration of the same was postponed for the present.

On motion of Mr. PALMER, the Senate resumed the consideration of House amendments to "An Act supplementary to the several acts relative to the Dauphin and Susquehanna coal company."

Said amendments having been read,

Mr. PALMER moved to strike out the proviso to the first section, inserted by the House of Representatives, and insert the following in lieu thereof:

*Provided*, That the purchasers of said property shall pay all debts incurred by the said company for materials used in the construction and repair of said property and wages due for labor.

The amendment was agreed to, as also the bill as amended.

On motion of Mr. PALMER, the Senate reconsidered the vote on the final passage of Senate bill No. 161, "A supplement to the act incorporating the Greenwood cemetery company of the borough of Tamaqua," which had been returned by the Governor, in compliance with the request of the Senate.

The bill being again before the Senate,

Mr. PALMER moved to amend the second section, by adding a proviso to the effect that the exemption from taxation should be restricted to lots sold and dedicated to burial purposes solely; which was agreed to.

And the bill as amended passed finally.

Mr. RANDALL, from the committee of conference, on Senate bill No. 150, entitled "A further supplement to the act consolidating the city of Philadelphia," made a report; which was read, and, on motion, adopted.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read, as follows, viz:

EXECUTIVE CHAMBER,  
Harrisburg, March 31, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN: The bill, entitled "An Act to incorporate the Mont Alto iron company, is herewith returned, without the Executive approval, to the Senate, where it originated, for re-consideration.



The object of the bill is to incorporate a company for the purpose of manufacturing iron, with a capital of five hundred thousand dollars, to be located at Mont Alto, in Franklin county.

The bill is objectionable in many of its features: such as the limited individual responsibility of the stockholders; the long postponement of the payment of the bonus to the State; but the principal objection consists in the special character of the proposed legislation.

Under the general manufacturing law, approved April 7th, 1849, ample provision has been made for the incorporation of companies to manufacture iron; and there is, consequently, no necessity for a special act of incorporation for such a purpose. It is believed that the general law is, in the main, well adapted to promote the interests of those who desire to associate together, under a corporate name, to carry on manufacturing or mining operations, while, at the same time, in some degree at least, its provisions are calculated to protect the community at large from losses likely to arise from business transactions with corporations whose individual members are not personally liable to make good its contracts and engagements. If, however, the general law is defective, it will afford the Executive great pleasure to unite with the other branches of the law making power in extending, amending, or regulating its provisions, in such manner as to render it acceptable to those desirous of investing their capital in the business of mining or manufacturing in this Commonwealth. A resort to special legislation, instead of improving the general law, is certainly not to be encouraged.

In stating my objections to this species of legislation, I have but to reiterate what I have heretofore said to the General Assembly in returning similar bills for reconsideration. I therefore repeat, that where a bill is confined to a single locality, or is limited in its application to a particular company, it is not likely to receive at the hands of the Legislature that consideration which is given to a general bill; and consequently it often happens that powers are granted which should be withheld, and restrictions omitted which ought to be imposed. As each corporation has a law of its own, there is neither uniformity nor equality in what is conferred, or what is prohibited. Hence that which one corporation may do with impunity, is expressly forbidden to another of the same character. Another evil grows out of the defective machinery provided for the practical operations of companies organized under special laws.—Frequent occasion is thereby given for supplementary acts, which fill our statute books, although of no public interest, and occupy a large portion of the time and attention of the General Assembly and the Executive. It is a public grievance that so much of the time of these several departments of the government should be diverted from the performance of other important public duties, and consumed upon acts of this character. If it were necessary to suffer these acknowledged evils, for the purpose of securing a greater good to the people of the Commonwealth, then it might be proper to submit to them without a murmur. But it is not necessary. All the benefits to be derived from associated capital may be secured by a law general in its provisions, extending equally over the entire State, and applicable to every citizen desiring its advantages.

But aside from this, my firm conviction is, that the evils attendant upon granting corporate powers and privileges for manufacturing and mining purposes, are nearly, if not entirely, equal to the benefits to be derived from that source. That individual capital, and individual enterprise, under the restraints of individual liability, are fully competent to the successful prosecution of those industrial pursuits has been clearly established by the experience of the past.

And upon that capital and that enterprise mainly rest our hopes of success in the future.

Entertaining these views, I have deemed it my duty to withhold the Executive approval from the bill under consideration, and all others of a similar character.

WM. F. PACKER.

The bill was then read.

And on the question,

Shall the bill pass notwithstanding the objections of the Governor?

The SPEAKER, agreeably to the provisions of the Constitution, ordered the yeas and nays; which were as follow:

YEAS—Messrs. Coffey and Gazzam—2.

NAYS—Messrs. Baldwin, Bell, Blood, Brewer, Craig, Fetter, Harris, Keller, Marselis, Miller, Nunemacher, Palmer, Parker, Penney, Randall, Ratherford, Schell, Seofield, Shaeffer, Steele, Thompson, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—26.

So the question was determined in the negative, and the bill fell.

The Governor also returned, without his approval, "An Act to incorporate the Ario iron company," and referred the Senate to the objections contained in the veto message above, as equally applicable to this bill.

It is as follows:

EXECUTIVE CHAMBER,  
Harrisburg, March 31, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I herewith return to the Senate, in which it originated, a bill, entitled "An Act to incorporate the Ario iron company," without the Executive approval.

Having stated my objection to a similar bill, somewhat at length, in a message to the Senate and House of Representatives, of this date, returning without my approval, the bill, entitled "An Act to incorporate the Mont Alto iron company," I respectfully refer you to that communication for my reasons for declining to approve of this bill.

WM. F. PACKER.

The bill was then read.

And upon the question,

Shall the bill pass, notwithstanding the objections of the Governor?

The yeas and nays were ordered, and are as follow:

YEAS—Messrs. Coffey, Gazzam, Gregg, Harris, Myer, Parker, Shaeffer and Schindel—8.

NAYS—Messrs. Bell, Blood, Brewer, Craig, Fetter, Francis, Keller, Marselis, Miller, Nunemacher, Palmer, Schell, Seofield, Steele, Thompson, Turney, Welsh, Wright and Cresswell, *Speaker*—19.

So the question was determined in the negative, and the bill fell.

Mr. COFFEY. I wish to give my reasons for for the vote I am about to cast. I am compelled, on this bill, as I was on the last one, to differ from the Governor. Since I have had the honor of a seat in this body, I have uniformly voted for these acts incorporating companies for the manufacture of iron and the development of the resources of the State. I am perfectly aware that the Executive differs as to the propriety of this principle, not only with myself, but with other gentlemen in the Senate. I do not know why we should not now vote as we did on the passage of the bill. I was as well aware then of the necessity of this act as I am now, and I cannot help expressing my surprise that gentlemen who voted to incorporate a company of this kind, should now, because of a difference of opinion between them and the Executive, change their views. I cannot stultify myself in that manner, and therefore vote aye.

"An Act to incorporate the Eastern iron company," was likewise returned by the Governor, without his approval. The objections are the same as in the message above. It is as follows:

EXECUTIVE CHAMBER,  
Harrisburg, March 31, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I herewith return to the Senate, in which it originated, a bill, entitled "An Act to incorporate the Eastern iron company," without the executive approval.

Having stated my objections to a similar bill, somewhat at length, in a message to the Senate and House of Representatives of this date, returning without my approval, the bill, entitled "An Act to incorporate the Mont Alto iron company," I respectfully refer you to that communication for my reasons for declining to approve of this bill.

WM. F. PACKER.

The bill was read.

Upon the question,

Shall the bill pass, notwithstanding the objections of the Executive?

The yeas and nays were ordered by the SPEAKER, agreeably to the provisions of the Constitution.

They are as follow:

YEAS—Messrs. Coffey, Francis, Gazzam, Gregg, Harris, Parker, Shaeffer and Schindel—8.

NAYS—Messrs. Baldwin, Bell, Blood, Brewer, Craig, Fetter, Keller, Marselis, Miller, Nunemacher, Palmer, Schell, Seofield, Steele, Thompson, Turney, Welsh, Wright and Cresswell, *Speaker*—19.

So the question was determined in the negative.

And the bill fell.

The Governor returned, without his approval, "An Act to incorporate the East Danville iron company," and referred the Senate to the reasons above given. The message is as follows:

EXECUTIVE CHAMBER,  
Harrisburg, March 31, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I herewith return to the Senate, in which it originated, a bill, entitled "An Act to incorporate the East Danville iron company," without the Executive approval.

Having stated my objections to a similar bill, somewhat at length, in a message to the Senate and House of Representatives, of this date, returning without my approval, the bill, entitled "An Act to incorporate the Mont Alto iron company," I respectfully refer you to that communication for my reasons for declining to approve of this bill.

WM. F. PACKER.

The bill was read.

And upon the question,

Shall the bill pass, notwithstanding the objections of the Governor?

The yeas and nays were taken, as follow:

YEAS—Messrs. Coffey, Francis, Gazzam, Gregg, Harris, Myer, Parker, Penney, Shaeffer, Schindel and Thompson—11.

NAYS—Messrs. Baldwin, Bell, Brewer, Craig, Fetter, Keller, Marselis, Nunemacher, Palmer, Schell, Seofield, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—16.

So the question was determined in the negative.

And the bill fell.

A message from the Governor was received and read.

It is as follows:

EXECUTIVE CHAMBER,  
Harrisburg, March 31, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—A bill has been presented for my consideration, entitled "An Act to widen the eastern extension of Third street, in the town of Bloomburg, Columbia county."

The bill authorizes the supervisors of the township of Bloom, in the county of Columbia,



to widen the eastern extension of Third street, in the town of Bloomsburg, so as to make the same thirty-three feet in width, in accordance with a certain report filed in the court of quarter sessions of the peace in Columbia county, on the 5th day of December, 1855.

The power to authorize the supervisors of Bloom township to widen the street named in this bill, unquestionably exists in the court of quarter sessions of Columbia county. If it be proper to widen the street, that court will undoubtedly make the necessary order for that purpose, upon a proper application; but if, in view of all the facts bearing on the question, the court has refused to grant the order, I am clear that the Legislature ought not to interfere. I have invariably declined to approve bills of this character, where the remedy could be obtained at the hands of the proper local tribunals. The bill is therefore returned to the Senate, where it originated, without my approval, for re-consideration.

WM. F. PACKER.

The bill was read.

And on the question,

Shall the bill pass, notwithstanding the objections of the Governor?

The SPEAKER ordered the yeas and nays; which were as follows:

YEA—Mr. Keller—I.

NAYS—Messrs. Baldwin, Blood, Brewer, Craig, Fetter, Francis, Gregg, Harris, Marselis, Miller, Nunemacher, Palmer, Parker, Penney, Schell, Scofield, Shaeffer, Steele, Thompson, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—24.

So the question was determined in the negative, and the bill fell.

EXECUTIVE CHAMBER, }  
Harrisburg, March 31, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

GENTLEMEN:—I have approved and signed the following acts of the General Assembly, viz:

On the 30th inst., "An Act for the election of an additional constable for the township of Brady's Bend, in the county of Armstrong."

"An Act to incorporate the White Marsh and Cheltenham turnpike road company."

"An Act declaring Potts run, in the county of Clearfield, a public highway."

"An Act to revive the charter of the Lancaster, Lebanon and Pinegrove railroad company."

"An Act authorizing the laying out of a State road leading from Schroyer's Gap, in Clinton county, by way of McCall's Mills, in Union county, to Spruce Gap, in Union county, to intersect the Kuegler road, in said county."

"An Act relative to supervisors in Perry county."

"An Act for the better securing the payment of the wages of labor in certain counties of this Commonwealth."

"An Act to incorporate the trustees of the Synod of the German Reformed Church, in the United States."

"A further supplement to the act incorporating the Duncannon, Landisburg and Broad Top railroad company."

On the 31st: "An Act to incorporate the Berks county association for the improvement of the breed of stock."

"Supplement to an act to incorporate the Philadelphia City passenger railway company, passed 26th March, 1859."

"An Act authorizing the commissioners of Washington county to pay certain moneys to William Greenfield, of said county."

WM. F. PACKER.

A communication was received from the State Superintendent of common schools and read.

It was ordered to be printed in the *Record*. It is as follows:

PA. DEPARTMENT OF COMMON SCHOOLS, }  
Harrisburg, March 31, 1859. }

Hon. JOHN CRESSWELL, Jr.,

*Speaker of the Senate:*

SIR: In reply to the resolution of the Senate of the 30th inst., requesting me "to inform the Senate what amount of money was paid to County Superintendents during the last school year, and what amount, in my opinion, will be required for this year," I have to state that the sum of \$38,604 was paid to County Superintendents, on warrant from this Department, for their salaries for the last school year, and that the same amount will be required for the ensuing year.

Very respectfully, your obedient servant,

H. C. HICKOK,

Superintendent of Common Schools

Mr. MYER, by the unanimous consent of the Senate, called up Senate bill No. 495.

Said bill, after being amended, passed committee of the whole, and lies over.

Agreeably to order the Senate resumed the consideration of the appropriation bill in committee of the whole, (Mr. WRIGHT in the Chair.) The question being upon the amendment offered by Mr. BELL, as the fifty-third section, viz: to make an appropriation of two thousand dollars to the Pennsylvania Colonization society.

Mr. COFFEY moved to amend the amendment by striking out the word "free."

Mr. BELL. I am not going to enter upon an examination of a vexed question of this kind, that has agitated the public mind so painfully and disastrously. I know, sir, that that portion of the bill before the Senate proposes to give the Colonization society an appropriation. The objection I have to the amendment of the gentleman from Indiana, is, that it will effect nothing, because it looks indirectly, if not directly, to the undermining of the laws passed by the Congress of the United States, in pursuance of the Constitution of the United States. This subject has been exhausted here and elsewhere. It is, therefore, not necessary that I or any other Senator should enter upon an argument of the question. The Senators have probably all made up their minds as to how they shall vote. I do not think this Legislature, or any other organized body, has any right to pass directly, or indirectly, any legal provision which has for its object the nullification of the laws, or the denial of their legal operations. I object to the Legislature of Pennsylvania adopting any amendment or provision which would seem to indicate upon its face, a desire to deny to the Federal government the right of passing laws, which the Constitution delegates to them the power to do, or even impliedly to say, we are willing to sanction anything which would discourage a spirit of obedience to the due execution of those laws. This is a position in which I think a majority of the Senate will sustain me.

Mr. FRANCIS. It is not my intention to detain this body by discussing this matter. It is apparent to every man how the issue is about to be determined, and what will be the result of it. I can only say I deeply regret its defeat. I heard with profound amazement the speech that was made yesterday relative to the Colonization society, its aims and objects, and I would say with regard to that, I did not believe one word of it, because there was not a semblance of truth about it, so far as the avowed purposes of the Colonization society are concerned. That society, with all the sneers that have been thrown at it, here and elsewhere, has done a work that is the glory of the nineteenth century. There is no society I know of, that has, with the same amount of means, accomplished half as much good as this one. There is no organization, with ten fold the means and resources of this one, for disseminating the

light of Christianity and civilization, that has accomplished—and I only speak now so far as my own knowledge goes—one tithe of the results that have been accomplished in Liberia. Now, sir, it would be a very easy matter to go over the whole theme. I have been acquainted with it from my boyhood. I have cherished it. Why? Because I was opposed to the emancipation of slaves? Because I wanted to bolster up slavery in the South? No, sir; every feeling of my heart revolts against that cruel, wicked system. Sir, I see, as you see, and every man sees, that there is not in this broad land, one descendant of Ham who is a free man to-day. Nor can they be free, I apprehend, on the soil where they once were slaves. Why is it that this poor black race must continue to be a degraded people among us? Is there a free colored man in Pennsylvania? You call them free; but the very word you apply to them is a sore mockery in the face of their degradation. There was a time when you gave them some of the rights that approximated to those belonging to freemen. Do you grant them those rights now? No, sir; the very rights which our fathers contended for, and successfully, too, against the power of Great Britain, the simple principle of taxation without representation.—Is there a colored man in Pennsylvania who has a voice in these halls?

The SPEAKER. The chair would call the attention of the gentleman to the fact that the amendment of the gentleman from Indiana is before the House.

Mr. FRANCIS. I want to be very brief, and therefore I will come directly to the consideration of the amendment. You may remember, Mr. Speaker, this scheme was got up by a few christian philanthropists in the State of New Jersey. It has been baptized by the tears of christian men, and put in operation by their bounty. They have sent out to the Colony of Liberia, over twelve thousand emigrants of mixed colors, as my friend from Bradford has said; over one-half of the number were slaves, who went out to that country where they could be permitted to enjoy the rights of freemen.

I favor this proposition, though not an abolitionist in the technical sense of the word.—We should not advocate the fostering of slavery by the State government, as it has been fostered by other State governments.

Mr. MYER. I would ask the gentleman what he means by saying he is not an abolitionist in the technical sense of the word?

Mr. FRANCIS. I regard an abolitionist as one who would dissolve the ties connecting master and slave and turn them loose upon the community without any wise or adequate provision being made for their support, and without any reference to the interests and well-being of either.

And, I repeat sir, I am in favor of taking immediate measures to break every yoke and let the oppressed go free. I believe my position to be the true one, and I wish to state it fully. That colony on the southwest coast of Africa is not only free. I submit to you that the communications of their Executive would do credit to the man who occupies the White House at Washington. Many of the documents from the Executive of that colony would do credit to any Executive on earth. They not only have there all the paraphernalia necessary to a government, but they have under their control some two hundred and twenty thousand natives. They are in direct alliance with other tribes, and are extending the arts of civilization and the blessings of christianity; and holding out to their oppressed fellows, in this land, a prospect of bettering their condition, and thus inducing them to remove thither.

Look at the action of all our States on this question. They not only are hostile to the colored race, but are passing laws forbidding a



person of color to come within their borders. It was only this winter that the State of Missouri had a gigantic scheme before the Legislature, which passed the lower House, and perhaps, the Senate. It read thus: that every colored man found within the bounds of the State, on or after a given day in 1860, should be sold into perpetual bondage. You may get up railroads, be they underground or overground, as many as you please of them, but you never will do anything permanent for the black man, until you give him a "local habitation and a name." It is his political position that degrades him. His color may operate against him, but no more so than the color of you or I might in a foreign country.

Restore these men to their proper positions, and you have done something permanent for their good.

The Pennsylvania Colonization society that is here asking for your alms, cannot send out slaves direct from here, but they can send them from other States to countries where they will be free.

The gentleman continued a short time longer in further remarks, and concluded by saying—"I know, sir, that the hand-writing is on the wall. You will not grant this appropriation. I regret it sincerely; for it is time we should do something for this long neglected and much injured race."

Mr. GAZZAM. Just as the Senator from Lawrence (Mr. FRANCIS) rose to address the Senate I was called out to the lobby. On my return, I was informed, by more than one Senator, that in his opening remarks he made use of expressions in relation to my remarks, which would tend to leave an unpleasant feeling. My object in rising is to ask that Senator to repeat those remarks.

Mr. FRANCIS. the remarks I made on this whole matter were wholly impromptu. In regard to what I stated about the remarks of the Senator from Allegheny, I said I thought they were unguarded, and though I did not believe scarcely a word of them to be true, yet I saw the gentleman was mistaken in his position.

Mr. GAZZAM. I desire the Senator to explain what he means when he says he cannot see any truth in my statements. Whether there was no truth in the facts alleged, or whether my ratiocination was fallible. I take no offence; but if there was any personal impeachment of my veracity I wish to know it.

Mr. FRANCIS. I said, sir, I regretted the fact that that Senator was arrayed against this measure. My position was that the premises, he assumed, which were that the Colonization society was got up to foster southern institutions, was an incorrect premise, and consequently the reasoning from that incorrect premise was also wrong.

Mr. GAZZAM. I have no objections to the gentleman's remarks. He is not correctly informed in regard to the origin of the Colonization Society. It was formed by southern gentlemen.

Mr. GAZZAM further explained the whole subject, referring to the remarks of the gentleman from Lawrence (Mr. FRANCIS) and defining his own position.

The amendment to the amendment was not agreed to, and the question recurring upon the amendment, it was negatived.

Mr. TURNEY offered the following as a new section—the fifty-third—which was adopted: for the payment of the balance due Jacob Ziegler, late a Clerk of the House of Representatives, twelve hundred and two dollars and thirty-six cents, as ascertained by the Auditor General on settlement.

Mr. MILLER proposed an additional section, appropriating one dollar for each copy of Burrow's School Journal, to be furnished to each school district in the Commonwealth.

Mr. SCHAEFFER forwarded a copy of a letter from Henry C. Hickok, Esq., superintendent of common schools, recommending the School Journal, addressed to himself. After the letter being read by the Clerk.

Mr. SCHAEFFER said—

This school journal has received the commendation of every school superintendent in the State. There is no saving by voting down this appropriation, because each and every one of the sixteen or eighteen hundred school districts in the State would doubtless continue their subscriptions. It matters not whether this appropriation should come from the districts or more directly from the coffers of our State Treasury. There is a saving in keeping up and supporting this School Journal, on account of the postage that would be saved by advertising in this journal instead of writing letters. This is an important consideration, and is a strong argument in favor of the section.

We are now acting on a precedent, and I think no member here will make a break in the general custom by voting down this appropriation.

Mr. GAZZAM said he would vote for the proposition as a matter of economy, and demonstrated the benefit accruing if the measure was adopted.

Mr. FRANCIS said he did not know whether he would oppose the proposition or not, and thought it would be of benefit to the State to have an organ of the kind proposed.

Mr. MILLER said it was necessary that the cause of education in this State should have an organ; that this system at this time was just in its infancy, and needed the fostering care of the Commonwealth to perfect it. He favored the proposition, and concluded by saying he was not in favor of unnecessary appropriations, but when a wise and most-needed expenditure was called for, he was ashamed to allow any small considerations to prevent its appropriation.

Mr. TURNEY said, as it had been alleged, as an argument in favor of this appropriation to the School Journal that it disseminated the decisions of the Legislature, he would say that that was done in a more effectual manner by a dissemination of a compilation of the laws. He continued—we have that work here, and I think it is an admirable one, and should be distributed over the State. The publication of those decisions and laws in this Journal, which I happen to know is very little read, would be of very little account. I would state another fact: I have had occasion to notice that this Journal contains personal laudations of particular schools and particular superintendents of schools of the aristocratic branch of society. Now, it was stated, by some one here, who advocated the continuance of this system, that one of the controlling reasons that should induce the Legislature to perpetuate this institution, was that it disseminated effectually, useful and needed information to the people. If that is designed to mean the laws, we have another vehicle by which we can communicate to the public at large, and that is by the pamphlet laws.

The amendment was not agreed to.

Mr. MYER offered a new section providing for the purchase of one hundred and fifty—at \$10 each—copies of Rogers' and Johnson's geological map of the United States and British Provinces of America, for the use of the members and heads of department.

The section was not agreed to.

On motion of Mr. SCHINDEL, a new section—the fifty-fourth—was added, which appropriates \$10 to each of the women regularly employed in both Houses, as a compensation for extra services in sweeping and cleaning.

The fifty-fifth was read as follows, and adopted:

SEC. 55. That the Auditor General shall not allow any account presented for settlement by any of the officers of the several institutions

named herein, and to which appropriations have been made, unless the same shall be attested by the oath of the superintendent or other principal officer that the same is correct, and was expended for the items set out in the bill, and that the same was contracted for on the most favorable terms.

Mr. BELL moved to reconsider the vote on the adoption of the eleventh and twelfth sections respectively, for the purpose of amendment; which was not agreed to.

Whereupon, the committee rose, and the chairman reported the bill with amendment.

On leave given, Mr. BELL (Judiciary) reported, as committed, "A further supplement to the act regulating lateral railroads."

Mr. FRANCIS (from the Committee to Compare Bills) made a report; which was read.

The hour of one having arrived, the SPEAKER adjourned the Senate until this afternoon at three o'clock.

#### SENATE—AFTERNOON SESSION.

The Senate was called to order by the SPEAKER at 3 o'clock, P. M.

Agreeably to order, the Senate resumed the consideration of the appropriation bill.

The first section was agreed to.

The second being before the Senate,

Mr. FRANCIS moved to amend by making the salary of the Adjutant General one thousand dollars, instead of six hundred dollars.

Mr. RANDALL moved to amend the amendment by making said salary eight hundred dollars.

Some discussion ensued between Messrs. FRANCIS and RANDALL, in favor of an increase of salary, and Messrs. MILLER, GREGG, SCOFIELD, MYER and HARRIS against.

Upon the adoption of the amendment to the amendment,

The yeas and nays were required by Mr. BLOOD and Mr. RANDALL, and were as follows, viz:

YEAS.—Messrs. Baldwin, Blood, Coffey, Craig, Fetter, Francis, Gazzam, Palmer, Parker, Randall, Shaeffer, Schindel, Thompson, Turney, Welsh and Cresswell, *Speaker*—16.

NAYS.—Messrs. Brewer, Gregg, Harris, Keller, Marselis, Miller, Myer, Nunemacher, Penney, Rutherford, Schell, Scofield, Steele, Wright and Yardley—15.

So the question was determined in the affirmative.

The question recurring,

Upon the amendment as amended,

The yeas and nays were required by Mr. SCOFIELD and Mr. MYER, and were as follows, viz:

YEAS.—Messrs. Blood, Coffey, Craig, Fetter, Francis, Gazzam, Palmer, Parker, Randall, Shaeffer, Schindel, Thompson, Turney, Welsh and Cresswell, *Speaker*—15.

NAYS.—Messrs. Baldwin, Brewer, Gregg, Harris, Keller, Marselis, Miller, Myer, Nunemacher, Penney, Rutherford, Schell, Scofield, Steele, Wright and Yardley—16.

So the question was determined in the negative.

Mr. YARDLEY moved to amend, by making the salary of Deputy Secretary \$1400, instead of \$1500.

Upon which motion,

The yeas and nays were required by Mr. RANDALL and Mr. YARDLEY, and were as follows, viz:

YEAS.—Messrs. Coffey, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Penney, Rutherford, Scofield, Shaeffer, Thompson and Yardley—13.

NAYS.—Messrs. Blood, Brewer, Craig, Fetter, Keller, Marselis, Miller, Nunemacher, Parker, Randall, Schell, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—17.



So the question was determined in the negative.

Mr. YARDLEY moved to amend, by changing the salary of the Superintendent of Common Schools from \$1500 to \$1400.

And upon this motion,

The yeas and nays were required by Mr. TURNEY and Mr. YARDLEY, and were as follows, viz:

YEAS—Messrs. Gregg, Myer, Penney, Rutherford, Scofield and Yardley—6.

NAYS—Messrs. Blood, Brewer, Coffey, Craig, Fetter, Francis, Gazzam, Harris, Keller, Marselis, Miller, Nunemacher, Palmer, Parker, Randall, Schell, Shaeffer, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—23.

So the question was determined in the negative.

Mr. PALMER moved to amend, by striking out the words, "inclusive of his compensation as commissioner of sinking fund," where they occur in connection with the appropriation for the State Treasurer.

Upon which motion,

The yeas and nays were required by Mr. SCOFIELD and Mr. PALMER, and were as follows, viz:

YEAS—Messrs. Baldwin, Blood, Coffey, Craig, Fetter, Francis, Gregg, Harris, Keller, Marselis, Miller, Myer, Palmer, Parker, Penney, Randall, Schell, Shaeffer, Schindel, Steele, Thompson, Turney, Wright and Cresswell, *Speaker*—24.

NAYS—Messrs. Brewer, Gazzam, Nunemacher, Scofield, Welsh and Yardley—6.

So the question was determined in the affirmative.

And the question recurring upon the second section as amended, it was adopted.

The third section having been read,

Mr. BREWER moved to amend by increasing the appropriation for clerk and message hire in the Surveyor General's office from \$8,100 to \$8,700, and in support of this amendment, spoke briefly. He contended that this department should be on an equality with the others.

Upon this motion,

The yeas and nays were required by Mr. BREWER and Mr. SCHELL, and were as follows, viz:

YEAS—Messrs. Blood, Brewer, Keller, Schell and Cresswell, *Speaker*—5.

NAYS—Messrs. Baldwin, Coffey, Fetter, Francis, Gregg, Harris, Marselis, Miller, Myer, Nunemacher, Palmer, Parker, Penney, Randall, Rutherford, Scofield, Shaeffer, Schindel, Steele, Thompson, Turney, Welsh, Wright and Yardley—24.

So the question was determined in the negative.

Mr. GAZZAM moved that the Senate do now adjourn; and upon this motion,

The yeas and nays were required by Mr. GAZZAM and Mr. BALDWIN, and were as follows, viz:

YEAS—Messrs. Baldwin, Brewer, Francis, Gazzam, Gregg, Keller, Marselis, Miller, Parker, Penney, Rutherford, Schell, Schindel, Thompson, Welsh, Wright, Yardley and Cresswell, *Speaker*—18.

NAYS—Messrs. Blood, Coffey, Craig, Fetter, Harris, Myer, Nunemacher, Palmer, Randall, Scofield, Shaeffer, Steele and Turney—13.

So the question was determined in the affirmative, and the Senate adjourned until 9½ o'clock to-morrow morning.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, March 31, 1859.

The House was called to order at 9½ o'clock.

The Clerk read the Journal of yesterday.

Mr. WILCOX, on leave given, from the Committee on Railroads, reported, as committed,

"A supplement to an act to incorporate the Pittsburgh and Sinnemahoning railroad company;" which was taken up and passed finally.

Mr. HOTTENSTINE, from the Committee on Roads and Bridges, reported, as committed, "An Act repealing an act relative to the Susquehanna and Waterford turnpike road company;" which was taken up and passed finally.

Mr. GOEPP moved to suspend the rules in order to resume the consideration of Senate bill No. 275, "An Act to authorize the execution of process in certain cases;" which was granted.

Whereupon said bill was passed finally.

Mr. PUGHE (Education) reported, as committed, "An Act to incorporate the trustees of the township of Jenkins, Luzerne county."

Also, "An Act to incorporate the trustees of the borough of Pittston, same county."

Mr. CHASE, on leave given, offered a resolution, that, for the purpose of considering House bill No. 30, "An Act giving justices of the peace power, with a jury of five, to hear certain cases, the House will hold a special session to-morrow afternoon, commencing at three o'clock.

The resolution was read the second time.

Mr. HAMERSLY moved to amend the bill by adding bills on Public Calendar, after said bill is disposed of; agreed to, and the resolution, as amended, was adopted.

Mr. GLATZ (Corporations) reported, as committed, "Supplement to an act to incorporate the Altoona gas company."

On his motion, said bill was taken up and passed.

Mr. NILL, on leave given, called up House bill No. 1107, "Supplement to an act to incorporate the Greencastle and Middlebury turnpike road company;" which was considered and passed, and sent to the Senate for concurrence.

Mr. NEALL, (Lands,) "An Act to authorize the Surveyor General to sell certain vacant lands," as committed.

Also, with a negative recommendation, "An Act to enforce the payment of unpaid purchase money, &c., &c."

Mr. KETCHUM asked and obtained leave of absence for Mr. PALM.

Messrs. JACKSON and WAGENSELLER moved to re-consider vote on final passage of an act declaring the streets and alleys of Robert's addition, in the town of Catawissa, public highways; which was agreed to.

The question recurring,

Shall the bill pass?

Mr. JACKSON, after having obtained the unanimous consent of the House, amended the bill.

And the bill as amended passed.

Mr. FOSTER moved that the rules be suspended, and that the House proceed to the consideration of House bill No. 1132; which was agreed to.

AN ACT to provide for taking testimony in cases of contested elections of members of the General Assembly.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for any court of common pleas, or any judge thereof, in vacation, on the filing of a petition with the prothonotary thereof, setting forth that an undue election has been had, or a false return made of a person elected member of the Senate or House of Representatives of this Commonwealth, and specifying the facts upon which such petition is based, signed by not least ten qualified electors of the proper senatorial or representative district, at least five of whom shall have been sworn or affirmed, that the facts therein set forth are true to the best of their knowledge and belief, to issue a commission to take the testimony of such witnesses as the petitioners or respondent may desire before such competent authority, and at such*

times and places as shall seem just and convenient, with such subpoenas as may be necessary; and any such commissioner may compel the attendance of any witnesses duly subpoenaed by attachment or otherwise: *Provided*, That no such commission shall issue till after five days' notice of the filing of such petition, with a copy thereof, has been served upon the person returned as elected as aforesaid, personally, or by leaving at his dwelling with some member of his family, nor in case he resides in another county, until ten days after such notice: *And provided further*, That the testimony taken on such commission, shall be confined to the specific allegations of the petition and the rebuttal thereof.

SEC. 2. That the petitioners shall pay the cost of any such commission, and of the witnesses they may have in attendance, and the person against whose election such petition is filed shall pay the cost of such witnesses as he may have in attendance, to be taxed by the commissioner, and return thereof made to the proper court; but all costs so paid, as aforesaid, shall be finally paid to said petitioners and respondent in the same manner as is now by law provided in cases of contested elections for members of the Senate and House of Representatives: *Provided*, That in case such contest is not pursued at the proper session of the General Assembly, in the manner provided by law, judgment may be rendered on motion, in the proper court of common pleas, against such petitioners, jointly and severally, for all costs which shall have accrued.

SEC. 3. That it shall be the duty of the prothonotary to certify all depositions taken and proceedings had in court under this act, and hold the same subject to the direction or order of the Speaker of the proper house of the General Assembly, and all depositions so taken shall be deemed legal evidence, subject to the usual rules of evidence, before any committee of the proper house selected to decide any such contested election.

The House having dispensed with going into committee of the whole, said bill was duly considered and passed, and was sent to the Senate for concurrence.

Mr. M'CLURE asked leave to offer a resolution that the act entitled, "A supplement to the act incorporating the Duncannon, Landisburg and Broad Top railroad company" be recalled from the Senate, for the purpose of amending the same.

The resolution was read a second time.

Mr. PATTERSON said—

Mr. SPEAKER:—I trust this motion will not prevail. Unless the gentleman from Franklin (Mr. M'CLURE) will inform this House his object, I will protest against the passage of the resolution. Some years ago the Legislature granted a charter to the Duncannon and Landisburg railroad company, and prescribed a certain route, and named several points through which the road must pass. This enterprise originated in Juniata and Perry counties, and my constituents are peculiarly interested in the success of the road. Upon the guarantees in the charter, as to the routes and the points it should touch, my constituents, in Juniata county, made subscriptions and paid in the installments required by the board of directors. This money has been spent in making the survey and other expenses. The money was paid in good faith; now when there is a prospect of the road being made, there is an attempt to be made here to strike out of the original charter the route and points named therein, and to give the new board the right to select any route they please. Yet there is no provision offered to be made to re-pay the money my constituents have paid upon the faith of contracts. It is bad faith and unjust, and I hope this House will not be a party to so great an outrage upon any portion of our fellow-citizens. The amendment of the gentleman



from Franklin, (Mr. MCCLURE,) would locate the route of this road through Path Valley, and take it entirely out of Juniata county, and place a mountain between the road and those who first encouraged the project by their influence and money. My constituents care nothing about the change of name and other privileges granted by the bill we passed here yesterday. We are contented with the present route and rights secured us. The gentleman from Washington, (Mr. LAWRENCE,) says it is a through route. I say we don't care about that, if by making it a great through road the route is to be changed and we are to lose our money and the advantages we expect to derive from the construction of this road. It was originated as a coal road from Broad Top, and with that we are content, and I say it concerns us alone, and is, if you please, a local road. The gentleman has had all the session to offer his amendment, either in the committee or in the House, and if he neglected to do so, it is no reason why this House should recall from the Senate, a bill we have passed deliberately. All parties concerned in this matter, agreed to the bill as it came from the Senate, and it is now bad faith to propose a different one. All we ask is to let us alone, and we will try to build this road upon the route agreed upon in the charter; we don't care how many branches you make, but we protest against any attempt to change the present route and interfere with our rights.

A rambling discussion followed between Messrs. MCCLURE, NILL, LAWRENCE, (Washington,) WALBORN and WAGENSELLER on the subject.

And on the final passage of the resolution,

Mr. MILLER moved to postpone the further consideration of the same for the present.

And on the motion,

The yeas and nays were required by Mr. PATTERSON and Mr. WALBORN, and were as follow, viz:

YEAS—Messrs. Balliet, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Campbell, Chase, Custer, Dismant, Eckman, Glatz, Good, Keneagy, Laird, McDowell, Miller, Patterson, Smith, (Berks,) Stephens, Stoneback, Wagenseller, Walborn, Wigton, Williams, (Bucks,) Wilson, Withrow and Lawrence, *Speaker*—27.

NAYS—Messrs. Abbott, Acker, Bayard Brodhead, Bryson, Burley, Dodds, Ellmaker, Evans, Fearon, Fisher, Foster, Galley, Goepf, Graham, Gratz, Gritman, Harding, Hill, Hottenstine, Lawrence, (Washington,) Mann, Matthews, McClure, McCurdy, Neall, Nill, Oaks, Palm, Peirce, Price, Proudfoot, Pugh, Quigley, Ramsdell, Rohrer, Rose, Rouse, Sheppard, Shields, Smith, (Philadelphia,) Stuart, Syer, Taylor, Thorn, Walker, Warden, Witman, Wilcox, Williams, (Bedford,) Williston, Woodring and Zoller—53.

So the question was determined in the negative.

The question recurring,  
Shall the resolution pass?

The yeas and nays were required by Mr. PATTERSON and Mr. WAGENSELLER, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Bayard, Brodhead, Bryson, Church, Durboraw, Ellmaker, Evans, Fearon, Foster, Galley, Goepf, Graham, Gratz, Gray, Gritman, Harding, Hill, Hottenstine, Irish, Laird, Lawrence, (Washington,) Mann, Matthews, McClure, McCurdy, Neall, Nill, Oaks, Palm, Peirce, Proudfoot, Pugh, Quigley, Ramsdell, Rohrer, Sheppard, Shields, Smith, (Philadelphia,) Stuart, Syer, Taylor, Thompson, Walker, Warden, Witman, Williams, (Bedford,) Williston, Woodring, Zoller and Lawrence, *Speaker*—52.

NAYS—Messrs. Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Custer, Dismant, Eckman, Fleming, Glatz, Good, Keneagy, McDowell, Miller, Patterson, Price, Smith, (Berks,) Stephens, Stoneback, Wagenseller, Walborn, Williams, (Bucks,) Wilson, Withrow and Lawrence, *Speaker*—23.

So the question was determined in the affirmative.

On motion of Mr. GRATZ, the House took up and passed finally, Senate bill No. 385, "A supplement to an act to amend certain defects of the law for the more safe and just transmission and secure enjoyment of real and personal estate, approved April 27, 1855."

Mr. HAMERSLY, on leave given, introduced "An Act to incorporate the Germantown market company of Philadelphia."

Ordered on Private Calendar.

Mr. WILSON moved to suspend the rules in order to proceed to the consideration of House bill 628, "An Act relating to the settlement of registers of wills, recorders of deeds, prothonotaries and clerks of courts with the State Treasurer;" which was not agreed to.

#### PETITIONS, &c., PRESENTED.

Mr. IRISH, the petition of Letitia Bullock, Geo. W. Ward and fifty-eight others, in favor of the passage of an act to prevent the rendition of fugitive slaves.

Also, two from eighty-three citizens of Pittsburgh, against any change in the school laws of said city.

Mr. SMEAD, one from citizens of the proposed new township of Aba, Bradford county, praying for the passage of House bill No. 218, "An Act relating to townships;" which was read.

Also, one from citizens of Bradford county, praying for such amendments of the State Constitution as will give the blacks equal political rights with the whites.

Mr. FLEMING, seven petitions of citizens of Clarion county, for the removal of the court house from Clarion to Callensburg, in said county."

Mr. NILL, two from citizens of Franklin county, for the passage of a law taxing dogs.

Mr. TAYLOR, one from citizens of Blairsville, Indiana county, for the repeal of "An Act to extend Walnut street, in said borough, passed May 5th, 1854."

Mr. KENEAGY, the remonstrance of citizens of West Hempfield township, Lancaster county, against the passage of "An Act requiring the Chestnut Hill turnpike road company to lower their rates of tolls."

Mr. GREEN, one of like import.

Mr. JACKSON, three remonstrances numerously signed by citizens of Columbia county, against the passage of any act for the widening and extension of Market street, in Bloomsburg, at the expense of the county.

Mr. OAKS, one of like import.

Mr. KETCHUM, the petition of citizens of Luzerne county, for the passage of a supplement to the three hundred dollar exemption law of April 9, 1849.

Also, one from citizens of same county, praying for the passage of an act to take away from county commissioners the power to appoint tax collectors, and to alter the assessed valuation of property.

Mr. FLEMING, a petition from citizens of Forest county, to attach part of said county to Jefferson county.

Mr. HOTTENSTINE, a petition from citizens of Union county, praying for the passage of an act to prevent the hunting of deer with dogs in said county.

Also, the petitions of citizens of Northumberland county, praying for the change of venue of a certain action of ejectment from Union to Northumberland county.

Mr. HILL, two petitions from citizens of Montgomery county, for an act requiring the commissioners of said county to appoint the constables to the office of collectors of taxes.

#### BILLS CALLED UP.

Mr. GRATZ called up House bill No. 1252,

"An Act to incorporate the Thirteenth and Fifteenth Streets passenger railway company."

The bill passed its several readings, and after having been amended by Messrs. GRATZ and SHEPPARD,

Mr. SMITH, (Philadelphia,) moved that the further consideration of the same be postponed for the present.

On the motion,

The yeas and nays were required by Mr. GOOD and Mr. BERTOLET, and were as follow, viz:

YEAS—Messrs. Balliet, Barnsley, Bertolet, Boyer, (Schuylkill,) Brodhead, Campbell, Custer, Dismant, Evans, Fearon, Fleming, Glatz, Good, Gray, Gritman, Harding, Hill, Hottenstine, Jackson, Laird, Matthews, Oaks, Patterson, Quigley, Rose, Smead, Stephens, Syer, Walborn, Wilcox, Withrow and Woodring—82.

NAYS—Messrs. Abbott, Acker, Bayard Bryson, Chase, Dodds, Durboraw, Fisher, Foster, Graham, Gratz, Green, Hamersly, Irish, Ketchum, Lawrence, (Washington,) Mebaffey, McClure, McDowell, Neall, Nill, Palm, Peirce, Proudfoot, Sheppard, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stoneback, Stuart, Taylor, Thompson, Thorn, Walker, Warden, Witman, Wigton, Wiley, Williams, (Bedford,) Williston, Wilson, Zoller and Lawrence, *Speaker*—43.

So the question was determined in the negative.

On the question,

Will the House suspend the rule and read the bill the third time by its title?

The yeas and nays were required by Mr. GOOD and Mr. PATTERSON, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Bayard, Bryson, Chase, Church, Dodds, Eckman, Fearon, Fisher, Foster, Graham, Gratz, Green, Hamersly, Irish, Keneagy, Lawrence, (Washington,) McClure, McCurdy, McDowell, Miller, Neall, Nill, Palm, Peirce, Price, Proudfoot, Rohrer, Sheppard, Shields, Stuart, Syer, Taylor, Thompson, Thorn, Walker, Warden, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Zoller and Lawrence, *Speaker*—48.

NAYS—Messrs. Balliet, Barnsley, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Campbell, Custer, Dismant, Fleming, Glatz, Goepf, Good, Gray, Gritman, Harding, Hill, Hottenstine, Jackson, Laird, Matthews, Oaks, Patterson, Quigley, Rose, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Walborn, Wilcox, Withrow and Woodring—34.

So the question was determined in the negative—two-thirds not voting affirmatively.

Mr. BAYARD called up Senate bill No. 680, "An Act to incorporate the Pittsburgh, Allegheny and Manchester passenger railway company," and, after having been amended by Messrs. McDOWELL, FOSTER and IRISH, was passed finally.

Mr. ROSE moved that when this House adjourn, it will meet again to-morrow morning, at 9½ o'clock.

Mr. MCCLURE moved to amend, by meeting again this evening, at 7½ o'clock; which was agreed to.

Mr. ROHRER moved to amend, by meeting this evening, at 7 o'clock; which was not agreed to.

The motion, as amended by Mr. MCCLURE, was agreed to.

Mr. HAMERSLY called up House bill No. 182, "An Act to confer on certain associations of citizens of this Commonwealth, the powers and immunities of corporations, and bodies politic in law, and to confirm charters heretofore granted;" which was read the second and third time, considered, and agreed to.

Mr. WILCOX moved to amend, by embracing



the county of McKean within the provisions of the act; which was agreed to.

On the final passage of the bill,

The yeas and nays were required by Mr. FOSTER and Mr. NEALL, and were as follows, viz:

YEAS—Messrs. Abbott, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Church, Custer, Dismant, Evans, Fearon, Fisher, Fleming, Goepp, Gratz, Green, Gritman, Hamersly, Harding, Hill, Ketchum, Kinney, Mehaffey, Matthews, M'Clure, M'Curdy, Neall, Palm, Price, Proudfoot, Pughe, Rohrer, Rouse, Sheppard, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stonehack, Styer, Thorn, Walborn, Walker, Warden, Witman, Wilcox, Wiley, Williams, (Bedford,) Williston, Woodring, Zoller and Lawrence, *Speaker*—53.

NAYS—Messrs. Balliet, Barnsley, Bryson, Dodds, Eckman, Foster, Galley, Glatz, Good, Grabam, Gray, Hottenstine, Keneagy, Laird, Mann, Miller, Nill, Oaks, Patterson, Ramsdell, Stuart, Taylor, Thompson, Wagonseller, Williams, (Bucks,) Wilson and Withrow—27.

So the question was determined in the affirmative.

#### BILL RECONSIDERED.

Messrs. FISHER and MATTHEWS moved that the vote by which House bill, No. 183, "An Act erecting the counties of Clearfield, Jefferson, Elk and Forrest into a new judicial district, to be called the twenty-sixth," was defeated yesterday, be reconsidered.

And on the question, will the House agree to the motion?

The yeas and nays were required by Mr. WILLISTON and Mr. RAMSDELL, and were as follows, viz:

YEAS—Messrs. Balliet, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Burley, Church, Custer, Dismant, Evans, Fisher, Fleming, Glatz, Goepp, Good, Gray, Gritman, Hamersly, Harding, Hill, Hottenstine, Jackson, Keneagy, Laird, Lawrence, (Washington,) Mehaffey, Matthews, Neall, Oaks, Patterson, Price, Proudfoot, Rohrer, Sheppard, Shields, Smead, Smith, (Philadelphia,) Stephens, Stonehack, Styer, Thorn, Walhorn, Warden, Witman, Wilcox, Wiley, Woodring and Lawrence, *Speaker*—48.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Bayard, Bryson, Campbell, Chase, Dodds, Eckman, Foster, Graham, Gratz, Irish, Ketchum, Kinney, Mann, M'Clure, M'Curdy, Miller, Nill, Palm, Peirce, Ramsdell, Rose, Rouse, Rouse, Smith, (Berks,) Stuart, Thompson, Wagonseller, Walker, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson and Zoller—37.

So the question was determined in the affirmative.

Mr. ROSE moved that the further consideration of the question be postponed indefinitely. He made some remarks of a similar nature to those before expressed.

Mr. M'CLURE, thinking that there were indications that the bill would pass, desired to call the attention of the members to the facts of the case. These he recapitulated. There was no need of the new judicial district.

Mr. WALBORN called the previous question; which was sustained.

And on the question,

Shall the main question be now put?

The yeas and nays were required by Mr. WILLISTON and Mr. WILCOX, and were as follows, viz:

YEAS—Messrs. Boyer, (Clearfield,) Brodhead, Burley, Church, Custer, Evans, Fisher, Fleming, Galley, Glatz, Goepp, Good, Gray, Gritman, Hamersly, Harding, Hill, Hottenstine, Jackson, Keneagy, Laird, Lawrence, (Washington,) Mehaffey, Matthews, Neall, Oaks, Patterson, Price, Rohrer, Sheppard, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Styer, Wal-

born, Warden, Witman, Wilcox, Wiley, Woodring and Lawrence, *Speaker*—42.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Bayard, Bryson, Campbell, Chase, Dodds, Eckman, Foster, Graham, Gratz, Irish, Ketchum, Kinney, Mann, M'Clure, M'Curdy, Miller, Nill, Palm, Peirce, Ramsdell, Rose, Rouse, Smead, Stuart, Taylor, Thompson, Wagonseller, Walker, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow and Zoller—38.

So the question was determined in the affirmative.

The question again recurring,

Shall the bill pass?

The yeas and nays were required by Mr. WILLISTON and Mr. IRISH, and were as follows, viz:

YEAS—Messrs. Boyer, (Clearfield,) Brodhead, Burley, Church, Evans, Fleming, Galley, Glatz, Goepp, Good, Gray, Hamersly, Harding, Hill, Hottenstine, Jackson, Keneagy, Laird, Lawrence, (Washington,) Matthews, Neall, Oaks, Patterson, Rohrer, Sheppard, Shields, Smith, (Philadelphia,) Stephens, Styer, Walborn, Warden, Witman, Wilcox, Wiley, Woodring and Lawrence, *Speaker*—36.

NAYS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Campbell, Chase, Custer, Dodds, Eckman, Foster, Graham, Gratz, Irish, Ketchum, Kinney, Mann, M'Clure, M'Curdy, McDowell, Miller, Nill, Palm, Peirce, Ramsdell, Rose, Rouse, Smead, Smith (Berks,) Stuart, Taylor, Thompson, Wagonseller, Walker, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow and Zoller—43.

So the question was determined in the negative.

#### SENATE AMENDMENTS

To House bill relative to the Dauphin and Schuylkill coal and railroad company, were read; and on motion of Mr. GOEPP, concurred in.

The Deputy Secretary of the Commonwealth was introduced, and presented a number of messages from the Governor; which were read, as follows:

#### EXECUTIVE CHAMBER,

Harrisburg, March 31, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN: The bill, entitled "An Act to incorporate the Mont Alto iron company," is herewith returned, without the Executive approval, to the Senate, where it originated, for re-consideration.

The object of the bill is to incorporate a company for the purpose of manufacturing iron, with a capital of five hundred thousand dollars, to be located at Mont Alto, in Franklin county.

The bill is objectionable in many of its features: such as the limited individual responsibility of the stockholders; the long postponement of the payment of the bonus to the State; but the principal objection consists in the special character of the proposed legislation.

Under the general manufacturing law, approved April 7, 1849, ample provision has been made for the incorporation of companies to manufacture iron; and there is, consequently, no necessity for a special act of incorporation for such a purpose. It is believed that the general law is, in the main, well adapted to promote the interests of those who desire to associate together, under a corporate name, to carry on manufacturing or mining operations, while, at the same time, in some degree at least, its provisions are calculated to protect the community at large from losses likely to arise from business transactions with corporations whose individual members are not personally liable to make good its contracts and engagements. If, however, the general law is defective, it will afford the Executive great pleasure to unite with the other branches of the law-making power, in

extending, amending, or regulating its provisions, in such manner as to render it acceptable to those desirous of investing their capital in the business of mining or manufacturing in this Commonwealth. A resort to special legislation, instead of improving the general law, is certainly not to be encouraged.

Instating my objections to this species of legislation, I have but to reiterate what I have heretofore said to the General Assembly in returning similar bills for re-consideration. I therefore repeat, that where a bill is confined to a single locality, or is limited in its application to a particular company, it is not likely to receive at the hands of the Legislature that consideration which is given to a general bill; and consequently it often happens that powers are granted which should be withheld, and restrictions omitted which ought to be imposed. As each corporation has a law of its own, there is neither uniformity nor equality in what is conferred, or what is prohibited. Hence that which one corporation may do with impunity, is expressly forbidden to another of the same character. Another evil grows out of the defective machinery provided for the practical operations of companies organized under special laws.—Frequent occasions are thereby given for supplementary acts, which fill our statute books, although of no public interest, and occupy a large portion of the time and attention of the General Assembly and the Executive. It is a public grievance that so much of the time of the several departments of the government should be diverted from the performance of other important public duties, and consumed upon acts of this character. If it were necessary to snuff these acknowledged evils, for the purpose of securing a greater good to the people of the Commonwealth, then it might be proper to submit to them without a murmur. But it is not necessary. All the benefits to be derived from associated capital may be secured by a law general in its provisions, extending equally over the entire State, and applicable to every citizen desiring its advantages.

But aside from this, my firm conviction is, that the evils attendant upon granting corporate powers and privileges for manufacturing and mining purposes, are nearly, if not entirely, equal to the benefits to be derived from that source. That individual capital, and individual enterprise, under the restraints of individual liability, are fully competent to the successful prosecution of those industrial pursuits, has been clearly established by the experience of the past. And upon that capital and that enterprise mainly rest our hopes of success in the future.

Entertaining these views, I have deemed it my duty to withhold the Executive approval from the bill under consideration, and all others of a similar character.

WM. F. PACKER.

#### EXECUTIVE CHAMBER,

Harrisburg, March 31, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—A bill has been presented for my consideration, entitled "An Act to widen the eastern extension of Third street, in the town of Bloomsburg, Columbia county."

The bill authorizes the supervisors of the township of Bloom, in the county of Columbia, to widen the eastern extension of Third street, in the town of Bloomsburg, so as to make the same thirty-three feet in width, in accordance with a certain report filed in the court of quarter sessions of the peace in Columbia county, on the 5th day of December, 1855.

The power to authorize the supervisors of Bloom township to widen the street named in this bill, unquestionably exists in the court of quarter sessions of Columbia county. If it be proper to widen the street, that court will un-



doubtedly make the necessary order for that purpose, upon a proper application; but if, in view of all the facts bearing on the question, the court has refused to grant the order, I am clear that the Legislature ought not to interfere. I have invariably declined to approve bills of this character, where the remedy could be obtained at the hands of the proper local tribunals. The bill is therefore returned to the Senate, where it originated, without my approval, for reconsideration.

WM. F. PACKER.

EXECUTIVE CHAMBER,  
Harrisburg, March 31, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I herewith return to the Senate, in which it originated, a bill, entitled "An Act to incorporate the East Danville iron company," without the Executive approval.

Having stated my objections to a similar bill, somewhat at length, in a message to the Senate and House of Representatives, of this date, returning without my approval, the bill, entitled "An Act to incorporate the Mont Alto iron company," I respectfully refer you to that communication for my reasons for declining to approve of this bill.

WM. F. PACKER.

EXECUTIVE CHAMBER,  
Harrisburg, March 31, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I herewith return to the Senate, in which it originated, a bill, entitled "An Act to incorporate the Ario Iron company," without the Executive approval.

Having stated my objections to a similar bill, somewhat at length, in a message to the Senate and House of Representatives, of this date, returning without my approval, the bill, entitled "An Act to incorporate the Mont Alto iron company," I respectfully refer you to that communication for my reasons for declining to approve of this bill.

WM. F. PACKER.

EXECUTIVE CHAMBER,  
Harrisburg, March 31, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I herewith return to the Senate, in which it originated, a bill, entitled "An Act to incorporate the Eastern iron company," without the Executive approval.

Having stated my objections to a similar bill, somewhat at length, in a message to the Senate and House of Representatives of this date, returning without my approval, the bill, entitled "An Act to incorporate the Mont Alto iron company," I respectfully refer you to that communication for my reasons for declining to approve of this bill.

WM. F. PACKER.

EXECUTIVE CHAMBER,  
Harrisburg, March 31, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN—I have approved and signed the following acts of the General Assembly, viz:

On the 30th inst., "An Act for the election of an additional constable for the township of Brady's Bend, in the county of Armstrong."

"An Act to incorporate the White Marsh and Cheltenham turnpike road company."

"An Act declaring Potts run, in the county of Clearfield, a public highway."

"An Act to revive the charter of the Lancaster, Lebanon and Pinegrove railroad company."

"An Act authorizing the laying out of a State road leading from Schroyer's Gap, in Clinton county, by way of McCall's Mills, in Union county, to Spruce Gap, in Union county, to intersect the Kuegler road, in said county."

"An Act relative to supervisors in Perry county."

"An Act for the better securing the payment

of the wages of labor in certain counties of this Commonwealth."

"An Act to incorporate the trustees of the Synod of the German Reformed Church, in the United States."

"A further supplement to the act incorporating the Duncannon, Landisburg and Broad Top railroad company."

On the 31st: "An Act to incorporate the Berks county association for the improvement of the breed of stock."

"Supplement to an act to incorporate the Philadelphia City passenger railway company, passed 26th March, 1859."

"An Act authorizing the commissioners of Washington county to pay certain moneys to William Greenfield, of said county."

WM. F. PACKER.

The hour of one having arrived, the SPEAKER adjourned the House until this evening at 7½ o'clock.

#### HOUSE.—EVENING SESSION.

THURSDAY, March 31, 1859.

The SPEAKER called the House to order at 7½ o'clock, P. M.

The SPEAKER called the attention of the House to a communication from the city of Erie; which was read by the Clerk. It was from the widow of an old soldier residing in Erie, praying for relief.

Mr. LAIRD moved to take up the bill in question, No. 1094, House file, and proceed to its consideration. Agreed to.

The bill passed finally.

Mr. M'DOWELL moved to take up House bill No. 361, authorizing the school directors of Allegheny county to select sites for school houses. Agreed to.

Mr. MANN amended by inserting the county of Potter.

Mr. CAMPBELL amended by inserting Erie, Warren, Bradford, Tioga and Crawford counties were also inserted.

The bill passed finally.

Mr. SMEAD gave notice that he should move to reconsider House bill No. 182.

Mr. HAMERSLY wished to know whether the bill had gone to the Governor.

The SPEAKER. It has not.

Mr. BAYARD asked leave of absence for Mr. Picking, Transcribing Clerk.

Mr. EVANS moved to consider House bill No. 1230, providing for an additional alderman in the Eleventh ward of Philadelphia. Agreed to.

Mr. WARDEN offered a joint resolution authorizing the Clerk to amend House bill No. 776, relative to the Pennsylvania Central railroad company, by striking out the word "central," wherever it occurred.

The bill was one authorizing the Pennsylvania railroad company to subscribe for stock of the Westmoreland railroad company.

The resolution passed.

Mr. PUGHE moved to reconsider the vote on House bill No. 674.

The motion was not seconded.

Senate bill, No. 483, being the special order for the evening, was called up.

#### COMMITTEE OF THE WHOLE.

Mr. CUSTER was called to the Chair.

The bill was read, as follows:

A SUPPLEMENT to an act to exempt property to the value of three hundred dollars, from levy and sale on execution and distress for rent, approved the ninth day of April, Anno Domini one thousand eight hundred and forty-nine.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the widow or children of any decedent, entitled to retain three hundred dollars out of such de-

cedent's estate by the laws of this Commonwealth, and every person entitled to the exemption provided for in the act, entitled "An Act to exempt property to the value of three hundred dollars from levy and sale on execution for distress for rent," approved the ninth day of April, Anno Domini one thousand eight hundred and forty-nine, may elect to retain the same or any part thereof, out of any bank notes, money, stocks, judgments, or other indebtedness to such person: *Provided*, That the same shall be taken at its nominal value without appraisement.

SEC. 2. That any person otherwise entitled to the exemption provided for in this act, and the act to which this act is a supplement, shall not be deprived thereof, in consequence of any contract hereafter made by which the right to claim such exemption shall be waived or released: *Provided*, That the provisions of this act shall not apply to contracts made for the renting of a dwelling house, or for other things necessary for the support or maintenance of the wife or family of any such person.

Mr. SMITH, (Berks,) moved to amend the second section, by striking out the word "hereafter," (italicized in the above,) and inserting in place thereof, "contracts made after the first of May, 1859."

Mr. THOMPSON opposed the second section, and contended in favor of the first section, which had been reported by the Judiciary Committee.

Mr. SMITH, (Berks,) alleged that his amendment to the second section benefited it greatly.

Mr. WILLISTON made some remarks in favor of the exemption law, opposing at the same time the proviso to the bill, and alleging that the provision effectually nullified the original act.

Mr. KINNEY favored the act, but considered the amendment of Mr. SMITH, fixing a certain date on which the law was to go into effect, as absolutely necessary.

Mr. FOSTER could not sustain the amendment of Mr. SMITH, because it would interfere with contracts already made. He based this opinion on a decision of the supreme court, which he cited. It was not optional with, or admissible for a party to waive the law. The provision, however, fixing the time of the law becoming effective on May first, he admitted would obviate the difficulty.

Mr. MILLER favored the amendment of Mr. SMITH, (Berks,) but hoped that, nevertheless, the second section would be voted down. It impaired the obligation of contracts.

Mr. NILL said that this would not be the effect of the section. He rebutted the argument which had been advanced by Mr. FOSTER against the provision.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was agreed to.

Mr. WILCOX moved that the committee rise, report progress, and ask leave to sit again; agreed to.

The bill being before the House, was again read.

Mr. PRICE offered an amendment to the first section, which was debated by Messrs. NILL, M'CLURE, PRICE and MILLER.

The amendment was lost.

The first section was agreed to.

Mr. THOMPSON offered a proviso to the second section, as follows:

*Provided*, That in all cases where the person signing such waiver, has a wife living at the time of executing the same, it shall be void, unless his wife shall join in the execution thereof, in the same manner now provided for in the execution of a deed by a married woman under the act of 11th April, 1848.

Mr. KINNEY believed the original act to be



wise and proper, and spoke at some length in its favor.

Mr. NILL replied to the arguments which had been advanced previously by Messrs. THOMPSON, M'CLURE, WALBORN, HAMERSLY and ROSE.

Mr. WILLIAMS, (Bucks,) moved to adjourn. On this motion,

The yeas and nays were required by Mr. FOSTER and Mr. M'CLURE, and were as follows, viz:

YEAS—Messrs. Acker, Balliet, Bayard, Ber-tolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Campbell, Dodds, Fisher, Fleming, Galley, Glatz, Goepf, Graham, Gray, Hill, Jackson, Ketchum, Laird, Mehaffey, Matthews, Oaks, Patterson, Price, Quigley, Ramsdell, Smith, (Berks) Stuart, Styer, Taylor, Thompson, Wagenseller, Walhorn, Warden, Witman, Williams, (Bedford,) Williams, (Bucks,) Zoller and Lawrence, *Speaker*—41.

NAYS—Messrs. Ahcott, Barnsley, Barlow, Burley, Church, Custer, Dismant, Eckman, Foster, Gratz, Gritman, Hamersly, Hottenstine, Kinney, Lawrence, (Washington,) Mann, M'Clure, M'Curdy, Neall, Nill, Peirce, Proudfoot, Pughe, Rohrer, Rose, Rouse, Smead, Stephens, Stonehack, Thorn, Williston and Wilson—32.

So the question was determined in the affirmative.

#### SENATE.

FRIDAY, April 1, 1859.

The Senate was called to order at the usual hour.

The SPEAKER in the chair.

Prayer was offered by Rev. Dr. DeWitt.

The reading of the Journal was dispensed with, on motion of Mr. STEELE.

#### LEAVE OF ABSENCE.

Mr. THOMPSON asked and obtained leave of absence for Mr. BELL, for a few days.

The SPEAKER presented two remonstrances of citizens of Blair county, against any change of the school law.

#### PETITIONS, MEMORIALS, &C.

Mr. MARSELIS presented two remonstrances against the incorporation of the Penn steam engine, steamboat and steamship company.

Mr. WRIGHT, a remonstrance of citizens of Holmesburg, against the passage of an act narrowing a turnpike road through said village.

Also, a remonstrance of citizens of Delaware, Lower Dublin, Moreland and Byberry townships, in Philadelphia county, against the purchase by the city of the turnpike roads in the rural districts.

Mr. YARDLEY, a remonstrance of citizens of Bucks county, against the divorce of Horace B. Fry from his wife, Emily R. Fry.

Mr. MYER, a petition of citizens of Bradford county, praying for such a change in the constitution as to enable colored persons to vote.

Mr. KELLER, four remonstrances of citizens of the borough of Bloomsburg, against the extension and widening of Market street, in said borough.

Also, a remonstrance of citizens of Columbia county, of like import.

Mr. SHAEFFER, a remonstrance of citizens of Lancaster county, against any law allowing the Columbia Bank to establish a branch in Lancaster city.

Mr. BALDWIN, two remonstrances of like import.

Also, a remonstrance of citizens of Lancaster county, against any change in the collection of tolls on the Columbia and Chesnut Hill turnpike road.

Mr. TURNEY, a petition of citizens of Union township, Fayette county, for the vacation of a certain road.

Mr. BLOOD, a petition of citizens of Forest

county, praying that a certain portion of said county be attached to Jefferson county.

#### REPORTS OF COMMITTEES.

Mr. TURNEY, (Finance,) reported, as committed, House bill No. 380, "An Act relative to incorporated cemetery companies."

Mr. FETTER, (Agriculture and Domestic Manufactures,) as committed, House bill No. 738, "An Act regulating the standard of the weight of oats."

#### BILLS IN PLACE.

Mr. PARKER read in his place and presented to the Chair, a bill, entitled "An Act to incorporate the Delaware Avenue market company."

Mr. CRAIG, "A supplement to the act incorporating the Milford and Metamora railroad company."

Mr. RANDALL, "A supplement to the act incorporating the Union railroad company."

#### ORIGINAL RESOLUTION.

Mr. BREWER moved to re-consider the vote taken yesterday, on Senate bill No. 445, "An Act to incorporate the Mont Alto iron company;" and, on his motion, consideration of the same was postponed for the present.

On motion of Mr. MYER, the Senate resolved to hold a session this evening at 7 o'clock, for the consideration of private bills.

Mr. PARKER moved that House bill No. 812, "A supplement to the act incorporating the West Philadelphia Mutual saving fund and trust company," be re-committed to the Committee on Banks.

#### ORDERS OF THE DAY.

Agreeably to order, the Senate resumed the consideration of the appropriation bill, on second reading, the question being upon the third section,

Mr. BREWER moved to re-instate the following appropriations, for the expense of the State library, which were stricken out by the Senate committee:

Press, for stamping, twenty-five dollars; making fires, sweeping, cleansing and white washing, postage, freight, expenses of purchasing books, stationery, *et cetera*, three hundred dollars; miscellaneous books and newspapers, six hundred dollars; law books, English and Irish Reports, elementary hooks and civil law, one thousand dollars; Pennsylvania Reports for exchanges, three hundred and twenty dollars; binding, one hundred and fifty dollars; and assistant, one hundred and fifty-dollars.

Mr. GREGG remarked that all he had to say was that he had given the matter, in connection with the committee, a careful examination, and was satisfied that the amendment which they had inserted was necessary and just.

Mr. SCOFIELD inquired if the amendment of the Senator from Franklin, to restore the provision of the House bill, would decrease or increase the amount of the appropriation.

Mr. BREWER stated that it increased the amount some eleven hundred dollars.

Mr. SCOFIELD was then opposed to the amendment.

Mr. BREWER further explained that the State Librarian, who is a very faithful and attentive officer, was about purchasing very valuable books in England and Ireland. The proposition he did not regard as extravagant. He had no feeling on the subject, but he thought the amendment should be adopted.

The question being upon the amendment,

The yeas and nays were required by Mr. BREWER and Mr. GREGG, and were as follows, viz:

YEAS—Messrs. Blood, Brewer, Francis, Myer, Palmer, Parker, Schell, Shaeffer, Schindel, Wright and Cresswell, *Speaker*—11.

NAYS—Messrs. Baldwin, Coffey, Craig, Fetter, Gazzam, Gregg, Harris, Keller, Marselis,

Miller, Nunemacher, Penney, Randall, Rutherford, Scofield, Steele, Thompson, Turney, Welsh and Yardley—20.

So the question was determined in the negative.

Mr. COFFEY moved to amend, by striking out the words, "six hundred," and inserting the words, "for English and Irish Reports, elementary hooks and civil law, \$1000."

Mr. COFFEY said the appropriation for these law books would involve an additional sum of only four hundred dollars. In order to make the State library what it ought to be, the librarian should be enabled to purchase English and Irish Reports, from year to year. If these reports are not purchased now, it will eventually require a large appropriation to procure them. They were valuable hooks, such as no individual library can provide; and as they are of vast importance, and the State has undertaken to provide a law library, it should be an adequate one. It was important to the profession, and particularly to the judges, who have frequent occasion to refer to them, that they should have them within their reach.

Upon the adoption of the amendment,

The yeas and nays were required by Mr. GREGG and Mr. COFFEY, and were as follows, viz:

YEAS—Messrs. Baldwin, Blood, Coffey, Gazzam, Keller, Miller, Myer, Palmer, Parker, Penney, Randall, Rutherford, Schell, Shaeffer, Schindel, Steele, Turney, Wright and Cresswell, *Speaker*—19.

NAYS—Messrs. Brewer, Craig, Fetter, Francis, Gregg, Harris, Marselis, Nunemacher, Scofield, Thompson, Welsh and Yardley—12.

So the question was determined in the affirmative.

Mr. PENNEY moved to amend by re-instating the following, which had been stricken out by the Senate committee:

For clerks, messenger and night watch in the Treasurer's office, the State Treasurer to detail one of his clerks to act as clerk to the commissioners of the sinking fund, without additional cost to the Commonwealth for such service, five thousand four hundred and fifty dollars.

Upon the adoption of this amendment,

The yeas and nays were required by Mr. COFFEY and Mr. SCHELL, and were as follows, viz:

YEAS—Messrs. Baldwin, Coffey, Francis, Gregg, Harris, Palmer, Parker, Penney, Rutherford, Scofield, Shaeffer and Thompson—12.

NAYS—Messrs. Blood, Brewer, Craig, Fetter, Keller, Marselis, Miller, Myer, Nunemacher, Randall, Schell, Schindel, Steele, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—18.

So the question was determined in the negative.

Mr. SCOFIELD moved to strike out six thousand dollars for clerk and messenger hire in the Executive and State departments, and insert five thousand dollars in lieu thereof.

Upon which motion,

The yeas and nays were required by Mr. SCOFIELD and Mr. TURNEY, and were as follows, viz:

YEAS—Messrs. Baldwin, Coffey, Francis, Gazzam, Gregg, Harris, Myer, Penney, Rutherford, Scofield, Shaeffer, Thompson and Yardley—13.

NAYS—Messrs. Blood, Brewer, Craig, Fetter, Keller, Marselis, Miller, Nunemacher, Palmer, Parker, Randall, Schell, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—18.

So the question was determined in the negative.

Mr. SCOFIELD moved further to amend, by striking out \$8,100, for clerk and messenger



in the Surveyor General's office, and inserting in lieu thereof \$7,600.

Upon this motion,

The yeas and nays were required by Mr. SCOFIELD and Mr. TURLEY, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Francis, Gazzam, Gregg, Harris, Miller, Myer, Palmer, Parker, Penney, Rutherford, Scofield, Shaffer, Thompson and Yardley—16.

NAYS—Messrs. Blood, Brewer, Craig, Fetter, Keller, Nunemacher, Randall, Schell, Schiadel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—14.

So the question was determined in the affirmative.

The question recurring upon the third section, as amended, it was determined in the affirmative.

The fourth section was read, as follows:

SEC. 4. For the payment of the expenses of the Legislature, including the pay and mileage of the members, clerks and officers thereof, and the amount authorized by law for stationery, newspapers and light, the sum of one hundred and fifty thousand dollars.

Mr. WELSH moved to amend by inserting after the words, "sum of," in the fourth line, the words, "\$123,400," and that so much of the fourth section of the act, entitled "An Act to provide for the ordinary expenses of the government, &c.," as increases the compensation of the Legislature, from \$500 to \$700 per annum, be and the same is hereby repealed.

Mr. YARDLEY said—

Mr. SPEAKER:—I shall vote for the amendment of the Senator from York, for the reason that I believe it right in itself; and for the further reason that the constituency I represent ask the reduction contemplated. I hope it will receive the unanimous endorsement of the Senate. I hope the Senate will show to their constituents that they are willing to undo the work of last winter, which was, as I believe, in opposition to right and justice. The history of this increase of pay of members of the Legislature, is one of interest to every tax-payer of the Commonwealth.

In days gone by, when Pennsylvania was not burthened with debt, her citizens were content to serve the State in these Halls at three dollars per day. I think there is no one here who will have the hardihood to hazard the assertion that her interests were not as well protected and cared for then as they are now. The qualifications and ability of her Representatives then, would compare favorably, I doubt not, with those of the gentlemen who now take charge of her affairs. Some few years since, the idea seized her Representatives that their pay was insufficient, and in 1855 they resolved that their services were worth five hundred dollars per session, or about five dollars per day. In consideration that the pay was changed from a per diem to a salary, the people of the State acquiesced in this advance. Murmurs there were, it is true, at the increase, but they died away in the hope that the salary of the members of the Legislature was permanently fixed. That although the Constitution gave to the Representatives the right of fixing their own compensation, they would not use it to their own advantage and against the interest of the tax-payer. In 1867, owing to the fact that the Legislature remained in session until the 21st of May, some months longer than the customary period of its duration, the representatives voted themselves an additional \$200, increasing their salaries to \$700 00. The tax payers of the State saw this with surprise; but, liberal as they feel toward their servants, prosperous as they then were, considering the extraordinary length of the session, and supposing that it was merely temporary, and not to be repeated, they again acquiesced in this increase. Last year, however, after

a session closing on the 22d of April, one month earlier than the one preceding, at a time when the people of the State were suffering under the most disastrous financial crisis that it has ever been their fortune to undergo; when the forges and manufactories of her citizens were stilled; when the busy hum of industry was no longer heard within her borders; when her laborers were seeking in vain for employment, and her farmers compelled to dispose of the produce of their toil at ruinously low prices to meet the demands of the State in the shape of taxes; when universal gloom, like a dark cloud, enshrouded the whole State, and the prospect of the coming dawn was dark, indeed, the representatives of the people, who are supposed to know and feel the burthens borne by those they represent, concluded that they alone of all the citizens of the Commonwealth were not receiving adequate compensation for their service; and having the power, to the utter surprise of every tax-payer of the State, fixed their salary permanently at seven hundred dollars. Then it was that the tax-payers began to think that it was time to put a stop to this march of advancement of their representatives, and bring them back to where they properly belong. So far as I have been able to judge, the feeling of this State is strongly in opposition to the present salary, and demands its reduction to the standard fixed by the act of 1855. In the county which I have the honor to represent—a county which pays as liberally and as promptly towards the expenses of the State as any other in this broad Commonwealth—there is but one opinion on this subject. Upon this, if upon no other question, persons of all shades of political opinion are united. This reduction is demanded alike by all parties; and I would be recreant to my duty, and false to every sense of right, should I fail to do every thing in my power to secure it.

I do not propose to discuss the question of the value of our services to our constituents. I well know that it is very unsafe to allow a man to be the judge of the value of his own services. I believe, however, that ours to the State cannot be compensated by any salary we may receive. I do not believe there is one Senator upon this floor who estimates the services he renders by his salary, nor do I believe that the constituents of any Senator would honor him the less, nor estimate his services the less, from the fact of his receiving two hundred dollars the more or less for those services. A public servant is not valued according to the amount he receives, but according to the services he renders to the State at the most reasonable expense to her tax payers. Senators must be in no fear of falling in public estimation by voting for this amendment. The fact of the matter is here:—Our State is heavily incumbered with debt.—Her energies are crippled. Her farms, her forges, her manufactories and the industry of her citizens are mortgaged to secure that debt. Her citizens are burthened with taxation to an amount that calls loudly for relief. Her tax-payers appeal to their representatives to do what lies in their power to grant them the so much desired reduction of their burthens. They ask us—tax-payers ourselves, acquainted with the burthens under which they groan—not to add, but to decrease them. They expect us to aid them in diminishing, not in increasing the public debt. Is there any Senator here who does not desire to see our glorious old Commonwealth relieved from the incubus now weighing down her energies and paralyzing her industry? Do we not all wish to hasten the day when Pennsylvania capital and Pennsylvania labor will stand forth freed from the weight of taxation now necessarily imposed upon them? I am glad to find, from speeches and votes of Senators on this and other bills during the session, a disposition to prevent any unnecessary outlay of the public money; a reluctance to advance

the salaries of any of the public officers; and a desire to carry on the government of the State with a strict eye to economy in every department of its administration. The message of the Chief Executive shows that the financial condition of our State is improving, and it only requires a strict adherence to this system of economy to secure to her citizens the much wished for boon of freedom from debt and consequent release from taxation.

The sum of five hundred dollars, to which this amendment proposes to reduce our salaries, is abundant for all the legitimate expenses of members whilst here, and to leave them something as a compensation for their services. It is no argument to say that it will not pay the expenses of some members of the Legislature. The same would be true of one thousand dollars, or even double that sum. If members are able and disposed to expend ten times the amount of their salaries, I certainly have no reason to complain. All I ask is, that the amount of those expenditures shall not be wrung from the hard earnings of the tax payers of the Commonwealth. The amount saved to the people by this reduction, will more than pay the interest on one half million of our public debt; no small item in the present monetary condition of some sections of our State.

To a number of the members of the Legislature, I know full well the acceptance of a seat here is a pecuniary sacrifice. The compensation, either of the original bill or of this amendment, falls short of the losses increased by their absence from this business.

This would be unavoidable under any amount of salary, and must be expected. The State can only be expected to pay a reasonable compensation for the services of her representatives, and those who take upon themselves the honors of the position, must be content with such remuneration as she can afford to pay. The amount stated in this amendment is all that the people can now afford, and all, I hope, that members will be disposed to ask.

I have heard much said by Senators, against any increase in the salaries of our judiciary. We have been told that the cry of the horse leeches daughter, "give, give," has been continually coming up here from the bench, and that it is time that it should be rebuked. That within a few years, the salaries of the judges of the Commonwealth have been increased, and that the finances of the State will not warrant further advances. With all this I fully concur, and have signified my appreciation of its justness by my votes. I now ask those Senators to show to the people of Pennsylvania that they are in earnest. That they are willing to apply the same rule to themselves that they apply to the judiciary.

In 1855, our salaries were increased. With this increase, I believe our constituents are satisfied. Let us show them that we also are content. A majority of the Senate decided that no increase of the salaries of the judiciary was expedient at the present time. Let the same majority now show to their constituents, that the Senate is content with what the people of Pennsylvania are willing to give them; a salary of five hundred dollars.

Mr. Speaker, I have done my duty in this matter to my constituents, and the tax payers of the State. I now ask Senators, by voting for this amendment, to do what I believe to be theirs.

Mr. SCHELL moved to amend the amendment by adding the following:

*Provided*, That the State Treasurer be, and is hereby directed to retain two hundred dollars out of the compensation of each of the members of the session of 1858.

Mr. COFFEY said, that when the proposition to increase the compensation of members of the Legislature was before the Senate last



year, he had voted for the proposition of the Senator from Bucks, to make the increase apply only to members thereafter elected, and not to ourselves. He was in favor of that proposition, because, whatever might be thought of the propriety of any increase, it was certainly questionable whether members should vote an increase of their own pay. We were elected with the understanding that our compensation should be a certain sum, and it was not right, by our own votes, to change the contract. As he had voted then to make the pay prospective, so he should vote now for the amendment of the Senator from Bedford, to place himself exactly in the position he occupied, before the increase was made. He would vote also for the amendment of the Senator from York, reducing the compensation to the old standard, not only for the reason before given, but because it was very evident that the people did not approve the measure last winter increasing it. He professed to represent, as well as he knew how, the sentiments of his constituents; and, in a matter affecting our own pockets, we surely ought to be willing to regard their wishes and their sense of right. He was in favor of the reduction.

Mr. GAZZAM thought, if the salary is reduced to \$500, it would be an acknowledgment that that sum is enough for their services hereafter.

Mr. HARRIS did not know whether either of the amendments had been offered in good faith. Whether they had been or not, he would vote for them. He had voted last year for the increase; but he would now favor a reduction to the old standard, and he hoped the amendment would carry.

Upon the amendment to the amendment,

The yeas and nays were required by Mr. RANDALL and Mr. SCHELL, and were as follow, viz :

YEAS—Messrs. Baldwin, Brewer, Coffey, Craig, Fetter, Gazzam, Gregg, Harris, Keller, Miller, Myer, Nunemacher, Palmer, Parker, Penney, Randall, Rutherford, Schell, Scofield, Shaeffer, Schindel, Steele, Thompson, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—28.

NAYS—Messrs. Blood and Marselis—2.

So the question was determined in the affirmative.

Mr. BLOOD asked leave to vote, not having done so when his name was called, and remarked that this was the most disreputable business that the Senate had been engaged in since he had been a member. He did not believe those who offered or advocated it were sincere. In voting against it, he did what he honestly believed to be right, and that which every Senator would do, were they to vote their honest sentiments.

The question recurring,

Upon the amendment as amended?

Mr. RANDALL was not in favor of reducing the salary. He considered it no more than a just one, as it is, and did not think the propositions to reduce were made in good faith.

Mr. PALMER said he had been very much amused at the spontaneous outburst of indignation by the Senator from Jefferson. He regarded the proceedings as somewhat farcical, and such as were sometimes necessary to relieve the sterner business of legislation. He, like that Senator, came in as a new man, and he did not think the proposed reduction was just to them, who had been elected under the law giving them seven hundred dollars, and which they had reason to expect as their compensation. It was apparent that the amendment was only intended as a rider to the section, for the purpose of killing it. The Senators who had voted for the amendment of the Senator from Bedford, had discharged, no doubt, what they conceived to be their duty to their constituency, yet he was not prepared to say that they seriously en-

tained the idea that they were doing justice to themselves or those whom they represent.

He was, he said, perfectly aware that the act of 1858, increasing the pay of members of the Legislature to seven hundred dollars, had attracted considerable attention in different counties of the Commonwealth. But he did not believe the intelligent portion of the people—those acquainted with the duties of legislators, the cost of living, and the length of time and arduous labor involved in those duties, would say that seven hundred dollars is too much compensation for their services. The opposition to the increase has been based, principally, upon the principle that members of one Legislature should not increase their own pay. He believed that there should not be an increase of their own salary; but he did not consider that the present compensation was more than sufficient for the Legislature of Pennsylvania, composed of the array of talent, learning and experience which it is supposed to contain—a body which, like the Roman wife, should be above suspicion.

He would never vote to increase his own salary. If he voted for any increase, it must be in the prospective. He had made up his mind that the compensation, at present, was not an unreasonable one, and he did not believe there were three Senators seriously in favor of the proposition of amendment. He was, he said, in a position to speak plainly. He had not been instructed by his constituents as to his vote upon this subject, nor did it enter into the exciting campaign which had preceded the last fall election. So far as he was concerned, he did not consider it an adequate compensation, for he could make more at home in his office in sixty days, thrice over, than he received for his hundred day's service here. Like the Senator from Philadelphia, (Mr. RANDALL,) he took a good deal out in dignity, and the only consideration with him was an endorsement of having faithfully discharged his duties. The people of Schuylkill don't care a fig what the salary of members is fixed at, and not the first man had ever inquired of him whether he was in favor of or opposed to a reduction.

The only question to be determined, in voting upon the amendment is, is the present compensation unreasonable, or is it reasonable and just? He would, he said, despise himself, as a member of this high body, if he thought he could be influenced in his discharge of duty to his county or the State, by any amount of salary. He hoped to make a record, if he would be assisted, as he had been, by his brother Senators, which would be worth more to him than any mere pecuniary compensation which he could receive.

Mr. SCHELL rose for the purpose of making an explanation. He was sorry the amendment which he submitted had so aroused the indignation of the Senator from Jefferson. He had, at the last session, advocated an increase of salary for the future sessions, and opposed, with all the ability which he possessed, its allowance to that of 1858, for the reason that he thought the increase should be in prospective. He held the position that if it was wrong to take the two hundred dollars extra at the last session, it is wrong to retain it. If the salary is reduced, at this session, to five hundred dollars, he contended the extra compensation received at the last session should be returned.

Mr. MILLER had but a few words to say upon this question. He believed that Senators were not serious in their advocacy of this amendment. If the services of Senators are of the character so ably and eloquently described by the Senator from Schuylkill, the compensation for them should be just and sufficient. He was convinced that no member of either branch was prepared to say that the compensation for their services is more than just and adequate,

and he could not regard the movement towards reduction as one seriously regarded as just.

Mr. WELSH spoke at some length in favor of the proposed reduction. He said he regretted very much that the amendment he had offered, had given rise to so much discussion. He had not troubled the Senate with any remarks upon the subject before, because he was perfectly willing to let his vote go to his constituents as a vindication of the course he intended to pursue in reference to this question. But the singular course which the debate had taken, the allusions that had been made to him in this discussion, rendered it absolutely necessary that he should say a few words in defence of the position he had assumed. He congratulated the Senate upon the great unanimity with which the proposition of the Senator from Bedford had been supported; and he hoped that the same unanimity would be exhibited, when the vote was taken upon his amendment. A doubt had been expressed of the sincerity of his motives, and insinuations had been covertly thrown out that all such movements were made for the mere purpose of securing popular favor. He would only say that all such allusions, if intended to be applied to him, were deserving of nothing but his unmitigated contempt; they had no possible effect, whatever, upon him, and he would now say, once for all, that he would never be deterred from doing what he conceived to be his duty, by any such petty assaults, come they from whatever quarter they may. He had offered his amendment in perfect good faith, in perfect sincerity, and in the discharge of his duty to those who had sent him here. If the proposition did not meet with the favor and approval of others, they had the inestimable privilege of voting against it; he would not complain; but he claimed the right, which he gave notice he would exercise whenever he pleased, of proposing and advocating any proposition he deemed proper, subject only to the high responsibility he owed to a constituency that had twice honored him with a place upon this floor. In continuation, he said, that the people he represented, were an economical people. They were frugal and careful of their own means, and expected the same care of the public treasures from those whom they selected to represent them in the Legislature. They objected to the principle of representatives raising their salary—they believed it to be entirely and radically wrong, and that it should not be encouraged—and he felt it, therefore, to be his duty to carry out their wishes by offering the amendment he had proposed. He had voted against the amendment offered by the Senator from Snyder, because Senators well knew that the effect of that amendment, at this time, would be to embarrass and encumber his own amendment. It was very apparent that those who were opposed to his amendment were endeavoring to load it down with weights which were calculated to defeat it—he did not refer to the Senator from Snyder, who, he believed, was in favor of the first amendment—and had he voted for the proposition of that Senator, he would have laid himself open to the charge of endeavoring to defeat his own amendment; for it will be remembered that it has been said here, that these secondary propositions were merely intended to serve the purpose of beating down the original proposition. When the question of a further reduction of compensation came before the Senate fairly and upon its own merits, he would cheerfully vote for it, in any shape that it might be presented. He was sorry that this question had given rise to so much feeling as had been manifested by some upon this floor. No matter what might be said, he would never shrink from doing what he thought was right and proper. He cared but little for the opinion of those who so far forgot themselves as to recklessly impugn the motives



of others. There was a courtesy due from one Senator to another—there was a propriety in maintaining the dignity of this body—which he trusted he would never be tempted to violate; and he could not help expressing his profound regret, as well as his surprise, at the peculiar manner in which this question had been discussed. He had trespassed longer upon the patience of the Senate than he intended when he rose—what he said had been uttered without premeditation—and he indulged the hope, in concluding, that the verdict of the Senate would be an approval of the amendment he had offered and feebly advocated.

Mr. KELLER moved further to amend, by striking out five hundred dollars and inserting three hundred dollars.

Upon which motion,

The yeas and nays were required by Mr. RANDALL and Mr. KELLER, and were as follows, viz:

YEAS—Messrs. Baldwin, Brewer, Coffey, Craig, Harris, Keller, Myer, Nunemacher, Seofield, Shaeffer, Thompson and Turney—12.

NAYS—Messrs. Fetter, Francis, Gazzam, Gregg, Marselis, Miller, Palmer, Parker, Penney, Randall, Rutherford, Schell, Schindel, Steele, Welsh, Wright, Yardley and Cresswell, *Speaker*—18.

So the question was determined in the negative.

The question recurring upon the amendment as amended,

The yeas and nays were required by Mr. RANDALL and Mr. WELSH, and were as follows, viz:

YEAS—Messrs. Baldwin, Brewer, Coffey, Craig, Fetter, Harris, Keller, Miller, Nunemacher, Rutherford, Schell, Seofield, Shaeffer, Schindel, Steele, Thompson, Turney, Welsh, Wright and Yardley—20.

NAYS—Messrs. Francis, Gazzam, Gregg, Marselis, Myer, Palmer, Parker, Penney, Randall and Cresswell, *Speaker*—10.

So the question was determined in the affirmative.

Upon the section, as amended,

The yeas and nays were required by Mr. GREGG and Mr. PALMER, and were as follows, viz:

YEAS—Messrs. Baldwin, Brewer, Coffey, Craig, Fetter, Harris, Keller, Miller, Nunemacher, Rutherford, Schell, Seofield, Shaeffer, Schindel, Steele, Turney, Welsh, Wright and Yardley—19.

NAYS—Messrs. Francis, Gazzam, Gregg, Marselis, Myer, Palmer, Parker, Penney, Randall, Thompson and Cresswell, *Speaker*—11.

So the question was determined in the affirmative.

The fifth, sixth and seventh sections were adopted.

The question being upon the ninth section, Mr. HARRIS moved to amend, by inserting the following after the word "superintendents," in the sixth line, "which shall be paid out of the quota falling to each county respectively, which quota shall be determined independent of the superintendent's salary."

He subsequently withdrew his amendment, and accepted the following as a substitute:

Insert the following, after words "fifty-seven," in the ninth line, the words "and the salary of each county superintendent shall be taken out of the amount due the county in which he resides."

Mr. HARRIS said—This provision of the general school system has been before the Senate, and argued at some length, and I think it has been clearly demonstrated, that the way and manner in which the money appropriated for the common school system has been distributed, in relation to the county superintendents, is unfair and unequal. And it is on this ac-

count that the system is becoming so disreputable in many counties of the Commonwealth. Now, sir, I think this amendment will obviate this objection. The forty eighth section of the act regulating the system, provides that the directors of the several school districts, shall meet in their respective counties every three years, and elect a county superintendent, and fix his compensation; which compensation shall be deducted from the State appropriation, to be paid to the several school districts for said county.

Now, sir, I think I can show that this appropriation has not been disbursed according to the provisions of this section, and that the way in which it has been disbursed has done, and is doing injustice to those counties that pay their county superintendent a less salary than others. For instance,

Adams county has 134 schools.....	\$400.00
Armstrong,.....do.....199.....do.....	800.00
Beaver,.....do.....141.....do.....	500.00
Blair,.....do.....129.....do.....	600.00
Carbo,.....do.....86.....do.....	400.00
Cambria,.....do.....137.....do.....	800.00
Dauphin,.....do.....191.....do.....	800.00
Chester,.....do.....290.....do.....	1000.00
Lancaster,.....do.....437.....do.....	1500.00
Lawrence,.....do.....128.....do.....	500.00
Mifflin,.....do.....90.....do.....	600.00
Lyeoming,.....do.....206.....do.....	300.00
Butler,.....do.....211.....do.....	300.00

Now, sir, I have given you a few counties, which are a fair data of the whole, and I think the statement is sufficient to convince every Senator on this floor, of the inequality of the disbursement of the school fund in the usual manner, as required by this section.

The usual manner of disbursing this fund has been to add together the several amounts allowed to the different county superintendents, which make an aggregate amount of about thirty-eight thousand dollars, which is deducted out of the general appropriation for school purposes; and then the counties with a much less number of schools, draw from the aggregate amount more money than those of a larger, to pay their county superintendent.

This amendment simply provides that the pro rata in the first place, after deducting clerk hire and contingent expenses, shall be made amongst the several counties of the Commonwealth, and then the salaries of the county superintendents of the several counties, shall be deducted from the quota falling to each county, thus giving the counties that pay their superintendents the less sum, the advantage of their quota for school purposes.

Now, sir, adopt this amendment, and you lessen the amount paid out of the school fund for the salaries of county superintendents. But if you reject it, you will increase the amount probably to fifty thousand dollars; because, those counties that have been paying a low salary, believing that they were husbanding their resources for school purposes, will raise them, when they get to understand how the money is distributed.

These are my reasons for opposing this amendment, and in doing so, I am governed by the purest motives, and with a desire to promote the best interests of the common school system.

Mr. CRESSWELL regarded the amendment as a blow at the present system of common schools of Pennsylvania; a system which had been found to work admirably, and which was not surpassed by that of any State in the Union. Where, he asked, did this hue and cry in opposition to the county superintendency come from? Not from the people, nor from the true friends of the common school system; but from a set of schoolmasters, who, from their unfitness for the responsible position of teachers, had been displaced by better and more competent men by

the State Superintendent—a gentleman of education and ability. It was with these disappointed and incompetent persons, influenced only by a feeling of resentment, and having no genuine regard for the common school system, that this hue and cry originated—men who had "been weighed in the balance and found wanting." Indulging their resentment, they go to work among their friends, with their story of the injurious operations of the county superintendency, and succeed in creating the impression that it is unpopular with the people. He appealed to the experience of every Senator, if such was not the case.

Then comes the cry of taxation—that ready resort of demagogues—oppressive taxation! which he pronounced as unjust, when applied to any portion of the school system. Whenever the county superintendency has been sufficiently tried, and is found not to contribute to the common school system, it will be time enough to seek to cripple and destroy it. It has not been fully tried. Let it go on, and afford us an opportunity to see whether it answers the design of its friends. It is but yet young, and originated since he had been in the Legislature. It had been in operation only a few years, but it has worked well. He had heard no complaint that its operations tended to embarrass the system. On the contrary, it had generally, and justly been regarded as the backbone of the common school system, and as calculated to contribute to the cause of education throughout the State.

In his own county, it had been found to work admirably. The teachers meet together in what they term a "Teachers' Institute," where they frequently compare notes, exchange ideas, and receive the benefit of the experience of each other, for the advantage of the cause of education.

Another objection made to the system is, that the county superintendency is obnoxious to the people; an objection in which there is no truth or force. Nor is there any force in the objection that the taxes are increased; for they are not increased to an objectionable extent, in aid of a system so important, and which is working so admirably. It is only some thirty-eight hundred dollars, or about two dollars and a-half to each election district. Would the Senate, he asked, destroy the efficiency and harmony of a system, for the small tax of about one cent upon each taxable inhabitant?

Oh! down-trodden tax-payers of Pennsylvania! taxed one cent in support of a system which is calculated to work important benefits to the cause of education. Another objection to the system, as far as the county superintendent is concerned, is raised by those—and they are no inconsiderable class—who are opposed absolutely to the whole system of common school education. This class of persons are generally those who are large property holders, and consequently pay considerable taxes—have no children themselves, or have their children educated—or from opposition to the system, decline sending their children to the common schools.

He hoped the proposition would meet with the opposition of the Senate, and that the good sense of gentlemen would induce them to vote it down.

Mr. TURNEY said the amendment strikes at the very vitality of the system; a blow at the poorer counties to the advantage of the rich ones. The advantages of the system will be retained by the counties which have already seen the benefits of it, and they will vote any amount to sustain it. Those counties which do not retain it, will soon discover its advantages, and the error which they have made.

Mr. SCOFIELD saw that the amendment of the Senator from Butler was bound to be



slaughtered. The only object he had was to ascertain what this branch of the system costs the State. If it cost thirty-eight thousand dollars it should be so specified; there should be nothing smuggled. We should not say that the appropriation is intended to educate the children of the Commonwealth, when the object is to pay the salaries of county superintendents. Pending the discussion, upon this amendment,

The SPEAKER requested Mr. SCOFIELD, who had the floor, to give way.

House amendments to Senate bill No. 275, "An Act to authorize the execution of process in certain cases in equity, concerning property within the jurisdiction of the court or defendants not resident or found therein," were twice read, considered, and concurred in.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor; which was read, as follows, viz:

EXECUTIVE CHAMBER, }  
Harrisburg, April 1, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania;

GENTLEMEN—I have approved and signed the following acts of the General Assembly, viz:

"An Act to change the time of the meeting of the county auditors of Northumberland county."

"An Act to empower the electors of Pollock township, in the county of Lawrence, to elect supervisors of highways and overseers of the poor."

"An Act to lay out a State road in Westmoreland and Allegheny counties."

"A supplement to an act to incorporate the borough of Apollo, Armstrong county."

"A supplement to an act to incorporate the Cochranville Hall association of Chester county."

"An Act to change the name of the Denuska gas company, of Allentown, Lehigh county, and for other purposes."

"A supplement to the act to incorporate the Sancona iron company."

"A supplement to an act to incorporate the University of Kittanning."

"A supplement to an act approved April 5, 1858, to authorize the laying out of a State road from New Castle, in Lawrence county, to Emmenton, in Venango county."

"A supplement to an act to incorporate the Phoenix iron company."

"An Act relative to the fees of the sheriff of Crawford county."

"A supplement to an act to incorporate the Catawissa and Towanda railroad company."

"An Act to incorporate the Bedford gas company."

"An Act to compel the supervisors of roads, in the township of Crawford, in Clinton county, to give security."

"An Act for laying out a State road from Kresgeville, in Monroe county, to the State road leading from Stroudsburg to Mauch Chunk, near the house of Lynford Irach, in Carbon county."

"An Act to incorporate the Carolina steam navigation company."

"An Act to incorporate the Towanda water company."

"An Act to prevent the destruction of fish in the Swatara river and its tributaries."

"An Act to incorporate the Wrightsville and Canadocholy turnpike company."

"An Act extending the general manufacturing law for the manufacture of leather, in certain counties of this Commonwealth."

"A further supplement to an act regulating banks."

"An Act supplementary to the act incorporating the Erie and Waterford plank road company."

"An Act to view and lay out a State road from the borough of Lock Haven, in the county of Clinton, to Snow Shoe, in Centre county."

"A further supplement to an act incorporating the Coudersport and Allegheny River railroad company."

"An Act to better prevent the destruction of partridges in certain counties of this Commonwealth."

"A further supplement to an act passed February 28, 1839, incorporating the Royersford bridge company, and supplements thereto."

"An Act to change the name of Washington Carroll Tevis."

"An Act to incorporate the Pittsburg Park association."

"Resolution to pay the Clerk and Sergeant-at-Arms for serving with the committee to examine into the condition of certain banks."

WM. F. PACKER.

The hour of one having arrived, the SPEAKER adjourned the Senate until this afternoon at 3 o'clock.

## HOUSE OF REPRESENTATIVES.

FRIDAY, April 1, 1859.

The House was called to order at nine and a half o'clock.

The Clerk proceeded to read the Journal of yesterday.

When, on motion of Mr. WILLIAMS, (Bucks,) the further reading of the same was dispensed with.

Mr. ABBOTT, on leave given, called up House bill No. 1200, "An Act to incorporate the Philadelphia ocean steamship company."

On motion of Mr. HAMERSLY, Senate bill No. 793, was substituted for the same.

The bill was then considered and passed finally.

Mr. NEALL, on leave given, called up the act, entitled, "Supplement to an act to incorporate the Fairmount market company;" which was considered and passed.

Ordered to be sent to the Senate for concurrence.

## ORIGINAL RESOLUTION.

Mr. M'CLURE, on leave given, offered a resolution that this House will hold a session, commencing at 7½ o'clock this evening, for the purpose of considering Senate bill No. 483, entitled, "A supplement to the exemption laws."

On the question,

Will the House proceed to the second reading and consideration of the same.

The yeas and nays were required by Mr. CHURCH and Mr. M'CLURE, and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barlow, Bayard, Boyer, (Schuylkill,) Bryson, Campbell, Church, Dismant, Dodds, Eckman, Evans, Fearon, Fisher, Fleming, Foster, Galley, Graham, Gratz, Green, Gritman, Hamersly, Hill, Hottentstine, Ketchum, Kinney, Laird, Mann, Matthews, M'Clure, M'Curdy, Miller, Neall, Oaks, Patterson, Peirce, Pinkerton, Proudfoot, Pughe, Ramsdell, Rohrer, Rose, Ronse, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stoneback, Stuart, Syer, Thompson, Thorn, Wagenseller, Walker, Warden, Witman, Williston, Wilson, Withrow, Zoller and Lawrence, *Speaker*—62.

NAYS—Messrs. Barnsley, Bertolot, Boyer, (Clearfield,) Brodhead, Custer, Glatz, Goepf, Good, Gray, Lawrence, (Washington,) Mehaffey, Price, Quigley, Walborn, Williams, (Bedford,) Williams, (Bucks,) and Woodring—17.

So the question was determined in the affirmative.

Mr. SMITH, of Berks, moved to amend the resolution, by inserting the following bills:

"Supplement to the act regulating the militia of this Commonwealth."

"An act regulating the penalty for the sale or

gift of spirituous or malt liquors, wine or cider, or permitting the same to be drank."

Mr. MILLER moved to amend the amendment, by striking out the bill relative to the militia, and inserting in lieu thereof, House bill, No. 1116, "Resolutions relative to the purchase of a lot adjoining the executive mansion;" which was not agreed to.

Mr. THOMPSON moved to amend the amendment, by including the bill indicated by Mr. MILLER; which was agreed to.

The amendment as modified was agreed to.

Mr. WALBORN moved further to amend, that the House proceed to the consideration of the bill annulling the marriage contract between Horace B. Fry, and Emily L., his wife, immediately after the disposition of the supplement to the \$300 exemption law.

Mr. HAMERSLY. I was under the impression that the gentleman (Mr. WALBORN) was against this bill. If he has changed his opinions, I am glad to hear it.

Mr. WALBORN. Sir, I am unchanged; but I wish this House to meet that question, and pass upon a bill which bears every mark of owing its origin to an idea from the infernal regions, where his satanic majesty reigns supreme.

The SPEAKER. That is not a co-ordinate branch of this Legislature.

Mr. MILLER. I would like to know whether the gentleman refers to the lower house.

Mr. HAMERSLY. I wish to ask the Chair, if the gentleman is to use this kind of language, may we not reply to it.

The SPEAKER. The Chair did not allow the gentleman to indulge in indecorous language.

Mr. WALBORN. At the suggestion of certain gentlemen, who hold the same views I do in regard to this bill, I will modify my motion, so as to have this bill come in after the bill of the gentleman from Franklin.

My reason in offering this amendment, as I have already stated, is to have this matter disposed of by the House, so that they may have no excuse, by being absent, to dodge the question. I will reserve what I have to say until the proper time. I only ask that the gentlemen of this House will give us an opportunity to put a quietus to a question that has been before us for a whole session, and engrosses the attention of the whole Commonwealth.

Mr. GOEPP moved to amend, by including the act incorporating the Rebecca iron company.

Mr. HAMERSLY moved to modify the motion of Mr. GOEPP, by adding bills on the Private Calendar; which was accepted.

The question being, will the House agree to the motion of Mr. WALBORN, as modified, it was determined in the negative.

Mr. EVANS moved that House bill No. 604, "An Act to prevent the importation of fish in Philadelphia at improper seasons of the year," be embraced by the resolution.

Mr. PINKERTON moved to include bill No. 205, "An Act to change the venue of a certain action from Union to Northumberland county."

Mr. ZOLLER moved that the further consideration of the whole subject be postponed indefinitely.

Mr. M'CLURE rose to a call of the previous question; which was sustained.

And on the question,

Shall the main question be now put?

It was determined in the affirmative.

The question therefore recurring,

Will the House agree to the amendment proposed by Mr. PINKERTON?

It was determined in the affirmative.

Mr. EVANS withdrew his motion.

And on the question,

Will the House agree to the resolution as amended?

The yeas and nays were required by Mr.



WALBORN and Mr. WARDEN, and were as follow, viz:

YEAS—Messrs. Acker, Balliet, Bertolet, Boyer, (Clearfield,) Brodhead, Campbell, Church, Custer, Dismant, Eckman, Evans, Fisher, Fleming, Galley, Goepp, Good, Gratz, Hamersly, Hill, Hottenstine, Irish, Ketchum, Kinney, Laird, Mann, Matthews, M'Clure, M'Curdy, Neall, Oaks, Patterson, Peirce, Pinkerton, Proudfoot, Pughe, Quigley, Rohrer, Rose, Rouse, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoueback, Stuart, Thorn, Wagenseller, Warden, Wilcox, Williston Withrow, Woodring and Lawrence, *Speaker*—54.

NAYS—Messrs. Abbott, Barusley, Barlow, Bayard, Bryson, Burley, Chase, Dodds, Fearon, Foster, Graham, Gray, Green, Harding, Jackson, Lawrence, (Washington,) Mehaffey, M'Dowell, Price, Ramsdell, Styer, Taylor, Thompson, Walborn, Walker, Witman, Wiley, Williams, (Bedford,) Williams, (Bucks,) and Zoller—30.

So the question was determined in the affirmative.

On motion of Mr. GRAHAM, the House resolved itself into committee of the whole, (Mr. WAGENSELLER in the chair,) on House bill No. 1051, "An Act relating to estates tail;" which was considered, and passed the House finally; and, ordered to be sent to the Senate for concurrence.

Mr. PRICE moved that the rules be suspended, and that the House proceed to the consideration of Senate bill No. 338, "A further supplement to the act to incorporate the Conestoga and Beaver Valley turnpike road company."

Mr. CHASE called for a division of the question.

The House refused to suspend the rules.

#### BILL RE-CONSIDERED.

Messrs. FISHER and GOEPP moved that the House re-consider the vote by which House bill No. 182, "An Act to confer on certain associations of citizens of this Commonwealth, all the rights and immunities of corporations and bodies politic in law, and to confirm charters heretofore granted."

Mr. THORN moved that the further consideration of the motion to re-consider, be postponed indefinitely.

And on the motion,

The yeas and nays were required by Mr. MILLER and Mr. CHURCH, and were as follow, viz:

YEAS—Messrs. Abbott, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Chase, Church, Custer, Dodds, Eckman, Fearon, Fisher, Fleming, Glatz, Goepp, Graham, Gratz, Green, Gritman, Hamersly, Harding, Hill, Irish, Lawrence, (Washington,) Matthews, M'Clure, Miller, Neall, Peirce, Pinkerton, Pughe, Quigley, Rose, Smith, (Berks,) Smith, (Philadelphia,) Stoneback, Styer, Thorn, Walborn, Walker, Warden, Witman, Wilcox, Wiley, Williston and Zoller—49.

NAYS—Messrs. Acker, Balliet, Barusley, Campbell, Foster, Galley, Good, Gray, Hottenstine, Ketchum, Kinney, Laird, Mann, M'Curdy, Proudfoot, Ramsdell, Shields, Smead, Stuart, Taylor, Wagenseller, Williams, (Bucks,) Wilson and Withrow—24.

So the question was determined in the affirmative.

On motion of Messrs. KINNEY and SMEAD, the House re-considered the vote had on the final passage of the act to incorporate the Wy-sauking railroad company.

The question being on the final passage of bill,

Mr. KINNEY moved to amend the same, by adding to sixth section,

And provided also, That the stock of said company shall not be subject to any tax in con-

sequence of the payment of the interest hereby authorized.

Which was agreed to.

And the bill, as amended, passed finally.

#### REPORT OF CONFERENCE COMMITTEE.

Mr. GRATZ, from the committee of conference, appointed relative to Senate bill No. 150, "A further supplement to an act consolidating the city of Philadelphia," made a report; which was read, and adopted by the House.

#### FREE BANKING BILL.

Agreeably to order, the House resumed the consideration of House bill No. 1213, "An Act to establish a general banking law."

Mr. CHASE asked and obtained the unanimous consent of the House, to insert the word "twenty" in the second line of the twenty-seventh section, and the word "ten" in the eighteenth line of the same section.

Mr. M'CLURE moved that the House go into committee of the whole for the purpose of special amendments, so that no person or persons shall be allowed to carry on the business of banking under this act unless the capital stock shall be at least \$100,000.

Mr. WALBORN moved to amend the motion, by reducing the capital stock on which persons may carry on banking in Philadelphia and Pittsburgh, to \$100,000.

Mr. ROSE. The object of this law is to allow us to establish banks wherever the business wants of the community require, and the capital stock to be regulated just in proportion as the wants of the people demand. Every member of this House is aware that a larger banking business is done in the cities of Allegheny and Philadelphia than in the country, because it is a more profitable business in the city than in the country, where we do not want a capital of \$100,000 to establish a bank, because our commercial interests are not such as to warrant it.

Mr. M'CLURE. I offered this amendment in good faith, and not for the purpose of embarrassing or defeating this bill. I believe the principle I have introduced to be the right one. I doubt whether my constituents desire the bill, but I believe the general principle of it to be right, and wish to inaugurate the system.—There is one evil we must guard against above all others, and that is irresponsible banking in the community and the inflation of our currency. If a community does not desire a bank with more than twenty-five thousand dollars, it does not need any. There is not a county in this State where a banking institution has not a capital of at least one hundred thousand dollars.

Mr. PATTERSON. I would ask the gentleman whether there are not saving institutions with a capital of fifty thousand dollars?

Mr. M'CLURE. I would answer there are, but they are not banks of issue.

Mr. ROSE. I would ask the gentleman, will the note-holders be just as secure if the bank had a capital of one hundred thousand dollars, as they would had it a capital of twenty-five thousand dollars?

Mr. M'CLURE. They may or may not be, but it is certainly right that our banking institutions should be of a proper character, and that we should take every care to provide for their support. We provide that in Philadelphia there shall be no bank established with less than two hundred and fifty thousand dollars, and I appeal to this House that they will not throw on the State at large any number of banks with a capital of only twenty-five thousand dollars.—Let us have a solid capital, if any.

Mr. ROSE called the previous question. He said—

I believe the gentleman from Franklin offered this amendment for the purpose of embarrassing the bill; and, therefore, I rise to a call of the previous question.

Mr. HAMERSLY. I would suggest to my friend from Mercer, (Mr. ROSE,) and to the friends of this bill, that it is one of the most important of the session, and that they should allow every member to have an opportunity of expressing his views.

Mr. M'CLURE. I desire to say, I repel the accusation, that I offered this amendment to embarrass and defeat this bill. Those who know my views, know I will vote for it; but I have to say, if gentlemen will insist on this clause, standing as it is, I will have to vote against the bill.

Mr. WILLISTON. I had supposed these principles of banking were familiar to every member of this House, but here we are met by a class of men who, though friends to the bill, say that, unless there is a clause in the bill regulating the amount of capital for a bank at \$25,000, they will vote against the bill. We find another class, who say they are friends of the bill, but if a provision is not inserted in it to the effect that the capital of a bank shall be \$100,000, they will oppose it. I regard these minor questions as of no importance whatever. I would be willing, so far as I am concerned, to have no maximum or minimum in the bill at all, for the reasons that if a bank be established in any community, it will regulate itself to the wants of the people of that community. I regard this minor question as too trifling to occupy the attention of the House for a moment.

Mr. WALBORN said if the country banks were allowed to have a smaller amount of capital than those in the city, those country banks will soon be removing into the city, as they now are.

Mr. KINNEY. I agree with the gentleman from Tioga, (Mr. WILLISTON,) on this subject. I think we should not place any limits to the capital of a bank. I do not desire to make any alteration whatever, as this is a matter of little consequence.

Mr. ROSE. I have just a word to say in answer to the remarks of the gentleman from Franklin, (Mr. M'CLURE.) I will state the grounds on which I inferred the gentleman from Franklin was hostile to this bill, and I still hold that the position taken by that gentleman, places him antagonistic to the bill. He proposes an amendment of \$100,000. If that amendment prevails, how many banks will be established in this State? Can he tell me of one that will be established on that principle, outside of the cities of Pittsburgh and Philadelphia?

Mr. M'CLURE. I would answer, we have not a bank in the State with a capital less than \$100,000.

Mr. ROSE. If the amendment of the gentleman prevails, it will virtually destroy the object of this bill, so far as the country is concerned. It is on these grounds, I allege, the gentleman, (Mr. M'CLURE,) wished to defeat this bill by his amendment.

On the motion to go into committee of the whole,

The yeas and nays were required by Mr. M'CLURE and Mr. ROSE, and were as follow, viz:

YEAS—Messrs. Acker, Bayard, Hill, Hottenstine, Mehaffey, M'Clure, Neall, Peirce, Proudfoot, Ramsdell, Stephens, Walborn and Williams, (Bucks,)—13.

NAYS—Messrs. Abbott, Balliet, Barnsley, Barlow, Bertolet, Boyer, (Clearfield,) Brodhead, Burley, Campbell, Chase, Church, Custer, Dismant, Dodds, Fearon, Fisher, Fleming, Foster, Galley, Glatz, Good, Graham, Gray, Green, Gritman, Hamersly, Harding, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Matthews, M'Curdy, Miller, Patterson, Pinkerton, Pughe, Rohrer, Rose, Rouse, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stoneback, Taylor, Thompson, Wagenseller, Walker, Wardeu, Witman, Wilcox, Wiley,



Williams, (Bedford,) Williston, Wilson and Withrow—58.

So the question was determined in the negative.

Mr. SMITH, (Berks,) moved that the House go into committee of the whole, for the purpose of special amendment, not to allow bank notes to be issued under a less denomination than twenty dollars.

Mr. GRITMAN called for the previous question.

And on the question,

Shall the main question be now put?

The yeas and nays were required by Mr. SMITH, (Berks,) and Mr. NEALL, and were as follow, viz:

YEAS—Messrs. Boyer, (Clearfield,) Brodhead, Campbell, Chase, Church, Dodds, Fisher, Fleming, Galley, Good, Graham, Green, Gritman, Hamersly, Harding, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Matthews, M'Curdy, Miller, Patterson, Proudfoot, Pughe, Quigley, Ramsdell, Rose, Rouse, Smead, Styer, Taylor, Thompson, Thorn, Wagenseller, Witman, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Williston, Woodring and Lawrence, *Speaker*—43.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Schuylkill,) Burley, Custer, Dismant, Eckman, Evans, Fearon, Foster, Glatz, Goepf, Gray, Hill, Hottenstine, Jackson, Mehaffey, M'Clure, Neall, Oaks, Peirce, Pinkerton, Rohrer, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Walker, Warden, Wilson and Withrow—36.

So the question was determined in the affirmative.

The question now being,

Will the House agree to the amendment proposed by Mr. SMITH, (Berks?)

The yeas and nays were required by Mr. SMITH, (Berks,) and Mr. FLEMING, and were as follow, viz:

YEAS—Messrs. Barnsley, Custer, Dismant, Evans, Fearon, Fisher, Fleming, Glatz, Goepf, Good, Harding, Hill, Hottenstine, Jackson, Oaks, Quigley, Smith, (Berks,) Stephens, Stoneback, Stuart, Warden, Williams (Bucks,) and Woodring—23.

NAYS—Messrs. Abbot, Acker, Balliet, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Dodds, Eckman, Foster, Galley, Graham, Glatz, Gray, Green, Gritman, Hamersly, Irish, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Matthews, M'Clure, M'Curdy, Miller, Neall, Patterson, Peirce, Pinkerton, Proudfoot, Pughe, Ramsdell, Rohrer, Rose, Rouse, Shields, Smead, Smith, (Philadelphia,) Styer, Taylor, Thompson, Thorn, Wagenseller, Walhorn, Walker, Witman, Wilcox, Wiley, Williams, (Bedford,) Williston, Withrow and Lawrence, *Speaker*—62.

So the question was determined in the negative.

The question again recurring,

Shall the bill pass?

The yeas and nays were required by Mr. GOEPP and Mr. WILCOX, and were as follow, viz:

YEAS—Messrs. Abbott, Barlow, Boyer, (Clearfield,) Burley, Campbell, Chase, Church, Dodds, Fisher, Foster, Gritman, Hamersly, Harding, Ketchum, Kinney, Laird, Mann, Miller, Pughe, Rose, Rouse, Smead, Smith, (Philadelphia,) Taylor, Thompson, Thorn, Witman, Wilcox, Williston, Withrow and Lawrence, *Speaker*—31.

NAYS—Messrs. Acker, Balliet, Barnsley, Bayard, Bertolet, Boyer, (Schuylkill,) Brodhead, Custer, Dismant, Eckman, Evans, Fearon, Fleming, Galley, Glatz, Goepf, Good, Graham, Glatz, Gray, Green, Hill, Hottenstine, Irish, Jackson, Mehaffey, Matthews, M'Clure, M'Curdy, M'Dowell, Neall, Oaks, Patterson, Peirce, Pinkerton,

Price, Proudfoot, Quigley, Rohrer, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Styer, Wagenseller, Walhorn, Walker, Warden, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson and Woodring—54.

So the question was determined in the negative.

Mr. SMITH, (Berks,) said—

I believe there is no subject in reference to which there is so general a desire for a thorough reform as this question of banking. The people, disgusted with their experience of the utter futility of every expedient that has yet been devised to protect the holders of bank notes, have expressed a deep concern in whatever relates to the subject. It becomes us, therefore, to innovate upon the established system with the greatest circumspection. I have looked at the provisions of the proposed bill with a predisposition to find it embody a system insuring not only the ultimate security of the note-holders, but the prompt redemption of the notes themselves. It proposes indeed to secure against total loss the various promises to pay put forth by the banking institutions in the debts of the State and general government—which based upon the credit and character of the nation, I trust will ever be reliable security—but I have searched in vain for any provision insuring the prompt redemption of these promises to pay upon demand. I will support no system which is wanting in this essential particular. The credit and standing of banks, like that of individuals, rests not alone upon their ultimate solvency; it exacts more than this; it exacts at punctual compliance with their obligations. It is, sir, to the want of this ability, upon the part of banks, to respond, upon demand, to their just engagements, that the disaster and ruinous consequences of every financial crisis that has heretofore cursed the land, have been mainly attributable. The chief value of a bank note consists in the assured confidence of the holder that the promise it bears upon its face is not vain and illusory, but to be depended upon at all times, without the possibility of failure. I cannot vote for a currency which is not always reliable. This objection is not met by the fact that the holder cannot ultimately lose; that the State is bound to pay him is the last resort. He has placed his reliance upon your promise to pay him on demand; upon this he has depended to meet his own current engagements; his credit and character are staked upon the punctual compliance of banks with their promises, not upon their final ability to pay; and if this promise is not literally fulfilled, his credit and business are together destroyed, in spite of that ultimate solvency. The system now suggested is, if possible, more defective in this important particular than the present. For these reasons, among others, I cast my vote against the bill.

I have long believed that the only real reform in this difficult question, must commence with the suppression of notes of a small denomination. To effect this desirable consummation, I had the honor to submit a bill to the House at the commencement of the session. If the House take up that bill, and pass it at once, it will have done more in one day towards real reform, than the legislation of a quarter of a century and more, has been able to effect.

Mr. GOEPP said—My reasons for voting against this bill, are as follows:

The doctrine, that the business of issuing paper money, if permitted to be carried on at all, should be free and open to all who choose to embark in it, upon them giving those securities which are deemed necessary to ensure the ultimate safety of note-holders, is, undoubtedly, correct in principle. Our present system of banking, (if, indeed, the thing can be called a system at all,) consists of a general law, (the act of 22d March, 1817,) which makes it a

penal offence to issue notes intended for circulation, and of a series of acts called bank charters, which grant to certain corporations special dispensations, permitting them to be guilty of this penal offence. These charters have been granted, from time to time, at the discretion of the Legislature, who, by an ingenious legal fiction, are supposed to be capable of judging where banks are needed, and how much paper money they ought to be permitted to issue. That this so called system takes the paper currency of the State out of the operation of the law of supply and demand, and places it under the control of certain corporations, which, however well conducted, are, in their very nature, monopolies, is apparent. It rests upon no settled principle, and seems to be composed of a mere succession of temporary expedients. There can be but two systems; the one, that which prohibits all paper currency, and the other, that which allows all who comply with certain conditions, to issue paper money; thus leaving the matter to be regulated by the law of supply and demand. Experience alone, can, perhaps, decide which of these is the true system. The bill now under consideration professes to be based upon the latter principle. I vote against it: first, because I believe that this is no proper time for trying an experiment of so much importance, so great danger, inasmuch as the country is but just recovering from the financial crisis of 1857, and all disturbing influences ought to be avoided.

Secondly, because this bill restricts the privilege of issuing bank notes, to parties who have a capital of twenty-five thousand dollars, and upwards; and

Thirdly, because it allows the issuing of notes of a less denomination than twenty dollars.

Mr. M'CLURE said he must oppose this bill because it is objectionable in many of its details; but especially because it allows banks to be organized with but \$25,000 of capital, and \$3,125 in specie. For such a bill he could not vote, though favorable to the principle of free banking, with proper restrictions. He therefore voted "No!"

Mr. HAMERSLY said—

In earnestly advocating the passage of this bill, through all its stages, I am but redeeming a pledge made to one who is not now here to claim its fulfillment, but whose vacant seat, surrounded as it is by all the habiliments of woe, has constantly reminded me of the sacredness of the promise, and of the obligation which rests upon me to carry it out. It was a bill, sir, which my late colleague had much at heart, and one in the investigation of which he had spent much time; and I have no doubt, sir, that, had he been spared, he could have brought such an array of facts and arguments in its favor as would have carried conviction to the mind of every gentleman in this Hall. In almost the last conversation that I had with him, he expressed a deep interest in the passage of this bill, and an earnest hope that it would receive the favorable action of the House. If, sir, I had no other reason, I should vote for the bill in order to carry out the wishes of my late friend. But, sir, the bill is right and proper in itself. Its passage is earnestly advocated by thousands of the workingmen of the community—men who do not often come before us with their claims, but who are eminently entitled to our sympathy and protection when they do come. I trust, Mr. Speaker, that the motion will prevail; and that the bill, having already received the sanction of two thirds of the members of this House, will now be allowed to go to the Senate, where, I hope, it will meet with equal favor.

Mr. MATTHEWS. I shall vote against this bill, because I believe it will greatly and unnecessarily increase the banking capital of the State. I shall vote against the bill to prevent



an undue expansion of banking capital and an increased number of pet banks.

Mr. WALBORN would vote "no," on the passage of this bill, because it did not render equal justice to both the city and country, and he did not believe that his constituents would wish him to endorse it. The impropriety of its provisions was manifest, inasmuch as it allowed the institutions of the country to operate upon a capital of twenty-five thousand dollars, and required those of the city to have a basis of two hundred and fifty thousand dollars. The effect of this would be to encourage the starting of a number of small banks in the interior, about which the community knew nothing, and would not have the same opportunity of investigation as was afforded by the weekly statements of the city banks. He was opposed to having any bank on a smaller capital than fifty thousand dollars in any part of the Commonwealth.

Mr. PINKERTON said—

My reasons for voting no, on the free banking bill, are that no bill should pass and become a law, wherein the public are so deeply interested as in the present one, unless they first become fully acquainted with its provisions, and then show their approval or disapproval by petition or otherwise. On the present bill, no petition has been presented. The public have not moved in the matter, and the press generally, have advocated and discussed the subject but slightly. From my own constituents, I have not had a scratch of a pen, either pro or con, and believing that they would be generally opposed to the features of the bill, if the same became a law. I vote "no."

Mr. STEPHENS said—

I vote against this bill, believing, in so doing, that I have discharged a duty which I owed to my country, to my constituents and to posterity, which I conscientiously believe to be in keeping with my constitutional obligation. I am in favor of a bill of this character, properly guarded, and restrained within due limits, if we are to have a paper currency, which I have always doubted the utility of, so that every dollar of it will be secured by State stock, or other available means. Past experience has demonstrated to us that we have had too many bank rags in circulation, for our ability to redeem with gold and silver. For this reason, we should be careful how we create these institutions, so that the amount of paper money, put in circulation by them, they could always be able to redeem. All over that amount, is but credit, which destroys and prostrates the business interests of the country. Since our present banks have a right to violate their charter at pleasure, which all of them have done, I think it our duty, as representatives of the people's interests, to exercise a plain constitutional right of altering and revoking them at our pleasure, by placing them on a safe foundation—by forcing them to come under this system, giving them the right to do so, or to suspend their operations—then leaving it optional with the Legislature to charter banks from time to time, as the necessity of the community demanded, and in proportion to our increase of gold and silver, so that they would have the ability to redeem.

But to suffer our present banks to keep in operation, and then leaving the power with the courts, in accordance with this bill, to establish banks at their pleasure, we would soon have our country filled with pet banks, which would deluge the whole country with promises to pay, and inflate and expand the credit system beyond all hopes of redemption, which would fill our people with such extravagant hopes and desires, that they would rush into all kinds of wild schemes of speculation, and, for the time being, might prosper, until a reaction of the redemption of these notes should take place; then this bloated pet bank system would show forth its workings. When it had drove the

greater part of our gold and silver out of the country, and what little we had left, to be divided up in probably three times our present number of banks, which would have three times the notes to redeem, and, with a corresponding want of the means. Then would come another crisis; ruin and disaster would stare the whole country in the face, and all would be placed in one mass of general bankruptcy.

Mr. JACKSON said—

Mr. SPEAKER: I believe that the present banking system is defective, and that note-holders should have greater security than they now have, under the banking laws of this Commonwealth. This is, indeed, a very important subject, proposing, as it does, an entire change in the banking laws of our State, and should be approached cautiously, and examined very carefully and closely in all its details. A bill of such great importance and great length, should have been brought before the House at an earlier stage of the session, when we could have had a better opportunity to give our time and attention to the consideration of the subject. I vote "No."

Mr. NEALL said, my reasons for voting against the bill now pending, are, that instead of establishing a free banking system, such as seems to be required by the wants of the people of this Commonwealth, it will have a tendency to establish under its provisions, a system which would, in my opinion, prove disastrous to the interests of the community.

Mr. BERTOLET said—

Mr. SPEAKER—I am compelled to vote against this bill, because I do believe that the principle it is founded upon, is not reliable; and that it will have an effect of establishing a system of banking and saving shops, which will be ruinous and injurious to the community, and cripple instead of relieving the needy portion of our citizens.

I am in favor of such a law as the one proposed, provided it will be based on reliable and satisfactory securities, and that it shall guarantee ample justice to all.

Mr. M'DOWELL, on the final passage of the bill, stated that he was not opposed to the general principles of a free banking law, but, as the act, in its present shape, did not meet either his own views or those of his constituents, as he understood them, he voted "no." The provisions of the free banking law of the State of New York, he thought, were better suited to the wants of the people of Pennsylvania, and if the proposed measure had been similar, he would have voted for it.

Mr. IRISH desired to give his reasons for voting "No." The measure was one of great importance, and of a character which ought not to be acted upon hastily. Three months of the session are passed, and it is not more than a week ago, since the subject was first broached in the House. He had been unable, from the pressure of other business, in this brief time, to give the subject that examination which its importance merits. It was a question which had not been agitated in the county to which he belonged, and he did not know that his constituents were in favor of the passage of such an act; he had received no communication nor information on the subject.

He felt it his duty, therefore, under the circumstances, to record his vote in the negative.

Mr. RAMSDELL paired off with Mr. SHAFER on this question.

Mr. CHURCH gave notice, that he proposed hereafter to move a re-consideration of the vote adopting the report of the committee of conference, on the Senate bill No. 150, namely, "A further supplement to the act to incorporate the city of Philadelphia." The sentiments of that report was offensive to public feeling in Philadelphia; it was repugnant to every disposition which he had; and had he supposed, when the

matter was before the House, that the motion was to adopt so unrepugnant and improper a proposition, as giving the election of the board of health and guardians of the poor to the supreme court, he would not only have voted against it, but would have called the yeas and nays. When the matter again came up, he proposed to give his views on the subject, and believed he would be sustained by every Democratic and Republican member. The people of Philadelphia demanded that they continue to elect their board of health and guardians of the poor; they did not desire the courts to take from them one of their dearest rights; they would do their voting hereafter, as they had done heretofore. If bad men get in office, they could turn them out without applying to judge or juries.

#### LEAVE OF ABSENCE.

Messrs. LAWRENCE, (Washington,) PEIRCE and GOOD asked and obtained leave of absence for Messrs. WIGTON, SHAFER and WOLF for a few days.

Messrs. HAMERSLY and GOEPP moved that the House proceed to the consideration of the act, entitled "A supplement to the act limiting actions against real estate;" which was not agreed to.

#### PUBLIC CALENDAR.

Agreeably to order, the House proceeded to the consideration of bills on the Public Calendar, whereupon the following were taken up, considered, and passed finally.

With Mr. BARLOW in the Chair, Senate bill No. 219, "A supplement to an act relating to orphans' courts, and for other purposes."

With Mr. ECKMAN in the Chair, Senate bill No. 637, "Supplement to an act relating to executors and administrators."

With Mr. BARNESLEY in the Chair, Senate bill No. 47, "An Act concerning turnpike, plank road and bridge companies."

With Mr. WITHROW in the Chair, Senate bill No. 294, "An Act relative to recording deeds in this Commonwealth."

With Mr. GOOD in the Chair, "An Act relating to interest upon verdicts."

With Mr. BRYSON in the Chair, the House postponed the further consideration of Senate bill No. 292, "An Act relating to the fees of surveyors."

Mr. WILLISTON moved that the House proceed to the consideration of the act relative to writs of estrepment; which was not agreed to.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor; which was read, as follows, viz:

EXECUTIVE CHAMBER,  
Harrisburg, April 1, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following acts of the General Assembly, viz: "An Act to change the time of the meeting of the county auditors of Northumberland county."

"An Act to empower the electors of Pollock township, in the county of Lawrence, to elect supervisors of highways and overseers of the poor."

"An Act to lay out a State road in Westmoreland and Allegheny counties."

"A supplement to an act to incorporate the borough of Apollo, Armstrong county."

"A supplement to an act to incorporate the Cochranville Hall association of Chester county."

"An Act to change the name of the Denuska gas company, of Allentown, Lehigh county, and for other purposes."

"A supplement to the act to incorporate the Saucona iron company."

"A supplement to an act to incorporate the University of Kittanning."



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 6.

"A supplement to an act approved April 5, 1858, to authorize the laying out of a State road from New Castle, in Lawrence county, to Emmenton, in Venango county."

"A supplement to an act to incorporate the Phoenix iron company."

"An Act relative to the fees of the sheriff of Crawford county."

"A supplement to an act to incorporate the Catawissa and Towanda railroad company."

"An Act to incorporate the Bedford gas company."

"An Act to compel the supervisors of roads, in the township of Crawford, in Clinton county, to give security."

"An Act for laying out a State road from Kresgeville, in Monroe county, to the State road leading from Stroudsburg to Mauch Chunk, near the house of Lynford Irach, in Carbon county."

"An Act to incorporate the Carolina steam navigation company."

"An Act to incorporate the Towanda water company."

"An Act to prevent the destruction of fish in the Swatara river and its tributaries."

"An Act to incorporate the Wrightsville and Canadocholy turnpike company."

"An Act extending the general manufacturing law for the manufacture of leather, in certain counties of this Commonwealth."

"A further supplement to an act regulating banks."

"An Act supplementary to the act incorporating the Erie and Waterford plank road company."

"An Act to view and lay out a State road from the borough of Lock Haven, in the county of Clinton, to Snow Shoe, in Centre county."

"A further supplement to an act incorporating the Coudersport and Allegheny River railroad company."

"An Act to better prevent the destruction of partridges in certain counties of this Commonwealth."

"A further supplement to an act passed February 28, 1839, incorporating the Royersford bridge company, and supplements thereto."

"An Act to change the name of Washington Carroll Tevis."

"An Act to incorporate the Pittsburg Park association."

"Resolution to pay the Clerk and Sergeant-at-Arms for serving with the committee to examine into the condition of certain banks"

WM. F. PACKER.

The hour of one having arrived, the SPEAKER adjourned the House until 3 p. m.

## HOUSE.—AFTERNOON SESSION.

The House was called to order at three o'clock.

On motion of Mr. GREEN, the House resumed the consideration of Senate bill No. 339, "An Act to incorporate the Marietta, Mt. Joy, Sporting Hill and Manheim turnpike road company," which was passed finally.

Mr. WAGENSELLER, on leave given, presented the petition of citizens of Jackson township, Snyder county, for the passage of an act to change the place of holding elections in said township.

Also, "An Act to change the place of holding elections in Jackson township, Snyder county."

Mr. WAGENSELLER moved that the rules

be suspended, and that the House proceed to the consideration of the same.

Mr. THORN called for a division of the question.

The first division, which was to suspend the rules, was agreed to.

The second division was likewise carried.

Whereupon, said bill was taken up, and passed.

Ordered to be sent to the Senate for concurrence.

On motion of Mr. WILSON, the House resolved itself into committee of the whole, (Mr. TAYLOR in the Chair,) on House bill No. 628, "An Act relative to the settlements of certain officers with the State Treasurer."

The bill was passed the House and sent to the Senate for concurrence.

Mr. BAYARD called up bill 1300, "An Act to authorize the Surveyor General to sell certain vacant lands." At the Printer's.

Mr. MILLER called up Senate bill No. 674, "An Act for the appointment of police officers in the borough of Meadville, and the settlement of claims on account of the poor of said borough;" which was passed finally.

Mr. PEIRCE called up House bill No. 1220, "An Act relative to supervisors in New London and East Marlborough townships, Chester county;" which was passed.

Mr. PEIRCE, (from the Committee to Compare Bills,) made report; which was read.

Mr. GOEPP called up House bill No. 1207, "An Act to incorporate the Rebecca iron company;" which was passed finally, and sent to the Senate for concurrence.

Mr. HILL called up Senate bill No. 710, "Supplement to an act incorporating the Spinnerstown and Goshenhoppen turnpike road company;" which was passed finally.

On motion of Mr. BARNESLEY, the House resolved itself into committee of the whole, on House bill No. 239, "A further supplement to an act for the regulation and continuance of a system of education by common schools," (Mr. GRAY in the chair.)

The first section was read.

Mr. KETCHUM did not see any reason why the farmer should be exempt from taxation on his occupation for school purposes.

Mr. KINNEY replied that the land from which the farmer derived his support was already taxed. The agriculturist was exempted from personal tax for State and county purposes.

Mr. KETCHUM considered this a fallacious argument.

Mr. BARNESLEY said that the intention of the section was, evidently, to make the law uniform relative to the taxation of farmers. In many of the counties of the Commonwealth, his own for example, the occupation tax was not assessed on agriculturists. It was only right that there should be a uniform system throughout the State.

This bill had been introduced by himself, but the section now under consideration was introduced by the superintendent of common schools. He had submitted with deference to the opinion of that official.

No thought, however, that there were really good and sufficient reasons why the occupation of the farmer should be exempt from taxation. His real estate sustained nearly the whole burden of government; his lands were taxed to the uttermost, and in proportion to the income which he received, he paid more than other classes of the community.

Lawyers with no real estate, and with incomes usually larger than those of farmers, were justly taxed for their occupation. If there was no occupation tax levied upon them they would go free.

These reasons, he hoped, would prove satisfactory to the gentleman from Luzerne, (Mr. KETCHUM.) If not, then he feared that no explanation that he could make would be satisfactory.

Mr. WILSON said as a friend of the common school system he would recommend the repeal of the tax commonly called the poll tax, or one dollar tax—it had become an injury to the common school system of education. The common school system was adopted for the purpose of affording the children of the Commonwealth a reasonable education, without respect to the ability of their parents, the children of those in straightened circumstances, as well as the children of the wealthy parents; this was the fundamental principle of the system. This principle was invaded by the enactment of the law creating the poll tax, and as I believe, for the purpose of inducing some counties to adopt the system. The wealthy of those counties refusing complained that the poorer class paid little tax in comparison with them. This tax has caused much trouble and re-action among the people. The whole section should be wiped out, and much good will be done the cause of education. The act fails to meet the object intended, in several respects—it proposes to raise tax off the poor, and the tax is assessed; and after all, much of the tax is exonerated and but little is obtained. The law is construed variously. In some places, the law is construed to extend to all persons—whether they pay more than one dollar on their property, or less than a dollar; in some places they assess no poll tax when there is a property tax amounting to and exceeding one dollar.

Again, it operates against many who are farmers' sons residing at home with their parents, and have no property to pay taxes with.—I am of the opinion that this tax is an infringement of the fundamental principle of the common school system, as I have said, and ought to be repealed.

Mr. PUGHE. I have listened with great attention to my distinguished friend from Beaver (Mr. WILSON,) but for the life of me I cannot tell what he has been talking about. While the gentleman was speaking, several gentlemen came to me and asked what Mr. General WILSON speaking about? Well, I answered, I believe it was the common school system. There is one thing, I believe, I can infer from his remarks, that is, that my friend is a representative character on this floor, of what? Why the race of old bachelors that flood our State; and the drift of his argument is to exempt them from taxation in support of our glorious common school system. Now, Mr. Speaker, why should they be exempt, for the law says "the occupation tax upon single freemen shall not be less than one dollar." If I understand the meaning of the term of "single freemen," it means bachelors. Now if these bachelors have not the moral courage to take unto themselves a wife, and obey the command, "be fruitful and multiply," to help to people this great Commonwealth and elevate her in intelligence, wealth and virtue, why should they complain at paying the small pittance of fifty cents, or a dollar, to give and aid the poor



man's child in obtaining a good and solid common school education, and thus aid in building up our great Commonwealth in virtue and intelligence?

I believe, sir, that it is right and just, that every citizen of this State should be made and compelled to pay a tax to support a system, that I hold is a credit and glory of our Commonwealth, and, sir, I believe it meets with the approbation of the whole country. Aye! I might say with a truth, the civilized world.

It was but recently I read in the London *Times* of a distinguished statesman of England, allude in the most flattering terms to our Common School system—but, sir, the question now before the House is not the doing away entirely with the occupation tax, but to reduce it to that which it was two years ago. The gentlemen who oppose this section ask for reasons why the occupation of a farmer should be exempt from taxation. I answer these gentlemen by reading the twenty-ninth section of the school laws of Pennsylvania.

"That for the purpose of enabling the board of directors or controllers to assess and apportion the tax for the ensuing school year, the county commissioners shall, when required, furnish the president or secretary of the board, with a correct copy of the last adjusted valuation of proper subjects, and things made taxable for State and county purposes, which said property, subjects and things are hereby made taxable for school purposes, according to the provisions of this act."

This, sir, is the basis of taxation for school purposes, and we all know that the occupation of a farmer is not taxable for State purposes, consequently is not taxable for school purposes. When this amendment was before the Committee on Education, of which I have the honor to be a member, it was stated that the State superintendent of common schools had received more letters from all parts of the State, asking information and instruction upon this occupation tax, than any other subject connected with the department. There has been a great misunderstanding on the subject throughout the rural districts. And to set this matter right, and beyond cavil and misconception, the committee inserted this section, which I think is right and based upon the true principles of the law, which forms the basis of common school taxation. I am of the opinion, sir, that the occupation of a farmer ought not to be taxed, because, as my friend from Bucks, (Mr. BARNESLEY,) has rightly remarked, that the land of the farmer is already taxed enough, without having to pay an occupation tax.

I have probably said enough in explanation, to inform my friend, Mr. KETCHUM, why this section was introduced. I am not in favor of meddling or tinkering up our school system at present, like some Solons who pretend to be the friends of the system, and at the same time, the secret enemies, who would glory in the downfall and annihilation of the whole system. Let us give it a fair, impartial and candid trial, before we begin to howl and cry it down. I allude, more particularly, to the excellent system of county superintendents; a system which already has almost revolutionized whole counties, to awake to the great interests of common school education, and elevate the moral and intellectual tone of the schools.

Mr. HAMERSLY said—

Mr. SPEAKER:—If we desire to secure permanency to the present school system; if we desire to commend it to popular favor, we must be careful how to adjust its burdens as to allow them to fall, like its blessings, equally upon all classes of the community. We must not exempt one class of persons from taxes, which we imposed by law upon all others. If this tax has been found to operate oppressively, let it be repealed altogether, but do not, by relieving

one class, impose additional burdens upon others. If it is right that the farmer should be exempted from the payment of the tax, it is equally right that the mechanic and laboring man should share a like exemption. There is nothing so much calculated to bring our laws into disrepute; nothing that is so likely to make them distasteful to the people, as the repeated attempts that are made in this House and elsewhere to make them partial in their application. Now, sir, I know that the farmers throughout the State are as patriotic and public spirited as any other class; that they do not and will not shrink from their just share of the public burdens, and I do not believe that they desire any exemption that will not apply equally to all other classes of their fellow-citizens.

Mr. SMITH, (Berks,) moved to amend the bill as follows:

That from and after the passage of this act the office of county superintendent of common schools, be and the same is hereby abolished.

Mr. ROSE moved further to amend the bill as follows; which was not agreed to:

That the qualified electors of the several cities, boroughs and counties of this Commonwealth, shall, at the next general election, determine by ballot, whether the office of county superintendent of common schools shall be abolished or not; and that the ballots so voted shall be for the county superintendent and against the county superintendent, and the result of said election shall be certified by the proper officers in the mode prescribed by existing laws in relation to the returns for State officers; and if a majority of the votes polled should be against the abolition of said office, then the same shall remain as provided for by existing laws; and if a majority of the votes so polled should be in favor of the abolition of the office, then the said officers to be declared abolished by the State Superintendent of Common Schools, to take effect on the first Monday in January next succeeding said election, notice of the same to be sent by said State Superintendent to the several superintendents of the Commonwealth.

Mr. ROSE said—

Mr. SPEAKER: I offered this amendment in good faith. There is evidently a great contrariety of opinions among the electors of this Commonwealth as to this branch of the common school system. Some are of the opinion that the office of county superintendent should be abolished—others think that the continuance of this office is essential to the prosperity of the school system—while another class desire simply a modification of the law on this subject. From the number of letters and petitions which I have received on this question, I am satisfied that a large proportion, if not a majority, of my constituents are in favor of the abolition of this office. It is unquestionably the duty of a representative to obey and respect the known will of a majority of his constituents, especially on a question that so deeply concerns their interests as the one now pending. Now, sir, I know of no better way of ascertaining the will of the people, upon any question, than by leaving them to decide upon its merits at the ballot box. Under our Republican form of government, all questions of public policy are, either directly or indirectly, referred back to the people for their final decision. If representatives abuse the trust confided in them, by the passage of obnoxious or unwholesome laws, the judgment of an indignant constituency will hurl them from power and elect those who will obey their wishes. The people are the source of all power, and they are the court of last resort in the adjudication of all questions. Surely, then, there can be nothing improper in referring the decision of this question to the ballot box. I believe that our school system should be uniform throughout the State, and, consequently, that it

would be bad policy to abolish the office of county superintendent in some of the districts of this Commonwealth and continue it in others. It is true that in some of the counties of this Commonwealth, either from the incompetency of county superintendents, or from other causes, the law is very obnoxious—while in other counties the law seems to work well and the people are satisfied with it. But I do not regard this as a sufficient reason for continuing the office in those counties where the people are satisfied with it, and abolishing it in those where the people are dissatisfied. Such a course would destroy the harmony and efficiency of our school system. In view of these facts, I think there is no better plan than to refer this question directly back to the people. If a majority of the voters of this Commonwealth decide against this provision of the law then it had better be repealed, otherwise it will become so odious, that no good can result from its execution.

Mr. NEALL moved that the committee rise, report progress and ask leave to sit again; which was agreed to.

On the question, Shall the committee have leave to sit again?

The yeas and nays were required by Mr. HAMERSLY and Mr. NEALL, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Boyer, (Schnylkill,) Bryson, Burley, Chase, Church, Eckman, Fleming, Good, Graham, Gratz, Hamersly, Lawrence, (Washington,) Mann, Matthews, M'Clure, M'Curdy, Miller, Neall, Peirce, Pinkerton, Shields, Thorn, Walborn, Warden and Wiley—27.

NAYS—Messrs. Balliet, Barnesley, Barlow, Bayard, Bertholet, Brodhead, Campbell, Custer, Dismant, Dodds, Evans, Foster, Galley, Gray, Green, Hill, Hottenstine, Irish, Jackson, Ketchum, Kinney, Laird, Mahaffey, M'Dowell, Oaks, Patterson, Proudfoot, Pughe, Rose, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stoneback, Styer, Taylor, Thompson, Wagonseller, Walker, Witman, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow and Woodring—46.

So the question was determined in the negative.

The bill was again read, as follows:

FURTHER SUPPLEMENT to an act for the regulation and continuance of a system of education by common schools.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the second section of the act approved the 21st day of May, 1857, entitled "A supplement to an act for the regulation and continuance of a system of education by common schools," be and the same is hereby repealed.*

SECTION 2. *That it is hereby declared to be the true intent and meaning of the law in relation to the tax on occupations, that the occupation of a farmer shall be exempt from taxation for school purposes.*

SECTION 3. *That nothing herein contained shall be construed to change the assessments already made in pursuance of law with the official construction thereon, or to prevent the collection of the taxes so assessed and levied for the present year.*

The first section was read and agreed to.

The second section was read.

Mr. ABBOTT moved to amend by inserting the word "not," after the word "shall."

Mr. KETCHUM moved that the further consideration of the bill be postponed indefinitely. Not agreed to.

Mr. ABBOTT'S amendment was lost.

Mr. RAMSDALL moved to amend the section, as follows:

*Provided, That it shall not be lawful for the school directors or controllers of the common*



schools of any school district in this State, in determining the amount of tax to be levied in their district for school and building purposes, to exceed ten mills on the dollar, on any and all property subject to taxation by existing laws for school purposes: *Provided further*, That if the school fund in any school district be insufficient to keep the schools open four months in each year, a failure to do so, shall not prevent the said district or districts from receiving the State appropriation.

Mr. RAMSDALL said—

Mr. SPEAKER:—Sir, I do not propose to argue the propriety of the proviso I have just offered, but trust its merits are apparent to all. I offered it, sir, in good faith, as a friend of the common school system, and trust it will receive the sanction of this House. All the eulogies that gentlemen have pronounced on the common school system, I heartily endorse. But there are defects which should be remedied. The system, I trust, is not too sacred to be modified.

All laws to be operative and conducive to the public good, must be in accordance with public opinion. In some of the districts of my own county, twenty-six mills on the dollar are levied for school and building purposes. This is regarded by a great majority as oppressive. Whilst my constituents are liberal and willing to contribute to this cause, I desire to place a reasonable limit on the school directors, to rid the system of those embarrassing side issues, which, if not corrected, will, I fear, eventually overthrow the system itself.

On the amendment,

The yeas and nays were required by Mr. ROSE and Mr. FLEMING, and were as follows, viz :

YEAS—Messrs. Dodds, Fleming, Miller, Pinkerton, Ramsdell, Rouse, Thompson and Williams, (Bedford,)—8.

NAYS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Custer, Dismant, Eckman, Evans, Fisher, Foster, Galley, Glatz, Good, Graham, Gray, Green, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, McHaffey, Matthews, McClure, McCurdy, Neall, Oaks, Peirce, Proudfoot, Pughe, Rohrer, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stoneback, Styer, Taylor, Thorn, Wagenseller, Warden, Wilcox, Wiley, Williams, (Bucks,) Williston, Wilson, Withrow, Woodring and Lawrence, *Speaker*—65.

So the question was determined in the negative.

The question recurring, will the House agree to the second section? it was agreed to.

Mr. SMITH (Berks) moved to amend the bill, as follows:

SECTION 3. That the qualified electors of the several cities and boroughs and counties of this Commonwealth shall, at the next general election, determine, by ballot, whether a majority of the citizens of this Commonwealth desire the abolition of the office of county superintendent of common schools or not, and that the ballots so voted shall be "for the county superintendent" and "against the county superintendent," and the result of said election shall be certified by the proper officers in the manner proscribed by existing laws relative to the returns of State officers to the next Legislature, who may take such action in regard to the same as may be deemed reasonable and just.

And on the question, will the House agree to the amendment?

A motion was made by Mr. HAMERSLY, that the House do now adjourn; which was agreed to.

Whereupon the Speaker adjourned the House until this evening at 7½ o'clock.

# HOUSE—EVENING SESSION.

The SPEAKER called the House to order at 7½ p. m.

Mr. WALKER moved that the rules be suspended, and that the House proceed to the consideration of House bill No. 629, "A supplement to an act to regulate and continue a system of education by common schools."

Mr. SMITH, (Berks,) called for a division of the question.

And on the first division to suspend the rules. It was determined in the negative.

## ORIGINAL RESOLUTIONS.

Mr. MCCLURE, on leave given, offered a resolution that this House will hold a session to-morrow morning, from nine until twelve o'clock, in lieu of the afternoon session, for the purpose of considering private bills remaining undisposed on last Tuesday's Private Calendar; and when the House adjourns it will meet again on Monday afternoon at 3 o'clock; adopted.

On motion of Mr. RAMSDALL, the House resolved to hold a session next Monday evening, commencing at 7½ o'clock, for the purpose of considering bills in which the House has made progress.

Mr. EVANS, on leave given, recorded his vote in the affirmative, on the final vote had on House bill No. 182, "An Act to confer on certain associations of citizens of the Commonwealth the rights and immunities of corporations and bodies politic in law, and to confirm charters heretofore granted."

Mr. McDOWELL, on leave given, read in his place and presented to the Chair, "An Act to authorize the Charters' Valley railroad company to lease their road."

## SPECIAL ORDER.

Agreeably to order, the House resumed the consideration of Senate bill No. 483, "An Act relative to the exemption of three hundred dollars to the widows and children of decedents."

The question recurring,

Will the House agree to the amendment offered by Mr. THOMPSON, which is as follows:

*Provided*, That in all cases where the person signing such waiver has a wife living, at the time of executing the same, it shall be void, unless his wife shall join in the execution thereof, in the same manner now provided for in the execution of a deed by a married woman, under the act of 11th April, 1848; it was determined in the negative.

The question recurring,

Will the House agree to the second section, which reads as follows:

SEC 2 That any person otherwise entitled to the exemption provided for in this act and the act to which this act is a supplement, shall not be deprived thereof in consequence of any contract made after the 1st day of May, 1859, by which the right to claim such exemption shall be waived or released: *Provided*, That the provisions of this section shall not apply to contracts made for the renting of a dwelling house or for other things necessary for the support and maintenance of the wife or family of any such person.

Mr. HAMERSLY moved to amend by striking from the same the proviso.

And on the question,

Will the House agree to the amendment?

The yeas and nays were required by Mr. HAMERSLY and Mr. MANN, and were as follows, viz :

YEAS—Messrs. Abbott, Acker, Burley, Church, Eckman, Fisher, Fleming, Foster, Glatz, Hamersly, Mann, Matthews, McCurdy, Neall, Ramsdell, Rohrer, Rouse, Shields, Thorn, Withrow, Warden, Wiley, Williams, (Bucks,) Williston, Withrow and Lawrence, *Speaker*—26.

NAYS—Messrs. Barusley, Barlow, Boyer, (Clearfield,) Bryson, Campbell, Chase, Custer,

Dismant, Dodds, Evans, Galley, Goepf, Graham, Gratz, Gray, Green, Hill, Hottenstine, Irish, Jackson, Ketchum, Kinney, Laird, Lawrence, (Washington,) McHaffey, McCare, Oaks, Peirce, Proudfoot, Pughe, Rose, Smith, (Berks,) Stephens, Stoneback, Taylor, Thompson, Walker, Witman, Williams, (Bedford,) Wilson and Woodring—41.

So the question was determined in the negative.

The question again recurring,

Will the House agree to the section?

Mr. KETCHUM was opposed to the second section *in toto*. It provided to tie the hands of every poor man, and to make the law dictate what he should or should not do with his own property; that he should not control his last three hundred dollars and part with it if he choose. The principle seemed to be that a man should not be master of his own money because he might lose it.

There was another strong reason why this section should not pass. There might be some rich and prosperous district where the privilege of waiver was not of much account, but in the majority of the counties of the State, in the mining districts where life and fortune were alike precarious, and few men owned three hundred dollars worth of property, there would be no possible security for the merchants, storekeepers and those who supplied the necessities of subsistence to the laboring classes.

Mr. MCCLURE said that the section afforded protection to this very class of dealers by allowing them to receive waiver notes.

Mr. KETCHUM said that it would be all a matter of risk. The section would debar poor men from obtaining credit, and would operate to crush them and confine their business and enterprise.

Mr. MCCLURE refuted the arguments of the gentleman from Luzerne, (Mr. KETCHUM,) and said that the idea was fallacious that the section took from a man the control of his own property. The fact was to the contrary. The storekeeper and merchant were alike protected.

The law was not only applicable to the laborer. The rich man of to-day were the poor one of to-morrow, and it would benefit all alike.

It would not affect credit where it was justly deserved or restrict those who did not need restriction. Under a decision of the supreme court, the family of the deceased could take the benefit of the exemption law, notwithstanding all the waiver notes which might have been given.

He rebutted at length, the allegation that the law would take the control of property from its owners, and concluded with some eloquent remarks on the benefit to accrue from the passage of the act as amended.

Mr. WILLISTON said that the proviso effectually nullified the section and made the whole law a mockery. He favored his views at some length.

Mr. THOMPSON assumed a position antagonistic to that of the gentleman from Franklin, (Mr. MCCLURE,) and declared the arguments which he used to have been baseless.

Further debate ensued between Messrs. KETCHUM, WILSON, SMITH, (Berks,) and ROSE.

Mr. HARDING rose to a call of the previous question; which was sustained.

On the question,

Shall the main question be now put?

The yeas and nays were required by Mr. EVANS and Mr. McHAFFEY, and were as follows, viz :

YEAS—Messrs. Abbott, Acker, Barlow, Boyer, (Clearfield,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Custer, Dodds, Eckman, Fisher, Fleming, Galley, Goepf, Graham, Gratz, Gray, Hamersly, Harding, Irish, Jackson, Laird,



Lawrence, (Washington,) Mehafoy, M'Clure, M'Curdy, M'Dowell, Neall, Oaks, Peirce, Pinkerton, Ramsdell, Rohrer, Rose, Rouse, Shields, Smith, (Berks,) Stephens, Taylor, Walker, Warden, Witman, Williston, Wilson Withrow and Zoller—49.

**YAYS**—Messrs. Dismant, Evans, Foster, Glatz, Hill, Hottenstine, Ketchum, Kinney, Mann, Patterson, Proudfoot, Pughe, Stonchack, Styer and Williams, (Bucks.)—15.

So the question was determined in the affirmative.

And on the question,

Will the House agree to the second section?

The yeas and nays were required by Mr. WALKER and Mr. MEHAFFEY, and were as follow, viz :

**YAYS**—Messrs. Barlow, Bryson, Campbell, Chase, Church, Custer, Eckman, Foster, Glatz, Gratz, Hamersly, Irish, Kinney, Laird, Mann, M'Clure, M'Dowell, Pinkerton, Ramsdell, Rose, Rouse, Shields, Smith, (Berks) Stephens, Taylor, Warden, Williston, Wilson and Zoller—29.

**NAYS**—Messrs. Acker, Barnsley, Boyer, (Clearfield,) Brodhead, Burley, Dismant, Dodds, Evans, Fleming, Galley, Goepp, Graham, Gray, Harding, Hill, Hottenstine, Jackson, Ketchum, Lawrence, (Washington,) Mehafoy, M'Curdy, Neall, Oaks, Peirce, Proudfoot, Pughe, Rohrer, Stonchack, Styer, Thompson, Walhorn, Walker, Witman, Williams, (Bedford,) Williams, (Bucks,) and Withrow—36.

So the question was determined in the negative.

The title was read, and agreed to.

And on the question,

Will the House suspend the rule, and read the bill the third time by its title? it was determined in the affirmative.

Mr. FOSTER moved that the House go into committee of the whole, for the purpose of special amendment, by adding the following new section :

**SECTION 2.** That any person otherwise entitled to the exemption provided for in this act, and the act to which this act is a supplement, shall not be deprived thereof in consequence of any contract made after the first Thursday of May, 1859, by which the right to claim such exemption shall be waived or released.

On the question,

Will the House agree to the motion?

Mr. WILLIAMS, (Bucks,) moved that the House do now adjourn.

On the motion,

The yeas and nays were required by Mr. M'CLURE and Mr. NEALL, and were as follow, viz:

**YAYS**—Messrs. Acker, Boyer, (Clearfield,) Bryson, Burley, Chase, Dodds, Glatz, Goepp, Gray, Hill, Jackson, Mehafoy, Oaks, Patterson, Ramsdell, Rohrer, Stonehack, Styer, Thompson, Walhorn, Walker, Williams, (Bucks,) and Withrow—23.

**NAYS**—Messrs. Ahhott, Barlow, Brodhead, Campbell, Chnrech, Custer, Dismant, Eckman, Fleming, Foster, Galley, Graham, Gratz, Hamersly, Harding, Hottenstine, Irish, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, M'Clure, M'Curdy, Neall, Peirce, Pinkerton, Proudfoot, Pughe, Rose, Rouse, Shields, Smith, (Berks,) Stephens, Taylor, Warden, Witman, Williams, (Bedford,) Williston, Wilson and Zoller—41.

So the question was determined in the negative.

The question recurring,

Will the House agree to the motion made by Mr. FOSTER?

Mr. M'CLURE rose to a call of the previous question, which was sustained.

And on the question,

Shall the main question be now put? it was agreed to.

The question again recurring,

Will the House agree to the motion made by Mr. FOSTER?

The yeas and nays were required by Mr. WILLIAMS, (Bucks,) and Mr. WALBORN, and were as follow, viz :

**YAYS**—Messrs. Ahhott, Bryson, Campbell, Chase, Church, Dismant, Foster, Glatz, Hamersly, Harding, Irish, Kinney, Laird, Mann, M'Curdy, Patterson, Ramsdell, Rose, Rouse, Shields, Stephens, Williston, Wilson and Zoller—24.

**NAYS**—Messrs. Barnsley, Boyer, (Clearfield,) Brodhead, Burley, Custer, Dodds, Eckman, Evans, Fleming, Galley, Goepp, Graham, Gratz, Gray, Hill, Hottenstine, Jackson, Ketchum, Lawrence, (Washington,) Mehafoy, M'Clure, Neall, Oaks, Peirce, Proudfoot, Pughe, Smith, (Berks,) Stoneback, Styer, Taylor, Thompson, Walborn, Walker, Warden, Witman, Williams, (Bedford,) Williams, (Bucks,) and Withrow—35.

So the question was determined in the negative.

And on the question,

Shall the bill pass?

The yeas and nays were required by Mr. KINNEY and Mr. MANN, and were as follow, viz:

**YAYS**—Messrs. Ahhott, Barnsley, Barlow, Boyer, (Clearfield,) Brodhead, Bryson, Burley, Campbell, Chase, Church, Custer, Dismant, Dodds, Eckman, Evans, Fleming, Foster, Galley, Glatz, Goepp, Graham, Gratz, Gray, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehafoy, M'Clure, M'Curdy, Neall, Oaks, Patterson, Peirce, Pinkerton, Proudfoot, Ramsdell, Rohrer, Rose, Rouse, Shields, Smith, (Berks,) Stephens, Stonehack, Styer, Taylor, Thompson, Wagenseller, Walhorn, Walker, Warden, Witman, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow and Zoller—65.

**NAYS**—None.

So the question was determined in the affirmative.

Mr. WILLIAMS, (Bucks,) moved that the House do now adjourn; which was agreed to.

Whereupon the SPEAKER adjourned the House until to-morrow morning at 9 o'clock.

#### SENATE.—AFTERNOON SESSION.

FRIDAY, April 2, 1859.

The Senate met at 3 o'clock. A quorum of Senators was present.

Agreeably to order, the Senate resumed the consideration of the appropriation bill; the question being upon the amendment to the ninth section, offered by Mr. HARRIS.

At the suggestion of Mr. SCOFIELD, this section and the amendment were passed over.

The tenth section was read and adopted.

The eleventh section being before the Senate, Mr. RANDALL moved to amend, by striking out eighteen thousand seven hundred dollars as the appropriation for the salaries of the judges of the supreme court, and inserting twenty-one thousand two hundred dollars; which was not agreed to.

And the section was adopted.

The twelfth section being before the Senate, Mr. PARKER moved to amend, by striking out sixteen thousand eight hundred dollars as the appropriation for the salaries of the judges of the district court and the president and associate law judges of the court of common pleas of the city of Philadelphia, and inserting nineteen thousand two hundred dollars in lieu thereof.

The amendment was not agreed to, and the section was adopted.

By request, the thirteenth section was passed over.

The fourteenth, fifteenth, sixteenth, seventeenth and eighteenth sections were read and adopted.

The nineteenth section was read, when Mr. SCOFIELD moved to amend, by striking out sixteen thousand two hundred and forty dollars as the appropriation for the salaries of the officers of the Eastern penitentiary, and inserting in lieu thereof, twelve thousand eight hundred and ninety-five dollars.

Mr. SCOFIELD remarked that, upon an examination of the appropriation bill of 1857, which he had before him, the sum of nine thousand dollars had been set apart for the salaries of the officers of this institution, whilst this year sixteen thousand dollars are appropriated. He could see no reason for this increase for the same officers and the same services.

Mr. TURNEY was informed by the officers of the institution that they had to take, in addition to the appropriation, last year, some six thousand dollars from the earnings of the institution, to sustain it. Any increase we make to the institution indirectly cures to the benefit of the Commonwealth.

Mr. SCOFIELD did not understand how these officers could perform the same services, in 1857, for nine thousand dollars, for which they now are to receive sixteen thousand dollars. If this sum is necessary for repairs, or for any other purpose, let that purpose be specified.

Mr. RANDALL said the institution was a State one, and we are compelled to pay the salaries of its officers. He considered it disreputable to strike the amount out, and he hoped the amendment would be voted down.

Mr. TURNEY thought that, if the Senator from Warren took the appropriation of 1857 as his guide in this case, he stands upon a very contracted basis. There are more prisoners in the institution, the natural increase of crime and population, and a proportionate increase necessary in the cost of sustaining the institution; and if the appropriation is cut off, it will have to be made up from the earnings of the prisoners.

Mr. WRIGHT wished to say one word in commendation of the gentlemen who have the management of the institution. The directors were among the best men in Philadelphia, all of whom perform their duty ably. Its affairs, he said, are prudently and economically conducted; and what is asked for by this bill is required for its successful management.

Mr. BREWER inquired why it was that the delegates from the city in the House, consisting of many more than in the Senate, had not discovered that this increase was necessary?

Mr. TURNEY explained that no person came here to represent the necessities of the institution while the appropriation bill was before the House. A gentleman came here after the bill had passed the House, in behalf of the institution, upon whose statements the increase was predicated.

Mr. GAZZAM said the explanation of the Senator from Westmoreland was perfectly satisfactory.

Mr. SCOFIELD had heard no reason why the salary of these officers should go up from nine thousand dollars in 1857, to sixteen thousand dollars in 1859.

Explanations, of a brief, colloquial character with reference to this item, took place between Messrs. RANDALL, GAZZAM, TURNEY, SCOFIELD and MYER.

Upon this amendment,

The yeas and nays were required by Mr. SCOFIELD and Mr. TURNEY, and were as follow, viz :

**YAYS**—Messrs. Baldwin, Blood, Brewer, Coffey, Fetter, Francis, Gregg, Harris, Myer, Nune-macher, Palmer, Rutherford, Scofield, Shaeffer, Thompson and Yardley—16.

**NAYS**—Messrs. Gazzam, Marselis, Miller, Penney, Randall, Schell, Steele, Turney and Wright—9.



So the question was determined in the affirmative.

Mr. TURNEY moved further to amend, by striking out the appropriation of two thousand dollars for curbing and paving Corinthian avenue, on the eastern side of the penitentiary; which was agreed to.

And the section as amended was adopted.

The twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth and twenty-fifth sections were adopted.

The twenty-sixth section being before the Senate, Mr. PALMER moved to re-instate the following as an additional appropriation for the Pennsylvania training school for imbecile children; which had been stricken out in committee of the whole.

And for the purpose of completing the buildings now in progress, the further sum of twelve thousand five hundred dollars, upon condition that an equal amount be raised for the same purpose by private contributions; the said sum not to be paid out of the treasury until the Auditor General shall be satisfied that said amount to be raised by private contribution, has actually been subscribed and paid.

Messrs. PALMER, TURNEY and GAZZAM, made brief speeches in discussion of the merits of this institution—reiterating the views previously expressed by them—Messrs. PALMER and GAZZAM in support of the appropriation, and Mr. TURNEY in opposition.

Mr. FRANCIS said—

Mr. SPEAKER:—The language used by some Senators, that these poor imbeciles should ever remain just as they come from the hand of the Creator, was to him a novel and somewhat startling doctrine; and I must be permitted to say, so far, wholly unsupported by even the semblance of correct reason. Nay, more; it was monstrous, and at war with every generous impulse of the human heart. And how such a dogma could have found a lodgment in the bosom of the Senator from Westmoreland, was to him passing strange. That a man possessed of such a kind and benevolent heart, as all are willing to accord to that Senator, should ever have given utterance to such sentiments, is a matter of astonishment. Perhaps a temporary fit of excessive economy had, for the moment, beclouded his intellect, and chilled the otherwise better feelings and kindlier sympathies which he is known to cherish. And, sir, has it come to this that the poor and helpless child of sorrow must be left to drag out a miserable existence, with no kindly hand to succor or save? Forbid it Heaven! But, sir, we are told that this appropriation is not only unwise but wicked. That the veil that enshrouds these feeble-minded children, should envelope them forever more. Now, sir, what is the inference from all this? Why simply this: if it be wrong to attempt to improve and restore a feeble intellect, it is also wrong to attempt to remedy a defect in the physical organism. Hence, sir, we are brought to this conclusion—that if you have a child born cross-eyed, (I avoid the technicalities,) it must remain cross-eyed still; and club-footed, it must hobble on through life, as best it may; for you must not attempt to make that straight which God has made crooked. And just so with all the numberless ills that flesh is heir to. I need not name them. My strength would fail in repeating the long and fearful catalogue, and your patience would fail, too. If this doctrine be true, then, sir, the whole medical profession is a cheat and a humbug. But I deny, sir, the whole theory just advanced. God never made an idiot. The wickedness of man has produced a multitude. Aye, more, sir; your own God-dishonoring system of legislation has produced, and must ever continue to produce, the very necessity for the appeal that is this day made to your benevolence. Look, sir, at your legalized rum traffic. That, sir, is

a prolific source of crime in all its forms; and of madness, too, in every grade. And I insist upon it as a logical conclusion, that, if the State will continue to give her sanction to a traffic that fills the land with wretchedness, and almost inhumanizes the race of man, she is bound to provide as far as may be for all the consequences of her own wrong. Now, sir, every medical man knows full well that intemperance produces not only crime but idiocy and madness in all their varied forms. But I will not trespass upon your patience by pursuing this argument further. If you, sir, can take one of these helpless, hapless ones from the lowest depths of degradation—in which they are almost invariably found—and let even one ray of light fall upon his bewildered intellect, you have accomplished a great work. Sir, on the other evening I was permitted to witness an exhibition of these feeble-minded children in these Halls, which filled my heart with unutterable emotions; and as I heard one of the little unfortunates utter, in accents at once touching and musical, the first words her infant lips ever essayed to utter—those lips that were sealed hermetically to perpetual silence up to her eighth year; and, as she raised her little hands and said—

"Precious Jesus, meek and mild,  
Look upon a little child,"

I felt, sir, then and there, that the State had been amply paid for all this outlay. Let me ask you, who are fathers, if this be not so? And of the joy that filled with emotions too big for utterance, the astonished, enraptured mother, as she heard her little Beatie break her eight years silence in such precious words, I will not, dare not speak.

But, sir, when I heard the charge made against the men who manage this institution, I was more than amazed. I know something, sir, of the gentleman who stands at its head. I know that the very name he inherited was almost a passport to professional success, and I know, too, sir, that in the midst of a professional career of unusual promise, how he turned aside to this most self sacrificing of all human efforts, and as it were, buried himself to fortune and to fame, that he might, if possible, let one beam of joyous hope come to these afflicted little ones, and that, too, almost without fee or the hope of reward here. I am bound, nay, sir, I must respect such a man. For, sir, I speak by authority, when I say, that man has not for four years' most arduous labor, received over two thousand dollars, and the annual salary of all his subordinates only amounts to one thousand and sixty dollars. So that the charge of extravagance is wholly unfounded. And now, sir, I have done. In giving my vote for this appropriation, I do it in the full conviction of its propriety, and in the assurance that it is such a vote as angels can smile upon and God above approve.

Upon the adoption of the amendment,

The yeas and nays were required by Mr. TURNEY and Mr. SHAEFFER, and were as follow, viz:

YEAS—Messrs. Baldwin, Blood, Brewer, Coffey, Fetter, Francis, Gazzam, Harris, Keller, Palmer, Parker, Randall, Rutherford, Schell, Shaeffer, Schindel, Thompson, Wright, Yardley and Cresswell, *Speaker*—20.

NAYS—Messrs. Marselis, Miller, Myer, Nuemacher, Penney, Steele, Turney and Welsh—8.

So the question was determined in the affirmative.

Mr. SCOFIELD paired off with Mr. BELL.

The section as amended was adopted.

Mr. RANDALL moved to reinstate the following section which had been stricken out in committee of the whole:

SECTION 27. For the Northern home for friendless children, five thousand dollars: *Provided*, That the said Northern home for friendless children, shall be subject to the provisions

contained in the third section of an act, entitled "A supplement to an act to incorporate the subscribers to the articles of association for the purpose of establishing and conducting an institution for the confinement and reformation of youthful delinquents under the title of the House of Refuge," approved March twenty-third, one thousand eight hundred and twenty-six.

Mr. GREGG said he thought if it was right to support the poor of Philadelphia, it was also right to support the poor of the rural districts of the State. It is well known that Philadelphia has taken the lead in all these matters of a philanthropic character. But her citizens should carry out what they design. Some of her citizens, some time ago, engaged in erecting a building for the poor of the land. They completed the establishment, but as soon as they got it done, they come here and ask the State to support it. Sir, if we could see some of our constituents who have to support their families by the sweat of their brow, we would not be surprised that they should raise their voices in opposition to the lavish way in which we waste the money of the Commonwealth upon these institutions. I am proud that Philadelphia has taken the lead in these charitable measures, but I would be more proud if Philadelphia sustained her institutions, and should not have to come here for help.

I think it is wrong to make these appropriations. They will have to be made every year, and not always the same amount, but an increased amount. I doubt not the object is a praiseworthy one, but I would like to see Philadelphia maintain her reputation by attending to these matters herself.

Mr. RANDALL. As regards this appropriation, it has been so fully discussed, and is so meritorious an institution, I dislike to detain the Senate further, in the discussion of its merits. I prefer we should take a vote on it. I have no doubt the Senate has not been in the least affected by this chronic complaint, which suddenly came upon the Senator from Centre, (Mr. GREGG,) although that Senator during the session, did not fail to impress upon us the importance of appropriating thirty thousand dollars to another institution, although not a local one.

Mr. GREGG. The Senator is mistaken. He must know very well I withdrew that proposition.

Mr. RANDALL. The Senator did not withdraw it until it was perfectly easy to be seen he could get no votes for it.

Mr. MYER. There are some points in this question that have not been referred to. The city of Philadelphia very properly occupies a large portion of our attention, and she has never more properly, on any subject of legislation, than in the appropriation bill. The proposition submitted by the provisions of this section is to appropriate to the Northern Home for friendless children an amount of money from the public treasury. This is an institution perfectly local in its character, and this appropriation is for nothing more nor less than for the support of the poor of the city of Philadelphia. The question arises in my mind, where is this matter to stop? I have usually voted, while I have had the honor of filling a seat here, to give my support to these institutions. But where are we to stop in this thing? Last year we gave an appropriation to this institution; this year she comes back for another. I think it is the duty of the Senate to maintain the position she took in committee of the whole, and therefore I am opposed to this appropriation.

Mr. SCOFIELD. I do not want to talk to men whose sympathies have been allowed to control their judgments, and who have listened, in some corner of the Senate, to the tale of some



poor fellow, and accordingly made up their minds to vote, and care nothing about the result. I wish to speak to those who are unprejudiced and can look clearly at the subject.

It is the man with a clear intellect that has well directed sympathies. A man with a warm and hasty intellect, or what some people call a warm heart, (when we know the heart is only a reservoir of blood,) has not very clear conceptions. The mind is the only lamp that should guide us.

The speaker continued for some time, and finished by drawing a contrast between the amount of poor tax paid by his county and that paid by the county of Philadelphia.

Pending the discussion upon this amendment,

The Senate adjourned until 7 o'clock this evening.

#### SENATE—EVENING SESSION.

The Senate met at seven o'clock.

On motion of Mr. TURNEY, the resolution making private bills the order this evening, was suspended, and the Senate resumed the consideration of the appropriation bill, the question being on the motion of Mr. RANDALL, to reinstate the twenty-seventh section, making an appropriation for the northern home for friendless children.

Mr. RANDALL. The remarks of the Senator from Warren (Mr. SCOFIELD) this afternoon deserve a reply. He said the poor of the city of Philadelphia were supported by the State in the almshouse. The citizens of Philadelphia, as I can show by a book I hold in my hand, support about twenty charitable institutions, and this one we are speaking of, receives, among others, an immense amount of revenue from the charitably disposed persons of Philadelphia. Now, it has been alleged, this is a local institution. It is no such thing. It is no more so than the House of Refuge, which is governed by the same rules that govern this institution. By the act of 1848 that I see before me, the officers are authorized to receive all wandering children that may be sent to them, or need their attention, and have them properly brought up. When this matter was before us the other day, the Senator from Warren took occasion to allude to something I said in connection with this matter. I have only a remark or two to make upon that matter. The Senator from Warren did great injustice to a lawyer, one of his own fraternity, who had no opportunity of defending himself from the sarcasm of that Senator, by saying he came here as a paid attorney. For the information of the Senator from Warren, and for his proper understanding in the future, I will say that the gentleman came here, at his own expense, as a lawyer and an officer of this institution; that he has contributed largely to the support of these friendless children, and I think he was more worthy of the Senator's praise than his sarcasm. The Senator also talked about the nativity of some gentlemen. The remarks he made with reference to that subject, I think, were very singular in such a place. People who live in glass houses should not throw stones. It has been my good fortune to live in the city of Philadelphia, and the people who sent me here, perhaps, done me more honor than I was entitled to, and more than my heart or intellect were worthy of; but when the Senator talks about the nativity of the Senator from Philadelphia, he should remember he, early in life, wandered away from his native place, and he is not indebted to the people among whom he was born, for the high and distinguished position he now holds.

Sir, as a Senator from Philadelphia, the Senate will hear me out, that I have never forgotten her interests in supporting the project of any Senator on this floor. I have not kept quiet, and only spoken on particular occasions,

when my honorable and influential constituents sought some act of the Legislature, but have exerted myself generally.

Mr. RANDALL reviewed a short time longer the position or philosophy of the Senator from Warren.

Mr. SCOFIELD. "If you have tears to shed, prepare to shed them now." That is all I remember of that quotation, and if I say anything more, I suppose it will have to be of my own concoction. I will give the Senator credit for one thing, he is certainly original. He has imagined some three or four positions, which he assigns to me, and which I never took nor dreamed of taking. What I said about men with cold intellects was simply this: The Senator from Philadelphia had said he expected to warm up the Senator from Warren by what he had remarked. I said we ought to be governed by our minds; that a man with a clear, cold intellect had the quickest sympathies. I did not say that men of muddled brains were the most distinguished.

In regard to nativities, one Senator from Philadelphia had said these friendless children were the offspring of the country; that they came like driftwood, drifting down the Susquehanna and lodging in Philadelphia. In reply to that, I said it was an entire different class of people from what he represented that went to the city; that the higher order of men were gathered in the country; that the merchants and professional classes, to some extent, came from the country to the city, and performed its mental labor. It is true, I am not a native of Pennsylvania; I do not boast of that; I was born a little above the line, but if the Senator was born in Philadelphia, he may be proud of it, because it gives him character wherever he may go. But these men who pride themselves on their city birth, are like the stars we see in the ocean; they were never there, except for their bright originals above. So the figure reads.

One word in regard to the gentleman who comes here to solicit aid for this institution. I submit to him or the Senator from Philadelphia, if I said one word about that gentleman that was uncourteous. I did not say he was unpaid, for I did not know whether he was or not. I said he was a lawyer, and that when he came here last year, he said it was only because of the commercial difficulties in the city, the little private charity had been dried up, and that had induced him to call on this Legislature for an appropriation.

Mr. GAZZAM. Perhaps in making a few remarks in regard to the section now pending, I may expose myself, but I would be unworthy of the position I now hold, if I did not honestly speak the sentiments that burn for utterance. I allege that certain institutions, whose situation and position is local, but whose character really makes them State institutions, are local. Even supposing this institution to be local, it would not induce me to vote against the section. Sir, I may be peculiar and expose myself by this eccentricity to people who make a little merriment, by being insinuating in their personalities, so they may afterwards make their escape; but I am willing to encounter all that, and say if these institutions are more local in their character, yet it does become the Commonwealth of Pennsylvania to follow out the course she has heretofore pursued.

Mr. G. further remarked that this spirit was seen in this State, in making her public improvements. That spirit had failed then, and he trusted it would fail now. The Senate had been induced a few years before, contrary to this spirit, by the powerful arguments of the Senator from Centre, (Mr. GREGG,) to take a new step, and establish a Farmers' high school, in order to educate the sons of farmers throughout the State.

Mr. MARSELIS stated that the Senator from Warren, (Mr. SCOFIELD,) had misrepresented his position on this subject.

He defined his position at length on the subject.

Mr. SHINDEL. I think we have lost sight of the question. According to the language of the section, this appropriation is for the Northern Home for friendless children. Now, the object of this home is not that it should benefit the children of the citizens of Philadelphia, but for the many children that wander into the city from different portions of the Commonwealth of Pennsylvania, and are there received by kind friends and taken care of.

The citizens of Philadelphia have between thirty and forty institutions of their own, for the purpose of taking care of their poor and friendless children, and for that reason the different judges, in connection with the different judicial districts of the Commonwealth of Pennsylvania, are authorized by an act of Assembly creating this Home for friendless children, to send all such children to this Home. I therefore consider it not a local institution, alone created for the city of Philadelphia, but for the citizens of the whole Commonwealth, and I consider it the duty of the Legislature of Pennsylvania, to give not only the five thousand dollars that are requested here, but more, for the purpose of taking up the hundreds of poor and friendless children that are daily wandering into that city.

But again, I have not heard the voice of one of our constituents raised against these appropriations; and as Senators and Christians, I think we should, without further delay, pass the appropriation requested by the friends of that noble and excellent institution. I would appeal to the hearts of Senators, to their finer and their true feelings. I am perfectly willing to acknowledge I have a heart, but perhaps that heart of mine runs away with my intellect sometimes. I endeavor to curb it when I find it does so; but when on the side of truth, I let it go, directed and protected by that God in whose hands all our hearts are, and I hope I may never have a heart so cold as a December morning.

Upon the motion to reinstate the twenty-seventh section,

The yeas and nays were required by Mr. RANDALL and Mr. SCOFIELD, and were as follow, viz:

YEAS—Messrs. Baldwin, Blood, Coffey, Fetter, Francis, Gazzam, Harris, Keller, Marselis, Miller, Palmer, Parker, Randall, Rutherford, Shaeffer, Schindel, Steele, Thompson, Turney, Wright and Yardley—21.

NAYS—Messrs. Brewer, Craig, Gregg, Myer, Nunemacher, Penney, Welsh and Cresswell, *Speaker*—8.

So the question was determined in the affirmative.

Mr. SCOFIELD paired off with Mr. BELL.

Mr. PARKER moved to reinstate the twenty-eighth section, making an appropriation of \$5000 for the Penn asylum for indigent widows and single women.

Upon which motion,

The yeas and nays were required by Mr. SCOFIELD and Mr. WRIGHT, and were as follow, viz:

YEAS—Messrs. Baldwin, Blood, Francis, Gazzam, Harris, Keller, Marselis, Palmer, Parker, Randall, Shaeffer, Schindel, Steele, Thompson, Turney and Wright—16.

NAYS—Messrs. Brewer, Coffey, Fetter, Gregg, Myer, Nunemacher, Penney, Welsh, Yardley and Cresswell, *Speaker*—10.

So the question was determined in the affirmative.

Mr. HARRIS moved to reinstate the twenty-ninth section, making an appropriation of \$1000 for the Orphans' Home at Zellenople.

Upon which,



The yeas and nays were required by Mr. MYER and Mr. HARRIS, and were as follow, viz:

YEAS—Messrs. Baldwin, Blood, Coffey, Francis, Gazzam, Harris, Keller, Marselis, Miller, Palmer, Parker, Randall, Rutherford, Shaeffer, Schindel, Steele, Thompson, Turney and Wright—19.

NAYS—Messrs. Brewer, Craig, Fetter, Myer, Nunemacher, Penney, Welsh, Yardley and Cresswell, *Speaker*—9.

So the question was determined in the affirmative.

The thirtieth section was read and adopted.

The thirty-first section being before the Senate,

Mr. TURNEY moved to amend by striking out the words "superintendent of public printing," and inserting the words "Auditor General" in lieu thereof.

Upon which motion,

The yeas and nays were required by Mr. GREGG and Mr. TURNEY, and were as follow, viz:

YEAS—Messrs. Blood, Craig, Fetter, Gazzam, Keller, Marselis, Miller, Nunemacher, Randall, Steele, Turney and Cresswell, *Speaker*—12.

NAYS—Messrs. Baldwin, Brewer, Coffey, Francis, Gregg, Harris, Myer, Palmer, Parker, Penney, Rutherford, Scofield, Shaeffer, Schindel, Thompson, Welsh, Wright and Yardley—18.

So the question was determined in the negative.

Mr. RANDALL offered the following amendment:

*And provided further,* That the superintendent of printing shall be required to settle the account of R. J. Haldeman for publishing *Legislative Record* for the present session, within ten days after the adjournment of the Legislature, if required to do so by the said R. J. Haldeman; and in case of the neglect or refusal of the said superintendent of public printing to settle the account of the said R. J. Haldeman within ten days as aforesaid, the Auditor General is hereby authorized to settle said account, as other accounts against the Commonwealth are settled.

Upon the adoption of the amendment,

The yeas and nays were required by Mr. MYER and Mr. RANDALL, and were as follow, viz:

YEAS—Messrs. Blood, Brewer, Craig, Fetter, Keller, Marselis, Miller, Nunemacher, Randall, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—15.

NAYS—Messrs. Baldwin, Coffey, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penney, Rutherford, Scofield, Shaeffer, Thompson and Yardley—15.

So the question was determined in the negative.

The thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, (thirty-seventh and thirty-eighth sections having been stricken out by the Senate committee,) thirty-ninth, fortieth, forty-first, forty-second and forty-third sections were read and adopted.

The forty-fourth section being before the Senate,

Mr. PENNEY moved to strike out that part of the section abolishing the office of tonnage agent; which was agreed to, and the section, as amended, was adopted.

The forty-fifth, forty-sixth, forty-seventh, forty-eighth and forty-ninth sections were read and adopted.

The fiftieth section being before the Senate, Mr. SCOFIELD moved to strike out the words "as an officer of the Senate;" which was agreed to, and the section, as amended, passed.

[Subsequently the words stricken out as above given were restored.]

The (the fifty-first having been stricken out in committee of the whole) fifty-second, fifty-

third, fifty-fourth and fifty-fifth sections were read and adopted.

The title of the bill was agreed to; and upon the question, Shall the bill be transcribed for a third reading?

Mr. SCOFIELD moved that the Senate go into committee of the whole for the purpose of general amendment; which was agreed to; whereupon the Senate resolved itself into committee of the whole, (Mr. COFFEY in the Chair.)

Mr. PALMER moved to amend the fourth section by striking out all the amendments added to this section this morning, so as to make the appropriation for the payment of the expenses of the Legislature as originally in the bill, \$150,000. The motion was agreed to.

Mr. MILLER offered a section making an appropriation of \$1,000 to the Mount Vernon fund association; which was adopted.

The ninth section which had been passed over this afternoon by request, was again brought before the Senate, the question being upon the amendment offered by Mr. HARRIS.

Mr. MYER moved to amend the amendment, by increasing the appropriation for the support of common schools from two hundred and eighty thousand to three hundred thousand.

Mr. TURNEY was opposed to increasing this appropriation from two hundred and eighty thousand to three hundred thousand, because it was not demanded by the exigencies of the system itself, nor by any necessities existing or likely to occur. The same amendment was proposed the other day, by the Senator from Indiana, and resisted upon the same grounds. It was then voted down.

Mr. MYER thought there would be a necessity for an increased appropriation, as the number of scholars increase. The system required that the appropriation should keep pace with its growth, and the demands which were made upon it in the education of the children of the Commonwealth.

Mr. TURNEY remarked that whenever the school system was found not to be working in a harmonious manner, or there was any complaint of the want of funds, it would be time enough to make this additional appropriation.

Mr. MYER said he had made no allegation that the system was not working harmoniously. But the Senator from Westmoreland was mistaken in saying there had been no complaint of the scarcity of funds. He did not know how it was in his section of the State, but in the western portion the amount was scarce sufficient to keep the schools open six months in the year.

The amendment to the amendment and the amendment were negatived.

The section was adopted.

The thirteenth section (which, by request, had been passed over this afternoon) was taken up, whereupon

Mr. PENNEY moved to amend by inserting the word "the" before the word "President"—after the word "President" the words "and assistant law;" and increasing the appropriation from \$8,400 to \$10,200; which were agreed to, and the section, as amended, was adopted.

Mr. MILLER offered a new section, making an appropriation of \$1 for each copy of Burrow's School Journal, to be furnished to each school district in the Commonwealth; which was agreed to.

Mr. CRAIG moved to amend the forty-fifth section, by inserting an appropriation of \$3 per day for the officers remaining to file papers, &c., after the close of the session. The amendment was adopted.

Mr. YARDLEY moved further to amend, by striking out the words "officers elected under the provisions of the act of 1855," so as to make the provisions of the section extend to all the officers; which was agreed to, and the section, as amended, passed.

Mr. RANDALL proposed a new section, making an appropriation of \$100 to Chas. Weitzel for services rendered in making fires, &c.; which was agreed to.

Mr. MILLER offered a section appropriating \$2,000 to the Pennsylvania Colonization society; which was not agreed to; whereupon the committee rose, and the chairman reported the bill as amended.

Upon the question, Shall the report of the committee be received?

Mr. WELSH desired to say that he voted against the report of the committee because, in the committee of the whole, where the yeas and nays could not be called, that part of the fourth section which reduced the compensation of members of the Legislature had been stricken out. This morning twenty Senators had voted for his amendment. He wanted to know how many would now vote to sustain the report of the committee, which was in direct conflict with the action of the Senate this morning. He was in favor of other appropriations made by the committee; but he was not to be caught in the trap which had been laid to catch those who were honestly in favor of a reduction of compensation. He would vote "No!" because the committee had stricken out that part of the fourth section which Senators had this morning approved.

Upon the adoption of the report of the committee,

The yeas and nays were required by Mr. WELSH and Mr. BREWER, and were as follow, viz:

YEAS—Messrs. Baldwin, Blood, Coffey, Francis, Gazzam, Gregg, Harris, Marselis, Miller, Myer, Palmer, Parker, Penney, Randall, Rutherford, Scofield, Steele, Thompson, Turney and Cresswell, *Speaker*—20.

NAYS—Messrs. Brewer, Fetter, Keller, Nunemacher, Shaeffer, Welsh, Wright and Yardley—8.

So the question was determined in the affirmative.

The bill being upon its final passage,

The yeas and nays were required by Mr. WRIGHT and Mr. WELSH, and were as follow, viz:

YEAS—Messrs. Baldwin, Blood, Brewer, Coffey, Fetter, Francis, Gazzam, Gregg, Harris, Keller, Marselis, Miller, Myer, Nunemacher, Palmer, Parker, Penney, Randall, Rutherford, Scofield, Shaeffer, Schindel, Steele, Thompson, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—29.

NAYS—None.

So the question was determined in the affirmative.

On leave given, Mr. WRIGHT read in his place and presented to the chair, a bill, entitled "A further supplement to the act incorporating the Kensington steamboat and navigation company."

Mr. COFFEY, "An Act to incorporate the Indiana County mutual fire insurance company."

Mr. FRANCIS, "An Act relative to the final settlement of certain claims against the Commonwealth."

Mr. SCOFIELD moved that when the Senate adjourns this evening, it adjourn to meet on Monday next, at three o'clock, p. m., and that the Senate also hold a session on that day, commencing at 7 o'clock, p. m.

Upon which,

The yeas and nays were required by Mr. MYER and Mr. BLOOD, and were as follow, viz:

YEAS—Messrs. Coffey, Francis, Gazzam, Harris, Marselis, Miller, Nunemacher, Parker, Scofield, Shaeffer, Schindel, Turney, Wright and Cresswell, *Speaker*—14.

NAYS—Messrs. Baldwin, Blood, Brewer, Craig, Fetter, Gregg, Koller, Myer, Palmer, Penney,



Randall, Rutherford, Steele, Thompson, Welsh and Yardley—16.

So the question was determined in the negative.

On motion, the Senate adjourned until nine and a half o'clock to-morrow morning.

#### SENATE.

SATURDAY, April 2, 1859.

The Senate was called to order by the SPEAKER at the usual hour.

Prayer was offered by Rev. J. Groen Miles, of the First Baptist church, Harrisburg.

On motion of Mr. MARSELIS, the reading of the Journal was dispensed with.

The SPEAKER presented the memorial of Henry D. Roger, late State Geologist, asking indemnification for extra expenditure in completing and editing his final report on the geological survey of the State.

#### LEAVE OF ABSENCE.

Mr. WRIGHT asked and obtained leave of absence for Mr. NUNEMACHER for to-day.

#### ORIGINAL RESOLUTION.

Mr. SHAEFFER moved that when the Senate adjourn to-day it adjourn at 12 o'clock.

Upon which motion,

The yeas and nays were required by Mr. MYER and Mr. SCOFIELD, and were as follows, viz:

YEAS—Messrs. Blood, Craig, Fetter, Francis, Gazzam, Gregg, Keller, Marselis, Palmer, Parker, Penney, Randall, Rutherford, Shaeffer, Schindel, Turney, Wright, Yardley and Cresswell, *Speaker*—19.

NAYS—Messrs. Brewer, Harris, Myer, Scofield, Steele and Thompson—6.

So the question was determined in the affirmative.

On motion the Senate proceeded to consider Senate bill No. 945, "An Act for the assessment and recovery of damages on the North Branch and Wyoming canals," on second reading.

Seven sections of the bill were read and adopted.

The eighth section being before the Senate, Mr. STEELE offered the following substitute for the eighth section:

SEC. 8. That in all cases either party may appeal within twenty days after the filing of said report, and the party appealing shall make an affidavit that the same is not for the purpose of delay, but that injustice has been done; and when such appeal shall have been entered, the court of common pleas of the proper county shall, in each case so appealed, appoint five or seven disinterested persons who shall not reside within five miles of the North Branch canal, and fix a time, not less than twenty, nor more than forty days thereafter, for said jury of viewers to meet upon the premises where the claim for damages or other demand may be alleged to have arisen, as by petition presented for previous view; of which time and place ten days' notice shall be given by the appellant to the other party; and the said jury, or a majority of them, having been first sworn or affirmed by some person competent to administer oaths, faithfully, justly and impartially to decide, and a true report make concerning all the matters and things submitted to them, and in relation to which they are authorized to inquire in pursuance of the provisions of this act; they shall perform all the duties and have all the powers conferred by this act on the former board of appraisers, and after having made a fair and just examination, they, or a majority of them shall estimate and determine whether any, and if any, what amount of damages have been sustained, or what amount may be due on other demands, and to whom payable, and make report thereof, stating particularly therein when and how the damages were occasioned, to the court, which if approved shall be final; and if not satisfied of record within sixty days after

approval of the same, the prothonotary shall enter judgment thereon; but if said report shall not be confirmed by the court, it may be referred back to the same jury, or others may be appointed by the same court in their stead; and in either case specific instructions shall be given by the said court to the jurors as to the mode of assessing the said damages and making the said report; and if said jurors shall proceed in accordance with the instruction of the court, their report shall be final; but if for any cause the said report shall not be confirmed by the court, then, and in such case on a day to be fixed by said court as early as convenient upon all the evidence submitted to the appraisers in the case, and such other evidence as the said court shall deem necessary, the case shall be submitted to the said court; which shall hear, investigate and pass upon the claim; and the decree of said court shall be final and conclusive; and judgment shall be entered thereon; and if the amount thereof be not paid within sixty days, execution may issue as in other cases of debt for the sum so awarded.

Mr. STEELE briefly advocated his amendment as a good and just one, and expressed the hope that it would receive the sanction of the Senate.

Mr. MYER explained the object of the bill at length. He continued: I believe if this bill was left as it is now, that company could go along their line and settle with the people cheaper and better than they would if they thought or felt they had been outraged or deprived of their rights by the Legislature, in the formation of a bill of this kind, as proposed by the gentleman from Luzerne, (Mr. STEELE.) I have no interest in the settlement of this question one way or the other, and my only object in getting up this bill here is to protect the rights of all the parties concerned. I would not vote to put one dollar unjustly into the hands of the North Branch canal company; and while I would not do that, I ask this Senate that they will pass just such a law as will give to the company, for any damages they have sustained, the same right of trial by jury that any other company may have.

The provisions of this bill are very different, in many of its details, from the bill that passed the House some time ago. It was thought that that bill imposed unjust costs, and I cheerfully submitted to the wishes of the people interested, and permitted them to form a bill in such a way as to cheapen those assessments that the company paid, and consequently I felt bound to make them as cheap as could be secured. I think, if the bill is passed as I have presented it, it will secure the rights and protect the interests of all parties. I cannot for one moment think that this Senate will vote down a proposition so fair as this bill presents, and introduce into it a new section. I trust the Senate will not adopt the amendment of the Senator from Luzerne, and especially that they will not do that when this bill has once been agreed upon by all parties, and permit it to pass and become a law.

Mr. STEELE. The Senator from Bradford, (Mr. MYER,) talked about a bill having been agreed upon. I read a bill in place some time ago which has not been called up. I have felt anxious that this matter should be amicably settled, and that there should be no difference of opinion between the Senator from Bradford and myself. I have no particular objection to the bill, except this provision we are now considering. The object of the amendment is to prevent everlasting litigation, and have these questions of damages settled some time. The amendment is fair and right.

An explanatory discussion with reference to the legal effects of the bill and amendments was further indulged in between Messrs. STEELE, PALMER, MYER and PENNEY.

Upon the adoption of the amendment proposed by Mr. STEELE?

The yeas and nays were required by Mr. MYER and Mr. STEELE, and were as follows, viz:

YEAS—Messrs. Baldwin, Blood, Brewer, Fetter, Keller, Marselis, Palmer, Randall, Scofield, Steele, Thompson, Turney and Cresswell, *Speaker*—13.

NAYS—Messrs. Craig, Francis, Harris, Miller, Myer, Parker, Penney, Shaeffer, Schindel, Welsh, Wright and Yardley—12.

So the question was determined in the affirmative.

Upon the section as amended,

The yeas and nays were required by Mr. MYER and Mr. STEELE, and were as follows, viz:

YEAS—Messrs. Baldwin, Brewer, Fetter, Keller, Marselis, Palmer, Randall, Scofield, Steele, Thompson, Turney and Cresswell, *Speaker*—12.

NAYS—Messrs. Blood, Craig, Francis, Harris, Miller, Myer, Parker, Penney, Rutherford, Shaeffer, Schindel, Welsh, Wright and Yardley—14.

So the question was determined in the negative.

The ninth section was adopted.

Upon the adoption of the tenth section,

The yeas and nays were required by Mr. MYER and Mr. STEELE, and were as follows, viz:

YEAS—Messrs. Brewer, Francis, Harris, Marselis, Miller, Myer, Parker, Shaeffer, Welsh, Wright and Cresswell, *Speaker*—11.

NAYS—Messrs. Blood, Fetter, Palmer, Penney, Randall, Scofield, Steele, Thompson and Turney—9.

So the question was determined in the affirmative.

The remaining sections of the bill were adopted and the title was agreed to; when, on motion, the Senate reconsidered the vote on the adoption of the fifth section.

The question being again upon the amendment offered by Mr. STEELE,

The yeas and nays were required by Mr. MYER and Mr. STEELE, and were as follows, viz:

YEAS—Messrs. Blood, Brewer, Fetter, Keller, Marselis, Palmer, Randall, Scofield, Steele, Turney, Welsh and Cresswell, *Speaker*—12.

NAYS—Messrs. Craig, Francis, Harris, Miller, Myer, Parker, Penney, Rutherford, Shaeffer, Wright, and Yardley—11.

So the question was determined in the affirmative.

Mr. MYER, moved to postpone consideration of the bill for the present.

Upon which motion,

The yeas and nays were required by Mr. MYER and Mr. STEELE, and were as follows, viz:

YEAS—Messrs. Craig, Francis, Gregg, Harris, Miller, Myer, Parker, Penney, Rutherford, Shaeffer, Welsh and Yardley—12.

NAYS—Messrs. Blood, Brewer, Fetter, Keller, Marselis, Palmer, Randall, Scofield, Schindel, Steele, Turney, Wright and Cresswell, *Speaker*—13.

So the question was determined in the negative.

The bill being upon its final passage,

The yeas and nays were required by Mr. MYER and Mr. STEELE, and were as follows, viz:

YEAS—Messrs. Blood, Brewer, Fetter, Keller, Marselis, Palmer, Randall, Scofield, Steele, Turney, and Cresswell, *Speaker*—11.

NAYS—Messrs. Craig, Francis, Harris, Miller, Myer, Parker, Penney, Shaeffer, Welsh Wright and Yardley—11.

So the question was determined in the negative.

And the bill fell.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 70

On leave given, Mr. WRIGHT, from the Committee on Accounts, presented the following report, which was read and adopted.

Senate of Pennsylvania, to Geo. W. Porter, Postmaster, Dr.

For postage on letters and documents sent and received from March 1st to March 31st, inclusive.

Letters sent,	\$250 60
“ received,	170 37
Documents sent,	875 95
“ received,	140 55

\$1,437 47

Harrisburg, March 31, 1859.

Received payment,

Geo. W. Porter, Postmaster.

The Committee on Accounts to which was referred the above account of the Postmaster at Harrisburg, finding the same correct, report by resolution, as follows:

*Resolved*, That the SPEAKER be authorized to draw his warrant on the State Treasurer, in favor of Geo. W. Porter, Postmaster at Harrisburg, for \$1,437 47, being in full for the above account.

Mr. FETTER, from the same committee, reported as committed, “An Act for the relief of R. J. Fleming.”

Mr. KELLER, from the Committee to Compare Bills, made a report; which was read.

On leave given, Mr. RANDALL read in his place and presented to the Chair, a bill, entitled “A supplement to the act authorizing the courts of common pleas to change the names of persons.”

On motion of Mr. FETTER, Senate bill No. 202, “A further supplement to an act authorizing the Canal Commissioners to examine the claim of Thomas Morley,” was taken up on second reading.

Mr. TURNEY moved to amend, by adding the words, “and Auditor General,” after the words “State Treasurer,” and inserting the words, “the president of the Upper North Branch canal company;” when, on motion, consideration of the same was postponed for the present.

On motion of Mr. GAZZAM, the Senate proceeded to consider Senate bill No. 268, “An Act to incorporate the Commercial Bank of Pittsburg.”

The first section having been read,

Mr. WRIGHT moved to postpone consideration of the same for the present.

Upon which motion,

The yeas and nays were required by Mr. WRIGHT and Mr. GAZZAM, and were as follow, viz:

YEAS—Messrs. Blood, Craig, Marselis, Miller, Randall, Scofield, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—12.

NAYS—Messrs. Baldwin, Fetter, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penney, Rutherford, Shaeffer, Thompson and Yardley—14.

So the question was determined in the negative.

After some discussion, the bill was postponed by consent.

On motion of Mr. PARKER, House bill No. 380, “An Act relative to incorporated cemetery companies,” was taken up.

Mr. WRIGHT moved to amend, by striking

out the word “or,” in the eighth line, and inserting the word “and” in lieu thereof.

The amendment was agreed to, and the preamble having been stricken out, the bill passed finally.

On leave given, Mr. MILLER, from the Judiciary Committee, reported as committed, House bill No. 1089, “A supplement to an act relative to the authentication of letters of attorney, protests of notaries public, assignments made out of the State and acknowledgment of deeds;” and, on motion of Mr. RANDALL, said bill was taken up, considered and passed finally.

Mr. FETTER moved that the Senate resume the consideration of Senate bill No. 202, “A supplement to the act authorizing the Canal Commissioners to examine the claim of Thomas Morley;” which was agreed to; whereupon

Mr. TURNEY offered the following as a substitute:

That the Auditor General, State Treasurer and Attorney General be and they are hereby directed to examine the claim of Thomas Morley, for damages alleged to have been sustained by him in Wyoming county, by the construction of the North Branch canal; and if, after such examination, it shall appear to them that any damages has been sustained by said claimant, either legally or equitably, then it shall be their duty to give written notice to the president of the Sunbury and Erie railroad company, and to the president of the Upper North Branch canal company, in which they shall fix a day for the hearing of said case, with power to send for persons and papers, and shall act as commissioners to take testimony and administer oaths and affirmations; and, after hearing all the parties, shall determine what amount of damage, if any, is due said claimant; and said amount shall be paid by the owner and company of the Upper North Branch canal within thirty days; and upon failure to pay the same in the prescribed time, execution shall be issued against the company to collect the same.

The substitute was adopted; and the bill, as amended, passed finally.

Mr. SCHINDEL called up House bill No. 1272, “A further supplement to the act incorporating the lock navigation on the Schuylkill river.”

Said bill passed to third reading and lies over.

House amendments to Senate bill No. 685, “An Act to incorporate the Weyssauking railroad company,” were read, considered and concurred in.

An extract from the Journal of the House of Representatives was received and read as follows:

*Resolved*, That if the Senate concur, the Clerk of the House of Representatives be directed to amend House bill No. 776, “A supplement to the act incorporating the Pennsylvania Central railroad company,” by striking out the word “Central,” wherever it occurs.

Upon concurring in the extract,

The yeas and nays were required by Mr. MILLER and Mr. TURNEY, and were as follow, viz:

NAYS—Messrs. Blood, Brewer, Fetter, Francis, Harris, Marselis, Palmer, Parker, Randall, Rutherford, Shaeffer, Schindel, Steels, Turney, Wright and Cresswell, *Speaker*—16.

NAYS—Messrs. Gazzam, Gregg, Miller, Myer, Penney, Scofield, Thompson, Welsh and Yardley—9.

So the question was determined in the affirmative.

On motion of Mr. RANDALL, Senate bill No. 763, “An Act to exempt the court rooms and post office, in the city of Philadelphia, from taxation,” was taken up.

The first section being before the Senate, Mr. RANDALL offered a substitute for said section.

Mr. SCOFIELD offered the following proviso:

*Provided*, That said property shall be subject to taxation as other property, which he proceeded to discuss, when the hour of 12 having arrived, the SPEAKER adjourned the Senate until Monday afternoon, at 3 o'clock, p. m.

## HOUSE OF REPRESENTATIVES.

SATURDAY, April 2, 1859.

The House was called to order at 9 o'clock. SPEAKER in the Chair.

On motion of Mr. LAWRENCE, (Washington,) the reading of the Journal was dispensed with.

### REPORT OF A COMMITTEE.

Mr. LAWRENCE, (Washington,) from the Committee on Railroads, on leave given, reported, as committed, “An Act authorizing the Chartiers Valley and Hempfield railroad companies to lease their several roads to other companies or corporations;” which, on his motion, was taken up and passed.

Ordered to be sent to the Senate for concurrence.

Mr. WALKER, on leave given, called up House bill No. 1104, “An Act to confer on Jos. B. Churchfield all the rights and privileges of a child born in lawful wedlock.”

Which was considered, and passed final reading.

Ordered to be sent to the Senate for concurrence.

Mr. PINKERTON, from the Committee on Accounts, made the following report:

*House of Representatives of Pennsylvania,*

To GEO. W. PORTER, Postmaster, Dr.

For postage on letters and documents sent and received from March 1st to March 31st, inclusive:

Letters sent.....	\$395 88
Letters received.....	220 23
Documents sent.....	1,568 48
Documents received.....	208 84

\$2,392 88

HARRISBURG, March 31, 1859.

Received payment,

GEO. W. PORTER, Postmaster.

The committee report that they have examined the above account, and believe the same to be correct; and submit the following resolution, viz:

*Resolved*, That the SPEAKER draw his warrant on the State Treasurer in favor of George W. Porter, Postmaster at Harrisburg, for \$2,392 88 in full for the above account; which was adopted.

Mr. RAMSDALL, on leave given, called up Senate bill No. 126, “An Act further to prevent the disturbance of public meetings;” which was considered, and passed finally, (Mr. SHIELDS in the Chair.)

Mr. FOSTER moved that the House reconsider the vote had on the final passage of the act authorizing the Chartiers Valley and Hempfield railroad companies to lease their roads to other companies and corporations.



The motion was withdrawn.

Mr. THORN renewed the motion, and moved that the same be indefinitely postponed.

Discussed by Messrs. THORN, WALBORN, LAWRENCE, (Washington,) IRISH, HAMERSLY and FOSTER.

On the indefinite postponement,

The yeas and nays were required by Mr. THORN and Mr. LAWRENCE, (Washington,) and were as follow, viz:

YEAS—Messrs. Barlow, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Burley, Church, Evans, Fisher, Fleming, Goepp, Graham, Gratz, Gray, Green, Hamersly, Harding, Hottenstine, Lawrence, (Washington,) Mehaffey, Matthews, Neall, Oaks, Pughe, Rohrer, Smith, (Berks,) Stephens, Stoneback, Styer, Thorn, Walborn, Walker, Warden, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Withrow, Woodring and Lawrence, *Speaker*—39.

NAYS—Messrs. Acker, Balliet, Barnsley, Bayard, Dodds, Foster, Galley, Irish, Kinney, Laird, M'Clure, M'Dowell, Patterson, Peirce, Pinkerton, Proudfoot, Rouse, Shields, Smith, (Philadelphia,) Taylor, Thompson, Wagenseller, Witman, Wilson and Zoller—24.

So the question was determined in the affirmative.

Mr. SMITH, (of Berks,) on leave given, called up House bill No. 1217, "Supplement to an act for the regulation of the militia of this Commonwealth."

And the House resolved into committee of the whole (Mr. BRODHEAD in the Chair,) for that purpose.

Mr. THORN offered an amendment to the first section, as follows:

That the "first Monday in June," in the first line of the second paragraph of section five, in the act to which this is a supplement, to be changed to the "first Monday in July;" which was agreed to.

Mr. SMITH, (of Berks,) explained the provisions of the bill. It merely re-instated one section of the old act, which allows brigade inspectors ten dollars for the inspection of each company. Under the existing law, those officers receive a salary of \$150, whether they have one or a hundred companies to inspect. He showed that if this law is passed, it would save the Commonwealth between four and five thousand dollars.

Mr. WILSON said that the bill would effect a complete innovation upon the old system, and would not afford sufficient compensation to the brigade inspectors for their services. The bill should not be acted upon.

Mr. SMITH, (Berks,) said that the object was not to mar the present system. The act merely re-instated a section of the old law. There were counties in the State in which there were no companies, and in which the brigade inspector received \$150 for nothing.

Mr. HAMERSLY declared that he would move that they rise, if there was more debate.

The bill as amended passed committee of the whole, and the SPEAKER resumed the Chair.

The bill was again read.

On the question,

Will the House agree to the first section?

Mr. WARDEN moved to amend by adding to the end of the section the following proviso:—*Provided*, That the minimum salary of brigade inspector shall not be less than fifty dollars per year.

Mr. WILSON moved to amend by increasing the salary to one hundred and fifty dollars.

Some debate having ensued,

Mr. WILSON moved to postpone the whole subject indefinitely.

The yeas and nays were required by Mr. SMITH, (Berks,) and Mr. KINNEY, and were as follow, viz:

YEAS—Messrs. Balliet, Barnsley, Bayard, Boyer, (Schuylkill,) Brodhead, Bryson, Burley,

Fisher, Fleming, Glatz, Goepp, Graham, Gratz, Hamersly, Harding, Hottenstine, Irish, Jackson, Ketchum, Laird, Lawrence, (Washington,) Mehaffey, Matthews, M'Clure, M'Curdy, Neall, Oaks, Patterson, Pinkerton, Price, Proudfoot, Pughe, Rohrer, Shields, Smith, (Philadelphia,) Stoneback, Styer, Thompson, Wagenseller, Walborn, Walker, Witman, Wilcox, Wiley, Williams, (Bedford,) Wilson, Woodring, Zoller and Lawrence, *Speaker*—49.

NAYS—Messrs. Acker, Boyer, (Clearfield,) Campbell, Chase, Church, Dismant, Dodds, Eckman, Foster, Galley, Gray, Kinney, Peirce, Ramsdell, Rouse, Smith, (Berks,) Stephens, Taylor, Thorn, Warden, Williams, (Bucks,) and Withrow—22.

So the question was determined in the affirmative.

Mr. BARLOW moved that the rules be suspended to consider House bill No. 262, "An Act relating to the granting of licenses to hotel, ion and tavern keepers."

On the suspension of the rules,

The yeas and nays were required by Mr. BARLOW and Mr. RAMSDELL, and were as follow, viz:

YEAS—Messrs. Acker, Balliet, Barnsley, Barlow, Bayard, Bryson, Burley, Campbell, Chase, Dodds, Eckman, Fisher, Foster, Galley, Graham, Irish, Jackson, Ketchum, Kinney, Lawrence, (Washington,) Mehaffey, Matthews, M'Clure, M'Curdy, Oaks, Patterson, Peirce, Proudfoot, Pughe, Ramsdell, Rohrer, Rose, Rouse, Shields, Taylor, Thompson, Walker, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow and Lawrence, *Speaker*—44.

NAYS—Messrs. Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Dismant, Fleming, Glatz, Goepp, Green, Hamersly, Harding, Hottenstine, Laird, Neall, Pinkerton, Price, Smith, (Berks,) Stephens, Stoneback, Thorn, Warden, Witman, Wilcox, Woodring and Zoller—24.

So the question was determined in the negative, two-thirds not voting affirmatively.

The SPEAKER laid before the House the memorial of Henry D. Rogers, asking for indemnification.

Mr. IRISH, having obtained leave to make a statement, said, when he came down to breakfast this morning, the first thing he heard was, that a great outrage had been committed within a hundred yards of where he slept. That a man who had lived here for over seven years, had been seized in the market house, while buying some fish for his family, by a party of armed ruffians, ironed and handcuffed, and dragged through the principal streets of the city, in broad day light, struggling with all the strength and energy of a desperate and outraged man, crying for "HELP! HELP! HELP!" but there was no help. A thousand cowards stood by and saw this thing perpetrated; saw the victim's frantic wife wailing and pleading at the depot to save her husband, and not a hand was lifted to save him.

Mr. FLEMING inquired if the gentleman had been there himself, whether he would have interfered or assisted to save him.

Mr. IRISH said, whenever I shall fail under such circumstances to help the helpless, may I be deserted, should I ever be so unfortunate as to have occasion to call upon a fellow man for help.

Several gentleman inquired whether this discussion was in order.

The SPEAKER intimated that he thought the gentleman would be out of order in continuing his remarks further.

Mr. IRISH said he had asked leave to make a statement, for the purpose of bringing this matter to the notice of the House. If he was out of order, in proceeding further with his remarks, he would move that the House sus-

pend the rules and proceed to the consideration of House bill, No. 432, entitled "An Act for the better security of personal liberty," &c, and would only say in conclusion, that if we had been presented this morning with a petition signed by every man, woman and child in this Commonwealth, it could not appeal more loudly for us to act in this matter than the occurrences which have this very morning transpired almost within the shadow of the capitol.

On the suspension of the rule,

The yeas and nays were required by Mr. GOEPP and Mr. GLATZ, and were as follow, viz:

YEAS—Messrs. Acker, Balliet, Bayard, Bryson, Campbell, Chase, Dodds, Foster, Graham, Gratz, Hamersly, Irish, Ketchum, Kinney, Lawrence, (Washington,) Mehaffey, Matthews, M'Clure, M'Curdy, M'Dowell, Patterson, Peirce, Proudfoot, Price, Pughe, Ramsdell, Rohrer, Rose, Rouse, Taylor, Thompson, Thorn, Wagenseller, Walborn, Walker, Witman, Williams, (Bucks,) Williston, Wilson and Zoller—40.

NAYS—Messrs. Barnsley, Boyer, (Clearfield,) Brodhead, Burley, Church, Dismant, Evans, Fisher, Fleming, Galley, Glatz, Goepp, Gray, Green, Harding, Hottenstine, Jackson, Laird, Neall, Oaks, Pinkerton, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Styer, Warden, Wilcox, Wiley, Williams, (Bedford,) Withrow, Woodring and Lawrence, *Speaker*—36.

So the question was determined in the negative, two-thirds not voting affirmatively.

#### ORIGINAL RESOLUTION.

Mr. ROUSE submitted the following:

WHEREAS, Daniel Webster, a citizen of Harrisburg for the past seven years, a husband and a father, was, this morning, in the broad light of day, in the presence of hundreds of the citizens of this borough, and with the aid and connivance of its officials, captured by a band of armed kidnappers and taken away without any of the forms of trial by law, and without a hand or voice being raised in his behalf; therefore,

*Resolved*, That House bill No. 1148, entitled "Resolution relative to the removal of the seat of Government from Harrisburg," be made the order for this morning; which was read the second time.

Mr. EVANS moved that the further consideration of the question be postponed indefinitely.

Messrs. THORN, NEALL and ROHRER, opposed the preamble, alleging that none of the facts were proven, or sustained by any competent authority.

Mr. M'CLURE also opposed the preamble, and entreated the House not to allow themselves to be seduced into the adoption of any such statement.

Mr. HAMERSLY asked but did not obtain leave, to submit the following:

That the resolution be referred to the Committee on the Judiciary, with instructions to enquire into the truth of the circumstances, alleged in the preamble, and to report what action, if any, is proper in the premises.

Mr. EVANS rose to a call of the previous question; which was sustained.

On the question,

Shall the main question be now put?

It was determined in the affirmative.

Mr. HAMERSLY called a division of the question.

The question being,

Will the House agree to the resolution?

The yeas and nays were required by Mr. SMITH, (Berks,) and Mr. FLEMING, and were as follow, viz:

YEAS—Messrs. Kinney, Peirce, Ramsdell, Rouse and Williston—5.

NAYS—Messrs. Acker, Balliet, Barnsley, Barlow, Bayard, Boyer, (Clearfield,) Brodhead,



Bryson, Burley, Campbell, Chase, Church, Dismant, Dodds, Eckman, Evans, Fleming, Foster, Galley, Glatz, Goepf, Graham, Gratz, Gray, Green, Hamersly, Hottenstine, Irish, Jackson, Ketchum, Laird, Lawrence, (Washington,) Mehaffey, Matthews, McClure, McCurdy, McDowell, Neall, Oaks, Patterson, Pinkerton, Proudfoot, Pughe, Rohrer, Rose, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Styer, Thompson, Wagenseller, Walhorn, Walker, Warden, Witman, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Woodring, Zoller and Lawrence, *Speaker*—66.

So the question was determined in the negative.

Mr. BAYARD submitted the following preamble and resolution:

WHEREAS, It is alleged that a resident of the borough of Harrisburg, living with his family and under and entitled to the protection of the laws of this Commonwealth, was this morning forcibly taken, bound and carried away: *And whereas*, he is not charged with any crime or offence known to or recognized by the laws of Pennsylvania, but in the absence of proof to the contrary, is presumed to be a freeman and a law abiding citizen: *And whereas*, it is the right of every man to be informed of the nature of the offence with which he is charged, and to be shown the authority upon which he is sought to be deprived of liberty, and to have immediate hearing, to ascertain whether the charges are sustained; and if so, whether he should be removed beyond the jurisdiction of this State: *And whereas*, the said resident was arrested and carried away in disregard to and violation of these rights, guaranteed to every citizen of the Commonwealth of Pennsylvania: *And whereas*, we view this act as an unmerited outrage, an insult to the people of Pennsylvania, a violation of her Constitution and laws, and to be tolerated only because those engaged therein are beneath the contempt of men: *And whereas*, House bill No. 432, provides against the recurrence of similar outrages; therefore

*Resolved*, That House bill No. 432, "An Act for the better protection of personal liberty, &c.," be the special order for Wednesday evening next, and until dispensed of.

Mr. THORN. Now, Mr. Speaker, while our feelings may perhaps have been outraged by what we have heard, I do, at least, hope there is enough dignity in the Legislature of Pennsylvania to permit them to see such a folly as is here perpetrated by the passage of this resolution. I call upon the members of this House, who are the representatives of a sovereign people, not to cast an affirmative vote for the preamble.

Mr. ROSE. I wish to ask the gentleman if we are the representatives of a sovereign people, when the citizens of this Commonwealth are carried out of it, without process of law or trial by jury, and without the privilege of habeas corpus.

Mr. THORN. I hope the gentleman will allow me to proceed, and I will answer him afterwards. There are assertions in that preamble that are doubtless true, but the majority of the House do not know that this man in question is a resident of this place, a father, and that his name is Daniel Webster, and that he was kidnapped and carried off. Now, if all these things be true, let the Committee on Judiciary be appointed to inquire into the facts of the case and report. I am in favor of this Legislature expressing its views on this subject. But then, again, sir, a motion was just this moment made to suspend the rules, for the purpose of proceeding to the consideration of that bill, which was voted down. Now, a resolution is offered again to proceed to the consideration of this bill.

The SPEAKER. The gentleman is mistaken;

this resolution is to proceed to the consideration of the bill, relative to the removal of the Seat of Government, and not the Personal Liberty bill.

Mr. THORN. Well then I have been most elegantly sold. I had supposed the gentleman who would pen a preamble of that kind to this resolution, at a time when the sensibilities of this whole community are outraged, would not couple it with a proposition which itself makes it supremely ridiculous. I did suppose when this proposition was made, it was done in all sincerity, and my unsuspecting nature has led me to make a dunco of myself.

Mr. IRISH. I shall vote against this proposition, because I think that the Legislature that refuses to pass an act to protect citizens, ought to be located in the only place from which they are taken.

Mr. ROHRER. I suppose I will be pardoned for not believing anything I have heard this morning. I have some very serious views in regard to this matter. I do not believe that any one was kidnapped at all, but I know that there have been a great many ruses of this kind made use of, for particular purposes.

Mr. KINNEY. I desire to say a word in regard to this matter. I have heard of a case in Philadelphia, equally as reprehensible as this, which resulted in placing Passmore Williamson in prison. I think this is the best place for the seat of government.

Mr. NEALL said he understood the resolution to be offered in good faith, and knew it was in order. If the gentleman from Warren chooses to pin such a preamble to his resolution, he is not to be blamed for it, in my opinion.

On the question,

Will the House proceed to the second reading of the same?

The yeas and nays were required by Mr. SMITH, (Berks,) and Mr. WILCOX, and were as follow, viz:

YEAS—Messrs. Acker, Balliet, Barnsley, Barlow, Bayard, Bryson, Chase, Dodds, Eckman, Fisher, Foster, Graham, Hamersly, Irish, Kinney, Lawrence, (Washington,) Matthews, McClure, McCurdy, McDowell, Patterson, Peirce, Proudfoot, Ramsdell, Rose, Rouse, Taylor, Thompson, Thorn, Wagenseller, Witman, Williams, (Bucks,) Williston, Wilson, Withrow and Zoller—36.

NAYS—Messrs. Boyer, (Clearfield,) Brodhead, Church, Dismant, Evans, Fleming, Galley, Glatz, Goepf, Gray, Hottenstine, Jackson, Laird, Neall, Oaks, Pinkerton, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Styer, Warden, Wilcox, Woodring and Lawrence, *Speaker*—26.

So the question was determined in the affirmative.

Mr. STYER moved that the House do now adjourn.

And on the motion,

The yeas and nays were required by Mr. BAYARD and Mr. FOSTER, and were as follow, viz:

YEAS—Messrs. Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Burley, Evans, Fisher, Fleming, Galley, Goepf, Gratz, Gray, Jackson, Laird, Price, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Styer, Thompson, Witman, Wilcox, Wiley, Woodring and Lawrence, *Speaker*—25.

NAYS—Messrs. Acker, Balliet, Barnsley, Barlow, Bayard, Bryson, Chase, Church, Dismant, Eckman, Foster, Glatz, Graham, Green, Hamersly, Harding, Irish, Kinney, Lawrence, (Washington,) Matthews, McClure, McCurdy, McDowell, Neall, Patterson, Peirce, Pinkerton, Proudfoot, Pughe, Ramsdell, Rohrer, Rose, Stoneback, Taylor, Wagenseller, Walker, Warden, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow and Zoller—48.

So the question was determined in the affirmative.

The question recurring,

Will the House agree to the resolution offered by Mr. BAYARD?

That gentleman moved to amend, by striking from the same the preamble; which was agreed to, and the resolution, as amended, was adopted.

Mr. CHURCH offered a resolution that, as two hours of the session had been expended for huncombe, the House devote the remainder of the session to business.

Mr. PINKERTON offered a resolution, that for the purpose of considering House bill No. 205, "An Act to change the venue of a certain action from Union to Northumberland county," this House will hold a session next Thursday evening.

The House refused to proceed to second reading of the same.

Mr. MCCLURE, on leave given, introduced "A supplement to the act incorporating the Duane, Landisburg and Broad Top railroad company;" and, on his motion, the same was ordered to be placed on the Private Calendar.

Mr. BARLOW offered a resolution, that for the purpose of considering House bill No. 362, "An Act relative to the granting of licenses," this House will hold a session on Thursday evening.

On proceeding to second reading,

The yeas and nays were required by Mr. BARLOW and Mr. WILSON, and were as follow, viz:

YEAS—Messrs. Acker, Balliet, Barnsley, Barlow, Bayard, Burley, Chase, Church, Dodds, Eckman, Galley, Graham, Gratz, Hamersly, Jackson, Ketchum, Kinney, Lawrence, (Washington,) Mehaffey, McClure, McCurdy, Peirce, Pughe, Ramsdell, Rose, Rouse, Taylor, Thompson, Thorn, Wagenseller, Warden, Witman, Williams, (Bucks,) Williston, Wilson, Withrow and Lawrence, *Speaker*—37.

NAYS—Messrs. Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Dismant, Evans, Fisher, Foster, Glatz, Goepf, Gray, Green, Laird, McDowell, Neall, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Styer, Walker, Woodring and Zoller—22.

So the question was determined in the affirmative.

The resolution was again read.

Mr. LAIRD moved to amend the resolution, so as to adjourn at 9 o'clock.

Mr. GALLY moved to amend the amendment, by extending the hour to 10 o'clock; which was not agreed to.

The amendment of Mr. LAIRD was lost.

Mr. LAIRD moved to include bills on Private Calendar; which was agreed to.

Mr. FOSTER moved to embrace bills in which the House has made progress; which was agreed to.

And the resolution, as amended, was adopted.

The deputy secretary of the Commonwealth being introduced presented a message from the Governor, which was read as follows:

EXECUTIVE CHAMBER.  
Harrisburg, April 2, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following acts of the General Assembly, viz:

On the 1st inst., "An Act to incorporate the Philadelphia and Olney railroad company."

"An Act supplementary to the several acts heretofore passed relative to the Dauphin and Susquehanna coal company."

On the 2d inst., "A supplement to an act to incorporate the Western Transportation company, approved March 15, 1856."

"An Act to prevent the hunting deer with dogs in Morristown township, in the county of Tioga."



"An Act extending the provisions of the act of Assembly to encourage manufacturing operations in this Commonwealth, approved the 7th of April, 1849, to the manufacturing of oills from mineral coal within the county of Beaver."

"An Act to authorize the town council of the borough of Towanda, to levy a special money tax."

"An Act to authorize a public ferry to be established over the Allegheny river, in Armstrong county."

"An Act for the relief of Joseph Danfield."

"An Act appropriating locks numbers eight and ten of the French Creek and Franklin line of the Pennsylvania canal, to the use of the county of Venango."

WM. F. PACKER.

Senate amendments to a number of House bills were read and concurred in.

Adjourned until Monday afternoon, at three o'clock.

## SENATE.

MONDAY, April 4, 1859.

The Senate was called to order by the SPEAKER at 3 o'clock, P. M.

The SPEAKER in the Chair.

On motion of Mr. TURNEY, the reading of the Journal was dispensed with.

### REPORTS OF COMMITTEES.

Mr. YARDLEY, from the Committee to Compare bills, made a report; which was read.

Mr. CRAIG, (Railroads,) as committed, "A supplement to the act incorporating the Milford and Metamora railroad company."

Mr. SCHELL, (Private Claims and Damages,) with a negative recommendation, "An Act for the relief of Richard Norris and Henry L. Norris."

Also, (same,) with amendment, House bill No. 819, "An Act to authorize the State Treasurer to pay the claim of S. D. Williamson, for losses sustained on the Philadelphia and Columbia railroad."

Also, (same,) with amendment, "An Act relative to the claim of Roger C. McGill and McGill and Cross."

Also, (same,) as committed, House bill, No. 1084, "An Act authorizing the Auditor General to examine the claim of James Bell, and make a report at the next session of the Legislature."

Also, on his motion, the Committee on Private Claims and Damages, was discharged from the consideration of "An Act relative to military companies in the third brigade of the eighth division of militia," and the same was committed to the Committee on Finance.

Mr. STEELE, (same,) as committed, House bill, No. 462, "An Act authorizing the Auditor General to issue a certificate for the amount of a claim due to Barbara Hileman's estate."

Also, (same,) with a negative recommendation, "An Act relative to the State Fire and Marine insurance company."

Mr. CRAIG, (same,) as committed, House bill, No. 1094, "An Act providing for the payment of the claim of Mary Wilson, widow of Thomas Wilson."

Also, (same,) as committed, "An Act for the relief of Sabina Bachman, of Northampton county."

Mr. RUTHERFORD, (same,) as committed, "An Act authorizing the payment of the claim of Andrew Wise, of Huntingdon county."

Also, (same,) with amendment, House bill, No. 800, "An Act authorizing the payment of the claim of S. Miles Green, of Huntingdon county."

### BILLS IN PLACE.

Mr. RANDALL, read in his place and presented to the Chair a bill, entitled "An Act to incorporate the Union association and reading room."

Also, "A further supplement to the act au-

thorizing the faculty of the Pennsylvania college to confer the degree of doctor of medicine."

Mr. TURNEY, "An Act relative to a revised penal code of Pennsylvania."

Also, "An Act to authorize the payment of the claim of Edward J. Keenan."

Mr. BELL, "An Act to authorize the courts to direct a change of venue, in certain cases."

### ORIGINAL RESOLUTIONS.

On motion of Mr. MYER, House bill No. 1008, "An Act to authorize the investigation of the claim of Dennis McDonald," was re-committed to the Committee on Private Claims and Damages.

Mr. MYER offered a resolution, providing for a session this evening, at 7 o'clock, for the consideration of Private Bills; which Mr. RANDALL proposed to amend, by making the resolution apply to every evening of this week.

Mr. GAZZAM moved to amend the amendment, by excepting Tuesday evening; which was not agreed to.

Mr. SHAEFFER moved to amend the amendment, by inserting the words "from seven to nine o'clock;" which was not agreed to.

Mr. WRIGHT proposed to amend the amendment, by inserting the words "from half-past seven to half-past nine o'clock;" which was not agreed to.

The question recurring, upon the amendment offered by Mr. RANDALL, it was adopted, as also the resolution as amended.

Mr. TURNEY offered a resolution, limiting discussion upon private bills to five minutes; which was twice read, considered, and adopted.

### ORDERS OF THE DAY.

Senate bill No. 684, "An Act to incorporate the Wilkesbarre and Pittston railroad company," came up in order on second reading; and, after being duly considered, passed finally.

House bill No. 1272, "A further supplement to an act to incorporate a company to make a lock navigation on the Schuylkill river," and, after going through its various readings, passed finally.

### BILLS CONSIDERED AND PASSED.

On motion of Mr. MYER, House bill No. 638, "An Act to incorporate the Towanda library association."

On motion of Mr. MARSELIS, (the Committee on Corporations having been discharged from its consideration,) House bill No. 1200, "An Act to incorporate the Philadelphia ocean steamship company."

Upon the adoption of the preamble to this bill,

The yeas and nays were required by Mr. SCOFIELD and Mr. SCHINDEL, and were as follows, viz:

YEAS—Messrs. Blood, Brewer, Craig, Fetter, Francis, Gregg, Marselis, Miller, Myer, Nunemacher, Palmer, Parker, Penney, Randall, Rutherford, Schell, Shaeffer, Schindel, Steele, Thompson, Turney, Wright and Yardley—23.

NAYS—Messrs. Bell, Gazzam, Harris, Scofield and Cresswell, *Speaker*—5.

So the question was determined in the affirmative, and the bill passed finally.

On motion of Mr. NUNEMACHER, House bill No. 922, "An Act to incorporate the Lincoln bridge company, in Berks county."

On motion of Mr. PENNEY, House bill No. 189, "An Act to amend the fee bill of the orphans' court of Allegheny county."

On motion of Mr. MILLER, the Senate resumed the consideration of Senate bill No. 89, "An Act to incorporate the American improvement and loan company."

The question recurring upon the amendment offered by Mr. MILLER to strike out and insert,

Mr. SCHELL moved to amend the same, by inserting the names of additional incorporators; which was agreed to.

The amendment was adopted; and, on motion, the title was amended, so as to read, "An Act to incorporate the American fiscal agency;" when, the bill being upon its final passage,

The yeas and nays were required by Mr. WRIGHT and Mr. SCHINDEL, and were as follows, viz:

YEAS—Messrs. Baldwin, Bell, Blood, Craig, Francis, Gazzam, Harris, Miller, Myer, Palmer, Parker, Penney, Randall, Rutherford, Schell, Shaeffer, Schindel, Steele, Thompson, Turney and Yardley—21.

NAYS—Messrs. Brewer, Fetter, Marselis, Nunemacher, Scofield, Wright and Cresswell, *Speaker*—7.

So the question was determined in the affirmative.

On motion of Mr. GREGG, the Senate proceeded to consider House bill No. 587, "A supplement to an act to protect fruit and punish trespass in this Commonwealth."

Upon the final passage of this bill, The yeas and nays were required by Mr. SCHELL and Mr. SCOFIELD, and were as follows, viz:

YEAS—Messrs. Francis, Gregg, Harris, Myer, Parker, Penney, Rutherford, Schindel, Steele, Thompson and Yardley—11.

NAYS—Messrs. Blood, Brewer, Fetter, Gazzam, Marselis, Nunemacher, Randall, Schell, Scofield, Turney, Wright and Cresswell, *Speaker*—12.

So the question was determined in the negative.

Mr. GAZZAM moved to reconsider the vote just taken; which was agreed to, and consideration of the same was postponed for the present.

### HOUSE AMENDMENTS.

House amendments to Senate bill No. 680, "An Act to incorporate the Pittsburg, Allegheny and Manchester passenger railway company," were twice read, considered and concurred in.

House amendments to Senate bill No. 47, "An Act concerning turnpike, plank road and bridge companies," were read.

Pending a discussion thereupon,

The hour of five having arrived, the SPEAKER adjourned the Senate until 7 o'clock this evening.

NOTE BY REPORTER.—On Friday evening, upon the consideration of the general appropriation bill, the question being upon the adoption of the report of the committee, Mr. YARDLEY made the following statement in explanation of his vote:

Mr. YARDLEY said—

He had been in favor of a reduction of the salary of members to \$500, as agreed on by the Senate this morning. He wished to be consistent on the subject, and would, therefore, vote against adopting the report of the committee, as the salary, by the action of the committee, had been restored to \$700. He had voted in committee against such increase, and as his vote in committee would not appear on record, he would take this occasion to wash his hands of all part in the matter. No Senator would regret more than he the loss of the appropriation to common schools, but he was compelled to vote against the adoption of the report, in order to show his opposition to the course of the committee in regard to the compensation of members.

### SENATE—EVENING SESSION.

When the Senate adjourned it had under consideration House amendments to Senate bill No. 47. Postponed for the present.

### BILLS CONSIDERED AND PASSED.

On motion of Mr. RANDALL, the Senate proceeded to the consideration of House bill No. 186, "A supplement to an act to incorporate the Second and Third Street passenger railway," (Mr. MILLER in the chair.)



The bill passed its several readings.

On motion of Mr. MILLER, the Committee on Roads and Bridges were discharged from the consideration of Senate bill No. 1040, "An Act to incorporate the Tylerstown, Morrisdale and Phillipsburg plank road company;" which was passed finally.

On motion of Mr. RUTHERFORD, House bill No. 795, "A supplement to an act to incorporate the Lykens Valley railroad and coal company of Dauphin county," was taken up, and passed through its several readings.

Mr. GAZZAM moved that the Senate proceed to the consideration of Senate bill No. 1022, "An Act to incorporate the Allegheny and Etna passenger railroad company, in Allegheny county;" which was agreed to.

The bill being variously amended, passed finally.

Mr. RANDALL moved to reconsider the vote upon the bill to incorporate the Second and Third Street passenger railway, for the purpose of amendment. Agreed to.

On motion of Mr. CRAIG, House bill No. 509, "A further supplement to the act to incorporate the Navigation railroad company, approved April 20, 1854;" which was reported by committee with amendment, and passed.

On motion of Mr. PARKER, House bill No. 1271, "A supplement to an act to incorporate the Fairmount market company."

On motion of Mr. SCHINDEL, House bill No. 687, "An Act to alter the general borough laws so far as relates to the borough of Nazareth, Northampton county."

On motion of Mr. STEELE, House bill No. 454, "A supplement to an act to incorporate the city of Carbondale, passed March 15th, 1851."

On motion of Mr. THOMPSON, House bill No. 627, "An Act for the relief of the estate of James Rogers, deceased."

On motion of Mr. TURNEY, Senate bill No. 880, "An Act to annul the marriage contract between William Barnard and Eliza, his wife."

Mr. BELL thought it due to the Senate that some explanation should be made of the circumstances demanding the passage of this bill.

Mr. TURNEY gave a brief explanation of the facts connected with the case, which he characterized as an extraordinary one, and one of peculiar merit. The circumstances are briefly these: Some twenty-six years ago, Mr. Barnard, then a young man, of respectability and comfortable pecuniary circumstances, married a Miss Eliza Smith, a young lady of equal respectability and standing. They had been married four or five years, during which time they had two or three children. The wife became subject to fits, the continuance of which caused a weakness of intellect, amounting almost to imbecility. At the request of the wife—the families of both parties being present and agreeing to the proposition—a separation took place, the husband selling off his farm and appropriating the proceeds to his wife. The wife returned to her parents, who were wealthy and respectable, retaining her children, and the wife emigrated to the State of Ohio with her parents. Whilst there, and some years after, he received intelligence from the family of his wife of her death, in one of the fits to which she had been subjected. At the expiration of two years, he again married—raised a family, lived respectably, and commanded respect. Some sixteen years had passed, when, by some mere chance, he received intelligence that his first wife was living. Astonished, distressed and mortified, he asks legislative interference in his behalf. He was as little disposed to sever the marriage relation, without proper cause, as any Senator, but he thought the statement of facts he had given warranted the action asked by the bill.

Mr. BELL opposed the passage of the bill, detailing the evidence which had been furnished

when the bill was before the Judiciary Committee. The case was certainly an extraordinary one—so extraordinary, that he had never heard its parallel—and although he was not acquainted with the circumstances, he thought the Senate should pause, before taking action.

Mr. FRANCIS also characterized the case as an extraordinary one; and although he was sorry to say a word in opposition to the passage of the bill, he was compelled to do so. He briefly opposed the bill.

Mr. GAZZAM thought there was sufficient justification for the passage of the bill, in the statement submitted by the Senator from Westmoreland. For one, he felt justified in voting for the bill.

Mr. MILLER thought that if the Senate was convinced of the truth of the statement made, there was just ground for the passage of the bill, and briefly advocated it.

Mr. SCHELL would have no hesitation at all in voting for the bill, if there was any evidence to substantiate the statement of the Senator from Westmoreland; and he thought it very unfortunate that the party had not furnished his evidence. He suggested that the bill should be allowed to lie over until the next session.

Mr. PENNEY said he found that provision had been made by law, in case of parties who married under a false rumor of the death of the other. The section of the law relative to the case, was read by the Clerk, at his request.

Mr. BELL again spoke in opposition to the bill, alleging that the more the merits of it were discussed, the more interesting it became, and the more was he convinced of the impropriety of this action being taken by the Legislature, without more sufficient evidence than has yet been furnished. He adverted to the mere statement upon which the marriage contract between these parties was sought to be annulled, and earnestly objected to the passage of the bill.

The further consideration of the bill was postponed.

Mr. TURNEY, Senate bill No. 1042, entitled "An Act changing the corporate name of the Northwestern coal company, and empowering said company to negotiate a loan."

Mr. FRANCIS, House bill No. 792, entitled "An Act to authorize the Auditor General to open and settle the account of James Mitchell."

Upon the subject of this bill, a brief discussion took place between Messrs. TURNEY, BELL and FRANCIS; when, on the motion of Mr. BELL, the further consideration was postponed.

On motion, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

MONDAY, April 4, 1859.

The House was called to order at 8 o'clock, P. M.

The SPEAKER in the chair.

On motion of Mr. WILLIAMS, (Bucks,) the reading of the Journal of Saturday was dispensed with.

Mr. WILLIAMS, (Bucks,) on leave given, from the Committee on Claims, reported as committed, "An Act to pay the claim of H. E. Hudson."

Mr. PATTERSON, on leave given, from the select committee, to which was referred House bill No. 882, "An Act for the further reduction of the State tax on real and personal estate to two mills on the dollar," made report; which was read, as follows:

The question of taxation immediately concerns every citizen of the Commonwealth; and any legislation thereon requires the greatest caution and scrutiny. While the necessity of increasing the taxes would be seriously felt and lamented by all, the ability to reduce the present burden of the people, and the fact that such a reduction can be made with safety to the future, and justice to the creditors of the State,

will, no doubt, be hailed with joyful satisfaction by the willing and patient tax-payers, as a forerunner of the "good time coming," when the ordinary resources of the Commonwealth will be amply sufficient to defray all its current annual expenditures, without a dollar of direct taxation.

The history of taxes is, that they are constantly increasing; and it is the plain and imperative duty of every legislator to direct his energy and influence to an actual and substantial reduction, if within his power.

In our inquiry into this subject, while we desire to relieve the tax-payer of a portion of his burdens, we are compelled to keep in view the honor and credit of our noble old Commonwealth, pledged for the redemption of her debt. The constitution requires the Commissioners of the Sinking Fund to annually redeem one quarter of a million (\$250,000) dollars of the State debt, which is a wise provision. The present prosperous condition of the Treasury fully justifies the assertion that, by prudence, economy and financial skill, we can in future pay annually one million of dollars (\$1,000,000) of the State debt, provided there should be no falling off in the revenue from other sources than the direct tax on real and personal estate: and upon careful examination of the different items of revenue, we can find no one which can, or will, be cut off, or be decreased in amount; but the experience of the Treasury goes to prove that the revenue is gradually but certainly increasing every year from its present sources.

The whole amount of receipts at the State Treasury for the fiscal year ending 30th November, 1858, was \$4,708,916 82; deduct the whole amount of State tax on real and personal estate, \$1,610,229 19, and we have the sum of \$33,098,687 63 as the receipts of the Treasury from sources besides the direct State tax.

Now, a comparison for the year ending 30th November, 1859, will be still more striking, as going to prove the assertion that the condition of the treasury will justify a gradual reduction of the State tax until it is entirely removed, and yet the resources will be ample to meet the ordinary expenses of the government, and annually redeem a large amount of the State debt, and secure its final extinguishment.

The State Treasurer estimates the receipts for the year 1859, (and we are informed the figures have been more than realized since the year commenced—30th November, 1858,) at \$4,980,827.76. Deduct whole amount received from State tax for 1859, \$1,650,000, and we have the sum of \$3,330,827.76 as the receipts of the State outside of the State tax; yet this sum is sufficient to pay the expenses of 1859, and redeem the amount of the State debt required by the constitution. The appropriation bill for 1859 is, in round numbers, \$2,900,000; redemption of State debt, \$250,000; added together, \$3,150,000; showing a balance of \$180,827.76, after paying expense and debt, without collecting one dollar of State tax. These figures must convince the most incredulous of the fact, that the State tax can be gradually reduced, and in a few years entirely removed.

Your committee doubt the policy of continuing the present heavy rate of taxation for the purpose of a rapid liquidation of the State debt. The creditors of the State receive their interest promptly and will be satisfied to receive so much of the principal as the figures show can be readily paid. A more rapid liquidation would soon place the funded debt not due at a premium, to pay which we think is a waste of money and gross injustice to the tax-payers. In 1857, the United States government bought in its loans at a heavy premium, and three months thereafter was in the market as a borrower of money. The tax-payers of the Commonwealth have borne the burdens imposed patiently for



years, and now when it is in our power it should be our pleasure, as it is our duty, to relieve them, at least to the extent contemplated by the present bill. The policy of accumulating a large sum in the Treasury, and having at the end of each year an unexpended balance of near, if not altogether two millions of dollars, (\$2,000,000,) is dangerous, offering inducements to extravagance on the part of the Legislature, and if the experience of other States can be taken as a guide, affording irresistible temptation to speculation and loss on the part of those having charge of the public funds. Far better and safer would it be to leave the care of so large a surplus in the hands of the rightful owners, the people, and not draw it from them in the shape of taxes, unless absolutely required.

The present debt of the Commonwealth, as stated by the Auditor General, after deducting the amount which will be cancelled by the bonds received from the sale of the canals and railroads of the State, which he pronounces good and responsible for the amount they represent, is \$28,087,111 16, one million of which it is proposed to pay this year, and in the opinion of those conversant with the subject, and after careful examination, we are clearly of the opinion that the sum of one million of dollars can be paid annually until the whole debt is extinguished, which will require a period of about twenty-five years, unless some unforeseen and unexpected public contingency should arise to interfere with the regular operation of the treasury. While your committee consider that the condition of the treasury would justify a greater reduction than one half a mill on the dollar of State tax, and while in the present embarrassed and stagnant condition of business throughout the State and the serious losses sustained by the farmers by failure of the crops for the last few years, we would take pleasure in recommending such a course, yet prudence and a proper regard for the faith of the Commonwealth forbid us from recommending at this time a further reduction in the State tax than one half a mill on the dollar. We present the following figures, based upon the official returns and estimates of the Auditor General and State Treasurer, which we feel confident will satisfy any one of the correctness of the position we assume, and sustain the policy of the proposed reduction.

The State Treasurer estimates the entire receipts at the State Treasury up to 30th Nov., 1859, at.....\$4,088,800 00  
Add balance in treasury 30th Nov., 1850..... 892,027 76

Entire receipts for 1859..... 4,980,827 76  
The appropriation bill for 1859, amounts in round numbers to... 2,900,000 00

Balance in treasury 30th November, 1859,..... 2,080,827 76

But deduct the payment on State debt as we propose, and which we are informed the State Treasurer will pay this year.... 1,000,000 00

And we have a balance of..... 1,080,827 67

In the treasury on 30th November, 1859, after defraying all the expenses of the State and redeeming one million dollars of the State debt. Now estimate the receipts from all sources the same for 1860 as for 1859, except from State tax, which item we will deduct from the estimate, and we have the following sum as the resources, except from State tax..... 2,608,988 77

The whole amount of State tax on real and personal estate at 2½

mills on the dollar, as fixed by the Board of Revenue Commissioners at their last triennial assessment, amounts to (see Report of Auditor General).....\$1,484,816 28

Now deduct one-half mill on the dollar or one fifth of the above sum as proposed by the present bill,..... 296,968 24

and we have the sum of..... 1,187,852 99

as the entire amount of State tax to be raised for the year 1860 at two mills on the dollar, and which we will add to the receipts for 1860,..... 1,189,862 99

and we have the sum of.....\$4,872,664 52 as the entire receipts for 1860, which will be greatly increased from other sources.

Now estimate the appropriation bill for 1860 at the same as for 1859, and it should be less—as the item of interest will be some \$80,000 less,..... 2,900,000 00

and we have the sum of..... 1,972,664 52 as the balance in the treasury 30th November, 1860; but if we deduct the sum of..... 1,000,000 00

which could be applied to the redemption of the State debt in 1860, we have the sum of..... 972,664 52

as the balance in the treasury 30th November, 1860, after defraying the expenses of the government, and redeeming in the year 1859 and 1860, two millions of dollars of the State debt, and reducing the State tax to two mills on the dollar.

These figures can be relied upon as the sources of the Treasury are positive and sure, and cannot be diminished unless by carelessness on the part of the agents of the State, or recklessness of the Legislature, which we hope will be guarded against. The expenditures of the State must decrease every year, as there are no avenues through which the funds can be squandered, since the State has entirely relieved itself from the control and expenses of public improvements, and in future the operations of the Treasury can be strictly confined to the ordinary expenses of the State, and the reduction of the debt. The reduction proposed will not take place until next year, and can in no measure affect the revenue for this year.

In view of all these facts, your committee report, with an affirmative recommendation, House bill No. 882, entitled "An Act to reduce the State tax on personal and real estate to two mills on the dollar."

All of which is most respectfully submitted.

JOHN J. PATTERSON,  
JOS. H. WILSON,  
WILSON LAIRD,  
JOSEPH BARNESLEY,  
SAM'L OAKS.

Mr. PATTERSON offered the following resolution:

*Resolved*, That, for the purpose of considering the above bill, the rules be suspended; which was read the second time and adopted;

Whereupon the House resolved itself into committee of the whole (Mr. WALKER in the Chair) on said bill.

The first and only section was read, as follows:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

hereafter the tax imposed upon real and personal estate for State purposes by the thirty-second and thirty-fourth sections of the act of Assembly, approved the 29th day of April, Anno Domini, 1844, entitled "An Act to reduce the State debt, and to incorporate the Pennsylvania canal and railroad company," be and is hereby further reduced to two mills on the dollar: *Provided*, That the reduction shall not be made upon the taxes levied for the present year.

Mr. ABBOTT moved to amend the section by reducing the tax to one and a half mills on the dollar instead of two mills; which was subsequently withdrawn.

The bill passed committee of the whole; and, being before the House on second reading, it was agreed to; and

On the question,  
Shall the bill pass?

The yeas and nays were required by Mr. PATTERSON and Mr. M'CLURE, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schnylkill,) Bryson, Burley, Campbell, Chase, Custer, Dismant, Dodds, Durbin, Ellmaker, Evans, Fleming, Foster, Galley, Glatz, Goepp, Graham, Gratz, Gray, Green, Gritman, Hamersly, Hottenstine, Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mehaffey, M'Clure, M'Curdy, M'Dowell, Miller, Neall, Nill, Oaks, Palm, Patterson, Peirce, Pinkerton, Price, Proudfoot, Pughe, Ramsdell, Rohrer, Shafer, Smith, (Berks,) Stephens, Stoneback, Stuart, Styer, Taylor, Thompson, Thorn, Wagonseller, Walborn, Walker, Warden, Witman, Wilcox, Williams, (Bedford,) Williams, (Berks,) Williston, Wilson, Withrow, Wolf, Woodring and Lawrence, *Speaker*—78.

NAYS—None.

So the question was determined in the affirmative.

Mr. WILLISTON, on leave given, introduced a bill in regard to the road taxes in Tioga county; which, on his motion, was considered and passed finally; and sent to the Senate for concurrence.

Messrs. ACKER and PEARCE moved that the House reconsider the vote had on the final passage of Senate bill No. 122, "An Act relative to a State road in Lancaster and Chester counties."

On the question,

Will the House agree to the motion?

Mr. PRICE moved that the motion of Mr. ACKER be indefinitely postponed.

Mr. ACKER declared that he desired the reconsideration in order to offer a supplement. He was opposed by Mr. PRICE, who said that he hoped the reconsideration would not take place. The matter was one in which the House did not generally feel an interest, and he hoped that their time would not be occupied by it.

The motion to postpone indefinitely was carried.

Mr. NILL asked and obtained leave to change his vote on the Free Banking Law.

Mr. GOEPP offered a resolution, that hereafter no member will be permitted to speak more than once on any private bill, nor more than five minutes; read the second time.

Mr. ABBOTT moved to amend, by allowing members to speak twice; not agreed to.

Mr. SMITH, (Berks,) moved to increase the time by five minutes; agreed to.

The resolution as amended, was adopted.

Mr. THORN moved a suspension of the rules in order to consider House bill No. 445, "An Act in reference to promissory notes, &c., bills of exchange, &c."

Which was agreed to.

Whereupon the House resolved itself into committee of the whole (Mr. DODDS in the Chair) on said bill.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of*



*Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That in all cases where suits at law may be instituted for the recovery of the amount due on any promissory note, due-bill, bill of exchange, draft, check, or any other instrument of writing in the nature thereof, no plea shall be held to be available and no defence shall be made, or taken by the defendant, or defendants, for want of proper and timely demand of payment, or acceptance, or proper and timely notice of non-acceptance, or non-payment of the same, unless the respective places where such demand is to be made and where such notice is to be given, or served, or the place, or places of residence, or business of the respective parties thereto shall be legibly and distinctly set forth thereon; unless the place where such demand should have been made, or where such notice should have been given, or served, could have been ascertained by reasonable search and inquiry of the bank, or of the person, or parties holding the same.*

**SECTION 2.** That in all cases of omission as aforesaid, promissory notes, due-bills, bills of exchange, drafts and such like instruments, shall be held to be payable and protestable at the places where they may be dated; and if they contain no place of date or demand, then at the place where they are deposited, or held for collection; and in no case shall a notary public be required to go beyond the limits of the county in which he may reside, for the purpose of making a demand of acceptance, or payment.

**SECTION 3.** That in all cases where there is more than one endorser on a promissory note, due-bill, bill of exchange, draft, check, or any other instrument of writing in the nature thereof, and the party, or parties entitled to notice thereon cannot be found, after reasonable search and inquiry, a notice of non-payment, or of non-acceptance for such party, or parties, if left at the place of business or residence of the last endorser, shall be deemed and held sufficient to exonerate the notary public who shall protest the paper in question, from all responsibility for want of due and timely notice of the non-payment, or non-acceptance thereof. *Provided*, That if the place of business, or residence of the last endorser shall be beyond the limits of the county where the demand was made, or where the obligation was payable, the notice may be sent by mail.

**SECTION 4.** That none of the provisions of this act, except the proviso to the third section, shall apply to paper which may have been issued prior to the first of July, 1859."

The bill passed committee of the whole and the SPEAKER resumed the Chair.

And being before the House on second reading.

Mr. GOEPP wanted to know the necessity of a bill of this kind.

Mr. THORN said that the provisions were remarkably plain. He would cite an example. Smith gave a note to Brown, which was protested. The notary public would be under the necessity of calling on about five hundred Smiths or Browns. The bill would effectually obviate this difficulty. The benefits to arise were very apparent.

Mr. GOEPP acknowledged himself satisfied of the propriety of the bill.

Mr. M'CLURE cited several legal difficulties, under existing laws, to the collection of notes. He also favored the act, alleging it to be of high utility.

On the final passage of the bill,

The yeas and nays were required by Mr. WILLISTON and Mr. M'CLURE, and were as follow, viz:

YEAS—Messrs. Abbott, Bayard, Bertolet, Boyer, (Schuylkill,) Burley, Chase, Custer, Dismant, Darboraw, Ellmaker, Evans, Foster,

Galley, Glatz, Goepp, Graham, Gratz, Gritman, Hamersly, Irish, Keneagy, Ketchum, M'Clure, M'Curdy, M'Dowell, Miller, Neall, Oaks, Palm, Patterson, Peirot, Pinkerton, Price, Proudfoot, Pughe, Shafer, Smith, (Berks) Stephens, Thompson, Thorn, Walborn, Walker, Woodring and Lawrence, *Speaker*—44.

NAYS—Messrs. Balliet, Burnsley, Barlow, Bryson, Dodds, Fleming, Laird, Lawrence, (Washington,) Nill, Ramsdell, Rohrer, Stonehack, Taylor, Wagenseller, Warden, Witman, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson and Withrow—21.

So the question was determined in the affirmative.

And the bill passed finally.

Mr. EVANS, on leave given, read in his place and presented to the chair, "An Act supplementary to the act consolidating the city of Philadelphia," which, on his motion, was taken up.

Mr. HAMERSLY moved to amend the bill as follows:

That on the first Tuesday of May next, and as often thereafter as the law regulating the election of assessors requires, the qualified electors of that part of the Twenty-first ward in the city of Philadelphia, formerly known as the district of North Penn, shall elect two assessors; and the qualified electors of the remaining portions of said ward shall also elect two assessors, of the like qualifications and in the same manner, and to perform the same duties as is provided in regard to assessors in the seventeenth section of "A further supplement to the act incorporating the city of Philadelphia:" *Provided*, That if at any time the councils of the city of Philadelphia shall change the election divisions of said ward, they shall designate which of said divisions shall elect the assessors as aforesaid.

Which was agreed to.

Mr. NEALL wished to hear good reasons for the passage of this bill, before it was urged upon the members.

Mr. EVANS said that the Nineteenth ward was the largest in the city, and required two additional assessors to perform the duties.

Mr. HAMERSLY coincided with the views of Mr. EVANS, and said that both of the additional assessors were requisite.

Mr. NEALL opposed the bill, and said it would bring an additional expense to Philadelphia of twelve hundred dollars per annum.

The bill as amended passed finally.

Mr. GOEPP moved that the Committee on Divorces be discharged from the further consideration of the act divorcing Almira R. Emery, from her husband, and that it be placed on the Calendar for to-morrow.

Mr. HAMERSLY moved to amend by discharging said Committee from all bills, and that the same be placed on the Private Calendar for to-morrow; which was accepted.

And the motion as modified was adopted.

Mr. STUART, on leave given, presented "An Act entitled 'A supplement to an act to incorporate the Millerstown and Baileysburg railroad company,'" and, on his motion, said bill was taken up and passed.

Mr. MILLER, on leave given, read in his place, and presented to the Chair, "A supplement to an act to incorporate the Citizens' passenger railway company."

And moved that the rules be suspended, in order to proceed to the consideration of the same; which was agreed to.

The bill was read.

And on the question,

Will the House agree to the bill?

Mr. WALBORN moved that the further consideration of the bill be postponed for the present.

Not agreed to.

The bill was read the second time and agreed to.

And on the question,

Will the House suspend the rule and read the bill the third time by its title?

The yeas and nays were required by Mr. WALBORN and Mr. EVANS, and were as follow, viz:

YEAS—Messrs. Abbott, Balliet, Bayard, Bertolet, Boyer, (Schuylkill,) Campbell, Chase, Custer, Dodds, Darboraw, Evans, Fleming, Foster, Galley, Graham, Gray, Gritman, Hamersly, Hottenstine, Keneagy, Laird, Lawrence, (Washington,) Mehafeey, M'Clure, M'Dowell, Miller, Neall, Nill, Oaks, Palm, Patterson, Peirce, Pinkerton, Price, Pughe, Ramsdell, Rohrer, Stephens, Stonehack, Stuart, Styer, Taylor, Thompson, Thorn, Wagenseller, Warden, Williams, (Bedford,) Williams, (Bucks,) Withrow, Woodring and Lawrence, *Speaker*—52.

NAYS—Messrs. Acker, Burley, Dismant, Gratz, Shafer, Smith, (Berks,) and Walborn—7.

So the question was determined in the affirmative.

The bill was then passed finally by the House.

Mr. DODDS, from the Committee on Pensions and Gratuities, reported as committed, "An Act for the relief of Elizabeth Neisely, widow of an old soldier."

Also, with a negative recommendation, "An Act for the relief of Elizabeth Murphy, widow of an old soldier."

On motion of Mr. WILLISTON, the House resolved itself into committee of the whole, (Mr. WOODRING in the chair,) on House bill No. 894, "An Act in regard to the writ of estrepment;" which was considered and passed by the House.

Mr. WILLIAMS, (Bucks,) on leave given, offered a resolution, that the Committee on Railroads be discharged from the further consideration of all bills now before them; which was not agreed to.

Mr. GRAY, on leave given, read in his place and presented to the Chair, "An Act to authorize the Auditor General and State Treasurer to open and re-settle the account of the Farmers' and Drovers' Bank of Waynesburg;" which, on his motion, was taken up and passed, and sent to the Senate for concurrence.

Mr. PATTERSON, on leave given, from the Committee on Canals and Inland Navigation, reported, with amendments, the act, entitled "A supplement to an act to incorporate the Plymouth canal company;" which, on motion of Mr. KETCHUM, was taken up, considered, and passed finally.

On motion of Mr. CHASE, the House proceeded to the consideration of House bill No. 378, "An Act relative to State taxes;" which was passed finally, as follows:

WHEREAS, Doubts have arisen as to the proper construction to be given to the eighty-sixth section of the act approved the eighteenth day of May, Anno Domino one thousand eight hundred and fifty-seven, entitled "An Act to provide for the ordinary expenses of government, the repairs of public canals and railroads, and other general and special appropriations:"

And whereas, It is proper that such doubts should be removed by an explanatory act; therefore,

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the true intent and meaning of the aforesaid section is, that the reduction of the State tax, from three mills to two and a half mills, shall apply solely to the real and personal estate expressly enumerated as such, in the thirty-second and thirty-fourth sections of the act to reduce the State debt, and to incorporate the Pennsylvania canal and railroad company, approved the twenty-ninth day of April, Anno*



Domini one thousand eight hundred and forty-four, to wit: houses, lands, lots of ground and ground rents, mills and manufactories of all kinds, furnaces, forges, bloomeries, distilleries; sugar houses, malt houses, breweries, tan yards, fisheries and ferries, wharves and all the other real estate not exempt by law from taxation; also, all personal estate, to wit: horses, mares, geldings, mules and neat cattle over the age of four years, household furniture, including gold and silver plate owned by any person or persons, corporation or corporations, when the value thereof exceeds three hundred dollars, and to no other estate, real or personal, whatsoever.

On motion of Mr. GOEPP, the SPEAKER adjourned the House until 7½ o'clock this evening.

## LAWS OF PENNSYLVANIA.

### SESSION OF 1859.

AN ACT to make decrees for the payment in equity proceedings liens upon real estate, with the right to revive or continue the liens of the same by writ of scire facias.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That decrees in equity for the payment of money shall be and constitute a lien on the real estate of the defendants or debtors named in the said decree, in the manner, for the like period, and with the same force and effect as the lien of judgments rendered by and in the common law courts of this Commonwealth, and shall be entered in like manner in the judgment or lien docket of the proper county; and the complainant or plaintiff in such decree shall have the like remedy, by writ of scire facias or otherwise, for the revival and continuance of the said lien as is prescribed by existing laws for the continuance of the lien of such judgments, and the proceedings, under such writ of scire facias or other process; and the entry of a decree of revival may be regulated, so far as is necessary, by rules ordained by the proper court.*

SEC. 2. Should any issue of fact arise in the course of such proceeding of revival, the same shall be proceeded in and determined by an issue directed in the manner now practiced in courts of equity.

W. C. A. LAWRENCE,  
*Speaker of the House of Representatives.*

JNO. CRESSWELL, JR.,  
*Speaker of the Senate.*

APPROVED—The twenty-ninth day of March, Anno Domini one thousand eight hundred and fifty-nine. WM. F. PACKER.

### No. 628.—FILE OF THE HOUSE.

CHASE, Judiciary—March 3.

AN ACT for the preservation of growing timber.

WHEREAS, In many parts of this State, persons who have no timber of their own, are in the habit of cutting timber and hoop-poles off the lands of others, and of selling the same as hewed logs, staves, shingles, rails and hoop-poles to purchasers in their vicinity; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That where any person or persons own land, and such owner or owners have reason to believe that any other person or persons are in the habit of cutting timber or hoop-poles growing on their lands, and of selling the hoop-poles, and of making the timber into staves, shingles, rails or hewed logs, and then of selling or trading the same to any storekeeper or storekeepers, or to any other person or persons who may purchase*

or trade for the same, it shall be lawful for the owner or owners of lands from which such hoop-poles or timber may be cut, to give notice in writing to such storekeeper or storekeepers, or other persons who purchase or trade for the above mentioned articles, warning them not to purchase the same from such suspected person or persons named in said notice; and if, after such notice is given, any storekeeper or storekeepers, or other persons purchasing or trading for timber, shall buy or trade for any hoop-poles, staves, shingles or hewed logs that shall have been taken by such person or persons who have disposed of the same, from the lands of the owner or owners who have given such notice; such person or persons who have purchased or traded for the same, shall be liable to the owner or owners, in an action on the case, to be instituted in the court of common pleas of the proper county, for damages to four times the value of the said articles purchased or traded for: *Provided however, That the time for commencing suit under this act shall not extend beyond one year.*

### No. 628.—FILE OF THE HOUSE.

CHASE, Judiciary—March 3.

AN ACT relating to the settlements of registers of wills, recorders of deeds, prothonotaries and clerks of courts, with the State Treasurer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the several registers of wills, recorders of deeds, prothonotaries, clerks of quarter sessions and clerks of orphans' courts in the Commonwealth, shall, on the first day of June next and quarterly thereafter, or oftener if required by the State Treasurer, pay into the treasury or such places of deposit as said treasurer shall designate, to the credit of the Commonwealth, the whole amount of money received during the period preceding said payments, and shall furnish to the State Treasurer statements under proper heads designating the source from which the money was received: *Provided, That the quarterly payments of said officers falling due previous to the first day of June next, shall be made as heretofore required by law.**

SEC. 2. That so much of the seventy-ninth section of the act of Assembly, approved the eighteenth day of May, Anno Domini one thousand eight hundred and fifty-seven, as is inconsistent herewith is hereby repealed.

### No. 780.—FILE OF THE SENATE.

COFFEY, Finance—March 22.

AN ACT to provide a mode of levying tax against delinquent municipalities.

WHEREAS, Sundry cities and counties of this Commonwealth have failed to levy taxes to meet the interest upon their just debts; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That whenever any county, city or other municipality of this State, shall fail for two successive years to levy the taxes necessary to meet the interest upon any bonds issued by it under authority of acts of the General Assembly of this Commonwealth, it shall be the duty of the Auditor General to add to the rate of State taxes to be paid by said municipalities, or the people thereof, to the extent necessary to pay the interest upon said bonds, and require the amount collected as other State taxes are collected and paid into the treasury of this State.*

SEC. 2. That when the amount thus levied is collected and paid into the State Treasury, it

shall be the duty of the treasurer to give notice to the holders of said bonds, that he will pay the interest on the same, or as much of it as he may have received funds from this source to pay.

SEC. 3. That when any person or persons shall refuse to pay the tax thus assessed for a longer period than six months, it shall be the duty of the State Treasurer to sell any real or personal estate that the said party may be possessed of at the borough of Harrisburg, on giving thirty days' notice of the time and place of the sale, in one or more newspapers published in Pittsburg, or by handbill duly posted in said city.

### No. 573.—FILE OF THE SENATE.

BELL, Judiciary—March 8.

AN ACT in relation to writs of error, appeals and certioraries in the Supreme Court, and abolishing the court of nisi prius.

WHEREAS, It often occurs in cases pending in the supreme court, on writs of error, appeals and certioraries, that by reason of an equal division of the judges of the supreme court hearing the same, the judgments of the courts below are affirmed, and it is obvious in such cases that there has not been such trial and decision as is contemplated by the judiciary system of the Commonwealth, and to which suitors are entitled; therefore

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, no entry made upon the record, in any writ of error, appeal or certiorari pending in the supreme court of this Commonwealth, shall have the force and effect of a final judgment or decision in the same by reason of an equal division of the judges, but the same shall remain pending and undetermined until heard and decided by a majority of the judges of the said court.*

SEC. 2. That the court of nisi prius be, and the same is hereby abolished; and that the records, papers, and unfinished business of said court of nisi prius be, and the same are hereby transferred to the district court; the cases pending and undisposed of to be proceeded with in said district court as if they had been therein originated.

### No. 726.—FILE OF THE HOUSE.

WILCOX, Ways and Means—March 3.

AN ACT to increase the revenues of the Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, all tonnage, except the ordinary baggage of passengers carried or conveyed on or over any railroad authorized to be constructed by or under any law of this Commonwealth, shall be subject to a toll or duty for the use of the Commonwealth, at the rate of two and one-half mills per mile for each ton of two thousand pounds, and it shall be the duty of such companies, between the twentieth and thirtieth days of July, and between the first and tenth days of December, in each and every year, to cause to be made out and filed with the Auditor General, a true and correct statement, exhibiting the amount of such tonnage and the distance the same was carried or conveyed on or over their roads respectively; which statement shall be verified by the oath or affirmation of the proper officers having a knowledge of the premises; and at the time of filing said statement with the Auditor General, such companies shall pay to the State Treasurer the amount of toll or duty so accruing for the use of the Commonwealth.*



# LEGISLATIVE RECORD.

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FOR THE SESSION OF 1859.

No. 71.

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## HOUSE—EVENING SESSION.

MONDAY, April 4, 1859.

The House was called to order at 7½ p. m.  
The SPEAKER in the chair.

### REPORTS OF COMMITTEES.

Mr. GRAHAM, on leave given, from the Education Committee, reported "An Act to erect the borough of Catasauqua, Lehigh county, into a separate school district," with a negative recommendation.

Also, Senate bill No. 765, "An Act to incorporate the Franklin high school and Normal institute association of the borough of Martinsburg, Blair county," as committed, and moved that the House consider the same. Not agreed to.

Mr. FOSTER moved that the Committee on Education have leave to make their reports; which was agreed to.

Mr. FOSTER, (Education,) with amendment, Senate bill No. 541, "An Act for the regulation and continuance of education by common schools in the city of Pittsburg."

Mr. KINNEY, (same,) with a negative recommendation, "An Act to reduce and limit the annual tax for school and building purposes."

Also, with a negative recommendation, "An Act to authorize the school districts of Potter county to select sites for school purposes."

Mr. LAIRD, (same,) with a negative recommendation, "A supplement to an act incorporating the Shaefferstown academy, Lebanon county."

Also, with a negative recommendation, "An Act to erect an independent school district in Slippery Rock township, Lawrence county."

Mr. PUGHE, (same,) as committed, "A further supplement to an act authorizing citizens of the borough of Mercer, Mercer county, to erect a Union school house."

Also, with a negative recommendation, "An Act to incorporate the Belles Lettres society of Dickinson college."

Mr. GRAY, from the Committee to Compare Bills, made report; which was read.

Mr. NEALL, (Mines and Minerals,) as com-

mitted, "An Act to incorporate the Packer iron company."

### INSURANCE BILL.

Messrs. WOODRING and PUGHE moved that the final vote be had on House bill No. 674, "An Act relating to insurance companies and associations in the city and county of Philadelphia and county of Allegheny."

On the question,

Will the House agree to the motion?

Mr. THORN moved that the further consideration of the same be postponed for the present.

Mr. PATTERSON moved to postpone the further consideration of the question indefinitely.

Mr. THORN hoped that the motion to postpone indefinitely would not prevail.

Mr. WILLIAMS, (Bucks,) desired that it might carry.

Mr. FOSTER said that the bill related to only two counties in the State, viz: Allegheny and Philadelphia. He trusted, therefore, that the county members would not oppose, but would allow the act to be considered.

Mr. LAIRD favored the indefinite postponement. The gentleman from Allegheny, (Mr. FOSTER,) he thought, had not examined the bill thoroughly, or he would have seen that its provisions applied to the companies in all the counties of the Commonwealth. The first section was general in its character.

Mr. THORN suggested that the bill, by all means, be not indefinitely postponed. If it was not right, why could not the House take it up, and by amendment, prepare it for ultimate passage. It had been presented very early in the session—had been placed in the hands of a committee, where it remained for a long time. Finally it was reported to the House, and placed upon the Private Calendar, from which it was objected. At length it progressed so far, that the first section was read to the House. Then no one objected to the wording or to the principle; no one said that it was wrong. The only cry was, "vote it down!" Now, if it was the intention to proceed in this manner, he would not complain.

If the principle was a correct one, that it was necessary and proper for the Legislature to protect the people of the Commonwealth from the inroads of irresponsible and fraudulent corporations, then why not proceed at once to the work, and by some effective action secure the community from calamity. But if there was a pre-determination not to touch the matter, he, of course, would be compelled to submit.

But would any one say that the bill was objectionable in a single feature? All that was asked was that its provisions should apply to the counties of Philadelphia and Allegheny.—If gentlemen from the interior considered that it would operate to advantage, they were free to accept it, and to apply it to their own counties.

If the phraseology did not meet the views of some of the members, they could modify it; but he earnestly wished to inquire whether there was a single man upon the floor who did not consider that it was the duty of the Legislature to take action in the premises.

Mr. THOMPSON said, that when the bill had been previously before the House, he had refrained from opposing it. Now, however, that the gauntlet had been thrown down by the gentleman from Philadelphia, (Mr. THORN) he would state several distinct grounds of opposition.

The principle was wrong, and why? As the gentleman from Erie (Mr. LAIRD) had truthfully said, the provisions of the bill extended to all the counties in the Commonwealth. Being thus general, it should not have been placed upon the Private Calendar. Now what right had the district courts of Philadelphia and Pittsburg to appoint commissioners to superintend vice companies, located in distant and distinct counties of the State? If this right was admitted, why could not the district courts of Lancaster, York, Bucks, or any other county claim the same privilege? If they all were to do so there would be such a number of judges and such a diversity of opinions that interminable confusion would result.

On what principle was the House asked to support this bill? If the object was to protect the people generally, then why was provision not made for the appointment of the commissioners by the Executive of the Commonwealth, and why were not those commissioners made State officers?

Mr. FOSTER said, that the bill was local and provided for the investigation only of the condition of companies doing business in Allegheny and Philadelphia counties. If other members desired to receive the salutary effects they could easily embrace its provisions. It was plainly the duty of the representatives of the cities of Pittsburg and Philadelphia to protect their constituents, who were necessarily largely interested in insurance companies.

Mr. THOMPSON wished to state a case: There was a company located in Philadelphia, or Pittsburg and having agencies in a certain county. A resident of that county desired to ascertain their standing. To do this would he not have to go to Philadelphia?

Mr. FOSTER said that now it was impossible to ascertain the standing by any means.

Mr. THOMPSON said that the implication was that the country residents had no protection for themselves, but that they were to obtain some through the magnanimous conduct of the gentlemen from Pittsburg and Philadelphia. Now this protection was both unasked and unneeded. He should record his vote against the bill.

Mr. ROSE said that when the bill had first been before the House he had been willing to oppose it, but on further examination he had been satisfied that it would not affect the companies in the interior counties. He differed entirely with the gentleman from Butler (Mr. THOMPSON) that it would result in detriment to those companies. It would rather tend to their benefit, because it would prevent the people of the different localities from patronizing bogus institutions, the agents of which offered to insure at low rates. The result, of course, would be an increase of business in the home organizations. The commissioners, if they were honest men, would expose and explode worthless corporations.

Mr. KINNEY inquired whether if the insurance companies in the interior counties, Bradford for example, insured property in Philadelphia and Pittsburg, they would not be liable to the investigations provided for in the act.

Mr. ROSE said that if they had agents in Philadelphia and Pittsburg, they would certainly be liable.

Mr. WILLIAMS, (Bucks,) rose to a point of order.



The question being on indefinite postponement, the merits of the question were not properly before the House.

The Chairman decided the point of order not well taken.

Mr. SMITH, (Berks,) rose to a point of order, to wit: That the question being on indefinite postponement of a motion to reconsider, the merits of the bill could not be discussed.

Mr. THORN said that this question involved the life or death of the bill, and therefore its provisions were debatable.

The Chairman so decided.

Mr. ROSE alluded to the probable injury which it had been alleged, on a previous question, might result from the appointment of improper commissioners. The same argument would hold good against the appointment of any official.

Mr. THORN refuted the arguments which had been advanced by the gentleman from Butler, (Mr. THOMPSON.) So far as the companies were concerned, whose location was in the interior counties, and who desired to do business in Philadelphia, if they were properly chartered with small and perfect capital, and choose to come to the city, they could do so simply on setting forth a statement of their condition, of their purposes, and what they intended to pay. If they choose to stay at home, no one would complain. But if they attempted business in Pittsburg or Philadelphia, having their actual locality in some little corner of the Commonwealth, it was only proper that they should be subject to the provisions of the act.

No one thought that it was the intention to make the act apply to companies which confined themselves to sections outside of Pittsburg and Allegheny counties.

Mr. WILLIAMS, (Bucks,) rose to a point of order. The gentleman, (Mr. THORN,) he thought, had already spoken more than ten minutes.

Mr. BAYARD hoped that the motion to postpone indefinitely would not prevail. There were, beyond doubt, many bogus companies in Pittsburg and Philadelphia, and the people required some protection against them. The gentleman from Butler, (Mr. THOMPSON,) ought to be thankful that the provisions of the act were extended to his constituents, if they choose to accept them. The bill would not interfere with any good company in the State.

Mr. KENEAGY hoped the motion to postpone indefinitely would prevail. There were other bogus institutions in the State besides insurance companies. There were pill machines equally bogus. The people were to blame for patronizing them.

Mr. NEALL inquired how the people were to know that they were bogus?

Mr. IRISH inquired whether the State incorporated any of these bogus pill machines?

Mr. KENEAGY said that in the country there were good mutual companies for purposes of insurance, and there was no need to have them interfered with by commissioners who might levy black mail. It would be better to have bank commissioners appointed.

Mr. NEALL contended that if the provisions of the bill did not exactly meet the views of the country members, it could certainly be amended. As for the question of black mail, the same argument could be used just as appropriately, in connection with every official, from the Governor down. The commissioners would utterly destroy bogus institutions by revealing their true condition. The bill itself was meritorious in the highest degree.

Mr. HAMERSLY wished to say a word in reply to an argument which had been used when the bill was previously before the House, to wit: that it was only opposed by bogus companies. He held in his hand three letters from influential companies in Philadelphia, who

did not desire its passage. Public opinion should be left to remedy the evil of which it was complained.

On the motion to postpone indefinitely the motion to reconsider,

The yeas and nays were required by Mr. KINNEY and Mr. FOSTER, and were as follow, viz:

YEAS—Messrs. Balliet, Barnsley, Bertolet, Boyer, (Schuylkill,) Boyer, (Clearfield,) Campbell, Dodds, Dorboraw, Galley, Glatz, Goepf, Graham, Gritman, Hamersly, Hottenstine, Jackson, Keneagy, Ketchum, Kinney, Laird, McHaffoy, McCurdy, Palm, Patterson, Price, Proudfoot, Shields, Smith, (Berks,) Styer, Taylor, Thompson, Wagenseller, Williams, (Bedford,) Williams, (Bucks,) Withrow and Lawrence, *Speaker*—36

NAYS—Messrs. Acker, Barlow, Bayard, Bryson, Chase, Church, Custer, Dismant, Ellmaker, Evans, Fisher, Flemiog, Foster, Graiz, Gray, Green, Irish, McClure, McDowell, Miller, Neall, Oaks, Peirce, Pugh, Rohrer, Rose, Shafer, Stephens, Stoneback, Stuart, Thorn, Walborn, Warden, Williston, Wilson Woodring and Zoller—37.

So the question was determined in the negative.

Mr. BURLEY paired off with Mr. HARDING.

The question recurring,

Will the House agree to the motion to postpone for the present the motion to reconsider?

Mr. HAMERSLY moved to postpone the subject until next Friday; which was agreed to.

Mr. IRISH moved that Senate bill No. 1022, "An Act to authorize the opening of Seventeenth street, between Francis street and Ridge avenue, in the Fifteenth ward, city of Philadelphia," be placed at the foot of the present Calendar.—Agreed to.

Mr. MCCLURE moved that the House proceed to the consideration of "A supplement to the act incorporating the Duncanon, Landsburg and Broad Top railroad company."

The motion was withdrawn, as the bill was at the printer's.

Mr. McDOWELL moved to re-commit House bill No. 1174, "An Act to erect a separate and independent school district out of parts of Allegheny and Westmoreland counties." Agreed to.

Mr. BURLEY, (New Counties and County Seats,) with amendment, "An Act to remove the seat of justice from Clearfield to Connersville, in Clearfield county."

Mr. CHURCH, on leave given, presented a memorial of hundreds of citizens of Philadelphia, against the removal of the market houses in that city.

Mr. WAGENSELLER, on leave, read "An Act to pay the claim of Peter Boley."

Mr. CAMPBELL, (Roads and Bridges,) "Supplement to an act to incorporate the Ridge turnpike company," reported the same as committed.

Mr. HOTTENSTINE, (same,) as committed, "An Act to authorize the Auditor General and State Treasurer to re-open and examine the account of the Bustleton and Feasterville turnpike road company."

Also, as committed, Senate bill No. 626, "A supplement to an act to erect part of the township of Denison, in the county of Luzerne, into a separate district for road purposes, &c."

On motion of Mr. KETCHUM, the same was ordered to be placed on the Calendar.

Mr. EVANS, (Railroads,) Senate bill No. 328, as committed, called "A farther supplement to an act to incorporate the Norristown and Freemanstown railroad company."

Mr. GALLEY read in his place and presented to the Chair, "A supplement to an act to incorporate the Layton bridge company," and moved that the rules be suspended and that the House consider the same.

The House refused to suspend the rules to consider said bill.

Mr. WALBORN, with a negative recommendation, "Supplement to City passenger railway company."

#### BILLS ON THIRD READING.

House bill No. 148, "An Act releasing Geo. S. Jameson, collector at Blairsville, from the payment of money due the Commonwealth," came up in order, and on motion of Mr. WALDEN, was postponed for the present.

House bill 1252, "An Act to incorporate the Thirteenth and Fifteenth Streets passenger railway company," came up in order, and was passed.

#### BILLS ON SECOND READING.

"An Act giving justices of the peace power with a jury of five to hear and finally determine charges for crimes of a certain character within certain counties of this Commonwealth, and to lessen the expenses in criminal proceedings," came up in order on second reading, as follows:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That courts of special sessions of the peace, in the counties of Susquehanna, Washington, Blair, Erie, Crawford, Clearfield, Bradford, Wayne, Greene, Lawrence, Tioga, Potter, Venango, Westmoreland, Cambria and Fayette, may be held by justices of the peace and aldermen, and shall have power, subject to the provisions hereinafter contained, to hear and determine charges for crimes arising within their respective counties, as follows:

I. Cases of assault and battery, not charged as having been committed riotously or upon any public officer, in the execution of his duties, or with intent to kill or to commit a felony, and all cases of petty larceny.

II. Charges for poisoning, killing, maiming, wounding or cruelly beating any animal.

III. Charges for maliciously removing, altering, defacing or cutting down monuments or marked trees, ornamental or fruit trees.

IV. Charges for unlawfully, willfully and maliciously taking and carrying away fruit or vegetables or for destroying the same.

SEC. 2. That when any person charged with any such offence shall be brought before the justice of the peace issuing the warrant of arrest, the said justice may proceed to hear and determine the case, provided the defendant shall agree thereto; but if the defendant will not agree thereto, then the proceedings shall be as follows: if the defendant refuse to submit to a trial before the justice or jury, as is hereinafter provided for, he shall be bound to appear at the next court of quarter sessions, or discharged in the same manner as is now provided for by law.

SEC. 3. That at the request of the defendant that the cause shall be tried by a jury, the jury shall be chosen in the following manner, viz:

I. The number of jurors shall be five, all of whom shall join in the rendition of the verdict.

II. The defendant shall first nominate three persons and the prosecutor two, and if all or any be objected to by the opposite party, each party shall nominate other persons in place of those objected to, until he shall have nominated five persons for every person so allowed by him to be nominated.

III. If the parties cannot agree in the choice of the jury as aforesaid, the justice before whom the cause is pending, shall make out a list containing the names of twenty-five suitable, disinterested and lawful men, none of whom shall have been previously objected by either of the parties, from which list the parties shall strike out alternately, beginning with the de-



defendant, until the number shall be five, and the five names thus left shall compose the jury.

SEC 4. That the justice of the peace shall then fix the hours of meeting: *Provided*, That the day of meeting shall not be less than five nor more than ten days after the selection of the jury as aforesaid, unless both parties agree thereto; and it shall be the duty of the justice of the peace to have served upon each of the jurors forthwith, a notice of his appointment, and the time and place of trial.

SEC. 5. That if any person chosen a juror as aforesaid, and residing in the county, having received due notice of his appointment, shall fail to attend and take upon himself the duties of his appointment, unless prevented by sickness or other unavoidable cause, he shall be fined by the said justice of the peace, two dollars, for the use of the school fund of the school district in which said justice may reside; and in case one or more of the jurors fail to attend at the time and place fixed for trial, if the parties cannot agree upon the person or persons to fill such vacancy or vacancies, it shall be the duty of the juror or jurors in attendance, to fill the place of such absent juror or jurors, with like effect as though said juror or jurors had been originally chosen.

SEC. 6. That to each of the jurors, the court shall administer the following oath or affirmation: You do swear, in the presence of Almighty God, (or you do solemnly affirm, as the case may be,) that you will well and truly try the case now before you, between the Commonwealth of Pennsylvania and defendant, and a true verdict give according to the evidence, unless discharged by the court.

SEC. 7. That the charge made against the defendant, as stated in the warrant of arrest, shall be distinctly read to such defendant, who shall be required to plead thereto; the court shall enter such plea in the minutes of their proceedings to be kept by them.

SEC. 8. That if the defendant plead not guilty, the jury shall sit together and hear the proofs and allegations in the case, which shall be delivered in public, and in the presence of the defendant.

SEC. 9. That after hearing such proofs and allegations, the jury shall be kept together in some convenient place until they agree on a verdict, or are discharged by the court; and a constable shall be sworn to attend them, in like manner as upon trials in courts of quarter sessions.

SEC. 10. That when the jurors shall have agreed on their verdict, they shall deliver the same to the court, which shall be entered in the minutes of proceedings.

SEC. 11. That whenever a defendant, tried under the preceding provisions of this statute, either by the court or by a jury, shall be convicted, or shall plead guilty to the charges alleged, the court shall render judgment thereupon, and inflict such punishment by fine or imprisonment, or both, as the nature of the case may require; but such fine shall in no case exceed fifty dollars, nor such imprisonment three months.

SEC. 12. That whenever a defendant, tried under the preceding provisions of this statute, either by the courts or by the jury, shall be acquitted, he shall be immediately discharged; and in any case of misdemeanor, if the court shall be of the opinion, from the evidence, that the complaint was wilful and malicious and without probable cause, or if the jury shall return such by their verdict, and that they have acquitted the defendant, and order that the complainant shall pay the costs, the court shall forthwith sentence the complainant to pay all the costs of the proceedings, or give satisfactory security for their payment within thirty days, and to stand committed to the common jail of the county, till the sentence shall be complied with, the same as though the trial had been had in

the court of quarter sessions, there to remain until the sentences shall be complied with, or until he shall be discharged by due course of law.

SEC. 13. That in case of the conviction of the defendant, the payment of the cost of the proceedings shall be included in the sentence of the court, which sentence shall be executed by the sheriff or a constable of the county, or city and county in which such conviction shall be had, by virtue of a warrant under the hand and seal of the justice holding the court, directed to such officer, and specifying the particulars of such judgment and sentence.

SEC. 14. That all fines imposed by any such court upon defendants, if paid before commitment, shall be received by the justice before whom the defendant was tried, and within thirty days after the receipt thereof, shall be paid by him to the treasurer of the school fund of the school district in which such conviction shall be had, to be applied by the school directors of such district for common school purposes.

SEC. 15. That after the defendant shall have been committed, payment of any fine imposed on him may be made to the sheriff of the county, who shall within thirty days thereafter pay the same to the persons designated in the preceding sections as entitled to receive it, deducting five per centum as his legal fees.

SEC. 16. That the court shall in all cases of conviction, sentence the defendant to stand committed to the common jail of the county till all fines and costs imposed by the sentence shall be paid, which sentence shall be of the same force and effect as though given by the court of quarter sessions.

SEC. 17. That from the judgment of a court of special sessions, there shall be no appeal upon an allegation that the verdict of the jury was contrary to the evidence in the case, and not justified thereby.

SEC. 18. That after the sentence shall have been pronounced, the defendant may deliver to the court, in writing, exceptions to the legality of the proceeding had; and if the court shall be of the opinion that such exceptions, if sustained, would affect the justice of the case, upon good and sufficient security offered by the defendant for his appearance at the next court of quarter sessions of the county, such recognizance shall be taken in the usual form, and said justice shall make out a certified copy of the proceedings on the trial from his minutes; which, together with all the original papers in the case, and the bill of exceptions, he shall, within twenty days after the trial, caused to be filed in the office of the clerk of the court of quarter sessions of the county; and any neglect so to do shall be deemed a misdemeanor in office.

SEC. 19. That notice of the filing of such bill of exception shall be given to the district attorney by the defendant or his attorney at least four days before the sitting of the next court of quarter sessions, at which time they shall be argued, unless said court shall otherwise direct; and if it shall appear that the defendant has willfully neglected the above notice, or in any other way endeavored to embarrass or delay the argument of the case, the court may set aside the exceptions without hearing, and order the execution of the sentence.

SEC. 20. That after a full examination of the record of the justice and bill of exceptions, if it shall appear to the court that the proceedings were illegal, and that thereby the defendant has been unjustly convicted and sentenced, he shall be discharged; and the court may, on a review of the case, diminish the sentence of a court of special sessions, if it shall appear extraordinary and unjust.

SEC. 21. That if the defendant be committed in pursuance of a conviction in a court of special sessions, by making an affidavit specifying the supposed errors in the proceedings on

his trial before the clerk of the court of quarter sessions, and entering into recognizance with one or more sufficient sureties for his appearance before the next court of quarter sessions of the county, he may be discharged from commitment; whereupon he or his attorney shall give immediate notice to the district attorney of the county, who shall, as soon as practicable, notify the justice before whom the trial was had, to file a certified copy of the proceedings before him in the office of the clerk of the court of quarter sessions of the county, as hereinbefore provided.

SEC. 22. That if the exceptions be overruled before the court of quarter sessions, said court shall direct the execution of the remainder of the sentence, unless the circumstances justify a diminution thereof.

SEC. 23. That the exceptions shall be taken to the proceedings, record or jurisdiction of the court, or the admission of evidence, and no court of quarter sessions shall try any allegation that the verdict of the jury before a court of special sessions was against evidence; other than as to legal errors, the judgment of the court of special sessions shall be conclusive.

SEC. 24. That the magistrate, before whom any cases shall be had, under the provisions of this act, shall receive for his services the sum of one dollar; the jurymen, sitting in the same, fifty cents each; the constable officiating, shall receive the same compensation for serving the process, subpoenaing the witnesses and commitment on sentence, as is allowed by existing laws in criminal proceedings, before justices of the peace, and seventy-five cents for summoning the jury; the witnesses shall each receive the same fees as are now allowed in like cases.

Mr. WILSON opposed the bill inasmuch as its provisions interfered with the right of every man to be tried by a jury of twelve of his own countrymen. The law would be imperative in effect.

Mr. SMITH (Berks) opposed it because it conferred the consideration of some of the heaviest crimes upon officials who were nine times out of ten utterly incompetent.

Mr. MILLER said that the bill was local in its character, and that the magistrates of that locality were efficient.

Mr. WILLISTON moved an amendment to strike out the clause which left it optional with citizens to choose the means of trial.

Mr. M'CLURE was opposed to the whole bill.

The amendment of Mr. WILLISTON was lost.

Mr. LAIRD said that the powers conferred were too great. He moved to strike out petit larceny. Not agreed to.

Further debate ensued between Messrs. SMITH and M'CLURE, who moved to strike out all the counties named in the bill.

The motion to go into committee of the whole was not agreed to.

On the final passage of the bill,

The yeas and nays were required by Mr. M'CLURE and Mr. GRAY, and were as follow, viz:

YEAS—Messrs. Balliet, Barlow, Boyer, (Clearfield,) Bryson, Burley, Campbell, Chase, Church, Dismant, Dodds, Evans, Foster, Galley, Graham, Gray, Keneagy, Kinney, Laird, Lawrence, (Washington,) M'Curdy, Miller, Pinkerton, Proudfoot, Ramsdell, Shields, Stephens, Stuart, Taylor, Thompson, Warden, Witman Williston, Withrow and Woodring—34.

NAYS—Messrs. Abbott, Aoker, Barnsley, Bayard, Boyer, (Schuylkill,) Custer, Durbin, Gratz, Hammersly, M'Clure, Neall, O'ks, Patterson, Peirce, Shater, Smith, (Berks,) Stoneback, Wagenseller, Walker and Wilson—20.

So the question was determined in the affirmative.



## VETO MESSAGES.

The Deputy Secretary of the Commonwealth being introduced, presented the following messages from the Governor; which were read, as follows:

EXECUTIVE CHAMBER.  
Harrisburg, April 4, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

GENTLEMEN:—The bill, entitled "An Act to incorporate the Fall Brook coal company," is herewith returned, without the Executive approval, to the House of Representatives, where it originated, for re-consideration.

This bill proposes to confer on certain persons therein named, corporate powers, with the right to hold land in certain townships in the county of Tioga, not exceeding six thousand acres at any one time, and with the privilege of selling and exchanging such personal property as may be useful and convenient in their business. It further proposes to authorize the company, when incorporated, to build a railroad not exceeding fifteen miles in length, from any portion of its lands to connect with any other railroad. In addition to these privileges, the second section of the bill provides, "that the said company shall have the right also to mine, and prepare for market, coal, iron ore, fire-clay and other minerals of their lands,—to manufacture iron, fire-brick, mineral oil and other products of their minerals or lands, and to transport them to market, and dispose of them; and to lease, sell and convey their land and the minerals thereof, and to make all such improvements and erections as may be deemed necessary for their interests."

It will thus be seen that the proposed corporation, although a close one, and called a coal company, would in reality be a railroad company, a manufacturing company and a mining company, with power to buy and sell all kinds of personal property that might be useful and convenient in its business, and to buy and sell lands without limit, except that it shall not hold more than six thousand acres at one and the same time. Notwithstanding the unusual and extraordinary powers which the bill proposes to confer on the corporators, most of the restrictions contained in our general manufacturing act are omitted, and the individual liability of the stockholders is limited to debts due mechanics, workmen and laborers, and for produce furnished to the company, while the general law makes the stockholders individually liable for "debts due to miners, quarrymen and other laborers, and for machinery, provisions, merchandise, country produce, and materials furnished for such companies respectively."

That portion of the bill under consideration, which proposes to authorize the construction of a railroad, is objectionable; but if the corporators named, desire corporate powers for mining or manufacturing operations in this Commonwealth, they should be confined to the general law provided for all such cases.—The purchase and sale of real and personal property, except so far as it may be a necessary incident to powers granted to a corporation, should be left entirely to individual action and competition.

It has been suggested that as two of the three corporators are residents of another State, the general manufacturing act would not meet the requirements of this particular application; but this suggestion is met, by the fact that our general law authorizes the association of any five or more persons for mining or manufacturing purposes without regard to residence, requiring that a majority of the directors only shall be citizens of this Commonwealth. There is surely no hardship in this provision, and if we give the citizens of other States the same facilities for forming corporate associations

that are furnished to our own, we cannot justly be subject to the charge of illiberality.

My views upon the impolicy of incorporating manufacturing or mining companies by special enactment, have been heretofore fully communicated to the General Assembly; and, as they remain unchanged, consistency as well as a sense of public duty, require that I should withhold the Executive approval from the bill under consideration.

WM. F. PACKER.

EXECUTIVE CHAMBER.  
Harrisburg, April 4, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I herewith return, without the Executive approval, to the House of Representatives, in which it originated, the bill, entitled "An Act to incorporate the California seminary, of Washington county."

This bill proposes to combine the threefold functions of the common schools, an endowed private seminary, and a State Normal school; and is objectionable, because—first, its provisions are inconsistent with each other and with the common school law, as well as the general law in regard to State Normal schools; and second, the practical operation of the bill would be subversive of the interests and prosperity of the common schools of the borough of California, and of the rights and interests of the people of the Tenth Normal district, under the act establishing Normal schools.

The first section transfers the seminary to the management of a board of trustees and the school directors of the borough of California.—This would open a door to conflicts of jurisdiction, which cannot but prove injurious, and would permit interference with the common schools of the district on the part of the trustees of the seminary, and give them a share in the control of the common schools, which is, and should be, vested exclusively in the board of school directors. Whatever protection this section may seem to secure to the common schools, by equalizing the number of trustees and directors, is lost, by the fact that a majority of the whole number shall constitute a quorum for the transaction of business; consequently, at any meeting in which there are more trustees than directors present, the directors may be out-voted, and their authority over-ruled.—The authority of the directors is made still more doubtful by the provisions of the fifth section, that each board of trustees and directors shall have a vote in the management of the corporation according to the several sums they have contributed; a rule of action, which, so far as appears from the bill, is uncertain now, and may be fluctuating and dangerous hereafter.—The tenth section makes an unconditional surrender of the common schools as model classes for the Normal school, without the consent of the board of directors, or any control on their part, or any other reservation whatever to protect the rights and interests of such schools.—The seventeenth section contains compulsory provisions with regard to the tuition of the common school pupils, incompatible with the municipal independence of the California school district, and the sound discretion of the board of school directors, under the terms of the general law; and the eighth section authorizes the entire transfer of the common school fund, and the virtual extinguishment of the common schools, for the benefit of the portion of the corporation known in the bill as the "seminary."

The bill is no less objectionable in its other features. It recognizes the California seminary as the State Normal school for the Tenth district, under the Normal school act; but without furnishing any evidence that its resources and organization are equal to the requirements of

that act, or any guaranty that they will be hereafter. It manifestly is not yet ready for recognition under the terms of the general act, and it is evident from the property limitation in the fifteenth section, and in the proviso of the first section, that it will not be able to subserve the purposes of the Normal act, or confer the benefits which it contemplates. The terms of the deed of conveyance to the contributors, trustees, &c., in trust, are not recited in the bill; it is therefore possible, if not probable, that they are not consistent with the terms of the Normal act and with the ninth section of the bill. Other sections are modifications, but not improvements, of the Normal act; and while they would be injudicious in a general law, are liable to the further objection that they are made to apply to a single district, and, while lowering the educational standard, interfere with the uniformity of the State Normal system.

There is no apparent reason why the Tenth Normal district should be organized under a special law, nor why the California seminary should be recognized as the Normal school for that district before it has been properly organized and established under the general law. If this district and seminary may be thus recognized, every other district and similar institution of learning, may justly claim the same favor at the hands of the Legislature; and, in this event, all hope of establishing State Normal schools, uniform in their character, and equal to the growing wants of the Commonwealth, would be at an end. The importance of the common school system of the State cannot be overestimated. They are fast assuming the front rank among our great institutions. To them alone can the large majority of our children look for that education which is to fit them for the purposes of life and the duties of citizenship. The imperious want of the common schools is properly trained teachers. It is the settled conviction of the educational world that these can best be furnished by institutions set apart for that particular purpose. In harmony with our own wants, and the experience of the past, here and elsewhere, a Normal school system has been inaugurated, that, with proper encouragement, will, in my opinion, fully answer the end of its establishment; and hence any interference with the general plan, by special legislation, would be not only unwise, but pernicious. Modifications in some of its minor details, may be necessary to enable the Normal act to go into early operation; but these should be made by a general law, and not by special enactments.

WM. F. PACKER.

A motion was made by Mr. BOYER, (Clearfield,) that the House do now adjourn; which was agreed to.

Whereupon the Speaker adjourned the House until to-morrow morning at 9½ o'clock.

## SENATE.

Tuesday, April 5, 1859.

The Senate was called to order at the usual hour.

On motion of Mr. TURNEY, the reading of the Journal was dispensed with.

Mr. FINNEY, who has been indisposed for several days, appeared in his seat.

The SPEAKER presented two remonstrances of citizens of Blair county, against any change in the school law.

## PETITIONS, MEMORIALS, &amp;c.

Mr. MYER presented a petition of citizens of Bradford county, praying for such a change in the constitution as will allow colored persons to vote.

Mr. BLOOD, a petition of one hundred and sixty citizens of Clarion county, in favor of a removal of the seat of justice of said county from Clarion to Callensburg.



## REPORTS OF COMMITTEES.

Mr. TURNEY, (Finance,) reported, with a negative recommendation, "An Act for the relief of the military companies of the third brigade of the eighth division of the militia of this Commonwealth."

Also, (same,) as committed, "An Act relative to the final settlement of certain claims."

Also, (same,) as committed, "An Act for the relief of the sureties of William Wilson, collector of tolls in Northumberland county."

Also, (same,) as committed, House bill No. 377, "An Act to provide a more speedy method to enforce the payment of taxes against corporations."

Also, (same,) with a negative recommendation, House bill No. 892, "An Act relative to the collection of taxes on unseated lands in New Brighton, Beaver county."

Also, (same,) with a negative recommendation, "An Act to aid free persons of color to emigrate to Liberia."

Also, (same,) as committed, "An Act to authorize the Auditor General to correct certain accounts."

Mr. RANDALL, (same,) as committed, House bill No. 718, "An Act to amend an act relative to tax on meadow land in the Twetny-fourth ward of the city of Philadelphia."

Also, (same,) with a negative recommendation, House bill No. 740, "Resolutions relative to the tonnage tax on the Pennsylvania railroad."

Mr. GREGG, (same,) as committed, House bill No. 611, "An Act authorizing the auditors of Forest county to re-audit the account of William R. Coon, former treasurer of said county."

Also, (same,) with a negative recommendation, House bill No. 590, "An Act to increase the pay of collectors of State and county taxes in the townships and boroughs of Delaware county."

Also, (same,) with a negative recommendation, "Joint resolution relative to the final adjournment of the Legislature."

Also, (same,) with a negative recommendation, "An Act for the relief of Samuel W. Pierson, former Clerk of the Senate."

Also, (same,) as committed, House bill No. 903, "An Act authorizing the auditors of Sullivan county to re-audit the account of James Taylor, former treasurer of said county."

Also, (same,) as committed, House bill No. 461, "An Act authorizing the State Treasurer to pay the Towanda bridge company a balance due them in pursuance of a contract with the Canal Commissioners."

Mr. CRAIG, (Railroads,) as committed, House bill No. 1286, "A supplement to the act incorporating the North Lebanon railroad company."

## BILL IN PLACE.

Mr. BELL read in his place and presented to the Chair, a bill, entitled "An Act authorizing the arrest of defendants in certain cases."

Mr. RANDALL, "An Act to incorporate the Washington Monument association of the first school district of the city of Philadelphia."

Mr. YARDLEY asked and obtained leave to withdraw certain papers relative to the claim of Anna Stackhouse."

## ORDERS OF THE DAY.

Senate bill No. 763, "An Act to exempt from taxation the United States court rooms and postoffice in the city of Philadelphia," came up in order on second reading, the question being upon the proviso offered by Mr. SCOFIELD.

The proviso was not agreed to.

The title being amended, the bill passed finally.

Senate bill No. 285, "An Act relative to brokers," came up in order.

The first section being before the Senate,

Mr. PENNEY desired to hear from the Senator who had this bill in charge, some reason

demanding its passage. He thought there was much in it objectionable.

Mr. SCHELL expressed a hope that the bill would pass. Brokers, as a class, should be taxed, and made to contribute their proportionate share to the support of the government.

Mr. MILLER explained the object of the bill.

It was proposed to tax a class whose investments are equal to those in lands, whose business is one of the most profitable character, and who pay a small comparative tax into the treasury. Brokers, he said, are not taxed in proportion to the balance of the community,

and it becomes the duty of the Legislature to do something by which taxation shall be equalized. If the plan proposed by the bill is not exactly the means by which it can be reached, he would be glad to hear some amendment suggested by which the end desired can be accomplished. The capital employed by these brokers should be subject to taxation, and the burthen of it equalized to the people. This bill, he thought, would accomplish it, and he hoped it would receive that consideration from the Senate to which it was entitled.

Mr. PENNEY had but one word to say. He could see no reason why this return should be made by brokers, upon oath, any more than by the dealer in dry goods. His principal objection to it was, that it requires real estate, or exchange brokers, to set out under oath, a statement of their private affairs, which shall be open to the public gaze. The tax upon the business of these brokers may be too low—it probably was; if so, the proper way was to increase it. The bill, as it is, was manifestly objectionable, and should not receive the sanction of the Senate.

Mr. GAZZAM said there was a business institution in New York city, which had spread its branches throughout almost every State and town in the country. The object of this institution was to spy out the private affairs of business men, just as this bill proposes to do; and he was opposed to placing Pennsylvania in the same inquisitorial capacity. It was perfectly right that every public institution should account to the public; but the class which this bill proposes to reach, are now engaged in private business, and if the State began with this investigation of private affairs, where, he asked, would it stop? He hoped the bill would not receive the favorable consideration of the Senate.

Mr. MILLER further advocated his bill.—Brokers, he said, can do everything that banks can, with the exception of issuing notes. They can do all that savings institutions can; yet, while the one is compelled to pay a heavy tax, the other pays nothing at all. He would ask Senators whether the seven thousand dollars paid in by these brokers, is a fair representation of the capital employed by them in the prosecution of their profitable business? Is not that capital almost entirely exempt from taxation? If this is so, how are we to reach that capital, unless we put these brokers upon their oaths? Whether the bill will be effectual, or not, in bringing under taxation the vast amount of capital now exempt, it will have the moral effect, at least, of draining out much which cannot be reached. He had nothing to say against brokers, as individuals; he knew many of them, who were good and respectable men; but they were not bearing their proportion of taxation. The capital invested in real estate, and in personal property which the eye can reach, pays the vast proportion of tax which supports the government. The time has arrived when it is demanded that the man who owns his acre of land shall not pay tax, whilst the millionaire is released. The people demand some act by which the money in the strong chest of the broker may be brought out, and made to bear its just proportion of taxation.

Upon the adoption of the first section,

The yeas and nays were required by Mr. MILLER and Mr. PENNEY, and were as follows, viz:

YEAS—Messrs. Blood, Brewer, Coffey, Craig, Fetter, Francois, Keller, Miller, Myer, Nunemacher, Rutherford, Schell, Shaeffer, Schindel, Steele, Thompson, Turney and Wright—18.

NAYS—Messrs. Gazzam, Harris, Marselis, Palmer, Parker, Penney, Randall, Yardley and Cresswell, *Speaker*—9.

So the question was determined in the affirmative.

The second section being before the Senate, Mr. WRIGHT moved to amend by inserting in the fourth line, after the word "Philadelphia," the words "stock-brokers, bill-brokers, or exchange-brokers."

Mr. WRIGHT stated the object he had in offering the amendment. By the bill, as it stands, gross injustice might be done to a large and respectable class of the citizens of Philadelphia. This his amendment was designed to obviate.

Mr. GAZZAM regarded the whole effect of the bill as designed to operate injuriously; and it would require additional amendments to make it acceptable.

Mr. MILLER hoped the amendment would not prevail.

Mr. WRIGHT said, if his amendment were not incorporated in the bill, he should be compelled to vote against the section.

The amendment was adopted, and the section, as amended, passed.

Upon suspending the rule,

The yeas and nays were required by Mr. MILLER and Mr. PENNEY, and were as follows, viz:

YEAS—Messrs. Blood, Brewer, Coffey, Craig, Fetter, Francis, Gregg, Harris, Keller, Miller, Myer, Nunemacher, Rutherford, Schell, Schindel, Turney, Wright and Cresswell, *Speaker*—18.

NAYS—Messrs. Baldwin, Bell, Gazzam, Marselis, Palmer, Parker, Penney, Randall, Shaeffer and Steele—10.

So the question was determined in the negative, two thirds not having voted in the affirmative.

On leave given, Mr. TURNEY, (Finance,) reported, with amendment, House bill No. 382, "An Act to adjust the account of F. Knox Morton, late treasurer of the city and county of Philadelphia."

House bill No. 404, "A further supplement to the act incorporating the Philadelphia and Reading railroad company," came up in order, the question being upon the amendment offered by Mr. TURNEY, viz: to strike out the word "Harrisburg," and insert in lieu thereof the word "Reading."

Mr. TURNEY moved to amend the amendment, by inserting the words "from the tenth of March to the first of December in each and every year."

Upon the adoption of the amendment to the amendment,

The yeas and nays were required by Mr. TURNEY and Mr. RANDALL, and were as follows, viz:

YEAS—Messrs. Baldwin, Marselis, Palmer, Parker, Randall, Shaeffer, Turney and Wright—8.

NAYS—Messrs. Bell, Blood, Brewer, Craig, Fetter, Finney, Francis, Gazzam, Gregg, Harris, Keller, Miller, Nunemacher, Penney, Rutherford, Schell, Scofield, Schindel, Steele, Thompson and Yardley—21.

So the question was determined in the negative.

The question recurring upon the amendment, it was not agreed to.

Mr. FINNEY moved to strike out the proviso inserted by the House of Representatives, imposing a tonnage tax upon all freight passing



over the proposed extension from Harrisburg to Dauphin.

Mr. FINNEY spoke at some length on the subject. His concluding remarks were as follows:

I have been opposed to all that restrictive legislation that operates to the disadvantage of any particular roads. It may happen that a railroad constructed at an immense expense might be injured by laying a route parallel with it, and where there was no possibility of building it. But is it right, when a certain road is a paying road, that that fact should be made a pretext that no other road should be built running parallel with it? I am opposed to this tonnage tax on principle. I consider this a proposition merely to throw an obstacle in the way of business enterprise, and directly in the way of investment of capital, and that about to be done right here in the centre of the State, where there is no palliation or excuse for it whatever. You are calling upon the business men who, through their capital, their enterprise and industry are enabled to carry on a heavy business, to pay out of that enterprise that results more especially to the benefit of the whole State, a tax on their labors, to the exclusion of other companies situated just as they are.

Taxes should be levied as equally and proportionately as possible, and no man who will investigate this subject without, in the end, being convinced that the whole of this tax is derived immediately from the amount of business of the road. I am opposed to keeping the tonnage tax on the Pennsylvania railroad, but the people along the line clamor that it should be kept on, and as long as they clamor for it, I shall vote for it. As long as the Commonwealth of Pennsylvania desire a tonnage tax shall be kept on the company, I have no objections; but I have objections to putting the tax upon a road in a new territory against the wishes of the people.

Mr. TURNEY said that as soon as this bill would be signed by the Governor, there would be a competition between the Pennsylvania and the Lebanon Valley railroads, as to who should occupy this territory. It will then be almost a struggle between them. The Pennsylvania railroad should be allowed the privilege, as the surveys and other necessary operations had been made by that company. He called the attention of the Senate to the manifest fraud in the matter. The liberality of this Lebanon Valley company in assuming to pay this tax is a perfect fraud. They had fraudulently assumed to pay a tonnage tax on a distance of seven miles. You may transfer freight over the Pennsylvania, or any other road, for nineteen miles, yet you cannot impose a tax, unless the distance exceed twenty miles; therefore the fraud in this matter was palpable.

Mr. GAZZAM. I desire to ask the Senator from Westmoreland by what law the Pennsylvania railroad company, is exempt from the payment of a tonnage tax for less than twenty miles?

Mr. TURNEY. By the act which transferred to her the Main Line. The proposition I made here, of rivalry between these two companies, stands divested of any embarrassment on the score of constitutional objections. The Lebanon Valley railroad in accepting their charter, assumed the responsibility of paying this tax, at any time the Legislature imposed it. Now, I am not going to discuss the importance of these institutions, because that is a foregone conclusion. It is a matter of experience, and their benefit to the people of this and other Commonwealths, is established. In the proviso to the supplement to the act incorporating the Lebanon Valley railroad, there was contemplated the very exigency that has now arisen. That company now comes into the Legislature of this State, importuning the Representatives of the people, who are bound to protect the interests

of people of this Commonwealth. I am not here as the Representative of the Pennsylvania railroad. I have no connection with it and no sympathy with it, except as an individual who is happy to see the prosperity of any corporation keep pace with the prosperity of the State. But I say the Pennsylvania railroad has upon her back a burden which no other corporation in this State has, and you are going to cripple her, for it is tangible, a matter of law and legislative enactment, that this organization has been held and will be held in this position, and the declaration of the Senator from Crawford explains the reason; because the people said the tonnage tax should be laid on this company he will vote for it. He is moulding his course in obedience, not to the will of the whole people, but to that of a part of them. Whether it is right or wrong to oppose this matter is not the question at issue at all; but I have only to say that the Legislature never yet passed an act of this kind, imposing a tax on a company, that they did not lay a heavy burden on that company.

Mr. SCOFIELD. If I can understand the Senator from Westmoreland, he has made two points against this bill. The one is that the application for an act to impose a tonnage tax on the Harrisburg and Dauphin railroad, for some nine miles, is a fraud; because there is no law authorizing a tax to be imposed on less than twenty miles. If that Senator will go to the Clerk's desk and read, as I have done, the clear, strong and unequivocal language there found, in regard to this case, he will find he is mistaken. The other point in the Senator's argument is that this matter creates a rivalry between the Pennsylvania and another road. If that was the fact, there might be some opportunity for debate as to whether we ought, or ought not, to pass it; but what is the fact? Philadelphia is the point at which all this freight passing over the Pennsylvania and the Lebanon Valley roads is to be landed.

The speaker here gave a detailed account of the position, attainments and importance of the several railroads of the State.

Mr. TURNEY said this bill had originated with the friends of the Lebanon Valley railroad. It passed the House under their patronage, control and management. It comes here to the Senate, and the Senator from Crawford, (Mr. FINNEY,) gets up and moves to strike out the very thing that the company assumed to take upon themselves. I do not see why we should do more for the company than it desires at our hands.

Mr. FINNEY. The Senator does not understand my position at all. I am not legislating for this company, but for the people. This company does not pay a tonnage tax, and I will not vote to impose it upon them, but I will refuse, as far as I am concerned, to take it off the Pennsylvania road.

Mr. TURNEY replied to the remarks of the gentleman from Warren, (Mr. SCOFIELD,) and further defined his position.

Mr. BELL. Scarcely any people are more noted for public improvements than the people of Pennsylvania. Under the guidance of those enthusiasts, whom I had supposed had passed away long ago, we have actually contracted a heavy debt of some thousands of dollars. Now, what are we doing to-day? Simply spending time in considering to which of two rival companies shall belong the privilege of extending a little local road for about ten miles. It seems to me, upon the present motion of the Senator from Crawford, to strike out the proviso, the Senate is ready to vote.

The amendment was not agreed to.

The question recurring upon the first section, the yeas and nays were required by Mr. TURNEY and Mr. BELL, and were as follow, viz:

YEAS—Messrs. Bell, Blood, Brewer, Craig,

Fetter, Gazzam, Gregg, Harris, Keller, Miller, Myer, Nunemacher, Palmer, Penney, Rutherford, Schell, Scofield, Schindel, Steele, Thompson, Yardley and Cresswell, *Speaker*—22.

NAYS—Messrs. Coffey, Finney, Marselis, Parker, Randall, Shaeffer, Turney and Wright—8.

So the question was determined in the affirmative.

Mr. TURNEY moved to amend, by the addition of a new section, which provided that the Philadelphia and Reading railroad company should not commence the proposed extension until the Pennsylvania railroad company had completed their road over the same route, upon which the yeas and nays were required by Mr. TURNEY and Mr. RUTHERFORD, and were as follow, viz:

YEAS—Messrs. Coffey, Marselis, Parker, Randall, Shaeffer, Turney and Wright—7.

NAYS—Messrs. Baldwin, Bell, Blood, Brower, Craig, Fetter, Finney, Francis, Gazzam, Gregg, Harris, Keller, Miller, Myer, Nunemacher, Palmer, Penney, Rutherford, Schell, Scofield, Schindel, Steele, Thompson, Yardley and Cresswell, *Speaker*—25.

So the question was determined in the negative.

The title of the bill was agreed to, and the rule suspended.

The question being upon the final passage of the bill,

Mr. BELL understood the proposition to be simply this: Shall a company which has constructed a road, in continuation of one from Philadelphia, by way of Reading to Harrisburg, be allowed the privilege of extending it some twelve or fifteen miles westward, for the purpose of facilitating communication? What objection could be urged against it, he asked, except that it may interfere with the interests of a rival company. Are we sitting here to legislate for the interests of any particular railroad company—that of the Pennsylvania road, or any other? He had heard a great deal in the course of the discussion, with regard to the claims of the several companies. They have no claims, whatever, except those which their charters give them. Is there anything in the charter of the Pennsylvania company, which forbids the extension of this road twelve miles further west? Or is there anything in the charter of the Lebanon Valley road, which confines it to this point? That is the simple question for the Senate to determine. If there is not, how shall the Legislature of Pennsylvania say to them, they shall not do it? Why should we care, whether the Pennsylvania road is interested in preventing the extension of this road, or not? He was in favor of placing all of these roads upon the footing of competition with each other upon their merits alone.

Mr. SCHELL desired to give the reasons for his vote upon the bill. The law provides that when the Pennsylvania road has located its road, that act prevents its being taken by any other company.

Upon the final passage of the bill,

The yeas and nays were required by Mr. RANDALL and Mr. RUTHERFORD, and were as follow, viz:

YEAS—Messrs. Bell, Blood, Brewer, Craig, Fetter, Francis, Gazzam, Gregg, Harris, Keller, Miller, Myer, Nunemacher, Palmer, Penney, Rutherford, Schell, Scofield, Schindel, Steele, Thompson, Yardley and Cresswell, *Speaker*—23.

NAYS—Messrs. Coffey, Marselis, Parker, Randall, Shaeffer, Turney and Wright—7.

So the question was determined in the affirmative.

#### HOUSE AMENDMENTS.

House amendments to Senate bill No. 122, "A further supplement to an act to appoint



commissioners to view, lay out and construct a State road in Lancaster and Chester counties," were twice read, considered and concurred in.

House amendment to Senate bill No. 483, "A supplement to the exemption law, &c., was read and considered.

Upon the motion to concur,

The yeas and nays were required by Mr. MYER and Mr. SCOFIELD, and were as follows, viz:

YEAS—Messrs. Baldwin, Bell, Blood, Brower, Coffey, Craig, Fetter, Finney, Francis, Harris, Keller, Marselis, Miller, Nunemacher, Palmer, Penney, Rutherford, Schell, Steele, Thompson, Turney, Wright and Crosswell, *Speaker*—23.

NAYS—Messrs. Gregg, Myer, Parker, Randall, Scofield, Shaeffer and Schindel—7.

So the question was determined in the affirmative.

House amendments to Senate bill No. 47, "An Act concerning turnpike, plank road and bridge companies, were pending, (Mr. BELL having the floor,) when the hour of adjournment arrived.

## HOUSE OF REPRESENTATIVES.

TUESDAY, April 5, 1859.

The House was called to order at 9½ o'clock. Prayer by Rev. Dr. De Witt.

On motion of Mr. WILLIAMS of Bucks, the reading of the Journal was dispensed with.

### CITIZENS' PASSENGER RAILWAY.

Messrs. EVANS and WARDEN moved a reconsideration of the vote had on final passage of bill 1308, "A supplement to the act to incorporate the Citizens' passenger railway company," and on the question,

Will the House agree to the motion?

Mr. WILLIAMS, of Bucks, moved that the further consideration of the motion be indefinitely postponed.

Mr. WALBORN said that the supplement conflicted with privileges already granted. He hoped that the motion to postpone indefinitely would not prevail.

Mr. NEALL denied that it would conflict. The company was already entitled to use eight squares in the street in question, and might as well be privileged to use four more.

Mr. HAMERSLY said that the bill would do no harm to any one.

Mr. WALBORN said that the original company was chartered to run north and south, and by this supplement derived the additional privilege of running east and west to an unlimited extent.

Mr. CHURCH was opposed to granting any further privileges to this company.

On the question,

Will the House agree to the motion to postpone indefinitely the motion to reconsider the vote had on the final passage of the bill?

The yeas and nays were required by Mr. WALBORN and Mr. HARDING and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Boyer, (Schuylkill) Campbell, Custer, Dismant, Durboraw, Evans, Fleming, Galley, Glatz, Good, Graham, Gratz, Hamersly, Hill, Hottenstine, Jackson, Keneagy, Laird, Mahaffey, McCurdy, Miller, Neall, Oaks, Palm, Peirce, Pinkerton, Price, Proudfoot, Pughe, Quigley, Rohrer, Rose, Shields, Stephens, Stoneback, Taylor, Thompson, Thorn, Wagonseller, Walker, Warden, Wilcox, Williams, (Bucks) Williston, Wilson, Withrow, Woodring, Lawrence, *Speaker*—50.

NAYS—Messrs. Bertolet, Boyer, (Clearfield) Burley, Church, Ellmaker, Fisher, Foster, Goepf, Gray, Harding, Lawrence, (Washington) Nill, Shafer, Smith, (Berks) Smead, Styer, Walborn, Witman, Wigton, Wilcy, Williams, (Bedford) and Zoller—22.

So the question was determined in the affirmative.

On motion of Messrs. NILL and ELLMAKER, the House resolved to reconsider the vote had on the final passage of bill No. 378, "An Act relative to State taxes."

And the question recurring,  
Shall the bill pass?

On motion of Mr. NILL, the House resolved itself into committee of the whole, (Mr. PEIRCE in the Chair,) to amend the bill, so as to embrace moneys at interest and stocks within the provisions of the act; which was passed by committee of the whole.

And the bill, as amended, being before the House on final passage,

The yeas and nays were required by Mr. HAMERSLY and Mr. PEIRCE, and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Balliet, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Church, Custer, Dismant, Durboraw, Ellmaker, Fisher, Fleming, Foster, Galley, Glatz, Goepf, Good, Gratz, Gray, Gritman, Hamersly, Harding, Hill, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mahaffey, Matthews, McCurdy, Miller, Neall, Nill, Oaks, Palm, Patterson, Peirce, Pinkerton, Price, Proudfoot, Pughe, Quigley, Rohrer, Rouse, Shafer, Shields, Smead, Smith, (Berks,) Stuart, Styer, Taylor, Thompson, Thorn, Wagonseller, Walborn, Walker, Warden, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Zoller and Lawrence, *Speaker*—77.

NAYS—Messrs. Barnetcy, Graham and Stephens—3.

So the question was determined in the affirmative.

The bill, as passed above, read as follows:

WHEREAS, Doubts have arisen as to the proper construction to be given to the eighty-sixth section of the act approved the eighteenth day of May, Anno Domini, one thousand eight hundred and fifty-seven, entitled "An Act to provide for the ordinary expenses of government, the repairs of public canals and railroads, and other general and special appropriations."

AND WHEREAS, It is proper that such doubts should be removed by an explanatory act; therefore

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the true intent and meaning of the aforesaid section is, that the reduction of the State tax from three mills to two and a half mills shall apply solely to the real and personal estate expressly enumerated as such in the thirty-second and thirty-fourth sections of the act to reduce the State debt, and to incorporate the Pennsylvania canal and railroad company, approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and forty-four, to wit: houses, lands, lots of ground and ground rents, mills and manufactories of all kinds, furnaces, forges, bloomeries, distilleries, sugar-houses, malt-houses, breweries, tan-yards, fisheries and ferries, wharves, monies at interest and stocks, and all the other real estate not exempt by law from taxation; also, all personal estate, to wit: horses, mares, geldings, mules and neat cattle over the age of four years, household furniture, including gold and silver plate owned by any person or persons, corporation or corporations, when the value thereof exceeds three hundred dollars, and to no other estate, real or personal, whatsoever.

Mr. LAIRD, from the select committee to which was referred the expenses of the committee on the Cambria county contested election case, reported bill of costs amounting to \$390.07; which was read and approved by the House.

The Clerk of the Senate, being introduced, presented to the House Senate bill No. 89, "An Act to incorporate the Pennsylvania Fiscal Agency," which, on motion of Mr. MILLER, was ordered to be placed on to-day's Calendar.

### PRIVATE CALENDAR.

Agreeably to order the House proceeded to the consideration of bills on the Private Calendar.

Whereupon the following were read, and no objections being made, laid aside and prepared for second reading:

No. 1102. "An Act to incorporate the town of Middleport, Schuylkill county, into a borough."

No. 1103. "A further supplement to an act incorporating the town of Lawrenceville into a borough, approved the 18th day of February 1835."

No. 1107. "A supplement to an act to incorporate the Green Castle and Middleburg turnpike road company, approved March 1st, 1859."

Sen. 594. "A supplement to an act to provide for the erection of a house for the employment and support of the poor in the county of Allegheny."

Sen. 689. "An Act to incorporate the Pittsburgh and East Liberty passenger railway company."

Sen. 421. "An Act to authorize the erection of a look-up house in the borough of Orwigsburg, Schuylkill county."

Sen. 606. "An Act to authorize the Tinklebaugh coal company to borrow money."

No. 1116. "Resolution to authorize the purchase of a lot adjoining the Executive mansion"

Sen. 67. "A further supplement to an act relative to huckstering in the county of Lebanon, passed the 9th day of April, 1856."

Sen. 673. "Supplement to the act to limit and regulate sequestrations in case of the Erie canal company, approved 9th April, 1850."

Sen. 660. "An Act to cure an irregularity in the incorporation of the borough of Carmichael, and to declare certain judicial proceedings therein valid."

Sen. 737. "An Act to authorize the town council of the borough of Hollidaysburg to license drays and carts."

No. 1144. "An Act requiring the overseers of the poor in Delaware township, Juniata county, to give security."

No. 1145. "An Act to prevent injury to side walks in the township of Girard, in the county of Erie."

No. 1147. "An Act to extend the provisions of an act to reduce the expenses of collecting State and county tax in the counties of Venango, approved April 23, 1851, to the counties of Mifflin and Forest."

No. 1156. "An Act to change the name of John H. Smith, of Conoy township, Lancaster county, to that of I. Hoffman Smith."

Sen. 422. "An Act providing for the recording of certain papers in the county of Schuylkill."

Sen. 1159. "Supplement to an act relating to inspectors, &c."

Sen. 423. "An Act in relation to Edith T. Greeno, of Cauton township, Bradford county."

Sen. 426. "An Act to increase the pay of the county commissioners and auditors of Clarion county."

No. 1168. "An Act to prevent the destruction of trout in the county of Westmoreland."

Sen. 588. "An Act to legalize the township election in Terrytown, Bradford county."

No. 1179. "An Act to increase the capital stock of the Southwark Bank of Philadelphia."

No. 1180. "Supplement to an act to incorporate the city Bank of Philadelphia."

No. 1181. "An Act to repeal the act of April 19th, 1858, entitled 'A supplement to the act re-



chartering the Tradesmen's Bank of Philadelphia."

Sen. 593. "An Act authorizing the removal of the dead from the burying ground, deeded to the First Methodist Episcopal church of Norristown, Montgomery county, Pennsylvania, to the Norris City cemetery."

Sen. 293. "An Act authorizing the removal of the dead interred in the grounds connected with St. Stephen's church, Harrisburg."

No. 1185. "An Act to authorize the school directors of Jefferson township, Dauphin county, to sell certain real estate."

No. 1186. "An Act to incorporate the Milford and Zionsville turnpike road company."

No. 1187. "An Act to change the time for electing the officers of the Lehigh and Berks County turnpike road company."

No. 1188. "An Act to incorporate the Spring Garden engine company of the city of Philadelphia."

No. 1189. "An Act for the repeal of so much of the second section of the act, passed the 13th day of May, 1850, as relates to the Glenhope and Little Bald Eagle turnpike company."

No. 1190. "An Act to incorporate the Handol and Hayden society of Philadelphia."

Sen. 506. "An Act to incorporate the Towanda gas and water company."

No. 1195. "An Act to incorporate the borough of New Washington."

No. 1198. "An Act to incorporate the American Piano and Melodicon distributing company of Pennsylvania."

Sen. 266. "An Act to incorporate the City and County insurance company of the city of Allegheny."

No. 1203. "An Act to incorporate the Farmers' and Mechanics' mutual insurance company."

No. 1204. "An Act to incorporate the Allen rolling mill."

Sen. 524. "An Act to incorporate the Western coal, oil and iron company."

No. 1208. "An Act to incorporate the Lehigh iron company."

No. 1209. "An Act for the relief of Margaret Coldwater, widow of Philip Coldwater, a soldier of the Revolutionary war."

No. 1210. "An Act relative to the claim of Burke and Gonder."

Sen. 205. "An Act to authorize the payment of the claim of John C. Couch, of Huntingdon county."

No. 1214. "An Act to authorize the payment of the claim of John W. Geary and Israel Painter."

No. 1215. "An Act for the relief of Shem Thomas."

No. 1216. "An Act to authorize the State Treasurer to pay Thomas and Henry Baumgardner, for loss sustained in consequence of collision on the Columbia and Philadelphia railroad."

No. 1218. "An Act relating to the sale of meat in the city of Reading."

No. 1219. "A further supplement to the act incorporating the borough of West Chester, and its several supplements, passed the 3d day of March, 1788."

No. 1220. "An Act relative to the election of road supervisors in East Marlboro' and New London townships, Chester county."

No. 1222. "An Act to annul the marriage contract between Charles A. Garrard, of Greene county, and Louisa, his wife."

No. 1223. "A supplement to an act to revive and continue the act authorizing the Governor to incorporate a company for making an artificial road from the river Schuylkill, at Reading, in the county of Berks, to or near Hummelstown, in the county of Dauphin."

No. 1224. "An Act to lay out a State road from a point in a public road leading from Jonestown, Lebanon county, to Woleberstown,

in the county of Berks, at or near Philip Batdorff's house, in the township of Jackson, Lebanon county, to a point in the public road leading from Myerstown, Lebanon county, to Freystown, in the county of Berks, at or near Daniel Batdorff's, in Tulpehocken township, Berks county."

No. 1225. "An Act relative to vendors of patent medicines in the county of Mercer."

No. 1226. "An Act to vacate a portion of Wallace street, in the city of Philadelphia."

No. 1227. "An Act relating to Tulp street, in the city of Philadelphia."

"An Act repealing an act fixing the boundary line between the city of Reading and township of Alsace, Berks county," was read, and on motion of Mr. JACKSON, postponed for the present.

On motion of Mr. HAMERSLY, the Judiciary Committee was discharged from the further consideration of House bill No. 1136, "An Act authorizing the Pennsylvania railroad company to obtain a better supply of water for the uses of their road," and ordered to be placed on the Calendar.

"An Act to incorporate the Towanda and Athens telegraph company," came up in order.

On the question,

Shall the bill be prepared and laid aside for second reading?

The yeas and nays were required by Mr. KINNEY and Mr. CHASE, and were as follow, viz:

YEAS—Messrs. Abbott, Balliet, Barusley, Barlow, Chase, Dodds, Foster, Gratz, Harding, Kinney, M'Curdy, Palm, Preudfoot, Ramsdell, Rouse, Smead, Taylor, Thompson, Wiley and Williston—20.

NAYS—Messrs. Ackcr, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Church, Custer, Dismant, Durhoraw, Fleming, Galley, Glatz, Goepp, Good, Graham, Gray, Green, Gritman, Hamersly, Hill, Hottenstine, Irish, Ketchum, Lawrence, (Washington,) Mehaffey, Neall, Nill, Oaks, Peirce, Pinkerton, Price, Pnghe, Rohrer, Rose, Shafer, Shields, Smith, (Berks,) Stephens, Stonehack, Styer, Wagenseller, Walker, Warden, Witman, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Woodring, Zoller and Lawrence, *Speaker*—54.

So the question was determined in the negative.

Mr. CHASE, from the Committee on Ways and Means, to which was referred Senate amendments to the appropriation bill, made report, which was read.

Mr. CHASE moved that the House adopt the report of the committee.

Mr. FOSTER called for a division of the question. He desired to have the amendments acted on separately.

The first amendment was read.

Mr. SMITH, of Berks, moved that the further consideration of the question be postponed for the present.

Mr. NEALL moved to amend so as to have said, "amendments printed for the use of the House."

Not agreed to.

Mr. KENEAGY moved to postpone the question until to-morrow morning. Agreed to.

#### SENATE AMENDMENTS

To House bill, entitled "Supplement to an act to incorporate the Second and Third streets Passenger railway company, of Philadelphia, were read,

Mr. EVANS said—

Mr. SPEAKER:—I desire to raise my voice against the adoption of these amendments. During the last session, of which I was a member, the charter for the company asking this legislation was granted, giving the right to it to cross

at grade any railroad now, or hereafter to be built, and to extend their said road to Allegheny avenue, along Richmond street. It was evidently the full intent and meaning of said act to extend the road to Allegheny avenue, with a double track above the Reading railroad. Now, after one year's delay, they have just completed a single track to said avenue, without sufficient turn-outs or sidellings; and, as the cars only run to the Reading railroad, passengers arc, therefore, obliged to get out and walk across the track, a distance of from fifty to seventy-five yards, thereby being transferred to another car drawn by one horse. And, notwithstanding there are some twenty or twenty-five cars running at the present time up to the Reading railroad, the company have but one or two of these one horse cars to convey passengers north of the said railroad, much to the annoyance and inconvenience of those who are forced to patronize this road. Inasmuch, therefore, as this company have not complied with the requirements of their charter, and thrown every obstacle in the way to annoy the citizens residing north of said road, I hold that their request for further legislation, is a bold piece of impudence, and should not be granted. I therefore hope this House will recede from the Senate amendments.

And, on the question, will the House concur in the same,

The yeas and nays were required by Mr. EVANS and Mr. GRAY, and were as follow, viz:

YEAS—Messrs. Abbott, Ackcr, Balliet, Barnsloy, Barlow, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Church, Custer, Dodds, Durhoraw, Eckman, Fisher, Foster, Glatz, Graham, Gratz, Gray, Green, Hamersly, Harding, Irish, Jackson, Keneagy, Lawrence, (Washington,) Mehaffey, M'Dowell, Neall, Nill, Palm, Peirce, Pughe, Ramsdell, Rouse, Shafer, Smith, (Berks,) Stuart, Taylor, Thompson, Thorn, Wagenseller, Walborn, Walker, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson and Withrow, Woodring and Lawrence, *Speaker*—55.

NAYS—Messrs. Evans, Fleming, Goepp, Gritman, Hill, Laird, Oaks, Price, Rohrer, Shields, Stephens, Stoneback and Warden—13.

So the question was determined in the affirmative.

The hour of one having arrived, the Speaker adjourned the House until this afternoon at 3 o'clock.

CORRECTION.—In yesterday's proceedings it is incorrectly stated that Mr. NILL asked and obtained leave to change his vote on the final passage of the "FREE BANKING BILL." Mr. NILL having been absent when that vote was had, yesterday asked and obtained leave to record his vote in the negative on the final passage of said bill.

#### THE FREE BANKING LAW.

The final vote on the free banking law was had in the House of Representatives on April 1st, Mr. M'DOWDELL assigned the following reasons:

"Mr. M'DOWDELL, on the final passage of the bill, stated that he was not opposed to the general principles of a free banking law, but as the act, in its present shape, did not meet either his own views or those of his constituents, as he understood them, he voted 'no.' The provisions of the free banking law of the State of New York, he thought, were better suited to the wants of the people of Pennsylvania, and if the proposed measure had been similar, he would have voted for it."



# LEGISLATIVE RECORD.

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## SENATE—AFTERNOON SESSION.

TUESDAY, April 5, 1859.

### BILLS CONSIDERED.

On motion of Mr. BALDWIN, the Committee on Roads and Bridges was discharged from the consideration of Senate bill No. 1061, "A supplement to an act incorporating the Quarrysville and Unicorn turnpike road company," agreed to, and the bill passed its various readings.

On motion of Mr. BELL, House bill No. 348, entitled "An Act for the better regulation of billiard saloons, bowling saloons and ten-pin alleys, in Chester county," was taken up, considered and passed.

On motion of Mr. BLOOD, House bill No. 611, entitled "An Act to authorize the auditors of Forest county to re-audit the State account of William R. Coon, Esq., former treasurer of said county," was considered, amended and passed.

On motion of Mr. BREWER, House bill No. 460, entitled "An Act to authorize the appointment of commissioners to examine and adjust certain claims," was considered.

Upon the passage of the bill,

The yeas and nays were required by Mr. SCOFIELD and Mr. BREWER, and were as follows, viz:

YEAS—Messrs. Blood, Brewer, Fetter, Gazzam, Palmer, Penney, Randall, Rutherford, Schell, Steele, Thompson and Cresswell, *Speaker*—12.

NAYS—Messrs. Harris, Turney and Wright—3.

The bill fell for the present, there not being a quorum voting.

A call of the Senate was moved, when, a quorum answering to their names,

On motion of Mr. BREWER, the Senate resumed the consideration of the bill.

Mr. TURNEY moved to go into committee of the whole, for the purpose of special amendment; which was agreed to.

The amendment was to refer the settlement of the claim aforesaid to the Auditor General,

instead of commissioners appointed by the Governor.

The amendment was agreed to.

The bill was then postponed for the present.

### BILLS READ IN PLACE.

On leave given, Mr. RANDALL read in his place and presented to the Chair, a bill, entitled "An Act to establish a house of correction and employment, in the city of Philadelphia."

Mr. MARSELIS, on leave given, read bill, entitled "An Act to prohibit the importation of fish into the city of Philadelphia at improper seasons."

### BILLS CONSIDERED.

On motion of Mr. COFFEY, the Committee on Corporations was discharged from the consideration of Senate bill No. 1063, "An Act to incorporate the Indiana mutual fire insurance company," which was agreed to, and the bill passed.

On motion of Mr. CRAIG, Senate bill No. 1036, "A supplement to an act to incorporate the Milford and Metamoras railroad company," Passed.

On motion of Mr. BREWER, House bill No. 758, relative to elections in St. Thomas and Letter Kenney townships, Franklin county. Passed.

On motion of Mr. FINNEY, House bill No. 891, "An Act to authorize the appointment of an additional notary public in the county of Erie." Passed.

On motion of Mr. WRIGHT, House bill No. 580, "An Act to incorporate the Hestonville, Mantua and Fairmount passenger railway company."

Mr. WRIGHT moved to add the following as additional corporators: John Ashton, W. P. McCauley, John F. Beatty and E. W. Carr.

Mr. PARKER moved to amend, by adding the names of Peter Parker and George M. Hill as additional corporators; which was agreed to in committee of the whole.

The bill being upon second reading, Mr. WRIGHT moved to strike out the names of Peter Parker and George M. Hill, upon which motion,

The yeas and nays were required by Mr. WRIGHT and Mr. PARKER, and were as follows, viz:

YEAS—Messrs. Blood, Gazzam, Keller, Marselis, Nuenmacher, Schell, Schindel, Turney, Wright and Cresswell, *Speaker*—10.

NAYS—Messrs. Baldwin, Brewer, Coffey, Craig, Fetter, Finney, Francis, Harris, Miller, Myer, Palmer, Parker, Raudall, Rutherford, Steele and Yardley—16.

So the question was determined in the negative.

The question recurring upon the bill as amended, it was agreed to, and passed final reading.

On motion of Mr. PARKER, House bill No. 764, "An Act to incorporate the Green Hill market company." Passed.

### HOUSE AMENDMENTS.

On motion of Mr. CRAIG, the Senate concurred in House amendment to Senate bill No. 509, "A further supplement to the act incorporating the Navigation railroad company, approved April 20th, 1854."

### COMMITTEE OF CONFERENCE.

Mr. TURNEY, from the Committee of Conference, on House bill No. 373, "A resolution for the pay of L. Rogers, late clerk of the contested election case of Matthews vs. M'Clain,"

made report that the House recede from its non-concurrence in Senate amendments; when

The question recurring upon the bill, as amended, it passed finally.

The hour of five having arrived, the SPEAKER adjourned the Senate until this evening at 7 o'clock.

## SENATE—EVENING SESSION.

### BILLS CONSIDERED.

On motion of Mr. STEELE, the Senate proceeded to the consideration of House bill No. 1062, "An Act to improve the navigation of the river Lehigh, in the counties of Carbon, Monroe and Luzerne." Passed finally.

On motion of Mr. HARRIS, House bill No. 1007, "An Act to incorporate the Butler mutual insurance company." Passed.

On motion of Mr. KELLER, House bill No. 707, "An Act in relation to the ferry at Shamokin dam." Passed.

On motion of Mr. SCOFIELD, House bill No. 657, "An Act to declare Tombs' run a public highway." Passed.

On motion of Mr. WRIGHT, House bill No. 1088, "An Act to incorporate the Manayunk market company of Philadelphia."

On motion of Mr. MILLER, House bill No. 1315, "An Act, entitled 'An Act to authorize the Auditor General and State Treasurer to open and re-settle the account between the Commonwealth and the Farmers' and Drovers' Bank of Waynesburg.'" Passed.

On motion of Mr. FINNEY, House bill No. 945, entitled "A supplement to the act to incorporate the Erie City Hall association, approved 2nd of April, 1852." Passed.

On motion of Mr. NUNEMACHER, House bill, No. 399, "A supplement to the Act incorporating the Mutual fire insurance company of Sinking Spring, Berks county." Passed.

On motion of Mr. PALMER, Senate bill, No. 972, entitled "An Act to incorporate the Schuylkill county transportation company." Passed with unimportant amendments.

On motion of Mr. GREGG, House bill, No. 853, entitled "An Act to incorporate the Pine Grove turnpike road company of Centre county." Passed.

On motion of Mr. PARKER, House bill, No. 382, "An Act to adjust the account of F. Knox Morton, late treasurer of the city and county of Philadelphia." Passed.

On motion of Mr. PENNEY, House bill, No. 932, entitled "An Act to incorporate the Sewickly cemetery of Allegheny county." Passed with amendment.

On motion of Mr. RANDALL, Senate bill, No. 983, "An Act to incorporate the Berdeaux steamship company." Passed finally.

On motion of Mr. RUTHERFORD, House bill, No. 686, "An Act to incorporate the Lebanon County Agricultural and Horticultural society." Passed finally.

On motion of Mr. SCHELL, bill (read in place, and committee discharged from further consideration) entitled "An Act to authorize the supervisors of Carbon township, Huntingdon county, to provide a lock-up in the town of Calumet in said county." Passed finally.

On motion of Mr. SCHINDEL, House bill, No. 679, "An Act to incorporate the Evangelical Lutheran Synod of western Pennsylvania." Passed finally.

On motion of Mr. STEELE, House bill, No. 131, "An Act to incorporate the Huntingdon



Valley mutual fire insurance company, passed finally.

On motion of Mr. BREWER, House bill, No. 1107, "A supplement to an act to incorporate the Greencastle and Middleburg turnpike company." Passed.

On motion of Mr. WRIGHT, House bill, No. 943, "An Act to incorporate the "Deutsche Kuntshalle." Passed.

Mr. COFFEY, on leave given, read a bill in place, entitled "An Act to authorize the managers of the Indiana and Elshsburg turnpike to collect toll for certain purposes."

On motion of Mr. YARDLEY, Senate bill, No. 774, "An Act supplement to an act to incorporate the Delaware bridge company."

On motion of Mr. BALDWIN, "A supplement to an act to incorporate the Protestant Episcopal society for the promotion of evangelical knowledge, passed March 8, 1848." Passed.

On motion of Mr. SCHINDEL, House bill, No. 1067, "An Act establishing the location of the streets, alleys and lots in a certain part of the borough of Johnstown, in the county of Cambria."

Mr. SCHELL handed a letter to the Clerk, which he requested might be read. The letter was a remonstrance against the passage of the bill, and requesting the interference of the member of the Senate from Bedford, to prevent its passage.

The question being upon the passage of the bill, it was agreed to.

On motion of Mr. GAZZAM, House bill, No. 386, "An Act to liquidate the amount due on a certain judgment, and to enforce the collection of the same."

On motion of Mr. BLOOD, House bill, No. 825, "An Act authorizing the Bostwick iron company to mine coal, et cetera." Objected to, and laid over.

On motion of Mr. BREWER, the Senate reconsidered the vote upon the final passage of Senate bill, No. 91, to incorporate the Eastern iron company. Lies over.

On motion of Mr. BREWER, House bill, No. 925, "An Act entitled An Act to change the manner of appraising the damages in the opening of public and private roads in the counties of Adams and Perry."

On motion of Mr. COFFEY, House bill, No. 1085, "An Act to declare the north branch of Twolick creek, in Indiana county, a public highway." Passed.

Mr. CRAIG, on leave given, read in his place and presented to the Chair, bill "Supplement to an act to incorporate the Peun Haven and White Haven railroad company."

On his motion the Senate proceeded to the consideration of the same, the committee having been discharged, and the bill passed finally.

On motion of Mr. FETTER, the Judiciary Committee were discharged from the consideration of bill, entitled "An Act authorizing the Sheriff of Mifflin county to appoint William Shipp a deputy sheriff thereof." The bill lies over.

On motion of Mr. FRANCIS, House bill, No. 108, declaring Big Sandy creek a public highway.

On motion of Mr. GAZZAM, House bill, No. 856, "An Act to incorporate the ministers and elders constituting the first United Presbyterian synod of the West."

On motion of Mr. GREGG, House bill, No. 400, "An Act to incorporate the Bald Eagle boom company, in Clinton county." Passed finally.

On motion of Mr. HARRIS, House bill, No. 892, "An Act relating to the collection of taxes on unseated lands in the borough of New Brighton, Beaver county."

On motion of Mr. KELLER, House bill, No. 1112, "Supplement to an act to incorporate the

No. 714, "An Act to amend the act of April 16, 1858, relative to tax on meadow land in the 24th ward of the city of Philadelphia." Adjourned.

#### HOUSE.—AFTERNOON SESSION.

TUESDAY, April 5, 1859.

The House met again at three o'clock.

SPEAKER is the chair.

Mr. PUGHE, on leave given, from the Committee on Mines and Minerals, reported, with amendment, "An Act to incorporate the Harmony anthracite coal company."

On motion of Mr. GOEPP, the same was ordered to be placed on to-day's calendar.

Mr. KETCHUM obtained the unanimous consent of the House, to strike from Senate bill No. 510, "A supplement to the act to incorporate the Plymouth canal company," House amendment inserted yesterday.

On motion of Mr. THORN, the standing committees of the House obtained leave to make reports.

#### REPORTS OF COMMITTEES.

Mr. LAWRENCE, (Washington,) (Ways and Means,) with a negative recommendation, "An Act repealing so much of the act of 29th April, 1844, as allows the State Treasurer to abate five per cent., &c."

Mr. CHASE, (same,) with a negative recommendation, "An Act to authorize the State Treasurer to refund to Samuel Baird certain money."

Mr. NILL, (Judiciary,) as committed, Senate bill No. 736, "An Act to legitimate Margaret Haas," which, on his motion, was taken up and passed finally.

Senate amendments to a number of House bills were read and concurred in.

Mr. CHASE moved that if the Private Calendar be not disposed of to day, it be made the special order for to-morrow morning, and that a session be held in the afternoon if the Calendar still remain unfinished.

Mr. HAMERSLY moved, and the House resolved to hold a session this evening, commencing at seven and a half o'clock, for the purpose of considering bills on the Private Calendar.

#### APPROPRIATION BILL.

Mr. CHASE called up Senate amendments to the House appropriation bill.

The House concurred in the Senate amendment to the second section, striking out "inclusive of his compensation as commissioner of the sinking fund."

Senate amendment increasing the salary of the Deputy Secretary of the Commonwealth from fourteen hundred dollars to fifteen hundred dollars, was concurred in.

The amendment of the Senate striking out the words "inclusive of his compensation as commissioner of sinking fund," thus making the salary of the Auditor General two thousand dollars per annum, was concurred in by the House.

The amendment increasing the salary of the Superintendent of Common Schools from fourteen hundred to fifteen hundred dollars, was concurred in.

The Senate further amended the second section so as to allow the State Treasurer additional compensation as commissioner of the sinking fund; which was concurred in by the House.

The clerk hire, in the Auditor General's department, is increased by the Senate from eight thousand one hundred to eight thousand six hundred, and was non-concurred in by the House.

Senate amendment reducing clerk hire in the Surveyor General's department from eight thousand seven hundred to seven thousand six

hundred, was non-concurred in by the House.

Senate amendments to the fifth and ninth sections were read and concurred in.

Senate amendments to the third section were concurred in.

Senate amendment to the tenth section increasing the appropriation for the payment of pensions and gratuities from ten thousand to fifteen thousand dollars, or so much thereof as may be necessary, was non-concurred in.

The amendment in the thirteenth section, increasing the appropriation for the payment of the salaries of the judges of the district court, and the president and assistant law judges of the court of common pleas of Allegheny county, from eight thousand four hundred to ten thousand two hundred dollars, was concurred in.

The amendment to the fourteenth section was concurred in.

The amendment to the eighteenth section, allowing an additional appropriation of \$12,000 for the purpose of removing the walls and extending the building and increasing the number of cells in the Western Penitentiary, was read.

And on the question, Will the House concur?

The yeas and nays were required by Mr. BAYARD and Mr. IRISH, and were as follow, viz:

YEAS—Messrs. Abbott, Bayard, Bryson, Campbell, Dismant, Evans, Fisher, Foster, Galley, Good, Gratz, Hamersly, Harding, Irish, Ketchum, Laird, Matthews, McDowell, Miller, Neall, Patterson, Peirce, Proudfoot, Pughe, Rohrer, Rouse, Shields, Styer, Taylor, Thompson, Thorn, Warden, Whiston, Wilson, Zoller and Lawrence, *Speaker*--36.

NAYS—Messrs. Acker, Balliet, Barnsley, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Chase, Church, Custer, Dodds, Durboraw, Eckman, Ellmaker, Fleming, Glatz, Graham, Green, Gritman, Hill, Hottentstine, Jackson, Keneagy, Kinney, Lawrence, (Washington,) Mehaffey, M'Carthy, Nill, Oaks, Palm, Price, Quigley, Ramsdell, Shafer, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Wagenseller, Walborn, Walker, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Withrow and Woodring--51.

So the question was determined in the negative.

Senate amendments, allowing \$12,895 for the payment of the salaries of officers of the Eastern Penitentiary, and \$2,423 for necessary repairs, were read.

And on the question, Will the House concur?

The yeas and nays were required by Mr. HAMERSLY and Mr. WALBORN, and were as follow, viz:

YEAS—Messrs. Abbott, Church, Evans, Fisher, Foster, Good, Gratz, Hamersly, Harding, Irish, McDowell, Miller, Neall, Quigley, Styer and Wiley--16.

NAYS—Messrs. Acker, Balliet, Barnsley, Barlow, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Barley, Campbell, Chase, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Fleming, Galley, Glatz, Graham, Green, Gritman, Hill, Hottentstine, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mehaffey, M'Curdy, Nill, Oaks, Palm, Patterson, Peirce, Pinkerton, Price, Proudfoot, Ramsdell, Rohrer, Rose, Rouse, Shafer, Shields, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thompson, Thorn, Wagenseller, Walborn, Walker, Warden, Witman, Wigton, Wilcox, Williams, (Bedford,) Williams, (Bucks,) and



Wilson, Withrow, Woodring, Zoller and Lawrence, *Speaker*—68.

So the question was determined in the negative.

The House non-concurred in the Senate amendment, requiring the Western Pennsylvania hospital to give bonds in the sum of \$20,000 for the purpose of erecting suitable buildings.

The Senate amendment to section twenty-three, striking out House proviso, requiring repair account of lunatic hospital to be audited, was concurred in.

Senate amendment to twenty-sixth section, striking out clause appropriating \$25,000 for completion of training school buildings, and inserting clause giving \$12,500, providing that a similar amount be raised by private contribution, was non-concurred in by the House.

Senate amendment requiring account of the publisher of the *Record* to be certified by the Superintendent of Public Printing, instead of the Committee on Public Printing of both Houses, was concurred in.

Senate amendments to the thirty-third section were concurred in.

Mr. FOSTER moved to amend the Senate amendment, by adding to the end thereof the following:

And for protecting the public buildings from destruction by fire, the sum of fifteen hundred dollars; which was agreed to.

And the Senate amendments as amended were agreed to.

Senate amendment to the thirty-fourth section, reducing the compensation to be allowed committee appointed to try the contested election case, from six hundred and seventy-five dollars to two hundred and seventy-five dollars, was read.

And pending the consideration of the same, the hour of five having arrived, the SPEAKER adjourned the House until this evening at seven and a half o'clock.

#### HOUSE.—EVENING SESSION.

The House re-assembled at 7½ o'clock.

#### APPROPRIATION BILL.

The House resumed the consideration of Senate bill No. 840, "An Act to provide for the ordinary expenses of government, &c."

The question being,

Will the House concur in the Senate amendment to reduce the allowance for the payment of the expenses of the contested election case committee of the Third Representative district, Philadelphia, from \$675 to \$275?

Mr. ROHRER said that \$1,000 was saved to the State by the committee going to Philadelphia. He had prepared at one time accurate and detailed statements showing this. It was not as a matter of pleasure that the committee had visited Philadelphia, but in the fulfilment of an earnest duty.

Mr. HAMERSLY thought that as the committee had thus gone they should be properly paid.

Mr. THORN said that the committee of nine, who went twice to Philadelphia, now demanded \$75 for each member. This was no more than reasonable and just. He hoped that the House would at once refuse to non-concur in the Senate amendment.

Mr. FOSTER offered the following amendment as a substitute:

For the payment of the expenses of the committee selected to try the contested election case from the Third Representative district, Philadelphia, incurred by two sessions held in said city for the purpose of taking testimony, with the permission of the House of Representatives, \$750, \$75 of which shall be paid to each member of said committee, and \$75 to Charles S. Pealo and Elisha McCarty for the use of rooms

at the Pelletier House, for the sessions of said committee; which was agreed to.

Senate amendment to the thirty-fifth section, by reducing the compensation of Jno. A. Smull to that received by a Transcribing Clerk; which was non-concurred in by the House.

Senate amendments to the thirty-seventh section, by striking out the extra compensation of \$100 each to Messrs. Morgan, Kimmel, Gardy, Williams, McDowell and Reese; which was non-concurred in.

Senate amendments to the thirty-eighth section relative to Lucius Rogers, by striking out the entire section; which was non-concurred in.

Senate amendments to the fortieth section, by adding the claim of J. D. Hamilton for balance due him on settlement, amounting to \$14; which was concurred in.

Senate amendment to the forty-third section, by allowing Wm. H. Miller, Clerk of the Senate, \$125 extra compensation for indexing; which was concurred in.

Senate amendments to the forty-fifth section, by striking out extra compensation of \$150 to Chief Clerks; \$100 to Assistants, and other Clerks \$100; and to Sergeants, Messenger, Doorkeeper, Postmaster and Assistants, \$75 each, and inserting \$100 as additional compensation to each officer, with a proviso allowing officers a per diem salary for remaining after the session.

On the question,

Will the House concur?

It was determined in the negative.

The following new sections, inserted by the Senate, were read and non-concurred in by the House:

SEC. 47. To William P. Brady, the sum of one hundred dollars for filing the *Legislative Record*, and for services after the expiration of the session; and the pay of said Brady, as an officer of the Senate, shall be the same as that of a Transcribing Clerk, which shall be duly allowed, settled and paid.

SEC. 49. For transcribing for railroad committee in Senate, to be paid on the order of the chairman, twenty five dollars.

SEC. 50. That the State Treasurer is hereby authorized to pay to David S. Spear, as an officer of the Senate, the same compensation hereby allowed to the Assistant Messenger of the Senate.

The following new sections, inserted by the Senate, were read and concurred in by the House:

SEC. 52. That the clerks appointed according to the seventeenth section of the act approved May seventh, one thousand eight hundred and fifty-five, shall be allowed the same rate of mileage as other officers of the Legislature, and at the same rate of compensation as is now allowed to the Transcribing Clerks by said act, in proportion to the time they shall serve as such.

SEC. 53. That the Auditor General shall not allow any account presented for settlement by any of the officers of the several institutions named herein, and to which appropriations have been made, unless the same shall be attested by the oath of the superintendent, or other principal officer, that the same is correct, and was expended for the items set out in the bill, and that the same was contracted for on the most favorable terms.

SEC. 48. That there is hereby appropriated one hundred and fifty dollars to be expended by the Clerk of the Senate in the purchase of fifteen thousand of Gavit's electrotypo envelopes, and the stamp for the use of the Senate; and the sum of four hundred and fifty dollars for a similar purpose for the House.

SEC. 53. For the payment of the balance due Jacob Ziegler, late Clerk of the House of Representatives, twelve hundred and two dollars and thirty-six cents, as ascertained by the Auditor General on settlement.

SEC. 54. That the State Treasurer is hereby

authorized to pay each of the women employed in the service of the two Houses during the present session of the Legislature, the sum of ten dollars for services rendered.

SEC. 58. For the pay of Charles Weitzel, for attending fires, carrying wood, attending the Senate chamber at night, and other miscellaneous services, one hundred dollars; and that a like sum be appropriated to pay Wm. Hutman, for like services in the House.

The Senate amend, by adding the following new section:

SEC. 57. That a sum, not exceeding one dollar for each board of directors and controllers in the State, be and the same is hereby appropriated to enable the Superintendent of Common Schools to carry out the requirements of the ninth section of the "Supplement to the general school law," approved the 8th day of May, 1855."

On the question,

Will the House concur?

The yeas and nays were required by Mr. BARNESLEY and Mr. STEPHENS, and were as follow, viz:

YEAS—Messrs. Abbott, Barlow, Burley, Campbell, Chase, Church, Eckman, Ellmaker, Evans, Fisher, Foster, Galley, Goepf, Good, Graham, Gratz, Green, Hamersly, Irish, Ketchum, Kinney, Laird, Lawrence, (Washington) Matthews, Palm, Proudfoot, Pughe, Quigley, Rouse, Shafer, Shields, Smead, Styer, Walborn, Warden, Wiley and Lawrence, *Speaker*—38.

NAYS—Messrs. Acker, Barnesley, Bayard, Bertolet, Boyer, (Clearfield) Boyer, (Schuylkill,) Bryson, Custer, Dodds, Glatz, Gray, Hottentstine, M'Dowell, Miller, Nill, Oaks, Patterson, Peirce, Pinkerton, Ramsdell, Rose, Smith, (Berks,) Stephens, Stoneback, Thorn, Wagen-seller, Walker, Witman, Williams (Bedford,) Williams, (Bucks,) Wilson and Withrow—32.

So the question was determined in the affirmative.

The Senate adds the following new section:

SEC. 56. That the sum of one thousand dollars be appropriated to the "Mount Vernon ladies association of the Union," to be expended for the purposes declared in the charter and constitution of the said association, and the State Treasurer is hereby authorized to pay the same to the Vice Regent of the said association for Pennsylvania.

On the question,

Will the House concur?

The yeas and nays were required by Mr. GRATZ and Mr. WILLIAMS, (Bucks,) and were as follow, viz:

YEAS—Messrs. Abbott, Bayard, Boyer, (Clearfield,) Chase, Church, Ellmaker, Evans, Fisher, Galley, Good, Gratz, Gray, Green, Hamersly, Harding, Kinney, Laird, Matthews, M'Dowell, Neall, Palm, Quigley, Shafer, Shields, Styer, Thorn, Walborn, Warden, Wiley and Lawrence, *Speaker*—30.

NAYS—Messrs. Acker, Barnesley, Barlow, Bertolet, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Custer, Dismant, Dodds, Durhoraw, Eckman, Fleming, Foster, Glatz, Goepf, Graham, Gritman, Hill, Hottentstine, Irish, Jackson, Kenegy, Ketchum, Lawrence, (Washington,) Mehafeey, M'Curdy, Miller, Nill, Oaks, Patterson, Peirce, Pinkerton, Proudfoot, Pughe, Ramsdell, Rohrer, Rouse, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Wagen-seller, Walker, Witman, Wigton, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow and Woodring—54.

So the question was determined in the negative.

Mr. CHURCH, on leave given, read in his place and presented to the Chair, "An Act to incorporate the Warren hose company of Philadelphia;" which, on his motion, was taken up and passed.

On motion of Mr. WILLISTON, the House



proceeded to the consideration of the bill to incorporate the Fall Brook coal company, returned to the House with the objections of the Governor.

Mr. WILLISTON hoped the bill would pass notwithstanding the objections of the Governor. The bill was calculated to confer the best advantages upon the citizens of the county, and involved only a local question.

Mr. GOEPP wished to understand one point, viz: whether the bill made the proprietors and incorporators individually liable for debts due to workmen.

Mr. WILLISTON replied that such was the case.

Mr. GOEPP said that in such an event, he should vote for the passage of the bill over the veto. He further advocated the bill.

Mr. NILL concurred with this view. While desiring at all times to pay a proper respect to the opinions of the Governor, he felt impelled by duty to favor this bill.

Mr. GRITMAN hoped that the House would not stultify themselves by voting for this bill, on the mere supposition that others of a similar character were to be presented.

Mr. SMITH, (Berks,) favored the bill, and said that the veto of the Governor was not based on the ground that the act was unconstitutional or the result of hasty legislation. In sending the veto, he had merely submitted an opinion.

He concurred with the views of Messrs. GOEPP and WILLISTON.

Mr. GOEPP defended the bill, and reiterated his assertion that it deserved support.

On the question,

Shall the bill become a law, notwithstanding the objections of the Governor?

In obedience with the Constitution the yeas and nays were taken as follow, viz:

YEAS—Messrs. Abbott, Barlow, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Church, Dodds, Durboraw, Eckman, Ellmaker, Fisher, Goepf, Good, Graham, Gratz, Gray, Green, Harding, Irish, Jackson, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mehaffey, Matthews, M'Curdy, M'Dowell, Miller, Neall, Nill, Oaks, Palm, Patterson, Pinkerton, Price, Proudfoot, Pughe, Quigley, Ramsdell, Rohrer, Rose, Rouse, Shafer, Shields, Smead, Smith, (Berks,) Taylor, Thorn, Walborn, Walker, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Withrow, Woodring and Lawrence, *Speaker*—65.

NAYS—Messrs. Bertolct, Custer, Foster, Galley, Gritman, Hamersly, Hill, Hottenstine, Laird, Peirce, Stephens, Stoneback and Warden—13.

So the question was determined in the affirmative.

And the bill passed, a constitutional majority having voted in the affirmative.

Mr. THORN, on leave given, read in his place and presented to the Chair, "An Act to establish a house of correction and employment in the city of Philadelphia;" and on his motion, the House took up and passed said bill finally.

On motion of Mr. LAWRENCE, of Washington, the House considered Senate bill No. 908, "An Act relative to the collection of militia taxes in Washington county;" which was passed finally.

Mr. GRITMAN presented the bill, on the part of the respondent, in the contested election case from the Third Representative district of the city of Philadelphia, for witness fees, accompanied with a resolution that the SPEAKER of the House draw his warrant upon the treasurer of said city for the amount therein set forth; which was agreed to.

Mr. BARNSELY moved that the House proceed to the consideration of the motion to reconsider the vote had on the final passage of

the bill, entitled "An Act to prevent the defacing of bank notes;" which was not agreed to.

Mr. HAMERSLY, on leave given, read in his place and presented to the chair, "An Act to incorporate the Manayunk and Roxboro gas company;" which, on his motion, was ordered to be placed on last Tuesday's Private Calendar.

Mr. MILLER, on leave given, reported as committed, the following bills from the Committee on Corporations:

"An Act to incorporate the Farmers' and Citizens' hay and straw company of the city of Philadelphia."

"An Act to incorporate the Western library association of Philadelphia;" and on his motion, the same were ordered to be placed on last Tuesday's Calendar.

Mr. DURBORAW introduced "An Act to incorporate the New Oxford, Abbottstown and York railroad company."

Ordered to be placed on last Tuesday's Calendar of Private Bills.

Mr. STYER, "An Act to incorporate the Washington Monument association of the first school district of Pennsylvania;" which was taken up and passed finally by the House.

Mr. FISHER, from the Committee on Corporations, reported the following bills favorably:

"An Act to incorporate the Cochransville Hall association."

"An Act to authorize the Butler House hotel company to change their corporate name."

"An Act supplementary to an act to incorporate the Locust Gap improvement company;" which, on motion of Mr. HARDING, was ordered to be placed on last Tuesday's Private Calendar.

Also, "An Act to incorporate the Schuylkill Hose company of Philadelphia;" which was considered, and passed the House finally.

On motion of Mr. BURLLEY, the House considered, and passed finally, bill No. 1265, "An Act to authorize the Tyrone and Clearfield railroad company to borrow money."

Mr. CHASE, from the committee of conference, to which was referred the subject of the differences between the two Houses, on House bill No. 373, "Resolution relative to the pay of Lucius Rogers for services rendered as clerk to the committee appointed to try the contested election case of the Third Representative district, Philadelphia," made report; which was read and adopted, viz: that the House recede from its non-concurrence to the Senate amendment to said resolution.

Mr. WARDEN, on leave given, introduced a bill, entitled "Supplement to an act to incorporate the trustees of the Associate Reformed congregation of Brush Creek, Westmoreland county;" which was considered, and passed the House finally.

Mr. PROUDFOOT, "An Act to empower the Attorney General to examine certain claims in Cambria and Blair counties."

Ordered to be placed at the foot of the Calendar new before the House.

On motion of Mr. FOSTER, Senate bill No. 541, was ordered to be placed on same Calendar.

Mr. WALBORN moved that the Committee on Railroads be discharged from the further consideration of the act, entitled "A supplement to an act to incorporate the North Branch railroad company;" and that the House proceed to the consideration of the bill; which was agreed to.

The bill was read the second time.

When, on motion of Mr. GRATZ, the further consideration of the same was postponed for the present.

Mr. BOKMAN, on leave given, introduced "An Act, entitled 'A further supplement to the act erecting the town of Lebanon, county of Lebanon, into a borough, approved Feb. 20,

1821;" and, on his motion, the same was taken up, and passed the House finally.

Mr. BERTOLET, from the Committee on Agriculture, reported as committed, "An Act to prevent fishing with nets and seines in Augwick creek, Huntingdon county."

And presented "An Act more effectually to encourage the destruction of crows;" which, on his motion, was ordered to be placed on last Tuesday's Private Calendar.

Mr. KENEAGY called up House bill No. 1033, "An Act to incorporate the Lampeter and Bridgeport turnpike road company," which passed the House finally.

Mr. KETCHUM, from the Committee on Railroads, reported, with amendment, "A further supplement to the act incorporating the Susquehanna railroad company;" which, on his motion, was considered and passed finally by the House.

Mr. GOEPP called up House bill No. 245, "An Act limiting actions against real estate;" which passed the House finally. (Mr. NEALL in the chair.)

Mr. PEIRCE called up House bill No. 1288, "An Act to incorporate the Downingtown, Brandywine and Pequa railroad company;" which was considered and passed the House finally.

Mr. WILLIAMS, (Bedford,) moved that the House proceed to the consideration of Senate bill No. 538, "An Act for the relief of Liberty Township school district, Bedford county;" which was read the second time and agreed to.

Mr. WALBORN moved that the further consideration of the bill be postponed indefinitely; not agreed to.

On the question,

Will the House suspend the rule, and read the bill the third time by its title?

The yeas and nays were required by Mr. PUGHE and Mr. HILL, and were as follow, viz:

YEAS—Messrs. Abbott, Bertolct, Burley, Chase, Church, Custer, Dismant, Eckman, Galley, Graham, Gratz, Gray, Hamersly, Harding, Hottenstine, Keneagy, Laird, Lawrence, (Washington,) Matthews, M'Dowell, Neall, Quigley, Stuart, Taylor, Thompson, Wagenseller, Walker, Witman, Wigton, Williams, (Bedford,) Williston, Wilson, Withrow and Lawrence, *Speaker*—34.

NAYS—Messrs. Acker, Foster, Goepf, Hill, Irish, Patterson, Peirce, Pughe, Shafer, Styer, Thorn, Walborn and Warden—13.

A quorum of members not having voted,

The SPEAKER ordered the Sergeant-at-Arms to close the Bar of the House, and directed the Clerk to call the roll of members.

The following gentlemen answered to their names, viz:

Messrs. Abbott, Acker, Barnsley, Bertolct, Burley, Chase, Church, Custer, Dismant, Eckman, Foster, Galley, Goepf, Graham, Gratz, Hamersly, Harding, Hill, Hottenstine, Irish, Keneagy, Ketchum, Lawrence, (Washington,) Matthews, M'Dowell, Neall, Patterson, Peirce, Pughe, Quigley, Shafer, Sheppard, Smith, (Berks,) Stuart, Styer, Taylor, Thompson, Thorn, Wagenseller, Walborn, Walker, Warden, Witman, Wigton, Williams, (Bedford,) Williston, Wilson, Withrow, Zoller, Lawrence, *Speaker*—50.

It having been ascertained that there was not a quorum of members present,

A motion was made by Mr. THORN that the House do now adjourn, which was agreed to.

Whereupon the SPEAKER adjourned the House until to-morrow morning at 9½ o'clock.

SENATE.

WEDNESDAY, April 6, 1859.

The Senate was called to order at the usual hour.

The SPEAKER in the Chair.

Prayer by Rev. Dr. Bronson, of Washington, Pa.



The Journal was partly read, and the further reading dispensed with.

## REPORTS OF COMMITTEES.

Mr. MILLER, from the Committee on Estates and Escheats, reported, as committed, House bill No. 1055, "An Act annexing the buildings of Wm. Gratton, to Greene township, Juniata county."

Also, as committed, House bill No. 997, "An Act to reduce the number of aldermen in the Twenty-fourth ward of the city of Philadelphia."

Also, (same,) as committed, "An Act relating to the election of overseers of the poor in the borough of Blairsville, Indiana county."

Mr. BELL, (Judiciary,) as committed, bill, entitled "An Act to authorize the courts to direct a change of venue in certain cases."

Also, (same,) as committed, "An Act to authorize the arrest of defendants in certain cases."

Also, (same,) with a negative recommendation, "A further supplement to an act consolidating the city of Philadelphia."

Also, (same,) as committed, "An Act reducing the number of common councilmen in the city of Philadelphia."

Also, (same,) as committed, "An Act to establish a house of correction and employment in the city of Philadelphia."

Also, as committed, "An Act to confer on Joseph B. Churchfield, of Somerset county, all the rights and privileges of a child born in lawful wedlock."

Also, "An Act regarding the sales of canal and railroads on mortgage."

Mr. BREWER, (same,) as committed, House bill No. 33, entitled "An Act to authorize the judges of the several courts of common pleas of the Commonwealth to reserve points of law and order judgments in non-suit."

Also, as committed, House bill No. 1132, "An Act to provide for the taking of testimony in the contested election cases of members of the General Assembly."

Also, with a negative recommendation, "An Act to revise the penal code of Pennsylvania."

Also, as committed, "An Act relating to the election of officers of the Wyoming canal company."

Mr. FINNEY, (same,) as committed, House bill No. 221, "An Act for the registration of births, marriages and deaths in the city of Philadelphia."

Also, as committed, "A further supplement to an act relating to the burial ground and school lot in the borough of Pottsville."

Also, as committed, "A further supplement to the act to authorize the faculty of the Pennsylvania college to confer the degree of Doctor of Medicine, passed 6th March, 1840."

Also, with a negative recommendation, "An Act to increase the number of aldermen in the Eleventh ward of the city of Philadelphia."

Also, with a negative recommendation, "An Act to abolish the office of sealer of weights and measures in the counties of Washington, Cumberland and Fayette."

Also, with a negative recommendation, "An Act to regulate the standard weight of powder in kegs."

Mr. MILLER, (Judiciary) as committed, a further supplement to an act, entitled "An Act to facilitate the passage of the coal and coke boats of the Monongahela navigation company, &c."

Also, as committed, bill entitled, "An Act relative to estates tail."

Mr. SCHILL, (Corporations) as committed, "An Act to incorporate the Perry coal and oil company."

Mr. WRIGHT, (same) as committed, House bill, No. 182, "An Act to confer upon certain associations of this Commonwealth the power

of separate corporations and bodies politic in law."

Also, as committed, "An Act to incorporate the Washington Monument association of the first school district of Philadelphia."

Mr. STEELE, (same) as committed, "An Act to incorporate the Delaware Avenue market company of the city of Philadelphia."

Mr. GAZZAM, (same) as committed, "An Act to incorporate the Union association and reading room of western Pennsylvania."

Also, with amendments, House bill, No. 684, "An Act to incorporate the steam engine and steam boiler manufacturing company of Philadelphia."

Mr. MARSELIS, (same) as committed, House bill, No. 812, "A supplement to an act to incorporate the West Philadelphia mutual savings fund and trust company."

Mr. CRAIG, (railroads) as committed, "A further supplement to the act incorporating the Schuylkill railroad company."

Also, House bill, No. 973, as committed "A supplement to an act for the relief of the West Chester railroad company."

Also, with amendments, House bill No. 1285, "A supplement to an act incorporating the Philadelphia and New Hope railroad company."

Mr. COFFEY, (same,) as committed, "An Act incorporating the Catawissa, Williamsport and Elmira railroad company."

Also, House bill No. 1304, "An Act authorizing the Chester Valley and other railroad companies to lease their roads to other companies."

Mr. STEELE, (same,) with a negative recommendation, House bill No. 902, "An Act to regulate the working hours of employees of the city passenger railways."

Also, (same,) with a negative recommendation, House bill No. 504, "An Act to provide for the fencing of a part of the Cleveland and Pittsburgh railroad, in the county of Butler."

Also, (same,) with a negative recommendation, House bill No. 679, "An Act to provide for the fencing of railroads in Bradford county."

Also, (same,) House bill No. 1277, "A supplement to an act to incorporate the Erie railroad company."

Mr. FINNEY, (Railroads,) as committed, "An Act supplementary to an act to incorporate the Union railroad company."

Also, (same,) with a negative recommendation, a bill, entitled "An Act to regulate the charges of railroad companies."

Mr. FETTER, (Agriculture and Domestic Manufactures,) as committed, "An Act to prohibit the importation of fish into Philadelphia at improper seasons."

Mr. NUNEMACHER, (same,) House bill No. 1087, "An Act to lay out a State road in the counties of Armstrong and Clarion."

Also, (same,) House bill No. 1814, "An Act in regard to the road taxes in Tioga county."

Mr. FETTER, (same) House bill No. 1220, as committed, "An Act relative to supervisors in New London and East Marlborough townships, Chester county."

Also, (same,) as committed, House bill No. 1091, "An Act to incorporate the Peach Bottom and Maryland turnpike road company."

Also, (same,) as committed, House bill No. 1059, "An Act to incorporate the Jacksonville and Virginia State Line clay or turnpike road company."

Mr. RUTHERFORD, (same,) House bill No. 1070, as committed, "A supplement to an act incorporating the Lehigh and Delaware plank road company."

Also, (same,) as committed, "An Act in relation to the Towanda bridge and plank railroad company."

Mr. BALDWIN, (same,) House bill No.

1080, as committed, "An Act declaring the Portage branch of the Sinnemahoning creek a public highway."

Also, (same,) as committed, bill, entitled "An Act to incorporate the Lampetre turnpike road company."

Mr. STEELE, (Private Claims and Damages,) as committed, House bill No. 755, "An Act for the relief of John S. Miller."

## BILLS IN PLACE.

Mr. RANDALL read in his place and presented to the Chair, bill, entitled "A supplement to an act regulating the mode of selecting and drawing jurors in the city of Philadelphia."

The SPEAKER laid before the Senate a communication from the House, informing them that the bill, "An Act to incorporate the Fallbrook coal company," which had been returned by the Executive with objections, had been passed by that body by a constitutional majority. The bill was postponed for the present.

On motion of Mr. MYER, the Senate proceeded to the reconsideration of the vote upon House bill No. 617, "An Act to provide for the assessment and recovery of damages on the North Branch and Wyoming canals." The bill, as amended, passed finally.

The SPEAKER laid before the Senate a communication from the State Treasurer, which, upon motion, was ordered to be published in the *Daily Record*. It is as follows:

## TREASURY DEPARTMENT,

Harrisburg, April 6, 1859.

Hon. JOHN CRESSWELL, Jr.,

Speaker of the Senate:

SIR: I herewith communicate to the General Assembly the names of such public officers as appeared upon the books of this Department on the first day of February last, to be in arrears to the Commonwealth, with the sum due by each.

Very respectfully, &c.,

H. S. MAGRAW,

State Treasurer.

STATEMENT showing the balance due the Commonwealth from various public officers, as appears from the books in the State Treasury office on the 1st of February, 1859; prepared and reported to the Legislature in compliance with the eighteenth section of the act of 16th April, 1845:

Andrews, Robert, former clerk orphans' court, Philadelphia, \$231 60.

Adams, Samuel P., former brigade inspector, third brigade, sixteenth division, Pennsylvania militia, \$226 39.

Aurand, Peter, former deputy marshal of Pennsylvania, \$309 74.

Andrews, William J. B., former clerk House of Representatives, \$2,900 00.

Ash, Penrose, former treasurer Philadelphia county; \$16,536 23.

Adams, John, former prothonotary Berks county; \$8 49.

Aurand, Samuel, former register Union county, \$178 70.

Arnold, Henry J., former treasurer Armstrong county, \$1,408 60.

Agnew, John, former treasurer Cambria county, \$181 50.

Ahl, Peter, Jr., former treasurer York county, \$766 74.

Achenbach, Geo. A., late collector at Dumasburg, \$1,175 61.

Burke, James, former auctioneer, \$10 59.

Beil, T. & F., former auctioneers, \$81 81.

Beeson, Jesse, former treasurer Fayette county, \$293 83.

Bull, David M., former treasurer Bradford county, \$116 13.

Bahn, Jacob, former brigade inspector, second brigade eleventh division Pennsylvania militia, \$17 00.

Bowles, David M., former brigade inspector



second brigade, eleventh division Pennsylvania militia, \$779 86.

Beau, Thomas W., former brigade inspector third brigade sixteenth division Pennsylvania militia, \$27 11.

Boon, Joseph, former prothonotary Clearfield county, \$194 10.

Bright, Edward Y., former prothonotary Northumberland county, \$1 62.

Blinn, E. L., former prothonotary Washington county, \$55 24.

Branden, W. W., former register and recorder Butler county, \$76 62.

Buckwalter, Henry, former register Chester county, \$12 98.

Bretz, Jacob, former register Cumberland county, \$4 97.

Brenneman, David, former collector Leechburg, \$15 21.

Baker, Perry, deceased, former collector Pittsburgh, \$1,199 63.

Brown, John S., former treasurer Erie county, \$11 46.

Brady, Evans R., former treasurer Jefferson county, \$394 95.

Beidler, Henry, former treasurer Chester county, \$101 36.

Bedford, Richard, former treasurer Sullivan county, \$733 77.

Black, Horatio, former register and recorder Bradford county, \$390 05.

Bennet, Alfred, former prothonotary Sullivan county, \$1 20.

Brown, Wm. H., former prothonotary Carbon county, \$173 97.

Boggs, John H., former prothonotary Clarion county, \$287 17.

Barhour, Wm. C., former register and recorder Cambria county, \$896 05.

Rogers, Wm. F., deceased, former superintendent upper western division Pennsylvania canal, \$135 03.

Bryden, James, late superintendent Allegheny Portage railroad, \$487 00.

Birch, Thomas, late auctioneer, Philadelphia, \$60 57.

Beard, James, late prothonotary Northumberland county, \$127 27.

Baum, J. M., late collector at Liverpool, \$592 41.

Beman, C. E., late register Clarion county, \$665 07.

Blanchard, Oliver H., late treasurer Tioga county, \$20 15.

Bowman, Joseph, late prothonotary Lancaster county, \$187 83.

Bradman, William, late treasurer Fayette county, \$499 91.

Baker, Robert, late treasurer Lycoming county, \$117 98.

Boal, Geo. F., late prothonotary Lycoming county, \$24 34.

Burnett, Charlton, late treasurer Monroe county, \$1,679 09.

Brodhead, John H., late collector at the junction, \$717 66.

Conrad, John, former clerk sessions Philadelphia, \$36 55.

Comly, Samuel, former auctioneer Philadelphia, \$2 24.

Clark, Moses J., former superintendent Susquehanna division Pennsylvania canal, \$1,166 56.

Clark, Jesse G., former treasurer Jefferson county, \$109 85.

Crew, David, former treasurer M'Kean county, \$53 45.

Chatham, John F., former treasurer Clinton county, \$236 26.

Corwin, C. B., former treasurer M'Kean county, \$6 18.

Cummings, Joseph, former treasurer Juniata county, \$254 06.

Christ, Benjamin, former treasurer Schuylkill county, \$1,137 37.

Clark, Nelson, former treasurer Potter county, \$88 41.

Cross, Anderson G., former treasurer Greene county, \$315 36.

Carskadden, David, former treasurer Clinton county, \$63 83.

Cooper, Wm., former treasurer Fulton county, \$733 59.

Carver, Joseph, former register Bucks county, \$181 72.

Clark, T. M., deceased, former register and recorder Mercer county, \$32 03.

Cunningham, Jeremiah, former prothonotary Blair county, \$108 40.

Carpenter, Charles, former prothonotary Centre county, \$168 01.

Crever, James, former register and recorder Cumberland county, \$314 97.

Cohen, J. Simon, former prothonotary supreme court eastern district, \$1,430 49.

Clawson, Peter, deceased, former collector at Freeport, \$256 20.

Closson, Geo. W., former superintendent Delaware division Pennsylvania canal, \$2 96.

Calohan, Wm. S., late superintendent Allegheny Portage railroad, \$5,719 05.

Coon, Wm. R., late treasurer Forest county, \$1,271 25.

Campbell, H., late treasurer Allegheny city, \$8,422 08.

Childs, Hiram A., late prothonotary, &c, Montour county, \$8 22.

Collins, John, late register Fayette county, \$30.

Dallas, Alex. J., former United States paymaster Pennsylvania troops, \$8,009 10.

Duchman, John H., former treasurer Lancaster county, \$2 44.

Dimock, Samuel, former treasurer Pike county, \$898 62.

Drake, Stephen, former treasurer Pike county, \$205 25.

Downing, Bateman, former treasurer Luzerne county, \$185 47.

Deitish, A. J., former treasurer Sullivan county, \$597 57.

Doak, John, former treasurer Columbia county, \$3 98.

Dupuy, Samuel, former recorder Pike county, \$6.

Drissell, David, former register and recorder Bucks county, \$39 02.

DeWolf, Lyman E., former register and recorder Bradford county, \$133 85.

Doans, Elijah, former collector at Northumberland, \$1,379 64.

Dusenberry, Caleb, former collector at Easton, \$87 60.

Davis, Enoch, former collector at Paoli, \$158 67.

Darrah, John S., former collector at Beaver, \$17 69.

Douglass, A. A., former collector at Hollidaysburg, \$815 32.

Donaldson, John F., former prothonotary, &c., Tioga county, \$4,127 38.

Dreher, M. H., former prothonotary Monroe county, \$49 94.

Deis, Joseph B., late collector at Dunnsburg, \$890 63.

Darrah and Mellon, attorneys of the Commonwealth, \$438 65.

Diller, John, late treasurer Lebanon county, \$6 65.

De Wolf, Isaac S. P., late register Butler county, \$1,014 66.

Enix, Joseph, former brigade inspector, second brigade, thirteenth division, Pennsylvania militia, \$252 11.

Edmiston, Samuel, dec'd., former treasurer Mifflin county, \$304 02.

Edken, George, former treasurer Sullivan county, \$442 15.

Ennis, Alexander, former collector at Hollidaysburg, \$4,401 62.

Erwin, Ellis, former prothonotary Clearfield county, \$17 40.

Eldred, James E., former prothonotary, &c., Pike county, \$1,011 20.

Ellis, Harry, late treasurer Potter county, \$1,014 85.

Eldred, Richard & E. B., attorneys of the Commonwealth, \$1,111 49.

Elliott, Wm., late prothonotary Venango county, \$103 72.

Elliott, H. B., late prothonotary Washington county, \$94 99.

Esenbise, Daniel, late superintendent Lower Juniata division Pennsylvania canal, \$425 79.

Eilmaker, Peter C., notary public Philadelphia, \$3,941 40.

Filson, John, former brigade inspector second brigade, third division, Pennsylvania militia, \$196 12.

Fleming, James, former brigade inspector second brigade, sixteenth division, Pennsylvania militia, \$388 74.

Femington, Thomas M., former brigade inspector third brigade, first division, Pennsylvania militia, \$172 23.

Fraizer, James, former treasurer Butler county, \$165 63.

Foster, Thomas, Jr., former treasurer Erie county, \$21 78.

Fuller, George, former treasurer Susquehanna county, \$140 13.

Frederick, Joseph K., former prothonotary Lycoming county, \$144 15.

Foulk, Willis, former recorder Cumberland county, \$62 61.

Fritz, Frederick, former collector Philadelphia, \$33,111 00.

Fitzgerald, James, former treasurer Wyoming county, \$275 46.

Fuller, George, former prothonotary Susquehanna county, \$142 98.

Fullwood, David, dec'd., late collector at Johnstown, \$129 87.

Follmer, John S., late collector at Beach Haven, \$274 78.

Forbes, Preceptor, late treasurer Bradford county, \$3,006 04.

Findley, David W., late prothonotary Mercer county, \$5 75.

Goll, B. G., former brigade inspector first brigade, sixteenth division, Pennsylvania militia, \$1,107 00.

Gray, James, former brigade inspector second brigade, seventeenth division, Pennsylvania militia, \$142 96.

Gebhart, John, former secretary land office, \$2 00.

Gibson, Moses, former treasurer Bucks county, \$16 21.

Gilldand, James, former treasurer Centre county, \$2,182 35.

Garlen, George, former treasurer Franklin county, \$988 37.

Gibson, W. W., former prothonotary Armstrong county, \$134 87.

Gibbons, James, former prothonotary Mifflin county, \$407 47.

Gangaware, A., former register and recorder Lehigh county, \$427 46.

Glesson, Jacob, former register York county, \$62 10.

Good, Tilghman, former recorder Lehigh county, \$16 79.

Galbraith, John, former attorney for Commonwealth, \$18 47.

Goff, J. W., former sheriff Luzerne county, \$480 06.

Griffin, James, former treasurer Venango county, \$305 39.

Goodman, A. T., late auctioneer Philadelphia, \$14 71.

Gallagher, John, State superintendent lower west division Pennsylvania canal, \$1 505 93.

Gillespie, D. C., late register and recorder of Jefferson county, \$436 80.



Hutchinson, Randall, former prothonotary district court, Philadelphia, \$796 42.

Hartz, Jacob, former brigade inspector 2d brigade, 7th division Penn'a militia, \$49 24.

Honell, Thomas, former brigade inspector 1st brigade, 10th division, Penn'a militia, \$1 254 88.

Herr, Daniel, former brigade inspector 2d brigade, 4th division, Penn'a militia, \$323 53.

Hamel, Samuel R., former attorney for the Commonwealth, \$734 22.

Hough, Joseph, former superintendent Susquehanna division, \$1 971 43.

Hutchinson, Samuel, former treasurer Armstrong county, \$16 21.

Hitchcock, Platt, former treasurer Luzerne county, \$1,051 50.

Harding, Daniel, former treasurer Luzerne county, \$177 68.

Holmes, Abraham, former treasurer Crawford county, \$512 88.

Hall, Dennis, former treasurer Potter county, \$652 33.

Heller, John M., former treasurer Pike co., \$16 41.

Hibbard, Sidney L., former treasurer of Tioga county, \$2,793 27.

Huntzinger, Jacob, former treasurer Schuylkill county [has \$249 Towanda notes dep'd], \$251 30.

Hughes, John, former treasurer Erie county, \$14 04.

Henry, Alexander, former treasurer Armstrong county, \$1,419 08.

Hall, John, former treasurer Washington co., \$92 87.

Harle, David, former treasurer Jefferson co., \$1,022 08.

Hook, John, former prothonotary Greene co., \$88 97.

Haven, Samuel, former prothonotary Potter county, \$269 36.

Hultz, Hiram, former prothonotary Allegheny county, \$4,283 72.

Hoskinson, George, former register and recorder Greene county, \$5 44.

Haus, Jacob, former prothonotary Union co., \$7 58.

Hauly, David, former clerk of the orphans' court Philadelphia, \$315 41.

Hamersly, W. W., former register and recorder Adams county, \$69 76.

Hays, Geo. S., former prothonotary Allegheny county, \$9,906 51.

Helm, Thomas, former register and recorder Philadelphia, \$34 21.

Harvey, Anderson G., former collector at Lewistown, \$1,293 43.

Hunt, J. D., former treasurer Forest county, \$488 23.

Hedge, Absalom, former register and recorder Greene county, \$199 68.

Herrold, Wm. A., former prothonotary Snyder county, \$351 45.

Hacke, Wm. H., former treasurer Westmoreland county, \$347 96.

Hurst, Edward, notary public Philadelphia, \$367 68.

Ingham, Alpheus, former treasurer Bradford county, \$10 00.

Irwin, Andrew, former treasurer Bradford county, \$122 45.

Ives, Benjamin, former prothonotary Potter county, \$94 86.

Irwin, Martin, former register and recorder Northumberland county, \$107 19.

Ingraham, Wm., former collector Allegheny City, \$71 83.

Iunis, Wm., former collector at Easton, \$46,82 43.

Irwin, Robert, late prothonotary, &c., Clinton county, \$2 01.

Johnston, Ovid F., former attorney general of Pennsylvania, \$800 00.

Jayne, Wm. F., former treasurer Luzerne county, \$307 96.

Jordan, Samuel D., former prothonotary Northumberland county, \$25 21.

Johnston, John, former register Northampton county, \$81 54.

Johnston, Thomas, former collector at Blairsville, \$1,430 93.

Johnston, Geo. W., former prothonotary Blair county, \$351 52.

James, Hickman, late register Chester county, \$3 78.

Jackson, Andrew, late register Potter county, \$174 67.

Jamison, G. S., late collector Blairsville, \$64 99.

Kincaid, William, former deputy marshal Pennsylvania, \$39 29.

Kramer, Daniel, former prothonotary Lehigh county, \$9 55.

Kelso, Edwin J., late prothonotary Erie county, \$1 01.

King, Wilson, late prothonotary Erie county, \$108 82.

Kinsey, John, late treasurer Lycoming county, \$378 66.

King, Alfred, late treasurer Erie county, \$365 47.

Knox, George, late treasurer Tioga county, \$471 07.

Kauffman, Benjamin, late clerk orphans' court Lancaster, \$211 35.

Kolp, Levi O., late prothonotary Bucks county, \$19 55.

King, Rufus P., late prothonotary Warren county, \$420 14.

Kelton, Joseph H., late superintendent West Branch division Pennsylvania canal, \$1,430 91.

Keatly, John, late treasurer Clarion county, \$72 60.

Kepner, Samuel K. M., late treasurer Schuylkill county, \$26,990 88.

Kooser, Juris, late treasurer Somerset county, \$180 85.

Kimble, Warren, late treasurer Pike county, \$725 51.

Kearns, James, late treasurer Butler county, \$690 43.

King, Alfred, late prothonotary Erie county, \$878 14.

Kepner, Benjamin F., late treasurer Juniata county, \$267 36.

Kellogg, Ezra C., late treasurer Bradford county, \$977 98.

Ludwig, John, former brigade inspector, first brigade, eighth division, Pennsylvania militia, \$93 84.

Luzerne county, per act 27th January, 1848, \$98 97.

Lowrey, Thomas, former sheriff Montgomery county, \$22 00.

Linderman, John J., late treasurer Pike county, \$584 41.

Laird, Thomas, former treasurer Erie county, \$10 00.

Laub, William, former treasurer Adams county, \$2,513 37.

Lewis, Sharp D., former treasurer Luzerne county, \$2 44.

Longan, Thomas C., former treasurer Lycoming county, \$8 97.

Lupfer, David, former treasurer Perry county, \$103 00.

Levegood, George, former treasurer Tioga county, \$9 53.

Lanius, Benjamin, former prothonotary York county, \$3 39.

Lucas, Thomas, former prothonotary Jefferson county, \$59 77.

Lloyd, Richard L., former recorder Philadelphia county, \$15,917 69.

Leslie, Alexander, former register Chester county, \$37 82.

Loughner, Daniel, former treasurer Clarion county, \$491 53.

Lewis, Ellis, former treasurer Elk county, \$90 09.

Lintz, J. J., late auctioneer Erie county, \$62 07.

Livermore, Joseph, late collector Portsmouth, \$30 00.

Lemon, Wm. B., late treasurer Butler county, \$547 36.

Lindsey, John, former prothonotary Greene county, \$11 16.

Lemley, Jacob, late treasurer Greene county, \$659 11.

Livingston, George, late treasurer, Centre county, \$423 63.

M'Reynolds, Andrew, former superintendent Susquehanna division Pennsylvania canal, \$409 03.

M'Candless, Wm., former prothonotary Allegheny county, \$462 11.

Marlin, Joshua, former brigade inspector second brigade, fifteenth division, Pennsylvania militia, \$566 00.

Marlin, Ralph, deceased, former brigade inspector second brigade, sixteenth division, Pennsylvania militia, \$39 27.

Martz, Peter, former superintendent Susquehanna division Pennsylvania canal, \$1,047 77.

Maxwell, Thomas, former superintendent Susquehanna division Pennsylvania canal, \$1,336 91.

Morrison, Joseph, former treasurer Bucks county, \$26 39.

M'Guigan, J. D., former treasurer Washington county, \$5 44.

Morrow, Joseph, former treasurer Blair county, \$185 29.

M'Reynolds, Andrew, former treasurer Columbia county, \$10 00.

Morrison, Joseph, former treasurer Crawford county, \$1,405 00.

Meason, Alfred, former treasurer Fayette county, \$404 62.

Mattes, Christian, former treasurer Montgomery county, \$292 88.

More, George, former treasurer Erie county, \$2,976 62.

Miller, George, former treasurer Butler county, \$137 31.

Mearns, George, former treasurer Montour county, \$78 84.

Mower, Jacob, former treasurer Mercer county, \$4 22.

Morrison, John A., former treasurer Centre county, \$1,676 04.

Miller, Frederick G., former treasurer Clearfield county, \$3,688 27.

Marks, John, former treasurer Huntingdon county, \$35 73.

M'Masters, Thomas, former treasurer Armstrong county, \$1,762 58.

Musini, L., former treasurer Clinton county, \$46 95.

M'Dermott, A., former treasurer Mercer county, \$1,166 62.

Morrison, Wm., former treasurer Mifflin county, \$11 22.

Mason, Solomon, former prothonotary Bradford county, \$54 25.

Minnock, Joseph, former prothonotary Franklin county, \$3 17.

Mish, George, former prothonotary Dauphin county, \$33 54.

Mechling, Jacob, jr., former prothonotary Butler county, \$37 26.

M'Kean, James, former prothonotary Carbon county, \$12 14.

M'Candless, Wm., former prothonotary supreme court, Western district, \$2,762 23.

M'Clean, Alexander, former register and recorder Fayette county, \$149 17.

Manning, James, former register and recorder Wayne county, \$1 46.

Mix, George A., former register and recorder Bradford county, \$399 75.

Madden, Jeremiah, former register and recorder Perry county, \$12 60.







# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 73.

Steedman, J. M., late collector at Duncan's Island, \$1 22.

Smith, John, former superintendent western division Pennsylvania canal, \$122 37.

Snyder, N. B., late treasurer Somerset county, \$3,820 42.

Stewart, J. O., late clerk sessions, &c., York county, \$13 09.

Stouffer, B. M., late register Lancaster county, \$1,617 76.

Shuler, John E., late treasurer, Perry county, \$2 48.

Thornbury, John, former brigade inspector first brigade, tenth division, Pennsylvania militia, \$123 20.

Tyson, John W., former recorder Berks county, \$281 58.

Tyler, Thomas B., former prothonotary Perry county, \$325 69.

Taylor, James, former treasurer Sullivan county, \$105 58.

Thompson, Alexander R., late prothonotary Beaver county, \$3 15.

Urie, John, former prothonotary Washington county, \$5 14.

Vinyard, James, former prothonotary Philadelphia county, \$480 25.

Welsh, George, former brigade inspector first brigade, sixteenth division, Pennsylvania militia, \$3,187 85.

Wilson, Wm. J., former brigade inspector first brigade, fourteenth division, Pennsylvania militia, \$475 33.

Williver, Jeremiah, former treasurer Columbia county, \$169 25.

Wilson, Greenburg, former treasurer Clarion county, \$122 48.

Williams, James, former treasurer Erie county, \$42 56.

Woods, Wm., former treasurer Allegheny county, \$93 97.

Warren, Thomas, former treasurer Adams county, \$218 65.

Williams, Amos, former treasurer Clarion county, \$27 96.

Weiser, George, former treasurer Northumberland county, \$52 95.

Ward, Isaac, former treasurer, Schuylkill county, \$65 82.

Woods, N. W., former treasurer Cumberland county, \$30 32.

Weitzel, George, former treasurer Lancaster city, \$37 36.

Westcott, George B., former prothonotary Wayne county, \$86 55.

Wilson, John, former register and recorder Lehigh county, \$165 15.

White, Wm. W., former register and recorder Crawford county, \$2 33.

Wilson, Luman, former register and recorder Tioga county, \$36 22.

Williams, Lewis H., former register and recorder Blair county, \$1,017 43.

Wilber, John F., former collector Dunnsburg, \$3,446 98.

Wilson, William, former collector Northumberland, \$2,854 88.

Wilson, Stephen, former collector Portsmouth, \$2,666 38.

Volbert, F. G. & Co., former auctioneers Philadelphia, \$1 09.

Washabaugh, Daniel, late prothonotary, &c., Bedford county, \$26 15.

Walters, Wm. F., late register Adams county, \$166 11.

Wells, Sidney B., late prothonotary Susquehanna county, \$155 62.

White, Matthew F., late prothonotary Butler county, \$12 61.

Wilcox, Edmund, notary public Philadelphia, \$340 97.

Young, Jacob, late treasurer Northumberland county, \$299 44.

Ziegler, Jacob, former superintendent Gettysburg extension, \$619 22.

Ziegler, George, former collector Duncan's Island, \$247 65.

Ziegler, Elizabeth, former collector Duncan's Island, \$180 94.

Zollinger, H. A., former collector at Newport, \$408 72.

Zimmerman, J. H., former collector at Northumberland, \$384 43.

Ziegler, Daniel, former treasurer Mifflin county, \$7, 860 41.

Mr. TURNEY submitted the following resolution; which was twice read and agreed to:

*Resolved*, That the clerks shall not be required to journalize any amendment made to private bills except those upon which the yeas and nays are called.

## BILLS ON THIRD READING.

House bill No. 825, "An Act authorizing the Bostwick iron company to mine coal, et cetera." Passed.

Senate bill No. 1076, "An Act authorizing the sheriff of Mifflin county to appoint William Shimp deputy sheriff thereof." Passed.

Upon the final passage of this bill, The yeas and nays were required by Mr. PENNEY and Mr. FETTER, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Brewer, Craig, Fetter, Francis, Gazzam, Gregg, Keller, Marselis, Myer, Palmer, Parker, Randall, Schell, Schindel, Steele, Thompson, Turney and Wright—20.

NAYS—Messrs. Blood, Coffey, Finney, Harris, Miller, Nunemacher, Penney, Yardley and Cresswell, *Speaker*—8.

So the question was determined in the affirmative.

House bill No. 382, "An Act to adjust the account of F. Knox Morton, late treasurer of the city of Philadelphia." Passed.

Senate bill No. 285, "An Act relative to brokers." Passed.

On motion of Mr. MILLER, the Senate went into committee of the whole for the purpose of general amendment.

Mr. GAZZAM moved to strike out the words "stock and exchange brokers;" and,

Upon the question of agreeing to the amendment,

The yeas and nays were required by Mr. MILLER and Mr. WRIGHT, and were as follow, viz:

YEAS—Messrs. Bell, Brewer, Coffey, Fetter, Gazzam, Gregg, Harris, Marselis, Palmer, Parker, Penney, Randall, Rutherford, Steele, Turney, Yardley and Cresswell, *Speaker*—17.

NAYS—Messrs. Blood, Finney, Francis, Miller, Myer, Nunemacher, Schell, Shaeffer, Schindel, Thompson and Wright—11.

So the question was determined in the affirmative.

Mr. GAZZAM then moved to strike out the words "bill brokers," which he subsequently withdrew.

Upon the final passage of the bill, The yeas and nays were required by Mr.

RANDALL and Mr. STEELE, and were as follow, viz:

YEAS—Messrs. Schell and Wright—2.

NAYS—Messrs. Bell, Coffey, Finney, Francis, Gazzam, Harris, Marselis, Miller, Myer, Nunemacher, Palmer, Parker, Penney, Randall, Rutherford, Shaeffer, Steele, Thompson, Turney, Yardley and Cresswell, *Speaker*—21.

So the question was determined in the negative.

House bill No. 718, "An Act to amend the act passed April 16, 1858, relative to tax on meadow land in the twenty-fourth ward of the city of Philadelphia." Passed.

On motion of Mr. BELL, the Senate resumed the consideration of Senate bill No. 672, "An Act relative to sureties of county treasurers."

The Senate went into committee of the whole for the purpose of general amendment, (Mr. CRAIG in the chair;) and

The bill as amended, passed finally.

On motion of Mr. RUTHERFORD, the Senate proceeded to the consideration of Senate bill No. 787, "An Act to incorporate the Susquehanna insurance company of Harrisburg," the bill having come up on a motion to reconsider.

The question being upon the final passage of the bill,

The yeas and nays were required by Mr. TURNEY and Mr. RUTHERFORD, and were as follow, viz:

YEAS—Messrs. Bell, Coffey, Finney, Francis, Gazzam, Gregg, Harris, Keller, Palmer, Parker, Penney, Rutherford, Shaeffer, Thompson and Yardley—15.

NAYS—Messrs. Blood, Brewer, Craig, Fetter, Marselis, Miller, Nunemacher, Randall, Schell, Schindel, Turney, Wright and Cresswell, *Speaker*—13.

So the question was determined in the affirmative.

Mr. BELL called up Senate bill 169, "An Act in reference to the commissions of justices of peace and aldermen." Passed.

On motion of Mr. PENNEY, "An Act to provide for taking testimony in the contested election cases of members of the General Assembly." Passed.

Mr. GAZZAM moved to resume the consideration of Senate bill 386, "An Act to liquidate the amount due on a certain judgment."

The motion was agreed to, and on the final passage of the bill,

The yeas and nays were required by Mr. SCHELL and Mr. GAZZAM, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Coffey, Francis, Gazzam, Harris, Miller, Myer, Palmer, Parker, Penney, Rutherford, Shaeffer, Thompson, Wright and Cresswell, *Speaker*—16.

NAYS—Messrs. Blood, Fetter, Keller, Marselis, Nunemacher, Randall, Schell, Schindel, Steele and Turney—10.

So the question was determined in the affirmative.

On motion of Mr. MILLER, the Committee on the Judiciary were discharged from the further consideration of House bill No. 833, entitled "An Act to provide for the erection of a house for the employment and support of the poor in the county of Greene."

The bill after being considered, passed finally.

On motion of Mr. FRANCIS, House bill No. 793, "An Act authorizing the Auditor General to open and re-settle the account of James



Mitchell, late treasurer of Lawrence county. Passed.

On motion of Mr. WRIGHT, House bill No. 278, "Supplement to an act to repeal certain acts of Assembly upon the non-payment of the enrolment tax."

The bill lies over.

On motion of Mr. MYER, House bill No. 903, "An Act to authorize the auditors of Sullivan county to re-audit the accounts of James Taylor, late treasurer of said county, with the Commonwealth; passed."

Mr. NUNEMACHER read in place a bill repealing the second section of "An Act, entitled 'An Act declaring Cash Creek, in the counties of Clearfield and Indiana, a public highway; relating to Telpchocken creek, Berks county.'"

Mr. PALMER called up Senate bill No. 1093, entitled "A further supplement to an act relating to a burial ground and school lot in the borough of Pottsville;" which passed finally.

On leave given, Mr. SHAEFFER read in place "A Supplement to an act relative to the Columbia and Chestnut Hill turnpike road company."

On leave given, Mr. PARKER read in place, a bill, entitled "An Act to increase the capital stock of the Southwark Bank of the city of Philadelphia."

Also, a bill, entitled "An Act relating to the courts of Philadelphia."

The Deputy Secretary of the Commonwealth being introduced, he communicated the following message from the Governor:

EXECUTIVE CHAMBER, }  
Harrisburg, April 6, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following acts of the General Assembly, viz:

"An Act supplementary to an act relating to orphans' courts, and for other purposes, approved Oct. 13th, 1840."

"An Act to incorporate the Lancaster and Sunhill turnpike road company, in the county of Lancaster."

"An Act to incorporate the Marietta, Mount Joy, Sporting Hill and Manheim turnpike road company in Lancaster county."

"A supplement to an act to incorporate the Sinnemahoning and Pittsburg railroad company."

"A supplement to the act incorporating the Spinnerstown and Goshenhoppen turnpike road company."

"A supplement to the act to incorporate the Altoona gas company."

"A supplement to the act to incorporate the Greenwood cemetery company, of the borough of Tamaqua."

"An Act relating to interest upon verdicts."

"An Act further to prevent the disturbance of public meetings."

"An Act relative to recorders of deeds within this Commonwealth."

"A supplement to an act to amend certain defects of the law for the more safe and just transmission and secure enjoyment of real and personal estate, approved April 27, 1855."

"A supplement to an act relating to executors and administrators, approved February 24, 1834."

"A further supplement to the act incorporating the borough of Meadville."

"An Act to repeal an act relative to the Susquehanna and Waterford turnpike road company."

"An Act conferring on Sarah Ann, Melissa, Warren B., Nancy, Ellen, and Nicholas D. Evans, minor children of David O. Evans, deceased, and Catherine Evans, all the rights of children born in lawful wedlock."

WM. F. PACKER.

The hour of one o'clock having arrived, the SPEAKER adjourned the Senate until this afternoon at 3 o'clock.

## SENATE—AFTERNOON SESSION.

WEDNESDAY, April 6, 1859.

The Senate met at 3 o'clock. A quorum of Senators being present.

### BILLS IN PLACE.

Mr. WRIGHT read in his place and presented to the Chair, a bill, entitled "A supplement to the act incorporating the Richmond and Schuylkill passenger railway company."

Mr. GAZZAM, "An Act to divide the township of Pitt, in Allegheny county."

### BILLS CONSIDERED AND PASSED.

On motion of Mr. PARKER, Senate bill No. 1103, "An Act to incorporate the Delaware Avenue market company."

On motion of Mr. PENNEY, House bill No. 976, "A supplement to an act relating to fees of aldermen, justices of the peace and constables in the city of Pittsburg and the counties of Washington and Lancaster."

On motion of Mr. RANDALL, Senate bill No. 1104, "An Act to incorporate the Union reading room and association."

On motion of Mr. RUTHERFORD, House bill No. 1286, "A supplement to the act incorporating the North Lebanon railroad company."

On motion of Mr. SCHELL, Senate bill No. 1056, "An Act for the relief of the surties of Samuel W. Picerson, late a clerk of the Senate," was taken up.

Said bill, as amended, passed committee of the whole; and being upon second reading,

Mr. SCHELL said this was a very plain and meritorious case, and entered into a brief explanation of the grounds upon which its passage was urged.

Mr. GREGG resisted the passage of the bill, as one which was wrong in principle.

Mr. SCHELL further explained the bill, and urged the propriety of its passage.

The bill passed second reading.

The title was agreed to; and upon suspending the rule,

The yeas and nays were required by Mr. BELL and Mr. SCHELL, and were as follow, viz:

YEAS—Messrs. Blood, Coffey, Fetter, Finney, Francis, Keller, Miller, Parker, Penney, Schell, Shaeffer, Schindel, Steele, Thompson, Turney, Wright, Yardley and Cresswell, *Speaker*—18.

NAYS—Messrs. Baldwin, Bell, Nunemacher and Palmer—4.

So the question was determined in the affirmative.

Upon its final passage,

The yeas and nays were required by Mr. HARRIS and Mr. SCHELL, and were as follow, viz:

YEAS—Messrs. Blood, Fetter, Finney, Francis, Gazzam, Keller, Miller, Parker, Penney, Rutherford, Schell, Shaeffer, Schindel, Steele, Thompson, Turney, Wright and Cresswell, *Speaker*—18.

NAYS—Messrs. Baldwin, Bell, Coffey, Craig, Gregg, Harris, Marselis, Nunemacher and Yardley—9.

So the question was determined in the affirmative.

On motion of Mr. BELL, Senate bill No. 278, "An Act regulating the fees of auditors appointed by any of the courts of the city and county of Philadelphia."

On motion of Mr. SCHINDEL, House bill No. 988, "An Act to restrict sales by auction in the counties of Northampton, Dauphin and Lehigh."

On motion of Mr. THOMPSON, (Mr. WRIGHT, from the Committee on Corporations, on leave given, having reported said bill as committed,) "An Act to incorporate the military academy at Valley Forge."

[The preamble of the above bill was stricken out.]

On motion of Mr. TURNEY, House bill No. 770, "An Act for the division of North and

South Union townships, in Fayette county, for all purposes."

On motion of Mr. STEELE, House bill No. 69, "An Act to incorporate the borough of New Columbia, Luzerne county."

On motion of Mr. YARDLEY, House bill No. 67, "A supplement to the act to incorporate the Dark Hollow and New Hope cemetery company."

On motion of Mr. CRAIG, House bill No. 1277, "A supplement to the act to incorporate the Newry railroad company."

On motion of Mr. BALDWIN, House bill No. 836, "An Act authorizing the supervisors of certain townships in Lancaster county to pay a portion of the cost of the construction of county bridges."

On motion of Mr. BELL, House bill No. 346, "An Act authorizing the appointment of three additional notaries public in Chester county."

On motion of Mr. BLOOD, House bill No. 1078, "An Act to authorize the laying out of a State road in Armstrong and Clarion counties."

On motion of Mr. BALDWIN, House bill No. 147, "An Act regulating the fees of aldermen, constables and justices of the peace relative to poor and indigent persons in Lancaster county."

On motion of Mr. FETTER, House bill No. 1000, "An Act requiring the sheriff of Cumberland county to compel all persons committed to the jail of said county, for vagrancy, to work."

Mr. MARSELIS called up House bill No. 182, "An Act to confer on certain associations of citizens of this Commonwealth the powers and immunities of corporations and bodies politic in law, and to confirm charters heretofore granted."

Said bill passed committee of the whole, (Mr. NUNEMACHER in the chair,) and objections being made, it lies over on second reading.

House amendments to Senate bill No. 337, "An Act to incorporate the Black Rock bridge company," were twice read, considered and concurred in.

House amendments to Senate bill No. 332, "An Act to incorporate the Centreville and Pineville turnpike road company," were twice read, considered and concurred in.

Mr. GAZZAM moved to resume the consideration of Senate bill No. 268, "An Act to incorporate the Commercial Bank of Pittsburg."

Upon which motion,

The yeas and nays were required by Mr. WRIGHT and Mr. GAZZAM, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Francis, Gazzam, Gregg, Harris, Palmer, Parker, Penney, Rutherford and Yardley—11.

NAYS—Messrs. Blood, Craig, Fetter, Finney, Keller, Marselis, Miller, Nunemacher, Randall, Schindel, Steele, Turney, Wright and Cresswell, *Speaker*—14.

So the question was determined in the negative.

Mr. FINNEY called up House bill No. 1094, "An Act for the payment of the claim of Mary Wilson, widow of Thomas Wilson."

Pending a discussion upon which, between Messrs. BELL and FINNEY, the Senate adjourned until 7 o'clock this evening.

## SENATE—EVENING SESSION.

The Senate was called to order by the SPEAKER at 7 o'clock.

The Senate resumed the consideration of House bill No. 1094, "An Act for the payment of the claim of Mary Wilson, widow of Thomas Wilson." Said bill, after being duly considered, passed finally.

Mr. GAZZAM moved that the Senate proceed to consider Senate bill No. 971, "An Act to incorporate the Philadelphia and Pittsburg telegraph company."

Mr. WRIGHT stated that this bill had been negatived by the Committee on Corporations,



and asked that the same be allowed to lie over on account of the absence of the Senator from Lancaster, (Mr. SHAEFFER,) who was interested in the bill.

Mr. GAZZAM insisted upon his motion, for the reason that this bill had been before the committee for nearly six weeks before they made any report, and said that if he permitted this opportunity for considering the same to pass, the bill might never be taken up.

The motion was agreed to,

Whereupon the Senate resolved itself into the committee of the whole, (Mr. RUTHERFORD in the Chair.)

After some time, the chairman reported the bill, as committed; when it was allowed to lie over.

Mr. GREGG called up House bill No. 751, "An Act to incorporate the Montour navigation improvement company."

Said bill (committee of the whole having been dispensed with) was laid over on third reading.

Mr. PARKER called up House bill No. 684, "An Act to incorporate the Penn steam engine, steamship and steam boiler manufacturing company;" which passed its various readings, and, being upon its final passage,

Mr. THOMPSON. I am not acquainted with the details of this matter, but I know I have presented several remonstrances here, numerous signed against the passage of this bill.

Mr. PARKER. By way of explanation, I would state that the objectionable part of the bill has been stricken out.

Mr. WRIGHT. I have to say that since the bill passed the House, it has been amended. Although this amendment may, in some measure, remove the objections of those persons who are engaged in building ships and steamboats, nevertheless, I do not feel like supporting the bill. I am opposed to the passage of these bills having for their object the formation of a company for carrying on a manufacture of the articles named in the bill. These parties who are incorporated here, often come in conflict with private parties engaged in the same business. I would have no objection to incorporating these gentlemen into a company; they carry on quite an extensive business and employ a great number of men; but I think they would be more successful in their branch of business, without than with an act of incorporation. I have uniformly opposed the granting of charters to companies, without being assured they will tend to their advantage and that they will not abuse the privileges granted them. Parties seeking these acts of incorporation, in addition to getting the act passed, desire to secure some advantage which the private incorporator does not have, under the laws as they now stand. For instance, these parties applying for an act of incorporation, usually seek to be relieved from the personal liabilities of the debts of the concern while the single handed operators are liable to the extent of all they are worth in the world, for everything they owe. I believe that the people of the locality generally, those who are not in the direct interest of the parties, who own this manufacturing establishment, are against this bill. I think it is but due to the people residing in the localities where these establishments exist, to say that.

Mr. GAZZAM. I am sorry I have to differ with the senator from Philadelphia (Mr. WRIGHT,) on this subject, because of the undemocratic views put forth by that Senator. It appears, by his own statement, there are wealthy men carrying on a successful business and making a great deal of money, but when a number of men of limited means come here, in order that they may compete with great capitalists, we are told by the Senator from Philadelphia we should not listen to them. I do not see that there is much force in the Senator's argument, when he says the people in that local-

ity are opposed to this measure. We know that the people generally are in favor of it, or else they would not ask for it.

Here are a number of men, with a limited amount of means, who ask for the privilege to compete with a number of wealthy men of Philadelphia.

Mr. WRIGHT. I rise to call the attention of the gentleman (Mr. GAZZAM,) that these men he speaks of as having limited means have means without limit. I believe the reason for their pleading here, is because their business is so extensive and responsible.

Mr. GAZZAM. Without question, there are men of limited means in the enterprise, but they are aided by capitalists. The proposition before the Senate now is simply, will you aid and encourage a number of men of limited means to compete with men of wealth, in this branch of business?

Upon the final passage of the bill,

The yeas and nays were required by Mr. WRIGHT and Mr. PARKER, and were as follows, viz:

YEAS—Messrs. Baldwin, Coffey, Finney, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penney, Rutherford, Schell, Shaeffer and Yardley—15.

NAYS—Messrs. Bell, Blood, Fetter, Keller, Marselis, Miller, Nunemacher, Randall, Steele, Turney, Wright and Cresswell, *Speaker*—12.

So the question was determined in the affirmative.

#### BILLS CONSIDERED AND PASSED.

On motion of Mr. FRANCIS, House bill No. 857, "An Act to incorporate the ministers and elders of the general assembly of the United Presbyterian church of North America."

On motion of Mr. HARRIS, House bill No. 1106, "An Act to incorporate the Perry coal and oil company."

On motion of Mr. WRIGHT, House bill No. 880, "An Act authorizing the Maunayunk gas company to consolidate its stock."

On motion of Mr. NUNEMACHER, the (Committee on Corporations having been discharged from its consideration, (House bill No. 1075,) "An Act to incorporate the Amity horse company."

On motion of Mr. COFFEY, House bill No. 1086, "An Act to authorize the borough of Blairsville and the township of Burrell, in Indiana county, to hereafter elect supervisors separately."

On motion of Mr. KELLER, House bill No. 820, "A supplement to the act incorporating the Watsonstown bridge company."

On motion of Mr. PALMER, Senate bill No. 356, "A supplement to the act incorporating the Middle Coalfield tunnel and railroad company."

On motion of Mr. PENNEY, House bill No. 917, "A supplement to the act regulating boroughs."

On motion of Mr. MYER, Senate bill No. 1123, "A supplement to the act relative to the Towanda and Burlington plank road company."

On motion of Mr. RUTHERFORD, Senate bill No. 1026, "An Act for the relief of R. J. Fleming."

On motion of Mr. SCHELL, Senate bill No. 1037, "An Act authorizing the payment of the claim of Andrew Wise, of Huntingdon county."

On motion of Mr. SCHINDEL, House bill No. 416, "A supplement to the act in relation to establishing and changing the places for holding general elections throughout the Commonwealth."

On motion of Mr. PALMER, House bill No. 753, "An Act to incorporate the Mahoning railroad company."

On motion of Mr. RANDALL, (the Committee on Corporations having been discharged from its consideration,) House bill No. 1859,

"An Act to incorporate the Schuylkill hose company."

On motion of Mr. STEELE, Senate bill No. 738, "An Act authorizing the Governor to appoint an auctioneer for the boroughs of Scranton, Hyde Park and Providence, in Luzerne county."

On motion of Mr. TURNEY, House bill No. 885, "An Act to repeal an act increasing the pay of commissioners, jurors and witnesses in the counties of this Commonwealth, so far as the same relates to Fayette county."

On motion of Mr. WRIGHT, House bill No. 660, "An Act relative to vacating certain streets in the city of Philadelphia." This bill was, on motion of Mr. WRIGHT, slightly amended.

On motion of Mr. YARDLEY, House bill No. 251, "An Act to incorporate the Richlandtown turnpike road company."

On motion of Mr. BLOOD, (for the SPEAKER,) House bill No. 928, "An Act to incorporate the Clearfield water company."

Mr. FETTER called up House bill No. 755, "An Act for the relief of John S. Miller;" which passed to third reading, when Mr. COFFEY moved to go into committee of the whole, for the purpose of special amendment.

Messrs. FETTER and SCHELL explained the nature of the bill.

Mr. WRIGHT. I do not know what the facts of the case are, but from what I have been able to gather from different sources, I believe there is something due this gentleman, and I believe proper investigation cannot be had upon the act now pending. With regard to the amendment of the Senator from Indiana, who refers it to another Legislature, I would like to hear some good reason why that should be done.

Mr. COFFEY. I confess I am somewhat surprised at the novelty of the position which the Senator from Philadelphia, (Mr. WRIGHT,) and myself occupy. I am more frequently found advocating claims than he is, but to-night he is getting more liberal in his views on these matters. This bill may be right; this gentleman may have a just claim against the Commonwealth, but there are certain facts for the Senate to keep in mind; that it purports to be a claim for losses or damages sustained by him, in the construction of the Portage road. Now that work, on the Portage road, has been completed certainly five or six years ago. It is somewhat singular that at least six years could have elapsed since this man sustained the damages. During all that time and up to the commencement of the present session, the canal board were in existence, whose appropriate duty it was to report on all bills of this kind. The canal board has been abolished, and since the time of its abolishment, this claim has been introduced. It seems to me we ought not to express any opinion on this claim. I do not know nor does the Senator know whether it is right or wrong, because it has not received that investigation which ought to justify us in passing it. I think we should pursue the usual course in these matters. I happened one day, last session, to stop in the House and saw this claim defeated. It was started, this session, at an early day in the House, but not to this late day, it comes before the Senate, and it strikes me, it ought not to receive our sanction without our knowing for what we are to appropriate the money called for. I think a departure from the established practice in these matters, is a dangerous one, and therefore I made the motion to go into committee of the whole for the purpose of amending as I have proposed.

Upon the motion to go into committee of the whole,

The yeas and nays were required by Mr. COFFEY and Mr. FETTER, and were as follows, viz:

YEAS—Messrs. Coffey, Francis, Harris, Mar-



allis, Miller, Nuenmacher, Penney and Shaeffer—8.

**YAYS**—Messrs. Blood, Fetter, Gazzam, Koller, Parker, Randall, Rutherford, Schell, Schindel, Steele, Turney, Wright and Cresswell, *Speaker*—13.

So the question was determined in the negative, and the bill passed finally.

On motion of Mr. GREGG, the Senate took up House bill No. 1265, "A supplement to the act authorizing the Tyrone and Clearfield railroad company to borrow money."

Said bill went through its various readings and passed finally.

On motion, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 6, 1859.

The House was called to order at 9½ o'clock by the SPEAKER.

Prayer was offered by the Rev. C. A. Hay, of the English Lutheran Church, Harrisburg.

On motion of Mr. HAMERSLY, the reading of the Journal was dispensed with.

On motion of Mr. NEALL, Senate bill No. 763, "An Act to allow the Government of the United States to hold certain real estate in the city of Philadelphia," was ordered to be placed at the foot of to-day's Calendar.

### PRIVATE BILLS.

Agreeably to order, the House resumed the consideration of Private Bills.

Whereupon, the following were read, and no objections being made, prepared for second reading:

No. 1222, "An Act for the relief of William Rose, Rufus Smith and Aron Smith, sureties of S. L. Hibbard, late treasurer of Tioga county."

[Referred to Committee on Ways and Means, on motion of Mr. HAMERSLY.]

No. 1233, "An Act directing the supervisors of the township of Heath, in the county of Jefferson, and the supervisors of the township of Millstone, in the county of Forest, to pay the expenses of opening a certain road in said township."

No. 1235, "An Act to authorize the Allen Rifles to build an armory."

No. 1236, "An Act to create certain commissioners to lay out and open a public alley in the borough of Elizabethtown, Lancaster county."

Amended by Mr. PRICE so as to make the county liable for expenses incurred.

No. 1237, "An Act to incorporate the Wilkesbarre and Kingston passenger railway company."

No. 1239, "An Act relative to the claims of Roger C. McGill and M'Gill and Cross."

No. 1240, "An Act to incorporate the Elm Tree fire insurance company of Philadelphia."

No. 1136, "An Act authorizing the Pennsylvania railroad company to obtain a better supply of water for the use of their road."

"Supplement to the act consolidating the city of Philadelphia."

No. 1241, "An Act to incorporate the Tylersville water company."

No. 1242, "An Act in relation to the borough of North Lebanon, Lebanon county."

No. 1244, "A supplement to an act to incorporate the Lehigh County mutual horse insurance company."

Sen. 760, "An Act authorizing the settlement of the account of Levi G. Clover, late collector at Pittsburgh."

Sen. 262, "An Act relative to the city of Pittsburg."

Sen. 868, "An Act relative to the lists of assessments in the county of Cambria."

Sen. 715, "A supplement to the act incorporating the Attleboro, Hulmeville and Bristol turnpike road company."

No. 1234, "An Act for the protection of the

rights of the people of Wayne county," which was read.

And on the question, Shall the bill be laid aside and prepared for second reading?

Mr. GRITMAN hoped that the bill would not be laid aside and prepared for a second reading.

And on the question being taken, It was not agreed to.

No. 1243, "An Act to incorporate the Diligent insurance company of Philadelphia," was read.

On motion of Mr. NEALL, the House refused to prepare the bill for second reading.

No. 1257, "An Act to authorize the establishment of Tanners' and Miners' Bank in the borough of Connelville, Fayette county," came up in order.

On the question, Will the House agree to lay the bill aside and prepare the bill for second reading?

The yeas and nays were required by Mr. GRITMAN and Mr. MILLER, and were as follows, viz:

**YEAS**—Messrs. Abbott, Acker, Barlow, Bayard, Boyer, (Clearfield,) Burley, Ellmaker, Evans, Galley, Grabam, Gratz, Green, Hamersly, Harding, Keucagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mehafeey, Peirce, Price, Proudfoot, Ramedell, Rohrer, Rouse, Shafer, Shields, Smead, Styer, Thompson, Wagenseller, Walker, Warden, Witman, Wigton, Wilcox, Williams, (Bedford,) Wilson, Zoller and Lawrence, *Speaker*—41.

**NAYS**—Messrs. Barnsley, Bertolet, Boyer, (Schuylkill,) Bryson, Campbell, Chase, Custer, Dismant, Darboraw, Fisher, Foster, Glatz, Goepp, Good, Gritman, Hill, Hottenstine, Jackson, Matthews, M'Curdy, Miller, Neall, Nill, Oaks, Palm, Patterson, Pinkerton, Quigley, Rose, Sheppard, Smith, (Berks,) Stoneback, Stuart, Thorn, Walborn, Wiley, Williston and Withrow—38.

So the question was determined in the affirmative, and the bill laid aside for second reading.

No. 1273, "Further supplement to an act to incorporate the Allentown railroad company," was read and prepared for second reading.

No. 1274, "Supplement to an act to incorporate the West End insurance company," changing the name to "United States insurance company," &c., was read and prepared for second reading.

No. 1275, "An Act to incorporate the Borden steamship company," was read and prepared for second reading.

No. 1276, "Supplement to the act incorporating the North Pennsylvania railroad company," was read and prepared for second reading.

Senate bill No. 598, "Supplement to an act to incorporate the West Philadelphia passenger railway company," was read and prepared for second reading.

No. 1278, "An Act to authorize the State Treasurer to pay the claim of Robert Young for amount sustained by loss from fire on the Philadelphia and Columbia railroad," was read and prepared for second reading.

No. 1279, "An Act to incorporate the Pottsville and Minersville railroad company," was read and prepared for second reading, after having been amended by Mr. PINKERTON.

Senate bill No. 637, "An Act to establish a ferry over the West Branch river at or near the furnace of Beaver, Geddes, Marsh & Co, in Union county," was read and prepared for second reading.

No. 1281, "An Act to incorporate the Pittsburg Turner's association," was read and prepared for second reading.

No. 1282, "An Act to incorporate the Harrisburg Park association," was read and prepared for second reading.

No. 1283, "An Act to authorize the Washington Hose company of Harrisburg to sell certain real estate," was read and prepared for second reading.

No. 1291, "A further supplement to the act incorporating a company to erect a bridge over the Allegheny river opposite Pittsburg, in Allegheny county, approved February 17, 1816," was read and prepared for second reading."

"An Act to incorporate the Germantown market company," was read and prepared for second reading.

No. 1047 "An Act concerning the removal of the seat of justice of the county of Clearfield from Clearfield to Curwensville," was read.

The House refused to lay the bill aside for second reading.

No. 1351, "An Act to incorporate the Manayunk and Roxboro gas and water company," was read and prepared for second reading.

No. 1261, "An Act to empower the Attorney General to examine certain claims in the counties of Cambria and Blair," was read and prepared for second reading.

No. 1258, "An Act to incorporate the Seventeenth and Nineteenth Streets passenger railway company," was read.

On the question, Shall the bill be laid aside for second reading?

The yeas and nays were required by Mr. WALBORN and Mr. WILCOX, and were as follows, viz:

**YEAS**—Messrs. Abbott, Acker, Barlow, Bayard, Boyer, (Clearfield,) Burley, Chase, Dodds, Ellmaker, Glatz, Goepp, Gratz, Gray, Green, Irish, Kenegy, Ketchum, Lawrence, (Washington,) Neall, Patterson, Price, Rouse, Shafer, Sheppard, Smead, Smith, (Philadelphia,) Styer, Taylor, Thompson, Walborn, Witman, Wiley, Williston, Zoller and Lawrence, *Speaker*—35.

**NAYS**—Messrs. Barnsley, Bertolet, Boyer, (Schuylkill,) Bryson, Campbell, Custer, Dismant, Darboraw, Evans, Fisher, Foster, Good, Grabam, Gritman, Hamersly, Hill, Hottenstine, Jackson, Laird, Mehafeey, Matthews, M'Curdy, Miller, Nill, Oaks, Palm, Peirce, Pinkerton, Pugbe, Quigley, Rohrer, Shields, Smith (Berks,) Stoneback, Stuart, Wagenseller, Walker, Warden, Wigton, Wilcox, Williams, (Bedford,) Williams, (Bucks,) and Wilson—42.

So the question was determined in the negative.

Messrs. HAMERSLY and MILLER moved that the vote just had be re-considered; which was agreed to.

And the question recurring,

Shall the bill be laid aside, and prepared for second reading? it was determined in the affirmative.

No. 1022, "An Act to incorporate the Allegheny and Etna passenger railroad company," was read and passed for second reading, after having been amended by Messrs. IRISH and M'DOWELL.

No. 1290, "Supplement to an act erecting the village of East Birmingham into a borough, approved 10th April, 1849," was read, and after having been amended by Mr. IRISH, was laid aside for second reading.

"An Act to incorporate the Patterson coal company" was read, and the House refused to lay aside the bill for second reading.

"An Act to incorporate the Philadelphia ice company" was laid aside for second reading.

"Supplement to an act to incorporate the borough of Port Clinton, &c." The House refused to prepare the bill for second reading.

"An Act to require the Snubny and Pottsville railroad company to fence their road in Northumberland county," was read and prepared for second reading.

On motion of Mr. WILCOX, the House proceeded to the second reading and consideration



of bills on the Private Calendar; whereupon the following were read the second and third time and passed finally:

Senate bill No. 33, "An Act to refund to the West Chester gas company the amount of tax overpaid by them to the State treasury."

No. 1022, "An Act to authorize the opening of Seventeenth street, between Francis street and Ridge avenue, in the Fifteenth ward of the city of Philadelphia."

Sen. 338, "A further supplement to an act to incorporate the Conestoga and Beaver Valley turnpike road company, passed 27th March, 1855."

Sen. 561, "An Act to authorize Walter J. Smith to erect a ferry over the Allegheny river at Warren."

Sen. 418, "An Act to authorize the Auditor General and State Treasurer to re-examine the account between the Commonwealth and the president and managers of the Northampton bridge company."

No. 1026, "An Act relative to private alleys in Harrisburg."

No. 1027, "Supplement to the act to incorporate the Valley and Mountain turnpike and plank road company."

No. 1023, "A supplement to an act to incorporate the Washington and Manor turnpike road company, approved the 20th day of April, 1853."

Sen. 332, "An Act to incorporate the Centreville and Pineville turnpike road company."

Sen. 571, "An Act to incorporate the New Ephrata and Litiz turnpike road company."

Sen. 367, "An Act to incorporate the Centre Valley turnpike road company."

"Resolution relative to clerk hire."

No. 1035, "An Act to establish a ferry over the Allegheny river at Freeport."

Sen. 472, "A supplement to an act to incorporate the Hartsville and Centreville turnpike road company."

Sen. 407, "An Act to repeal a part of the fourth section of an act to appoint road commissioners to take charge of a portion of the Warren and Ridgway turnpike road, in Elk and Forest counties, approved the 15th day of April, 1858."

Sen. 496, "An Act to repeal the second section of an act providing for the expenses of roads and poor in Pitt township, in the county of Allegheny, approved 21st of April, A. D., 1846."

Sen. 475, "An Act to incorporate the Lancaster and Sunhill turnpike road company."

No. 1043, "An Act to incorporate the Pequa and Beaver Valley turnpike road company."

No. 1044, "An Act to alter the road laws in the township of Madison, in the county of Luzerne."

Sen. 216, "An Act to attach Somerset county to the Middle district for the Supreme Court of Pennsylvania."

No. 1052, "An Act relative to the estate of William B. Smith, late of the city of Reading, Berks county, deceased."

No. 1053, "An Act authorizing the executor of John Wragg, late of the county of Luzerne, deceased, to sell and convey certain real estate."

No. 1054, "An Act fixing the place of holding elections in South Buffalo township, Armstrong county."

Sen. 199, "An Act to incorporate the New Britain turnpike road company."

No. 1068, "An Act to incorporate the New Ephrata and Litiz turnpike company."

No. 1071, "Supplement to an act incorporating the Carbondale and Providence plank road and turnpike company."

No. 1095, "An Act declaring Willow creek, in Warren and McKean counties, a public highway."

Sen. 13, "An Act to incorporate the Hollenback and Hanover turnpike road company."

No. 1097, "An Act to incorporate the Old Fellows' hall association of Thompsontown, Juniata county."

No. 1099, "An Act allowing the treasurer of Beaver county a credit for certain balances of militia fines collected by him and paid *bona fide* to the uniformed militia for duty done according to law."

No. 1102, "An Act to incorporate the town of Middleport, Schuylkill county, into a borough."

No. 1103, "A further supplement to an act incorporating the town of Lawrenceville into a borough, approved 18th day of February, 1855."

No. 1104, "An Act to confer upon James B. Crichtfield, of Somerset county, all the rights and privileges of a child born in lawful wedlock."

No. 1107, "A supplement to an act to incorporate the Green Castle and Middleburg turnpike road company, approved March 1st, 1859."

Sen. 594, "A supplement to an act to provide for the erection of a house for the employment and support of the poor in the county of Allegheny."

Sen. 689, "An Act to incorporate the Pittsburgh and East Liberty passenger railway company."

Sen. 333, "A supplement to an act incorporating the Hilltown and Sellersville turnpike road company, approved April 14, 1853."

Sen. 421, "An Act to authorize the erection of a lock-up house in the borough of Orwigsburg, Schuylkill county."

Sen. 606, "An Act to authorize the Tiunklepaugh coal company to borrow money."

No. 1116, "Resolution to authorize the purchase of a lot adjoining the Executive mansion."

Sen. 67, "A further supplement to an act relative to huckstering in the county of Lebanon, passed the 9th day of April, 1856."

Sen. 337, "An Act to incorporate the Black Rock bridge company," was read the second time.

Mr. SHAFER moved to amend the bill.

Mr. SHAFER moved to amend the fourteenth section by striking from the same, the words, "and it shall be the duty of the said referees to take into consideration all the damages, both actual and consequential, as well as the value of all the property used in connection with the ferry, and any depreciation said property may and shall suffer by the destruction of the ferry, or by rendering it useless, or diverting the travel therefrom."

Messrs. HILL, SMITH, (Berks,) and DISMANT resisted the amendment, which was advocated by Messrs. HAMERSLY, SHAFER, BERTOLET, PEIRCE and others, and was subsequently agreed to; and,

On the final passage of the bill,

The yeas and nays were required by Mr. DISMANT and Mr. STONEBACK, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Bayard, Bertolet, Bryson, Burley, Campbell, Darbrow, Ellmaker, Evans, Fisher, Foster, Graham, Gratz, Green, Hamersly, Hottenstine, Irish, Jackson, Kencagy, Lawrence, (Washington,) Mahaffey, Matthews, M'Curdy, Miller, Neall, Palm, Patterson, Peirce, Pinkerton, Price, Proudfoot, Quigley, Ramsdell, Rouse, Shafer, Sheppard, Smith, (Philadelphia,) Styer, Taylor, Thompson, Wagenseller, Walborn, Walker, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, and Lawrence, *Speaker*—53.

NAYS—Messrs. Boyer, (Clearfield,) Church, Custer, Dismant, Eckman, Fleming, Galley, Goepp, Good, Gritman, Harding, Hill, Laird,

Oaks, Shields, Smead, Smith, (Berks,) Stoneback, Stuart, Warden and Woodring—21.

So the question was determined in the affirmative.

The hour of one having arrived, the SPEAKER adjourned the House until this afternoon at three o'clock.

#### HOUSE—AFTERNOON SESSION.

The House was called to order at 3 o'clock. The SPEAKER in the Chair.

Mr. TAYLOR, on leave given, read in his place, "An Act repealing an act, approved 5th May, 1854, authorizing the extension of Walnut street in Blairsville, Indiana county."

Also, "An Act relating to brackets in Canoe creek, in Indiana and Jefferson counties."

On motion of Mr. TAYLOR, said bills were taken up and passed finally, and were ordered to be sent to the Senate for concurrence.

#### GUARDIANS OF THE POOR AND BOARD OF HEALTH.

Messrs. CHURCH and WALBORN moved a re-consideration of the vote by which the House adopted the report of the Committee of Conference, on Senate bill No. 150, "A further supplement to the act consolidating the city of Philadelphia," relative to the board of guardians of the poor and board of health of the city of Philadelphia."

Mr. CHURCH said—

Mr. SPEAKER: I now move a reconsideration of the vote on the adoption of report of the Committee of Conference on the Senate bill, 150, in accordance with the notice given by me the other day. The vote which I gave on the original bill, was not my sentiment at the time, nor the sentiment of my public life at any time. It was, sir, in accordance with clamor, and its basis was entirely anti-Republican.

The courts should adjudicate upon high points of law; they should punish evil doers, but they should never exercise any of the rights which the Constitution delegates to the sovereign people—those rights which every man claims to enjoy. Men should be allowed to vote as they please, regardless of courts, so that they obey the laws. If they find that they have elected dishonest men to office, they can turn them out. Because a rogue may attain public office, or place, it is no reason why Republican institutions should be deemed a failure. I have confidence, sir, in the people, notwithstanding the people's servants may, at times, be false to their trusts. I see no reason for handing over our liberties to the Judges of any court, because scoundrels may now and then worm themselves into high places through the mistaken confidence of the masses. The people are right, sir, in the main—in the main they are virtuous and patriotic, and I have as much confidence in them as I have in their rulers—the great men they create. Judges are but men—they are only superior to their fellow men in the investments of office. They are liable to err, as truly as "to err is human." Judges have sinned—may sin again. Why, sir, we have the memory of courts being abolished, yea, even in the city of Philadelphia—courts which were a burning disgrace. Judges and courts are not infallible. Besides, sir, let us make the judiciary what it ought to be: it should not be tainted with politics. The ermine should not draggle in the mire and mud of partizanship. High-minded Judges desire too, sir, to keep aloof from the turmoil of the hustings. I have ever been an upholder of the dignity of the bench. It has been my wish that the bench should be better compensated than it is; that it should be exalted in all respects in accordance with its exact demands. I have favored an increase of judges' salaries in our State; and I regret, sir, that we are, as a Legislature, content to pay the judiciary in the niggardly manner we do.



Sir, I am opposed entirely to the sentiment of that Senate bill, No. 150, and to the entire sentiment of the committee of conference on the bill. Once, sir, I have voted against my conviction in the premises. I voted in obedience to clamor; and I stated, at the time, I did it as an experiment, without assenting to, or denying the truth of the allegation upon which the clamor was based. Since, sir, that vote was given, I have reflected upon the matter. I have conferred with the people. I found I was right, sir, in the views I expressed, and I regret that I did not vote in accordance with those views. Fortunately, sir, I now have an opportunity to retract my steps, and take a stand for popular sovereignty at home, and, by the grace of God I will do it, and take the consequences, whatever they may be. If the action which I choose to take, sends me back to private life, I am content. If the voters of the Sixth district, Philadelphia, choose to reject me because I am in favor of perpetuating Republican liberty—because I am opposed to sacrificing their rights, and the rights our Revolutionary fathers have fought to establish; to sacrifice all, too, sir, upon the altar of expediency, so be it. I will not comply with such a demand. I am opposed to the invasion of privilege now, as I have ever been. I will not abuse the faith—the old Jeffersonian faith in which I was reared. I will be true to the instincts of youth—to the inculcations of later years. I will “stand the hazard of the die,” be the issue what it may. Perish office—perish the honorable position which I hold, if I cannot retain it and at the same time retain all my self respect. Let me go back to the people, from whose ranks I came, if I cannot retain the position they have honored me with, without denying their ability to take care of themselves—without outraging every principle of Democratic faith in which I was reared.

I belong, sir, to the people's party, and I glory in the name. As one of the people, I am opposed to privilege everywhere, no matter where it is, as operating against man or men. I see wrong in the aggressions of capital upon labor, of whatever character it may be. I go in for the “greatest good of the greatest number.” I am opposed to that sentiment in National as well as State affairs, which gives undue influence to a section or class. I am in favor of the people continuing the exercise all of the rights which the constitution guarantees them, come what may.

I have seen many vicissitudes, Mr. Speaker, I have basked in the sunshine, and in I have gloomed in the shade of life. I earn my bread by the sweat of my brow. I am proud to say I work daily for my daily bread, and it is a simple desire with me that I may be permitted to labor hereafter, as I have done heretofore. I trust I can live, sir, and flourish, even though I may be overthrown politically, as it has been threatened, I shall be if I take the stand which I now do. It would be better, sir, however, if some of those make these threats, had a purer personal and political record themselves.

There is no reason why the judges should appoint either of the boards in question, any more than they should elect the members of council, members of the Legislature, or members of Congress; nay, any and all the offices now in the gift of the people. By giving up one's franchise as a voter, because honest men have not always been selected as members of the board of health or the guardians of the poor, is simply ridiculous. We have had dishonest men, at times, in high and low places, National and State, ever since we have been a government. Must there, forsooth, be a doubt of the ability of the people to elect their rulers, because of this fact?—Knaves sometimes attain very high places, and the people have the supreme felicity of kicking them out! The people of Philadelphia are ready

to deal with bad men hereafter as they have done heretofore. Let a rogue ask their suffrages more than once, and the chances are that he will ask in vain. I am, sir, no apologist for dishonest public officers. The man who declares this, I here pronounce a falsifier. I have, all through my career, endeavored to do my duty to the sturdy and noble constituency I represent; many of them hard-headed, but whole-hearted working-men.

It has been my desire, sir, to do simply my duty, to represent fully and thoroughly the poorest as well as the wealthiest of the men of the Sixth district. I have erred, no doubt, but I trust my errors have been those of the head rather than of the heart. To the people I appeal, should you by your vote refuse to sustain the motion which I have just made. To them I feel I can go with confidence. In the end they will see that justice is done a public servant, whose only desire is to stand by, and to guard their sovereign rights. No man who votes to give away the rights of the people to power and privilege, can long be sustained. Such an assault on popular rights will be eventually rebuked; rebuked in a most unmistakable manner. Sir, I have no fear for the result, and put myself upon the record and I call upon others to do the same. It is no longer a question affecting the city of Philadelphia, but a great principle of public policy in which the whole people of the State are interested. I do not believe the representatives of the people of any party, are ready to endanger the purity of the judicial ermine of a court by an experiment so dangerous and unprecedented.

Mr. THORN said that he had before expressed himself on this subject; he had voted for the bill; had agreed to report it, and would now again ask that it might be ratified. He read a letter from Philadelphia, which declared that nine-tenths of the people were in favor of the abolishment of the boards.

Mr. WALBORN inquired whether the board would not be abolished by limitation at the next election, and whether more than three or four of the old board had been nominated for re-election?

Mr. THORN to the first question replied in the negative, and could not reply to the second.

Mr. NEALL said, when this matter was first presented to the House this afternoon, I was lying sick and asleep, but was awakened and informed of the proceedings, and hastened to my seat to record my vote upon the subject.

There has been letters and resolutions read to sustain the position of gentlemen upon this floor. I have none—I have seen and heard the people upon the subject, and know their wants. Action has been taken by parties, in reference to the matter, and I have looked at it in all its bearings, and have carefully and studiously examined it, and have come to the conclusion to cast my vote to wipe out the iniquity.

I would refer this House to the report of the councils upon the subject, and ask if there is not sufficient contained therein to cause every man, representing Philadelphia on this floor, to blush for the fair name of his constituency and the city he represents. The report of the grand jury, upon the subject, should be sufficient to convince even the most sceptical mind of the necessity of change in the manner of appointment of the members of board of guardians of the poor.

In answer to my colleague, (Mr. WALBORN,) that the people have concluded to elect better men to these positions, it is only necessary for me to say that two years ago this board of guardians was charged with actions more corrupt than those of the members constituting the board of 1858. It is well known that they were charged with exhuming the dead bodies of paupers, and selling them in the streets of Philadelphia. Under these outrages what was the

course of the people? Forming the determination to have in future men who would not be guilty of such disreputable acts, they elected to office those whom they considered entitled to their full confidence. But the result was deplorable, for these same officials in 1858, betrayed the trust as did their predecessors.

The people thus seeing their confidence abused have asked that the occupants of such charitable positions should be placed under the surveillance of courts of justice, and should the remedy which they now seek to apply prove a failure, have, of course, reserved to themselves the right to legislate them out of office.

The people of Philadelphia are almost unanimous upon the subject, and I have no hesitation in yielding implicit obedience to the wishes of my constituents, and votes, as before, in favor of the passage of this bill.

Mr. SMITH, (Berks,) moved to postpone for the present.

Mr. EVANS moved to amend, to postpone indefinitely.

Mr. LAWRENCE, (Washington,) opposed the bill, and was utterly opposed to the principle of taking responsible power out of the hands of the people, and placing it in the hands of the judges.

Mr. WALBORN defended the board of health from any allegation or intimation which might be made against them.

Mr. GRITMAN favored the bill, as not conflicting with any of the principles of government.

Mr. PRICE called for the previous question; which was sustained.

And on the question,

Shall the main question be now put?

The yeas and nays were required by Mr. HARDING and Mr. NEALL, and were as follows, viz:

YEAS—Messrs. Acker, Barnsley, Bayard, Bertholet, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Custer, Durboraw, Evans, Fleming, Galley, Glatz, Goepp, Graham, Green, Gritman, Hill, Irish, Jackson, Keneagy, Kinney, Laird, Mahaffey, Matthews, M'Curdy, Oaks, Palm, Patterson, Pinkerton, Price, Proudfoot, Ramsdell, Rohrer, Rose, Rouse, Shafer, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Taylor, Thorn, Wagenseller, Walker, Warden, Witman, Wigton, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Williston, Woodring, Zoller and Lawrence, *Speaker*—58.

NAYS—Messrs. Abbott, Barlow, Boyer, (Clearfield,) Chase, Church, Dismant, Eckman, Ellmaker, Foster, Good, Graiz, Gray, Hamersly, Harding, Hottenstine, Ketchum, M'Dowell, Miller, Neale, Peirce, Pughe, Quigley, Sheppard, Smead, Styer, Thompson, Wiley and Wilson—28.

So the question was determined in the affirmative.

And on the question recurring,

Will the House agree to the motion to reconsider?

The yeas and nays were required by Mr. HAMERSLY and Mr. WALBORN, and were as follows, viz:

YEAS—Messrs. Barnsley, Barlow, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Campbell, Church, Eckman, Galley, Graham, Gray, Keneagy, Ketchum, Lawrence, (Washington,) Mahaffey, Palm, Price, Proudfoot, Pughe, Ramsdell, Rose, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Stephens, Styer, Wagenseller, Walborn, Walker, Warden, Witman, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Wilson, Zoller and Lawrence, *Speaker*—33.

NAYS—Messrs. Abbott, Acker, Bayard, Bertholet, Chase, Custer, Dismant, Durboraw, Ellmaker, Evans, Fleming, Foster, Glatz, Goepp, Good, Graiz, Green, Gritman, Hamersly, Harding, Hill, Irish, Laird, Matthews, M'Dowell, Neale, Oaks, Patterson, Peirce, Pinkerton, Quigley, Rohrer, Shields, Smith, (Philadelphia,) Stone-



back, Stuart, Taylor, Thompson, Thorn, Wiley, Williston and Woodring—42.

So the question was determined in the negative.

Mr. PRICE, on leave given, from the Committee on Corporations, reported with amendments, "An Act relating to the borough of Schuylkill Haven, Schuylkill county;" and, on his motion, the House took up and passed the same finally.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, which was read, as follows, viz:

EXECUTIVE CHAMBER,  
Harrisburg, April 6, 1859 }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following acts of the General Assembly, viz:

"An Act supplementary to an act relating to orphans' courts, and for other purposes, approved October 13th, 1840."

"An Act to incorporate the Lancaster and Sushill turnpike road company, in the county of Lancaster."

"An Act to incorporate the Marietta, Mount Joy, Sporting Hill and Manheim turnpike road company in Lancaster county."

"A supplement to an act to incorporate the Sinnemahoning and Pittsburg railroad company."

"A supplement to the act incorporating the Spinnerstown and Goshenhoppen turnpike road company."

"A supplement to the act to incorporate the Altoona gas company."

"A supplement to the act to incorporate the Greenwood cemetery company, of the borough of Tamaqua."

"An Act relating to interest upon verdicts."

"An Act further to prevent the disturbance of public meetings."

"An Act relative to recorders of deeds within this Commonwealth."

"A supplement to an act to amend certain defects of the law for the more safe and just transmission and secure enjoyment of real and personal estate, approved April 27, 1855."

"A supplement to an act relating to executors and administrators, approved February 24, 1834."

"A further supplement to the act incorporating the borough of Meadville."

"An Act to repeal an act relative to the Susquehanna and Waterford turnpike road company."

"An Act conferring on Sarah Ann, Melissa, Warren B., Nancy, Ellen, and Nicholas D. Evans, minor children of David O. Evans, deceased, and Catharine Evans, all the rights of children born in lawful wedlock."

WM. F. PACKER.

The SPEAKER laid before the House a communication from the State Treasurer, transmitting the names of such public officers as appeared upon the books of this department on the 1st day of February last to be in arrears to the Commonwealth.

Mr. RAMSDELL moved to have the same printed in the *Record*; which was not agreed to.

Mr. HAMERSLY moved that the communication be printed in pamphlet form for the use of the House.

Not agreed to.

Mr. HAMERSLY called up Senate bill, "An Act changing the corporate name of the Northwestern coal company, and empowering them to negotiate a loan;" which was passed finally.

Mr. TAYLOR moved that the rules be suspended in order to proceed to the consideration of Senate bill, entitled "An Act to incorporate the Indiana County mutual insurance company."

On the question,

Will the House suspend the rules?

The yeas and nays were required by Mr. CAMPBELL and Mr. MEHAFFEY, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Bayard, Bryson, Burley, Chase, Durboraw, Eckman, Ellmaker, Evans, Fleming, Galley, Glatz, Graham, Green, Hamersly, Harding, Hill, Kinney, Lawrence, (Washington,) M'Curdy, Oaks, Proudfoot, Quigley, Ramsdell, Rohrer, Rouse, Shafer, Sheppard, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stuart, Taylor, Thompson, Thorn, Warden, Witman, Wigton, Wiley, Williams, (Bedford,) Williston, Wilson, Zoller and Lawrence; *Speaker*—47.

NAYS—Messrs. Boyer, (Clearfield,) Campbell, Church, Custer, Dismant, Foster, Goepp, Good, Gray, Hottenstine, Jackson, Laird, Mehafeey, M'Dowell, Patterson, Pinkerton, Rose, Stoneback, Walker, Williams (Bucks,) and Woodring—21.

So the question was determined in the affirmative, two-thirds having voted in the affirmative.

The bill was then duly considered and passed finally.

Mr. BARNESLEY, on leave given, called up Senate bill No. 774, "An Act to incorporate the Yardleyville Delaware bridge company;" which was considered and passed finally.

Mr. WIGTON, leave having been given, called up Senate bill No. 1069, "An Act authorizing the supervisors of Carbon township, Huntingdon county, to erect a lock-up house, &c.," which was considered and passed finally.

The House refused to concur in Senate amendment to House bill No. 399, relative to the Mutual fire insurance company of Sinking Springs, Berks county.

Mr. LAWRENCE, (Washington,) on leave given, called up Senate bill, entitled "A supplement to an act to incorporate the Milford and Matamoras railroad company;" which was considered and passed finally.

#### SENATE AMENDMENTS

To numerous House bills, were read and concurred in.

The hour of five having arrived, the SPEAKER adjourned the House until this evening at 7½ o'clock.

#### HOUSE—EVENING SESSION.

The House re-assembled at 7½ o'clock, and was called to order by the SPEAKER.

Mr. WILLIAMS, (Bucks,) moved that the special order for this evening be postponed for the present, and that the House resume the consideration of bills on the Private Calendar.

On the motion,

The yeas and nays were required by Mr. PEIRCE and Mr. FOSTER, and were as follow, viz:

YEAS—Messrs. Barnesley, Bertolet, Boyer, (Schuylkill) Burley, Church, Custer, Dismant, Durboraw, Eckman, Fisher, Fleming, Galley, Glatz, Goepp, Gratz, Green, Gritman, Hamersly, Harding, Hottenstine, Jackson, Keneagy, Ketchum, Laird, Lawrence, (Washington,) Mehafeey, Matthews, Neall, Oaks, Pinkerton, Price, Proudfoot, Pughe, Quigley, Sheppard, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Syer, Thorn, Wagonseller, Walborn, Walker, Warden, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, and Lawrence, *Speaker*—53.

NAYS—Messrs. Abbott, Acker, Bayard, Boyer, (Clearfield,) Bryson, Campbell, Chase, Dods, Ellmaker, Evans, Foster, Graham, Irish, Kinney, M'Curdy, M'Dowell, Miller, Palm, Peirce, Ramsdell, Rohrer, Rose, Rouse, Shafer, Taylor, Thompson, Witman and Williston—28.

So the question was determined in the affirmative.

Mr. THORN, on leave given, read in his place, "A supplement to an act to incorporate

the Kensington steamboat and navigation company," and moved that the House suspend the rules, and that the House proceed to the consideration of the same.

Mr. KINNEY called for a division of the question.

The question being,

Will the House suspend the rule?

The call for the division of the question was withdrawn,

And the bill was taken up, considered and passed finally.

Mr. GRITMAN, chairman of the committee appointed to try the contested election case of the Third Representative district, presented the bills of Sergeant and Assistant Sergeant-at-Arms for serving subpoenas and attachments in the case of Matthews vs. M'Clain,

Accompanied by the following resolution:

*Resolved*, That the bills of the Sergeant-at-Arms and Assistant Sergeant-at-Arms be approved by this House, and that the SPEAKER draw his warrant upon the treasurer of the city of Philadelphia for the amount therein set forth (\$259) in favor of John Clemens and F. Gehr, Sergeant and Assistant Sergeant at-Arms.

The resolution was read the second time.

Mr. WILLIAMS (Bucks) moved to amend by striking from the resolution the name of F. Gehr, so that the warrant would be drawn solely in favor of John Clemens.

The amendment gave rise to considerable debate, which partook chiefly of a running character, and was finally defeated.

The resolution was then passed finally.

Agreeably to order, the House resumed the second reading and consideration of bills on Private Calendar.

Whereupon the following were taken up and passed finally:

"Supplement to the act to limit and regulate sequestrations in case of the Erie canal company, approved 9th April, 1850."

Sen. 660. "An Act to cure an irregularity in the incorporation of the borough of Carmichael, and to declare certain judicial proceedings therein valid."

Nr. 1136. "An Act authorizing the Pennsylvania railroad company to obtain a better supply of water for the use of their road."

"Supplement to an act relating to inspections, &c., passed 15th day April, 1845."

Sen. 737. "An Act to authorize the town council of the borough of Hollidaysburg to license drays and carts."

No. 1144. "An Act requiring the overseers of the poor in Delaware township, Juniata county, to give security."

No. 1145. "An Act to prevent injury to sidewalks in the township of Girard, in the county of Erie."

No. 1147. "An act to extend the provisions of an act to reduce the expenses of collecting State and county tax in the county of Venango, approved April 23, 1851, to the counties of Mifflin and Forest."

No. 1156. "An Act to change the name of John H. Smith, of Conoy township, Lancaster county, to that of J. Hoffman Smith."

Sen. 422. "An Act providing for the recording of certain papers in the county of Schuylkill."

Sen. 423. "An Act in relation to Edith T. Greeno, of Canton township, Bradford county."

No. 1168. "An Act to prevent the destruction of trout in the county of Westmoreland."

Sen. 558. "An Act to legalize the township election in Terrytown, Bradford county."

No. 1180. "Supplement to an act to incorporate the City Bank of Philadelphia."

No. 1181. "An Act to repeal the act of April 13th, 1858, entitled 'A supplement to the act re-chartering the Tradesmen's Bank of Philadelphia.'"



Sen. 593. "An Act authorizing the removal of the dead from the burying ground, deeded to the First Methodist Episcopal church of Norristown, Montgomery county, Pennsylvania, to the Norris City cemetery."

Sen. 293 "An Act authorizing the removal of the dead interred in the grounds connected with St. Stephen's church, Harrisburg."

No. 1185. "An Act to authorize the school directors of Jefferson township, Dauphin county, to sell certain real estate."

No. 1186. "An Act to incorporate the Milford and Zionsville turnpike road company."

No. 1187. "An Act to change the time for electing the officers of the Lehigh and Berks County turnpike road company."

No. 1188. "An Act to incorporate the Spring Garden engine company of the city of Philadelphia."

No. 1189. "An Act for the repeal of so much of the second section of the act, passed the 13th day of May, 1850, as relates to the Glenhope and Little Bald Eagle turnpike company."

No. 1190. "An Act to incorporate the Handel and Hayden society of Philadelphia."

Sen. 506. "An Act to incorporate the Towanda gas and water company."

No. 1195. "An Act to incorporate the borough of New Washington."

No. 1179. "An Act to increase the capital stock of the Southwark Bank of Philadelphia," was read the second time.

Mr. MATTHEWS said this bank now asking for an increase of its capital stock, was one of the oldest and soundest banks in the city. It asks only for an increase of the capital stock. Now we have been granting chartered privileges to other banks, to passenger railway companies of Philadelphia, and I ask it as a matter of courtesy to me, as well as justice to the institution, to pass this bill.

And on the question,

Will the House agree to the bill?

The yeas and nays were required by Mr. GRITMAN and Mr. MILLER, and were as follows, viz :

YEAS—Messrs. Abbott, Chase, Green, Harding, Kenegy, Lawrence, (Washington,) Matthews, McDowell, Patterson, Price, Rouse, Styer, Thompson, Walborn, Wiley, Wilson and Lawrence, *Speaker*—17.

NAYS—Messrs. Acker, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Church, Custer, Dismant, Durboraw, Eckman, Ellmaker, Evans, Fleming, Foster, Galley, Good, Graham, Gritman, Hamersly, Hill, Hottenstine, Irish, Jackson, Ketchum, Kinney, Laird, M'Curdy, Miller, Neall, Oaks, Palm, Proudfoot, Pughe, Quigley, Ramsdell, Rose, Shields, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thorn, Wagenseller, Walker, Warden, Witman, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Woodring and Zoller—54.

So the question was determined in the negative.

Mr. GRATZ paired off with Mr. FISHER.

No. 1198. "An Act to incorporate the American piano and melodeon distributing company of Pennsylvania," was read the second time.

Mr. EVANS moved to postpone the further consideration of the bill indefinitely.

The motion was resisted by Messrs. GOEPP, HAMERSLY and THORN.

And was advocated by Messrs. WALBORN, EVANS, SHEPPARD and PRICE.

Mr. EVANS withdrew his motion.

Mr. PRICE renewed his motion.

And on the question,

Will the House agree to the motion to postpone the bill indefinitely?

It was determined in the negative.

Mr. SHEPPARD moved to postpone the bill for the present.

And on the motion,

The yeas and nays were required by M

PRICE and Mr. HARDING, and were as follows, viz :

YEAS.—Messrs. Barnsley, Evans, Galley, Gratz, Green, Harding, Hottenstine, Kenegy, Matthews, Palm, Peirce, Price, Ramsdell, Shafer, Sheppard, Styer, Walborn, Walker, Witman, Wigton and Williams, (Bucks,)—21.

NAYS—Messrs. Abbott, Acker, Barlow, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Custer, Dismant, Durboraw, Eckman, Ellmaker, Fleming, Foster, Glatz, Goepf, Graham, Gray, Gritman, Hill, Irish, Jackson, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mebaffey, M'Curdy, Miller, Oaks, Pinkerton, Proudfoot, Pughe, Quigley, Rohrer, Shields, Smead, Smith, (Berks,) Stoneback, Stuart, Taylor, Thompson, Thorn, Wegenseller, Warden, Wilcox, Wiley, Williams, (Bedford,) Williston, Wilson, Woodring, Zoller and Lawrence, *Speaker*—56.

So the question was determined in the negative.

Mr. HAMERSLY moved to amend the bill, so that the pianos distributed shall be of American manufacture.

Mr. PRICE moved to amend the amendment, by striking out "American" and inserting "Pennsylvania."

Mr. HAMERSLY withdrew his amendment. Mr. PRICE'S amendment fell with it.

The bill passed finally.

Mr. WILCOX moved that the House do now adjourn.

On the motion,

The yeas and nays were required by Mr. McDOWELL and Mr. SHAFER, and were as follows, viz :

YEAS—Messrs. Barlow, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Campbell, Chase, Dismant, Evans, Fleming, Galley, Goepf, Graham, Gray, Green, Hill, Jackson, Ketchum, Laird, Mebaffey, Matthews, Oaks, Pinkerton, Quigley, Shields, Smead, Smith, (Berks,) Stoneback, Stuart, Styer, Thompson, Wilcox, Wiley, Williams, (Bucks,) Williston, Woodring and Zoller—39.

NAYS—Messrs. Abbott, Acker, Barnsley, Burley, Church, Custer, Eckman, Foster, Glatz, Hamersly, Harding, Hottenstine, Irish, Kenegy, Kinney, Lawrence, (Washington,) M'Curdy, McDowell, Neall, Palm, Price, Proudfoot, Pughe, Ramsdell, Rose, Shafer, Sheppard, Taylor, Wagenseller, Walker, Warden, Witman, Wigton, Williams, (Bedford,) Wilson and Lawrence, *Speaker*—37.

So the question was determined in the affirmative.

Whereupon, the SPEAKER adjourned the House until to-morrow morning at 9½ o'clock.

## SENATE.

THURSDAY, April 7, 1859.

The SPEAKER called the Senate to order at 9½ o'clock, a quorum of Senators present.

The Journal was read and approved.

## LEAVE OF ABSENCE.

Mr. TURNEY asked and obtained leave of absence for the Senator from Franklin, (Mr. BREWER.)

## REPORTS OF COMMITTEES.

Mr. RUTHERFORD, (Private Claims and Damages) as committed, "An Act to authorize the investigation of the claims for damages of Dennis McDonald."

Mr. SCHELL, (same,) with amendment, "An Act relative to unadjusted claims against the public works."

Mr. RANDALL, (Railroads) as committed, House bill, No. 1309, "A supplement to the act incorporating the Millersburg and Baileysville railroad company."

Mr. COFFEY, (same) with amendments, House bill, No. 1252, "An Act to incorporate the Thirteenth and Fifteenth Streets passen-

ger railroad company of the city of Philadelphia."

Mr. CRAIG, (same) as committed, "A supplement to the act incorporating the Richmond and Schuylkill passenger railroad company."

Mr. STEELE, (same) House bill, No. 131, "An Act to incorporate the Citizens' passenger railroad company, approved March 13, 1859."

Mr. BELL, (Judiciary) as committed, House bill, No. 628, "An Act relating to registers of wills, recorders of deeds, prothonotaries and clerks of courts with the State treasurer."

## BILLS IN PLACE.

Mr. PARKER read in place a bill, entitled "A supplement to an act regulating buildings in the city of Philadelphia."

## BILLS CONSIDERED.

House bill No. 751, "An Act to incorporate the Montour navigation company," came up on second reading.

Mr. MYER moved to postpone the further consideration of the bill for the present. He wished to offer an amendment, but had not yet prepared it.

The motion was not agreed to.

Mr. HARRIS moved to postpone the bill until to-morrow; which was agreed to.

House bill No. 278, "A supplement to an act to repeal certain acts of Assembly upon non-payment of the enrolment tax."

On motion of Mr. WRIGHT, postponed.

Senate bill No. 971, "An Act to incorporate the Philadelphia and Pittsburg telegraph company," passed committee of the whole, and laid over.

Mr. FETTER called up Senate bill No. 323, entitled "An Act to incorporate the Northumberland and Juniata railroad company."

The motion to proceed to its consideration was not agreed to.

Mr. SCHELL called up Senate bill No. 1135, entitled "An Act relative to unadjusted claims against the public works;" passed committee of the whole, and laid over.

Mr. SCHELL also called up House bill No. 460, "An Act to authorize the appointment of commissioners to examine and adjust certain claims, &c."

After several important amendments, the bill passed finally.

Mr. HARRIS called up House bill No. 628, "An Act relative to the settlements of registers of wills, recorder of deeds, prothonotaries and clerks of courts with the State Treasurer." The bill passed finally, with amendments.

Mr. WRIGHT moved that the bill providing for the election of additional aldermen in the Eleventh ward of the city of Philadelphia be re-committed to the Committee on Judiciary. Agreed to.

Mr. PENNEY moved the Senate reconsider the final vote upon concurring in the House amendments to Senate bill No. 680, "An Act to incorporate the Pittsburg, Allegheny and Manchester passenger railway company."

The motion was agreed to, and the bill passed with amendments.

Mr. PALMER called up Senate bill No. 573, "An Act in relation to writs of error, appeals and certioraries in the supreme court, and abolishing the court of nisi prius." Mr. P. wished to know the reasons why the Committee on Judiciary should report the bill negatively. He thought it was a bill that should be passed.

Mr. BELL answered at some length, giving the reasons of the Judiciary Committee for the action they had taken in the matter. He said its objectionable features were confined to abolishing the courts of nisi prius. The gentleman discussed the subject at length.

Messrs. RANDALL and SCOFIELD further discussed the question.

On the second section,

The yeas and nays were required by Mr.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 74.

BELL and Mr. PALMER, and were as follow, viz:

YEAS—Messrs. Baldwin, Blood, Coffey, Craig, Fetter, Francis, Gregg, Harris, Marselis, Myer, Palmer, Parker, Penney, Randall, Rutherford, Scofield, Schindel, Steele, Turney, Wright and Yardley—21.

NAYS—Messrs. Bell, Gazzam, Miller, Nunemacher, Schell, Thompson and Cresswell, *Speaker*—7.

So the question was determined in the affirmative.

The bill, with a slight amendment, was then agreed to.

Mr. SCOFIELD called up House bill No. 740, a joint resolution relative to the tonnage tax.

On the motion to proceed to the consideration of the bill,

The yeas and nays were required by Mr. SCOFIELD and Mr. MYER, and were as follow, viz:

YEAS—Messrs. Gazzam, Miller, Myer, Penney, Scofield and Yardley—6.

NAYS—Messrs. Baldwin, Bell, Blood, Coffey, Fetter, Francis, Gregg, Harris, Keller, Marselis, Nunemacher, Palmer, Parker, Randall, Rutherford, Schell, Schindel, Steele, Thompson, Turney, Wright and Cresswell, *Speaker*—22.

So the question was determined in the negative.

Mr. TURNEY moved the Committee on Judiciary be discharged from the consideration of a bill, entitled "An Act relative to a revised penal code of Pennsylvania," and the Senate proceed to its consideration; agreed to.

On the passage of the second section, The yeas and nays were required by Mr. TURNEY and Mr. COFFEY, and were as follow, viz:

YEAS—Messrs. Blood, Craig, Fetter, Francis, Gazzam, Gregg, Keller, Marselis, Miller, Nunemacher, Parker, Rutherford, Shaeffer, Schindel, Steele, Thompson, Turney, Wright and Yardley—19.

NAYS—Messrs. Bell, Coffey, Palmer, Penney, Randall, Scofield and Cresswell, *Speaker*—7.

So the question was determined in the affirmative.

The merits of the bill were briefly discussed by Messrs. RANDALL, TURNEY, PENNEY and SCHELL.

Mr. SCHELL moved to go into committee of the whole for the purpose of special amendment, which was agreed to.

The amendment offered by Mr. SCHELL, "to strike out all after the word 'repealed,' in the first section to the end of that section, was agreed to.

On the question of the adoption of the report of the committee,

The yeas and nays were required by Mr. COFFEY and Mr. BALDWIN, and were as follow, viz:

YEAS—Messrs. Blood, Craig, Fetter, Francis, Gregg, Harris, Keller, Marselis, Nunemacher, Parker, Rutherford, Schell, Shaeffer, Schindel, Steele, Thompson, Turney, Wright, Yardley—19.

NAYS—Messrs. Bell, Coffey, Gazzam, Myer, Penney, Randall, Scofield and Cresswell, *Speaker*—9.

So the question was determined in the affirmative.

The bill then passed finally.

On motion of Mr. MYER, House bill, No. 461, "An Act to authorize the State Treasurer

to pay the Towanda bridge company a balance due them in pursuance of a contract made with the board of Canal commissioners." Passed committee of the whole and laid over.

Mr. SCOFIELD called up Senate bill, No. 743, "An Act relative to the election of district attorneys." Several amendments to the bill were agreed to. Passed second reading by yeas 17, nays 10, as follow, viz:

YEAS—Messrs. Blood, Fetter, Keller, Marselis, Parker, Penney, Rutherford, Schell, Scofield, Shaeffer, Schindel, Steele, Thompson, Turney, Wright, Yardley, and Cresswell, *Speaker*—17.

NAYS—Messrs. Bell, Coffey, Craig, Francis, Gazzam, Gregg, Harris, Myer, Nunemacher and Palmer—10.

The bill then passed finally.

Mr. GAZZAM called up Senate bill No. 268, "An Act to incorporate the Commercial Bank of Pittsburg."

On the final passage, the bill was negatived, as follows:

YEAS—Messrs. Baldwin, Francis, Gazzam, Gregg, Harris, Palmer, Parker, Penney, Rutherford, Thompson and Yardley—11.

NAYS—Messrs. Blood, Craig, Keller, Marselis, Miller, Nunemacher, Randall, Schell, Scofield, Shaeffer, Steele, Turney, Wright and Cresswell, *Speaker*—14.

House bill No. 182, "An Act to confer on certain associations of the citizens of this Commonwealth the powers and immunities of corporations and bodies politic in law, and to confirm charters heretofore granted," came up in order.

On the final passage of the bill, the yeas and nays were as follow:

YEAS—Messrs. Baldwin, Coffey, Francis, Gazzam, Gregg, Harris, Marselis, Myer, Palmer, Parker, Randall, Rutherford, Shaeffer, Schindel, Steele, Thompson, Turney and Yardley—18.

NAYS—Messrs. Bell, Blood, Keller, Nunemacher, Penney, Schell, Scofield, Wright and Cresswell, *Speaker*—9.

So the question was determined in the affirmative.

Mr. BLOOD called up House bill No. 1063, "An Act relating to the election of officers of the Wyoming canal company." Passed finally.

Mr. COFFEY called up House bill No. 665, "An Act declaring the bridge between the counties of Armstrong and Clarion a county bridge." Passed.

Mr. THOMPSON called up House bill No. 329, "An Act to incorporate the Union Market company, Philadelphia." Passed.

Mr. MARSELIS called up House bill No. 1005, "An Act to incorporate the National Art association." Passed.

Mr. GREGG called up House bill No. 807, "An Act relative to the relief of Thomas Bridgens, collector of military tax in the borough of Lock Haven, Clinton county." Passed.

Mr. TURNEY called up bill, entitled "A supplement to the act incorporating the trustees of the Reformed Associated Church of Rush township, Westmoreland county." Passed.

Mr. BELL called up "A further supplement to the act incorporating the West Chester and Philadelphia railroad company." Passed.

## HOUSE AMENDMENTS

To Senate bill No. 216, entitled "An Act to attach Somerset county to the Middle district of the supreme court," were concurred in.

Also, House amendments to Senate bill No.

606, entitled "An Act to authorize the Tinklebaugh coal company to borrow money."

To Senate bill, No. 689, entitled "An Act to incorporate the Pittsburg and East Liberty passenger railway company."

To House bill No. 399, "A supplement to the act to incorporate the Mutual insurance company of Sinking Springs, Berks county."

A message was received from the Governor, and read by the Clerk, giving the names of seven bills signed.

Adjourned until 3 o'clock this afternoon.

## SENATE—AFTERNOON SESSION.

The Senate met at 3 o'clock.

Mr. HARRIS called up House bill No. 504, "An Act providing for the fencing of a part of the Cleveland and Pittsburg railroad, and for the protection of property in the county of Beaver."

On motion, the Senate dispensed with going into committee of the whole, and said bill passed second and third reading. The title was agreed to; and the bill being upon its final passage,

Mr. TURNEY. This same proposition was defeated in the Senate at the last session, and I hope will be defeated now. There may, perhaps, be some propriety in requiring all railroad companies to fence their roads, but that is not now the question at issue. The Senate has, on different occasions, defeated propositions of this kind, in the most emphatic manner. I cannot say where or how this road is located; all I know about it is that the company are struggling to arrive at some degree of prosperity. They have made great efforts to be able to stand upon their feet once more, having been greatly depressed in their financial concerns of late. The proposition introduced here by the Senator from Bradford, a short time ago, which was negatived, I believe twice by the committee and ultimately defeated by the Senate, proposed to fence a railroad similar to this. Now there is no good reason why this bill should be passed. There is as much danger on one railroad, in the destruction of cattle, stock, &c., as on another.

Mr. HARRIS. The Senator from Westmoreland, (Mr. TURNEY,) has very properly stated the subject. I would state further that this matter was before the Senate, two session ago, and has twice been defeated. This is the third time it has passed the co-ordinate branch of the Legislature, and I hope it will not be defeated now. The old adage is, the third time is the charm, and I hope it will be so in this case.— But there are reasons why this road, for the twelve miles in Beaver county, should be fenced. When the company obtained the right of way in that county, they agreed to fence their road. They have not done so, and I hear are under no legal obligations to fence that road. It runs twelve miles along the Ohio river, and on that line there are five very flourishing towns, the borough of Beaver included; back of the railroad are a number of very fine farms, and during the summer and even winter, there is no way for the cattle kept in those barns, to go to water, but over this road or down through a ravine. The cars going along the road almost daily or weekly destroy these cattle. This bill provides that so much of the road along the Ohio river, where there is danger from these cattle, in order to preserve the property and lives of persons transported by the company, shall be fenced. This bill comes here for the



third time, asking that this company shall be required to build a fence on this road. I am willing to accept any amendment that will not interfere with the provisions of the bill. When property-holders have sustained damages along this route, I think the company should pay the damage.

Mr. RANDALL. In connection with this bill, I have merely to say it was referred to the railroad committee, and after consideration by them was reported with a negative recommendation. No argument introduced into that committee could convince the members of it, of the propriety or necessity of this bill being reported in any other way than that determined on. The Senate, so long as I have been a member of it, has refused in every instance, to compel these railroad companies to fence their roads. I was on the committee and heard, fully, the statements of the member from Bedford, but I heard nothing from him which would induce me, or the Senate, to depart from that rule they have laid down in every instance of this kind.

Mr. MILLER. I did not know that any rule had been laid down by this Senate. Bills have been considered here and passed day after day, and the fact that they were done according to rule never once occurred to me. I believe that there is a necessity for the passage of this bill. I have passed along this road, and think it is absolutely required that it should be fenced at this place. Although we have not been in the habit, in this country, of compelling railroad companies to fence their roads, it is no novel thing on the continent of Europe. In Europe, it is the custom to require all railroads to be fenced and kept under the greatest guards and restrictions, as I think they should be. The principal argument here appears to be, not so much against the necessity of the bill as that the companies are not able to fence the road. I do not think that the fencing of railroads would in any way injure the rights or property of individuals; on the other hand, I think it is universally conceded that if these roads would be fenced, there would be fewer collisions and less loss of property. I confess, sir, that upon many railroads, running through a wilderness or thinly settled country, it would fall very hard if you required them to fence their roads; but roads running through a populous district, I contend, should be fenced. I knew that more lives have been lost by steamboat and railroad collisions in this country, than, I was about to say, in all the countries of the world put together. We look lightly upon human life, and for that reason we have not compelled railroad companies to throw those safeguards around their institutions they should. This is a question, in which dollars and cents are put into one scale and the life of a human being is thrown into the other; and I am sorry to say the dollars and cents preponderate.

I recollect, sir, some three years ago, in the co-ordinate branch of the Legislature, when this subject was agitated, I am happy to say that there were some gentlemen of high position in that body, who took a deep interest in this subject, and this bill did finally pass the House, but was defeated in the Senate; that ended it. These propositions have been frequently before this body, but the dollars and cents have predominated, and the representatives of our citizens failed to take into consideration the value of human life.

Mr. RANDALL replied that the argument of dollars and cents urged by the Senator from Washington may have weight in some minds, but not in his. He thought it strange that this matter should be brought into the Senate at the close of the session when time is so precious. He continued: If the Senate is disposed to be inconsistent, and compel this railroad company, after having refused to compel others, to fence

their roads, I am willing to submit, but I shall be consistent in my vote.

Mr. SCOFIELD. I would not trouble the Senate on this question, if I had not a few days ago voted against the Elmira and Williamsport railroad being compelled to fence their road, and intend to vote for this bill. The Senator from Philadelphia, (Mr. RANDALL,) may think I am inconsistent in my vote, as he says he is consistent, if I did not explain. I join in no crusade against any railroad companies whatever. In all respects, I am their friend, as my vote will show. The bill which the Senator from Bradford introduced the other day, provided that the whole length of the road in question should be fenced, but now the Senator gets up a bill very much modified, for which, I think, it is my duty to vote. No Senator who knows the ground upon which I think this bill is opposed, will vote against it. If the Senator from Philadelphia desires to do justice between a valuable company, that ought not to be robbed, and the people living along the line of that road, I cannot see how he can avoid voting for this bill. There are three small towns, and one or two large ones, through which this road passes — As the Senator has told us, the cattle, in the warm weather, come down to the bank of the Ohio river, and stand in the water beneath the trees that skirt the Ohio. I submit to the Senate, if it is safe that that little portion of the road where these cattle pass should be left unfenced. It is imposing no burden on the company to require them to do this. I know the wants of the people absolutely require it, and I know the railroad company is not to be injured, as the expense will not be large. I, therefore, will vote for the bill.

Upon its final passage, The yeas and nays were required by Mr. HARRIS and Mr. RANDALL, and were as follow, viz:

YEAS—Messrs. Baldwin, Francis, Gregg, Harris, Keller, Miller, Myer, Perney, Rutherford, Schell, Scofield, Steele and Thompson—13.

NAYS—Messrs. Blood, Fetter, Finney, Marselis, Nunemacher, Palmer, Randall, Shaeffer, Schindel, Turney, Wright and Cresswell, *Speaker*—12.

So the question was determined in the affirmative.

On motion of Mr. SCOFIELD, the Senate resumed the consideration of House bill No. 402, "An Act to incorporate the Fallbrook railroad company," which had been vetoed by the Governor.

The bill and veto message were read.

Upon the question,

Shall the bill pass, notwithstanding the objections of the Governor?

The SPEAKER, agreeably to the provision of the Constitution, ordered the yeas and nays, as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Fetter, Finney, Francis, Guzzam, Gregg, Harris, Myer, Palmer, Parker, Penney, Rutherford, Scofield, Shaeffer, Schindel, Steele, Thompson, Yardley and Cresswell, *Speaker*—21.

NAYS—Messrs. Keller, Marselis, Miller, Nunemacher, Randall and Wright—6.

Two-thirds having voted in the affirmative, the bill passed.

#### BILL IN PLACE.

Mr. MYER, on leave given, read in his place and presented to the Chair, a bill, entitled "A further supplement to the act regulating banks, passed April 16, 1850."

#### BILLS CONSIDERED. AND PASSED.

On motion of Mr. KELLER, Senate bill No. 4046, "An Act for the relief of the sureties of William Wilson, jr., late collector of tolls at Northumberland."

On motion of Mr. PARKER, House bill, No. 1252, "An Act to incorporate the Thirteenth

and Fifteenth Streets passenger railway company of the city of Philadelphia."

On motion of Mr. BALDWIN, House bill, No. 1033, "An Act to incorporate the Lampeter and Bridgeport turnpike road company."

On motion of Mr. SCHINDEL, House bill, No. 566, "An Act to incorporate the Pennsylvania Annual Conference of the Methodist Protestant church."

On motion of Mr. PALMER, House bill, No. 415, "An Act authorizing the school directors of the borough of Auburn, Schuylkill county, to borrow money."

On motion of Mr. GREGG, House bill, No. 692, "An Act to incorporate the Williamsport library association."

On motion of Mr. MILLER, House bill, No. 1304, "An Act to authorize the Chartiers Valley and Hempfield railroad companies to lease their roads to other companies or corporations."

Upon this bill some discussion ensued between Messrs. MILLER and GAZZAM, the former in its favor and the latter in opposition to that part of the bill applying to the Hempfield railroad company; which he moved to strike out, but subsequently withdrew the same, and the bill passed finally without amendment.

On motion of Mr. MYER, House bill, No. 537, "An Act to prevent the hunting of deer with dogs in the counties of Sullivan, Wayne, and Dauphin."

On motion of Mr. GREGG, Lycoming county was included.

Mr. PARKER called up Senate bill, No. 258, "A further supplement to the act consolidating the city of Philadelphia."

Remarks were made by Mr. PARKER in support of this bill, and by Messrs. WRIGHT and MARSELIS, against.

Pending its discussion, the Senate adjourned until 7 o'clock this evening.

#### SENATE—EVENING SESSION.

Mr. KELLER read in place and presented to the Chair, bill, entitled "An Act to change the venue of a certain action from Union to Northumberland county."

On motion of the same gentleman, the Senate proceeded to the consideration of the bill.

After considerable discussion, participated in by Messrs. TURNER, GREGG and KELLER,

Mr. HARRIS moved to refer the subject to the Judiciary Committee.

On the question,

To proceed to the second reading of the bill.

It was agreed to, as follows:

YEAS—Messrs. Bell, Blood, Craig, Fetter, Keller, Marselis, Miller, Nunemacher, Randall, Schell, Schindel, Steele, Turney, Wright and Cresswell, *Speaker*—15.

NAYS—Messrs. Baldwin, Coffey, Finney, Gregg, Harris, Palmer, Parker, Penney, Rutherford, Shaeffer and Thompson—11.

The bill was then laid over.

On motion of Mr. PENNEY, the committee were discharged from the consideration of House bill No. 1290, "An Act supplementary to the act erecting the village of East Birmingham into a borough, approved 9th April, 1849."

The bill being taken up, passed committee of the whole, also second and final reading.

Mr. RUTHERFORD called up House bill No. 1363, "A supplement to the act incorporating the borough of Lebanon, Lebanon county." Passed.

Mr. FINNEY called up House bill No. 1159, "A supplement to the act relative to inspections." Passed.

#### HOUSE AMENDMENTS

To Senate bill No. 617, "An Act relative to the assessment and recovery of damages on the North Branch canal."

Two amendments concurred in, one non concurred in.

Mr. SCOFIELD called up House bill N



1882, "An Act relative to a State road in Potter and McKean counties." Passed.

Mr. RANDALL called up Senate bill No. 995, "A further supplement to an act incorporating the city of Philadelphia, relative to delinquent tax payers." Passed.

Messrs. STEELE and KELLER moved to reconsider the vote on House bill No. 504, "An Act relative to fencing part of the Cleveland and Pittsburg railroad in Beaver county." Reconsideration postponed.

Mr. CRAIG called up House bill No. 1007, "A supplement to the Lehigh and Delaware plank road company." Passed.

Mr. NUNEMACHER called up House bill No. 982, "An Act to lay out a State road in Berks county." Passed.

Mr. STEELE, on leave given, read in place "A supplement to the act for the erection of a poor house in the township of Jenkins and borough of Pittstown, in Luzerne county."

On motion of the same gentleman, the bill was taken up and passed its several readings.

Mr. BLOOD, on leave given, reported House bill No. 636, "An Act to authorize the State Treasurer to pay to A. McClellan, an old soldier, a certain balance due him from the Commonwealth."

Mr. THOMPSON called up the "Act to incorporate the Germantown market company." Passed.

Mr. SCOFIELD called up House bill No. 332, "An Act to repeal an act relative to the division of the borough of Uniontown, Fayette county." Passed.

Mr. WRIGHT, House bill No. 1351, "An Act to incorporate the Manayunk and Roxboro water company." Passed.

Mr. YARDLEY called up House bill No. 775, to authorize the Milford and Richland turnpike road company to borrow money." Passed.

Mr. SHAEFFER, (on the call of the SPEAKER,) read a bill in place, "A supplement to the act to divide the borough of Johnstown, Cambria county, into wards."

Taken up, on the motion of the same gentleman, and passed its several readings.

Mr. BALDWIN moved to consider House bill No. 398, "A supplement to the act incorporating the Mount Joy savings institution."

The motion was not agreed to, as follows:

YEAS—Messrs. Baldwin, Coffey, Francis, Gazam, Gregg, Harris, Palmer, Parker, Penney, Rutherford, Schindel, Thompson and Yardley—13.

NAYS—Messrs. Blood, Craig, Fetter, Marselis, Miller, Myer, Nunemacher, Randall, Schell, Scofield, Shaeffer, Steele, Turney, Wright and Cresswell, *Speaker*—14.

Mr. BLOOD called up House bill No. 757, "An Act to declare Johnson's run, in Elk county, a public highway." Passed.

Mr. WRIGHT called up House bill No. 1385, "A supplement to the act incorporating the Kensington steamboat and navigation company." Passed.

Adjourned.

## HOUSE OF REPRESENTATIVES.

THURSDAY, April 7, 1859.

The House was called to order at 9½ o'clock. The reading of the Journal was dispensed with.

### PRIVATE BILLS.

The House resumed the second reading and consideration of bills on the Private Calendar.

Whereupon, the following were duly considered, and passed finally:

Sen. 266. "An Act to incorporate the City and County insurance company of the city of Allegheny."

No. 1203. "An Act to incorporate the Farmers' and Mechanics' mutual insurance company."

No. 1204. "An Act to incorporate the Allen rolling mill."

Sen. 524. "An Act to incorporate the Western coal oil and iron company."

No. 1208. "An Act to incorporate the Lehigh iron company."

No. 1209. "An Act for the relief of Margaret Coldwater, widow of Philip Coldwater, a soldier of the Revolutionary war."

No. 1210. "An Act relative to the claim of Burke and Gonder."

Sen. 205. "An Act to authorize the payment of the claim of John G. Couch, of Huntingdon county."

No. 1214. "An Act to authorize the payment of the claim of John W. Geary and Israel Painter."

Mr. WARDEN said that the Commonwealth had violated its contract in this matter. The arbitrators which had been appointed, had awarded the claimants their just claims, and this bill was only to authorize the payment from the State Treasury.

Mr. WILLIAMS, (Bucks,) corroborated this statement.

The bill passed finally.

No. 1215. "An Act for the relief of Shem Thomas."

No. 1216. "An Act to authorize the State Treasurer to pay Thomas and Henry Buimgardner, for loss sustained in consequence of collision on the Columbia and Philadelphia railroad."

No. 1218. "An Act relating to the sale of meat in the city of Reading."

On motion of Mr. CUSTER, postponed.

No. 1219. "A further supplement to the act incorporating the borough of West Chester, and its several supplements, passed the 3d day of March, 1788."

No. 1223. "A supplement to an act to revive and continue the act authorizing the Governor to incorporate a company for making an artificial road from the river Schuylkill, at Reading, in the county of Berks, to or near Hummelstown, in the county of Dauphin."

No. 1224. "An Act to lay out a State road from a point in a public road leading from Jonestown, Lebanon county, to Woleberstown, in the county of Berks, at or near Philip Batdorf's house, in the township of Jackson, Lebanon county, to a point in the public road leading from Myerstown, Lebanon county, to Freystown, in the county of Berks, at or near Daniel Batdorf's, in Tulpehocken township, Berks county."

No. 1225. "An Act relative to vendors of patent medicines in the county of Mercer."

No. 1226. "An Act to vacate a portion of Wallace street, in the city of Philadelphia."

No. 1228. "An Act to incorporate the Moya-mensing insurance company of Philadelphia."

No. 1229. "An Act to incorporate the Union manufacturing company of Pennsylvania."

No. 1233. "An Act directing the supervisors of the township of Heath, in the county of Jefferson, and the supervisors of the township of Millstone, in the county of Forest, to pay the expenses of opening a certain road in said township."

No. 1235. "An Act to authorize the Allen Rifles to build an armory."

No. 1236. "An Act to create certain commissioners to lay out and open a public alley in the borough of Elizabethtown, Lancaster county."

No. 1237. "An Act to incorporate the Wilkesbarre and Kingston Passenger railway company."

No. 1239. "An Act relative to the claims of Roger C. McGill and McGill and Cross."

No. 1240. "An Act to incorporate the Elm Tree fire insurance company of Philadelphia."

"Supplement to the act consolidating the city of Philadelphia."

No. 1241. "An Act to incorporate the Tylersville water company."

No. 1242. "An Act in relation to the borough of North Lebanon, Lebanon county."

No. 1244. "A supplement to an act to incorporate the Lehigh County mutual horse insurance company."

Sen. 604. "An Act supplementary to the act incorporating the borough of Pottsville."

Sen. 760. "An Act authorizing the settlement of the account of Levi G. Clover, late collector at Pittsburg."

Sen. 262. "An Act relative to the city of Pittsburg."

Sen. 868. "An Act relative to the lists of assessments in the county of Cambria."

Sen. 715. "A supplement to the act incorporating the Attleboro, Hulmeville and Bristol turnpike road company."

No. 1257. "An Act to authorize the establishment of the Tanners' and Miners' Bank, in the borough of Connelville, Fayette county."

No. 1273. "A further supplement to an act to incorporate the Allentown railroad company."

No. 1274. "Supplement to an act to incorporate the Guardian Insurance company of Philadelphia."

Senate bill, "An Act to incorporate the Bordeaux steamship company."

No. 1276. "Supplement to an act to incorporate the North Pennsylvania railroad company."

Sen. 598. "Supplement to an act incorporating the West Philadelphia passenger railroad company."

No. 1278. "An Act to authorize the State Treasurer to pay the claim of Robert Young for loss sustained by fire on the Philadelphia and Columbia railroad."

No. 1279. "An Act to incorporate the Pottsville and Minersville railroad company."

Sen. 637. "An Act to establish a ferry over the West Branch river, at the furnace of Beaver, Geddes, Marsh & Co., in Union county."

No. 1281. "An Act to incorporate the Pittsburg Turners association."

No. 1282. "An Act to incorporate the Harrisburg Park association."

No. 1283. "An Act to authorize the Washington Hose company of Harrisburg to sell certain real estate."

No. 1291. "A further supplement to the act incorporating a company to erect a bridge over the Allegheny river opposite Pittsburg," &c.

"An Act to incorporate the Germantown market company of the city of Philadelphia."

No. 1351. "An Act to incorporate the Manayunk and Roxboro gas and water company."

No. 1361. "An Act to empower the Attorney General to examine certain claims in the counties of Cambria and Blair."

No. 1022. "An Act to incorporate the Allegheny and Etna passenger railroad company."

No. 1290. "Supplement to an act erecting the village of East Birmingham into a borough, approved 10th day of April, 1849."

No. 910. "Supplement to an act to incorporate the Philadelphia ice company."

No. 1060. "An Act requiring the Sunbury and Pottsville railroad company in Northumberland county, to fence their road."

"An Act to annul the marriage contract between Charles A. Garrard, of Greene county, and Louisa his wife;" which was read the second time.

And on the final passage of the bill, The yeas and nays were required by Mr. SMITH, (Berks,) and Mr. DRYSON, and were as follow, viz:

YEAS—Messrs. Gray and Smead—2.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Bayard, Boyer, (Clearfield,) Bryson, Burley, Chase, Church, Custer, Dismant, Durboraw, Eokman, Ellmaker, Evans, Foster, Galley, Glatz, Goepp, Graham, Gratz, Green, Gritman, Hamersly, Harding, Hill, Hottenstine,



Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) M'Curdy, Neall, Palm, Peirce, Pinkerton, Proudfoot, Pughe, Quigley, Ramsdell, Rohrer, Rose, Rouse, Shafer, Sheppard, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Styer, Talyor, Thompson, Thorn, Wagenseller, Walborn, Walker, Warden, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Zoller and Lawrence, *Speaker*—74.

So the question was determined in the negative.

Mr. JACKSON said—I vote "No," because there is no evidence that the wife has received notice of the application for a divorce.

"An Act to incorporate the Seventeenth and Nineteenth Streets passenger railway company of Philadelphia," was read the second time and agreed to.

And, on the question,  
Will the House suspend the rule, and read the bill the third time?

The yeas and nays were required by Mr. JACKSON and Mr. BERTOLET, and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Barnsley, Bayard, Boyer, (Schuylkill,) Bryson, Burley, Chase, Church, Durboraw, Eckman, Ellmaker, Fisher, Foster, Glatz, Goepp, Graham, Gratz, Gray, Hamersly, Harding, Irish, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mehafeey, Neall, Palm, Patterson, Peirce, Pinkerton, Price, Proudfoot, Pughe, Ramsdell, Rohrer, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stoneback, Stuart, Styer, Taylor, Thompson, Thorn, Walborn, Walker, Warden, Witman, Wiley, Williams, (Bedford,) Williams, (Bucks,) Withrow, Zoller and Lawrence, *Speaker*—59.

NAYS—Messrs. Barlow, Bertolet, Boyer, (Clearfield,) Custer, Dismant, Jackson, Laird, M'Curdy, Miller, Oaks, Quigley and Woodring—12.

So the question was determined in the affirmative, and the bill passed finally.

No. 1268. "An Act to incorporate the Wrightsville steam ferry company," came up in order.

The House refused to lay the bill aside to be prepared for second reading.

"An Act relative to Tulip street, city of Philadelphia," was read the second time and passed finally.

#### PRIVATE CALENDAR.

The House next proceeded to the consideration of the Private Calendar of Tuesday, April 5th.

Whereupon the following were read; and, no objection being made, were laid aside and prepared for second reading:

"An Act relative to livery stable keepers in Allegheny county."

Sen. 634. "An Act relative to certain school accounts of Porter Township school district, in the county of Jefferson."

Sen. 539. "An Act for the relief of the Somerset Borough school district, Somerset county."

No. 1292. "An Act authorizing the Auditor General to cancel any balance standing open against the Lebanon Bank in his office on dividends of said bank."

No. 1296. "An Act to incorporate the trustees of the township of Jenkins, Luzerne county."

No. 1297. "An Act to incorporate the trustees of the borough of Pittston, Luzerne county."

Sen. 89. "An Act to incorporate the Pennsylvania fiscal agency."

No. 1306. "An Act in relation to the election of trustees, et cetera, of the Proprietors school fund in the township of Plains, in Luzerne county."

No. 1305. "A further supplement to the act incorporating the Duncanon, Landisburg and

Broad Top railroad company," was read, and laid aside for second reading.

Mr. PATTERSON moved that the bill be re-committed.

The CHAIR ruled the motion out of order.

No. 1261. "An Act to incorporate the Twelfth and Thirteenth Streets passenger railway company of Philadelphia."

And on the question,

Shall the bill be laid aside and prepared for second reading?

The yeas and nays were required by Mr. GRATZ and Mr. BURLEY, and were as follows, viz:

YEAS—Messrs. Gray, Neall, Sheppard, Smead, Styer, Thompson, Walborn and Lawrence, *Speaker*—8.

NAYS—Messrs. Abbott, Acker, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Campbell, Chase, Custer, Dismant, Eckman, Ellmaker, Fisher, Fleming, Foster, Galley, Good, Graham, Gratz, Green, Hamersly, Hill, Hottenstine, Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Mehafeey, Matthews, M'Curdy, Miller, Oaks, Palm, Peirce, Pinkerton, Proudfoot, Pughe, Quigley, Shafer, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Taylor, Thorn, Wagenseller, Walker, Warden, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow and Zoller—61.

So the question was determined in the negative.

Messrs. DISMANT and STONEBACK voted "No," for the reason that they desire to see at least one street open for the purpose of allowing free travel in and out of the city.

Sen. 801. "A supplement to the act of the New York Middle Coal Field railroad and coal company," was read.

And on the question,

Shall the bill be laid aside for second reading?

The yeas and nays were required by Mr. WILEY and Mr. SHAFER, and were as follows, viz:

YEAS—Messrs. Abbott, Bayard, Campbell, Chase, Durboraw, Ellmaker, Evans, Fisher, Fleming, Foster, Glatz, Goepp, Gratz, Green, Gritman, Hamersly, Harding, Irish, Keneagy, M'Dowell, Neall, Price, Pughe, Quigley, Rose, Rouse, Sheppard, Thoru, Warden, Wigton and Williams, (Bedford,)—31.

NAYS—Messrs. Acker, Barusley, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Church, Custer, Dismant, Eckman, Good, Graham, Gray, Hill, Hottenstine, Jackson, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mehafeey, Matthews, M'Curdy, Miller, Oaks, Palm, Peirce, Pinkerton, Proudfoot, Shafer, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Styer, Taylor, Wagenseller, Walborn, Walker, Witman, Wilcox, Wiley, Williams, (Bucks,) Wilson, Withrow, Woodring, Zoller and Lawrence, *Speaker*—49.

So the question was determined in the negative.

No. 1311. "An Act for the relief of Elizabeth Murphy, widow of an old soldier."

No. 1312. "An Act for the relief of Elizabeth Nicely, widow of an old soldier."

No. 1313. "An Act to pay the claim of H. E. Hudson."

Sen. 765. "An Act to incorporate the Franklin high school and Normal institute association of the borough of Martinsburg, in the county of Blair."

No. 1326. "An Act to incorporate the People's passenger railway company of the borough of Harrisburg."

No. 1327. "An Act to erect a new township and election district in the county of Dauphin, to be called West Londonderry township."

No. 1328. "An Act authorizing the State

Treasurer to pay the sum of fifty dollars to Elizabeth Husinger."

No. 1329. "A supplement to an act to enable the Governor to incorporate a company for making an artificial road, beginning at the intersection of Vine and Tenth streets, Philadelphia, and thence to Perkiomen bridge, in the county of Montgomery."

No. 1330. "An Act to authorize the Auditor General and State Treasurer to re-examine the accounts between the Commonwealth and the president, managers and company of the Easton and Feasterville turnpike road company."

Sen. 626. "A supplement to an act to erect part of the township of Dodson, in the county of Luzerne, into a separate district for road purposes, &c."

Sen. 328. "A further supplement to the act incorporating the Norristown and Freemansburg railroad company."

Sen. 790. "An Act to incorporate the Packer iron company."

No. 1051. "Supplement to an act to incorporate the Penn Haven and White Haven railroad company."

No. 1334. "An Act to annul the marriage contract between J. B. Emry and Elmira R., his wife, of Northampton county."

No. 1335. "An Act to annul the marriage contract between Catharine Frankenfield and Reuben Frankenfield, of Bucks county."

No. 1336. "An Act to annul the marriage contract between Mahlon Griffith and Mary, his wife, of Chester county."

No. 1337. "An Act to annul the marriage contract between Oliver Merritt and Lydia, his wife."

No. 1339. "An Act divorcing James Edward Roosevelt from Catharine Roosevelt."

No. 1340. "An Act to annul the marriage contract between Thomas Hemmich and Lydia, his wife."

No. 1341. "An Act to annul the marriage contract of Alexander M'Knight and Margaret, his wife, both of Philadelphia."

The House refused to lay aside said bill for second reading.

On motion of Mr. GOEPP, the House took up and passed finally, Senate bill entitled, "An Act to incorporate the Union association and reading room."

On motion of Mr. WILCOX, the standing committees of the House were discharged from the further consideration of all bills in their possession.

On motion of Mr. WITHROW, the House passed finally, Senate bill, entitled "An Act to authorize the sheriff of Mifflin county to appoint Wm. Shrimp his deputy."

Bill No. 733. "An Act to authorize the Governor to appoint an auctioneer for the borough of Scranton."

Mr. GRITMAN moved that the House proceed to the consideration of the same.

Agreed to.

Read a second and third time and passed finally.

#### SENATE AMENDMENTS.

To House bill, entitled, "An Act for the assessment and recovery of damages on the North Branch and Wyoming canals," were read.

Mr. KINNEY moved to amend the Senate amendments by striking out "conformity with" and inserting in lieu thereof, "pursuance of," which was agreed to.

Mr. KINNEY made further amendments to the bill; which were agreed to.

Mr. JACKSON moved to amend the bill, by adding a new section.

Sec. 10. That no statute of limitations, now in force in this Commonwealth, shall be set up as a legal defence by the present or any future owners of the said North Branch and Wyoming canals to any of the claims contemplated by this act.



Mr. JACKSON said—

Mr. SPEAKER:—In offering this amendment, I do so in good faith and in the hope that it will be adopted. I see no reason why it should not be; and I do see great reasons why it should be. I believe it to be necessary for the protection of those persons who have been damaged by the construction of the North Branch canal. Quite a number of these claimants reside in Wyoming county, which I have the honor, in part, to represent in this House. The North Branch extension of the Pennsylvania canal, has been in course of construction for over twenty years, and when any person or persons who have been injured, have made application for the payment of the damages which they have sustained by its construction, they have been invariably met with the answer, wait until the canals are completed, and then make your application and present your claims. Well, sir, as soon as they were finished and about to become a source of revenue to the Commonwealth, they are sold—or rather, given away, and in the seventh section of the act authorizing the sale, provision is made that the company shall pay all damages arising from the location, construction, repair, &c., of said canals, and that the Legislature shall direct the mode of assessing the damages.

Now, sir, this bill proposes the manner of assessing them, and says that the owners of said canals shall pay them. And here, sir, we are met by the canal commissioners, who are not willing that this section shall be inserted. It was in the original bill that passed this House some three weeks ago. It was in the Senate bill as reported by the committee, and printed as a substitute for the House bill; but by some way, I know not how, or by whom, it was stricken out in the Senate; and when it now comes before us again, and I offer the amendment, we are met with the assertion that it will defeat the bill.

Why, sir, what use is there of having an act at all if the statute of limitations is to be urged against the claimants? Is it right, is it just, is it honorable for this great Commonwealth, for this Legislature to allow those persons, who for a mere trifle have obtained the State Canals, to set up as a plea the statute of limitations? Sir, the State of Pennsylvania does not—will not enter such a contemptible plea against any person having an honest claim against her, and I do earnestly remonstrate against giving the canal companies an opportunity of taking advantage of a portion of my constituents.

But we are met here, sir, by the gentlemen who say they do not wish to use this plea, but they do not see any use of having the section in the bill, and that anything this Legislature may put in the bill will have no effect; that we cannot now make any change, or pass any act that will in any way affect the statute of limitations.

If this be the case, I really see no harm in having this section in the bill; and as I have before said, I believe it important that it be inserted, and I appeal to this House to sustain me and insist on the amendment. I hope, Mr. Speaker, that it will be adopted.

Which was agreed to.

And the amendment as amended was agreed to.

Mr. BAYARD, on leave given, read in his place and presented to the chair, the following: "An Act to increase the width of Highland Lane, in the township of Collins, Allegheny county."

And a petition from citizens of said township in favor of the same.

Senate insists on its amendment to the Appropriation bill, non-concurred in by the House, and have appointed a committee of conference.

On motion of Mr. CHASE, a similar committee was appointed on the part of the House.

Adjourned.

# HOUSE.—AFTERNOON SESSION.

The SPEAKER called the House to order at 3 o'clock.

Mr. SHIELDS, on leave given, presented two remonstrances from citizens of Westmoreland county, remonstrating against the passage of any act submitting to the people the question of the continuance or abolition of the office of county superintendent of common schools.

Mr. STYER, on leave given, read in his place and presented to the Chair, "An Act to incorporate the Passayunk and Penn Township passenger railroad company," which, on his motion, was taken up.

The bill was read the second time.

Mr. HAMERSLY moved that the further consideration of the bill be postponed indefinitely.

Mr. NEALL said that he had listened attentively to the reading of the bill, and was of opinion that its provisions authorized the company to go where they pleased. He had listened to the names of the corporators, and had come to the conclusion that he could not vote for this bill. On the contrary, he should vote against it and place his vote on record.

Mr. WILEY said that it was only the other day that the gentleman from Philadelphia, (Mr. STYER,) had sprung a bill upon the House, which provided for the occupancy of two of the principal streets of the city. To-day, he attempted a similar project. He was surprised to see the gentleman acting thus hastily.

Mr. STYER explained that he had met with such success the other day, having received seventy-eight votes against eleven, that he thought he would try another.

Mr. NEALL said that this fact did not speak to the credit of those who had voted with the majority.

Mr. KENEAGY was in favor of giving each one of the Philadelphia delegation a City passenger road.

Mr. GRATZ said that the House had given him one the other day, and now sought to take it away again. He hoped that the motion to postpone indefinitely would prevail.

Mr. PINKERTON wished to remind the gentleman from Philadelphia, (Mr. THORN,) who had opposed this bill on the ground that the street was occupied, that the other day he had voted to confer on a company the right to lay a third track from Harrisburg to Dauphin, when two were already laid.

Mr. WALBORN hoped that the motion to postpone indefinitely would carry.

On the motion to postpone indefinitely,

The yeas and nays were required by Mr. WALBORN and Mr. GRATZ, and were as follows, viz:

YEAS—Messrs. Abbott, Acker, Barnsley, Barlow, Chase, Church, Dismant, Fearon, Foster, Graham, Gratz, Green, Hamersly, Irish, Ketchum, Kinney, Matthews, McDowell, Neall, Peirce, Proudfoot, Pughe, Shafer, Sheppard, Taylor, Thorn, Walhorn, Warden, Witman, Wiley and Wilson—31.

NAYS—Messrs. Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Custer, Durboraw, Eckman, Ellmaker, Evans, Fleming, Good, Gray, Hill, Jackson, Keneagy, Laird, Lawrence, (Washington,) Melhaffey, Miller, Oaks, Palm, Pinkerton, Price, Quigley, Rohrer, Rouse, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stonehack, Styer, Wagenseller, Walker, Wigton, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Withrow, Wolf, Woodring, Zoller and Lawrence, *Speaker*—45.

So the question was determined in the negative.

The question being,

Will the House suspend the rule, and read the bill the third time by its title?

The yeas and nays were required by Mr. GRATZ and Mr. WALBORN, and were as follows, viz:

YEAS—Messrs. Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Custer, Dismant, Eckman, Ellmaker, Evans, Fleming, Galley, Glatz, Goepf, Good, Gray, Hill, Jackson, Keneagy, Laird, Lawrence, (Washington,) Melhaffey, Miller, Oaks, Palm, Patterson, Pinkerton, Price, Quigley, Rohrer, Rouse, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stoneback, Styer, Wagenseller, Walker, Wigton, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Withrow, Wolf, Woodring and Zoller—48.

NAYS—Messrs. Ahhott, Acker, Barnsley, Chase, Church, Durboraw, Fearon, Foster, Graham, Gratz, Green, Hamersly, Irish, Ketchum, Kinney, Matthews, M'Curdy, M'Dowell, Neall, Peirce, Proudfoot, Pughe, Rose, Shafer, Sheppard, Taylor, Thompson, Thorn, Walhorn, Warden, Witman, Wiley, Williston, Wilson and Lawrence, *Speaker*—35.

So the question was determined in the negative, two thirds not voting in the affirmative.

Mr. WILSON moved that the rules be suspended in order to proceed to the consideration of House bill No. 453, "Supplement to an act to establish a land office," which was not agreed to.

Mr. BRYSON, on leave given, presented a remonstrance numerously signed by citizens of Lawrence county, against any change in the present school law.

Also, a petition from citizens of same county, asking for the abolition of the office of county school superintendent.

Mr. GLATZ, a petition from citizens of York, for the passage of the act to incorporate the steam ferry company of Wrightsville.

Also, one from citizens of Wrightsville, in favor of the same.

Also, one from citizens of York county, for the passage of a law for the protection of squirrels in said county.

## PRIVATE BILLS.

The House resumed the consideration of bills on Private Calendar.

The following were laid aside and prepared for second reading:

No. 1343. "An Act to incorporate the Harmony Anthracite coal company."

No. 1352. "An Act to incorporate the Farmers' and Citizens' hay and straw market company."

Sen. 792. "An Act to incorporate the Western library association of the city of Philadelphia."

No. 1355. "An Act to incorporate the New Oxford, Ahbottstown and York railroad company."

No. 1356. "An Act authorizing the Butler House hotel company to change their corporate name."

Sen. 616. "A supplement to an act to incorporate the Cochransville hall association of Chester county, approved April 12, 1851."

No. 1358. "Supplement to the Locust Gap improvement company."

No. 1362. "A supplement to an act to incorporate the North Branch railway company."

No. 1364. "An Act to prevent fishing with nets and seines in Aughwick creek and tributaries, in Huntingdon county."

No. 1365. "An Act to encourage more effectually the destruction of crows."

Sen. 763. "An Act to allow the government of the United States to hold certain real estate in the city of Philadelphia."

No. 1368. "An Act to incorporate the Pittston gas company."

Sen. 541. "Supplement to an act for the regulation and continuance of a system of education by common schools."

No. 1371. "An Act to incorporate the Ross Hill coal company."

No. 1372. "An Act to incorporate the Literary association of North Pennsylvania."



Sen. 774. "Supplement to an act to incorporate the Yardleyville Delaware bridge company, approved the 15th day of May, 1835."

Sen. 1057. "A supplement to the act to incorporate the Penn Haven and White Haven railroad company, approved May 4, 1857."

Sen. 972. "An Act to incorporate the Schuylkill County transportation company."

"Supplement to an act authorizing the commissioners of Clarion county to erect a court house, &c."

"An Act authorizing the German Reformed church of the city of Philadelphia, to sell and convey certain real estate."

No. 1409. "A further supplement to the act to incorporate the North Philadelphia plank road company."

Mr. HAMERSLY moved to amend, so as to authorize the North Philadelphia plank road company, to extend their road down Broad street to connect with any road now constructed, or to be constructed, on Ridge avenue.

And on the question,

Will the House agree to the amendment?

The yeas and nays were required by Mr. HAMERSLY and Mr. PINKERTON, and were as follow, viz :

YEAS—Messrs. Acker, Boyer, (Schuylkill,) Chase, Durboraw, Eckman, Ellmaker, Fearon, Fisher, Foster, Graham, Green, Hamersly, Keneagy, Matthews, M'Dowell, Ramsdell, Styer, Taylor, Thompson and Witman—20.

NAYS—Messrs. Abbott, Barnsley, Bayard, Bertolet, Boyer, (Clearfield,) Church, Custer, Dismant, Evans, Fleming, Glatz, Goepp, Harding, Hill, Irish, Jackson, Ketchum, Laird, Mahaffey, M'Curdy, Oaks, Palm, Patterson, Pinkerton, Price, Proudfoot, Quigley, Rohrer, Rouse, Shafer, Sheppard, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Wagenseller, Walborn, Walker, Warden, Wigton, Williams, (Bedford,) Williams, (Bucks,) Withrow, Wolf, Woodring and Zoller—49

So the question was determined in the negative.

And on the question,

Shall the bill be prepared and laid aside for second reading?

The yeas and nays were required by Mr. HAMERSLY and Mr. MATTHEWS, and were as follow, viz :

YEAS—Messrs. Abbott, Acker, Barlow, Bayard, Durboraw, Ellmaker, Evans, Fearon, Fisher, Fleming, Foster, Goepp, Graham, Green, Hamersly, Hill, Matthews, M'Curdy, Miller, Neall, Oaks, Patterson, Peirce, Proudfoot, Pughe, Ramsdell, Shafer, Sheppard, Shields, Smith, (Philadelphia,) Stuart, Styer, Taylor, Thompson, Wagenseller, Walborn, Warden, Witman, Withrow, Wolf, Woodring and Zoller—41.

NAYS—Messrs. Barnsley, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Campbell, Church, Custer, Dismant, Eckman, Glatz, Good, Gray, Hotteustine, Jackson, Kinney, Laird, Mahaffey, Palm, Pinkerton, Price, Quigley, Rohrer, Smead, Smith, (Berks,) Stoneback, Walker and Williams, (Bucks,)—27.

So the question was determined in the affirmative.

Messrs. CHURCH and HAMERSLY moved that the House re-consider the vote had on the final passage of House bill, entitled "An Act to increase the capital stock of the Southwark Bank."

And on the question,

Will the House agree to the motion?

A motion was made by Mr. SMITH, (Berks,) that the further consideration of the motion to re-consider be postponed indefinitely.

And on the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. SMITH, (Berks,) and Mr. QUIGLEY, and were as follow, viz :

YEAS—Messrs. Bertolet, Boyer, (Clearfield,) Bryson, Campbell, Church, Custer, Dismant, Durboraw, Evans, Fleming, Foster, Galley, Glatz, Goepp, Graham, Gray, Hill, Hottenstine, Jackson, Ketchum, Kinney, Laird, M'Curdy, Oaks, Palm, Pinkerton, Proudfoot, Pughe, Quigley, Ramsdell, Shields, Smead, Smith, (Berks,) Stephens, Stonebacks, Stuart, Taylor, Thorn, Waideu, Wiley, Williams, (Bedford,) Williston, Wolf and Woodring—44.

NAYS—Messrs. Abbott, Barnsley, Barlow, Bayard, Burley, Chase, Eckman, Ellmaker, Fearon, Fisher, Hamersly, Harding, Keneagy, Lawrence, (Washington,) McHaffey, Matthews, M'Dowell, Miller, Neall, Patterson, Peirce, Price, Shafer, Smith, (Philadelphia,) Styer, Thompson, Wagenseller, Walborn, Walker, Witman, Wigton, Williams, (Bucks,) Wilson, Withrow, Zoller and Lawrence, *Speaker*—36.

So the question was determined in the affirmative.

#### SENATE AMENDMENTS

To House bill, entitled "An Act to incorporate the Allegheny and Etna passenger railroad company," were read and concurred in.

Mr. WALKER, on leave given, called up Senate bill, entitled "An Act relative to the claim of S. W. Pearson, former Clerk of the Senate," which was considered and passed finally.

The SPEAKER informed the House that he had appointed Messrs CHASE, GOEPP and LAWRENCE, (Washington,) committee of conference on the appropriation bill.

The hour of five having arrived, the SPEAKER adjourned the House until this evening at 7½ o'clock.

#### HOUSE.—EVENING SESSION.

The House re-assembled at 7 o'clock.

SPEAKER in the chair.

Mr. CHURCH, on leave given, read in his place and presented to the Chair, "A supplement to the act incorporating the Richmond and Schuylkill passenger railroad company."

Ordered to be placed at the foot of the Calendar.

Mr. HAMERSLY moved that the special order for this evening be postponed for the present, in order to proceed with the Private Calendar. Not agreed to.

Agreeably to order, the House proceeded to the consideration of House bill No. 362, "An Act relating to the granting of licenses to hotel, inn or tavern keepers."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for the several courts of quarter sessions of this Commonwealth, to hear petitions in addition to that of the applicant, in favor of and remonstrances against the application of any person applying to either of them for a license to keep a hotel, inn or tavern, and thereupon to refuse the same; and so much of the sixth section of the act of Assembly, relating to the sale of intoxicating liquors, passed the twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight, as is inconsistent herewith, is hereby repealed: Provided, That nothing in this act shall apply to the city of Philadelphia.*

The question recurring,

Will the House agree to the amendment offered by Mr. GOEPP, to strike out all after the word "tavern," and insert in lieu thereof, the following?

"*And provided further, That the discretion of the said courts in the granting of said licenses, shall not extend to the question of the necessity for such hotel, inn or tavern, but shall be confined to the inquiry whether the applicant possesses the personal qualifications and has the accommodations required by law.*"

It was determined in the negative.

On the question,

Will the House agree to the amendment offered by Mr. SMITH, of Berks, to insert after the word "Commonwealth" the words "boards of license and appraisers?"

It was negatived.

Mr. THOMPSON moved to amend by inserting after the word "same," the following: "Whenever, in the opinion of said courts, such inn, hotel or tavern, is not necessary for the accommodation of the public and entertainment of strangers and travelers;" which was agreed to.

And the bill as amended, passed finally.

Mr. WOLF called for the yeas and nays on the final passage of the bill, but it was not seconded.

#### BILLS ON SECOND READING.

"An Act defining certain powers," came up in order; and, on motion of Mr. HAMERSLY, was indefinitely postponed.

No. 594. "An Act to incorporate the Dimes savings of Harrisburg," was read and passed finally.

No. 107. "An Act relative to reserved tracts or out-lots in the borough of Franklin, Venango county," was read and passed finally.

No. 205. "An Act changing the venue of a certain action from Union to Northumberland county," was read.

Mr. PATTERSON moved that the same be postponed for the present; not agreed to.

On the final passage of the bill,

The yeas and nays were required by Mr. PATTERSON and Mr. WAGENSELLER, and were as follow, viz :

YEAS—Messrs. Acker, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Campbell, Church, Custer, Dismant, Evans, Fleming, Galley, Glatz, Goepp, Gray, Hill, Hottenstine, Jackson, Kinney, Laird, M'Curdy, Neall, Oaks, Palm, Pinkerton, Proudfoot, Pughe, Quigley, Rohrer, Rouse, Sheppard, Shields, Smead, Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Styer, Walker, Warden, Witman, Wilcox, Wolf and Woodring—43.

NAYS—Messrs. Abbott, Barlow, Bayard, Durboraw, Eckman, Ellmaker, Fearon, Foster, Graham, Gratz, Green, Hamersly, Irish, Keneagy, Lawrence, (Washington,) Matthews, M'Dowell, Patterson, Peirce, Ramsdell, Rose, Shafer, Taylor, Thompson, Wagenseller, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Withrow and Lawrence, *Speaker*—31.

So the question was determined in the affirmative.

No. 924. "An Act to establish a ferry over the Susquehanna river," was read the second time.

Mr. OAKS moved that the bill be postponed indefinitely. Agreed to.

No. 994. "Resolution authorizing the State Treasurer to pay the treasurer of Armstrong county certain militia money." Passed finally.

No. 667. "An Act to incorporate the Chemical company of Pennsylvania," was read the second time.

Mr. SHEPPARD moved to postpone the bill indefinitely; which was agreed to.

No. 413. "A further supplement to an act to incorporate the Allentown railroad company," was read the second time.

And, on the question,

Will the House agree to the same?

Mr. GOOD said that he had originally presented the bill, and had favored it. After closer examination, however, he thought that it was not just, and now should oppose its passage.

Mr. WALBORN said that the course which had been pursued by the gentleman from Lehigh (Mr. GOOD) was a singular one—thus refusing to father his own child. This supplement rendered it necessary for the majority of the directors of the Allentown road to reside in the



State of Pennsylvania, and this was certainly to be desired.

Mr. GOEPP thought that, even if the supplement should pass, it would be unconstitutional, inasmuch as the original charter of the company provided that it should not be necessary for a majority of the directors to reside in Pennsylvania. This clause had been instituted because a great proportion of the stock was owned by New Yorkers, whose money had built the road. There was no proper reason why the supplement should pass.

Mr. WALBORN wanted to know whether, even if that clause was in the charter, it was not proper and competent for the Legislature, by an after-enactment, to repeal the former act, and, by the passage of this supplement, make the railroad subject to the provisions of the general railroad law of February 16, 1849.

Mr. PALM said, I hope this bill will not pass, I have reason to believe that the bill was got up for the purpose of breaking up the Allentown railroad. The friends of the Allentown railroad do not desire a bill making it obligatory for the stockholders to reside in this State. My friend over the way, (Mr. WALBORN,) I am inclined to believe, advocates the passage of this bill for the purpose of injury to the Allentown road, because that road does not connect with Philadelphia. It would seem as if that gentleman is bound to oppose all railroads which do not happen to terminate in Philadelphia. I trust the House will vote down this bill.

Mr. LAWRENCE, (Washington,) said that at least nine-tenths of the stock of the Allentown railroad company was held in New York. It would, under these circumstances, be manifestly unjust to hamper the operations of the corporation, by obliging them to have a majority of Pennsylvania directors. He wished to inquire of the gentleman from Philadelphia, (Mr. WALBORN,) whether it was not a fact, as he had stated, that a majority of the stock was held by New Yorkers.

Mr. WALBORN thought that this was the case. But he wished to ask the gentleman, (Mr. LAWRENCE, Washington,) whether it was just to home roads, to allow foreign capitalists to come into the State and control railroads.

Mr. LAWRENCE, (Washington,) said that if they constructed the road, they had a right to control it. When the matter had been before the committee, he had examined it and had found it to be unfair.

Mr. KINNEY inquired whether the road either began or ended in Philadelphia?

Mr. WALBORN said that it did not.

Mr. KINNEY remarked sarcastically that it ought then, of course, to be killed.

Mr. WALBORN said that it was one of the connecting links which was intended to tap the railroads of Pennsylvania, and to take trade through that State to New York without paying one cent of tribute.

Mr. GOOD thought that the gentleman from Philadelphia, (Mr. WALBORN,) was not as well posted as he might be on railroad matters.—Only the other day he (Mr. GOOD,) had presented to him a bill relative to the Norristown and Allentown railroad. Mr. WALBORN had opposed it because, as he alleged, it would take trade away from Philadelphia. Every one knew that the contrary was the case.

Mr. NEALL, in reply to the intimation that this road was to be opposed because it neither began or ended in Philadelphia, wished to say that he had never yet voted, and never would vote, to interfere with the interests of any road. It was true, as had been alleged by his colleague, (Mr. WALBORN,) that the Allentown road would tap the trade which would otherwise flow to Philadelphia.

Mr. HAMERSLY deprecated what he con-

sidered the narrow-minded policy of the opposition. The arguments used by the gentleman (Mr. WALBORN,) might possibly have been applicable when the original charter of the company was applied for. The New York stockholders invested their money in the road, and it would be a gross injustice to attempt now to deprive them of their right.

Mr. WALBORN rose to explain. As regarded the allegations of Mr. GOOD, he wished to say that he had opposed the Norristown and Allentown project, because the road was calculated to form one link of a chain to take trade from Pittsburgh and the west *via* Downingtown, Norristown and Allentown to New York. He considered that he did know the railroad interests, and was not narrow-minded in his views, as had been intimated.

The question being taken,

The bill fell upon second reading.

No. 129. "An Act securing to the people of Philadelphia the right of free travel over certain highways," came up in order.

Mr. NEALL moved that the further consideration of the bill be postponed for the present.

On the motion,

The yeas and nays were required by Mr. WALBORN and Mr. HARDING, and were as follow, viz:

YEAS—Messrs. Boyer, (Clearfield,) Bryson, Chase, Church, Evans, Fearon, Fleming, Glatz, Goepf, Gratz, Gritman, Harding, Hill, Hottentstine, Jackson, Ketchum, Matthews, Neall, Palm, Proudfoot, Pughe, Quigley, Rose, Sheppard, Shields, Smead, Stephens, Stuart, Styer, Taylor, Walhorn, Warden, Witman, Wilcox, Wolf, Woodring and Zoller—37.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Boyer, (Schuylkill,) Burley, Campbell, Custer, Dismant, Durboraw, Eckman, Foster, Galley, Good, Graham, Green, Hamersly, Keneagy, Kinney, Laird, Lawrence, (Washington,) M'Curdy, Miller, Oaks, Ramsdell, Shafer, Smith, (Berks,) Smith, (Philadelphia,) Stoneback, Thompson, Wagenseller, Walker, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson and Withrow—37.

So the question was determined in the negative.

Mr. EVANS moved to amend the bill by adding to the end of the first section: "and that each and every county in this Commonwealth, shall purchase all the turnpikes and plank roads, in their limits, and the same are hereby declared to be free and public highways."

Mr. HAMERSLY rose to a point of order. The amendment not only would make the bill a public one, but it is likewise not germane.

The SPEAKER ruled the amendment out of order.

Mr. EVANS moved that the further consideration of the question be postponed indefinitely.

This gave rise to a lengthy discussion on the merits of the bill, between Messrs. HAMERSLY, NEALL, WILEY, EVANS, HILL, SHEPARD, STYER, CHURCH, HARDING, ABBOTT, GRITMAN and WALBORN.

And on the question,

Will the House agree to postpone the bill indefinitely?

The yeas and nays were required by Mr. EVANS and Mr. HARDING, and were as follow, viz:

YEAS—Messrs. Boyer, (Clearfield,) Burley, Church, Custer, Dismant, Evans, Fleming, Glatz, Goepf, Graham, Gratz, Gray, Gritman, Harding, Hill, Hottentstine, Matthews, Neall, Palm, Pinkerton, Proudfoot, Pughe, Quigley, Sheppard, Shields, Smead, Smith, (Philadelphia,) Stephens, Stoneback, Styer, Walborn, Warden, and Witman—33.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Boyer, (Schuylkill,) Campbell, Durboraw, Eckman, Ellmaker, Foster, Good, Green,

Hamersly, Keneagy, Kinney, Laird, Lawrence, (Washington,) M'Curdy, Miller, Oaks, Peirce, Ramsdell, Rose, Shafer, Smith, (Berks,) Stuart, Taylor, Thompson, Walker, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Withrow, Wolf, Woodring, and Lawrence, *Speaker*—38.

So the question was determined in the negative.

The question recurring,

Will the House agree to Mr. HAMERSLY'S amendment to restore the first section to its original form?

Symptoms of further discussion manifesting itself,

Mr. HAMERSLY rose to a call of the previous question; which was sustained.

And on the question,

Shall the main question be now put?

The yeas and nays were required by Mr. HARDING and Mr. GRATZ, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barnsley, Barlow, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Dismant, Durhoraw, Eckman, Ellmaker, Fearon, Fleming, Goepf, Good, Graham, Green, Gritman, Hamersly, Irish, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) M'Curdy, Miller, Oaks, Palm, Patterson, Peirce, Pinkerton, Proudfoot, Pughe, Ramsdell, Rose, Shafer, Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Taylor, Wagenseller, Walker, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wolf, Woodring, Zoller and Lawrence, *Speaker*—58.

NAYS—Messrs. Church, Custer, Evans, Foster, Galley, Gratz, Harding, Hill, Matthews, Neall, Quigley, Sheppard, Shields, Smead, Smith, (Berks,) Styer, Thompson, Walborn and Warden—19.

So the question was determined in the affirmative.

And on the question,

Will the House agree to Mr. HAMERSLY'S amendment?

The yeas and nays were required by Mr. HAMERSLY and Mr. WILEY, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barnsley, Barlow, Bryson, Burley, Campbell, Ellmaker, Foster, Goepf, Good, Graham, Gritman, Hamersly, Irish, Keneagy, Ketchum, Laird, Lawrence, (Washington,) M'Curdy, Miller, Oaks, Patterson, Peirce, Ramsdell, Shafer, Taylor, Thompson, Wagenseller, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston and Withrow—35.

NAYS—Messrs. Boyer, (Clearfield,) Boyer, (Schuylkill,) Church, Custer, Dismant, Eckman, Evans, Fearon, Fisher, Fleming, Glatz, Gratz, Green, Harding, Hill, Hottentstine, Matthews, Neall, Palm, Pinkerton, Proudfoot, Pughe, Quigley, Rose, Sheppard, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Styer, Walborn, Walker, Warden, Wolf, Woodring, Zoller and Lawrence—*Speaker*—40.

So the question was determined in the negative.

And on the question,

Will the House agree to the first section?

The yeas and nays were required by Mr. HAMERSLY and Mr. EVANS, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barnsley, Barlow, Bryson, Campbell, Eckman, Ellmaker, Foster, Good, Graham, Green, Hamersly, Keneagy, Laird, Lawrence, (Washington,) M'Curdy, Miller, Oaks, Peirce, Ramsdell, Shafer, Smith, (Berks,) Stoneback, Taylor, Wagenseller, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) and Withrow—31.

NAYS—Messrs. Boyer, (Schuylkill,) Church, Custer, Dismant, Evans, Fearon, Fisher, Flem-



ing, Galley, Glatz, Goepp, Gratz, Gray, Gritman, Harding, Hill, Hottenstine, Irish, Ketchum, Matthews, Neall, Palm, Patterson, Proudfoot, Pughe, Quigley, Rose, Sheppard, Shields, Smead, Smith, (Philadelphia,) Stephens, Stuart, Styer, Walborn, Walker, Warden, Witman, Williston, Wolf, Woodring, Zoller and Lawrence, *Speaker*—43.

So the question was determined in the negative.

Mr. McDOWELL, on leave given, read in his place and presented to the Chair, "An Act to incorporate the Monongahela passenger railroad company."

Messrs. GOEPP and WOLF moved that the vote had on the final passage of House bill No. 362, "An Act relating to the granting of licenses, &c., be re-considered.

And on the question,

Will the House agree to the motion?

Mr. GOEPP moved that the further consideration of the motion be postponed for the present.

Mr. LAWRENCE, (Washington,) moved to amend by postponing indefinitely.

Mr. MILLER rose to a call of the previous question; which was sustained.

And on the question,

Shall the main question be now put?

The yeas and nays were required by Mr. GOEPP and Mr. SMITH, (Berks,) and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barnsley, Barlow, Bryson, Burley, Campbell, Eckman, Fearon, Galley, Graham, Gratz, Gritman, Hamersly, Hottenstine, Irish, Jackson, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mehafeey, M'Curdy, Miller, Oaks, Palm, Patterson, Peirce, Proudfoot, Pughe, Quigley, Ramsdell, Rohrer, Rose, Shafer, Sheppard, Shields, Stuart, Taylor, Thompson, Wageuseller, Walborn, Walker, Warden, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow and Lawrence, *Speaker*—52.

NAYS—Messrs. Boyer, (Clearfield,) Boyer, (Schuylkill,) Custer, Dismant, Fisher, Foster, Glatz, Goepp, Good, Gray, Green, Harding, Hill, Laird, M'Dowell, Neall, Pinkerton, Smith, (Berks,) Stephens, Stoneback, Wolf, Woodring and Zoller—23.

So the question was determined in the affirmative.

The question recurring,

Will the House agree to the motion to reconsider?

The yeas and nays were required by Mr. GOEPP and Mr. SMITH, (Berks,) and were as follow, viz:

YEAS—Messrs. Boyer, (Clearfield,) Boyer, (Schuylkill,) Custer, Dismant, Glatz, Goepp, Good, Gray, Green, Harding, Hill, Keneagy, Laird, Pinkerton, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Wolf and Woodring—20.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Bryson, Burley, Campbell, Church, Eckman, Fearon, Fisher, Foster, Galley, Graham, Gratz, Gritman, Hamersly, Hottenstine, Jackson, Ketchum, Kinney, Lawrence, (Washington,) Mehafeey, M'Curdy, M'Dowell, Miller, Neall, Oaks, Palm, Patterson, Peirce, Proudfoot, Pughe, Quigley, Ramsdell, Rohrer, Rose, Shafer, Sheppard, Shields, Smead, Stuart, Taylor, Thompson, Wageuseller, Walborn, Walker, Warden, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Zoller and Lawrence, *Speaker*—58.

So the question was determined in the negative.

Messrs. LAWRENCE (Washington,) and CHURCH moved that the vote had on the final passage of Senate bill No. 801, "Supplement to the act of the New York Middle Coal Field coal and railroad company," be re-considered.

And on the question,

Will the House agree to the motion?

A motion was made by Mr. LAWRENCE, (Washington,) that the further consideration of the motion to re-consider be postponed for the present.

Mr. WILEY moved to amend, by postponing the bill indefinitely.

A motion was made that the House do now adjourn; which was agreed to; whereupon

The SPEAKER adjourned the House until tomorrow morning at 9½ o'clock.

## SENATE.

FRIDAY, April, 8.

Senate met at the usual hour, the SPEAKER in the Chair.

Journal of yesterday partly read by the Clerk, and the further reading dispensed with.

### PETITIONS AND REMONSTRANCES.

Mr. WRIGHT presented a remonstrance from citizens of Philadelphia against the removal of the market houses in the city of Philadelphia.

Also, a remonstrance of citizens of Bridesburg, Whitehall and Frankford, concerning the construction of fisheries in the Delaware river, and against the passage of any law authorizing the construction of dams in said river.

Also, a communication, containing resolutions of the Board of Trade of Philadelphia, relative to insurance companies.

On motion of Mr. WRIGHT, the resolutions were read and ordered to be printed in the *Daily Record*. They are as follow:

OFFICE OF THE BOARD OF TRADE, }  
PHILADELPHIA, March 28, 1850. }

At a stated meeting of the Board of Trade, held this evening, the following resolutions were unanimously passed:

*Resolved*, That the Philadelphia Board of Trade has viewed with much interest the pendency before the Legislature of House bill, No. 674, and trusts that its passage may not be longer delayed, believing that its provisions will accomplish the desired end in protecting the community against the operations of irresponsible insurance companies; which corporations, within the past few years, have done so much to injure the character and standing of the city, both at home and in other parts of the Union.

*Resolved*, That the officers of this Association be directed to transmit a copy of the foregoing to both branches of the Legislature.

By order of the Board of Trade.

SAM'L C. MORTON.

Attest: LORIN BLODGET, *Secretary*.

Mr. NUNEMACHER, two petitions from citizens of Berks county, asking for the laying out of a State road in Berks county.

Also, two remonstrances against the same.

Mr. KELLER, a remonstrance from citizens of Columbia county, against the extension and widening of Market street, in the town of Bloomsburg, Columbia county.

Mr. GAZZAM, a petition from citizens of Allegheny county, praying for an act incorporating the Allegheny and Sharpsburg railway company.

Also, a petition from citizens of Pittsburg, praying for the repeal of the law establishing a high school.

Also, a petition from two hundred citizens of Du Quesne borough and adjacent country, praying for the incorporation of the Sharpsburg passenger railway company.

### REPORTS OF COMMITTEES.

Mr. RANDALL, (Finance,) as committed, House bill No. 202, "Resolution relative to the payment of certain moneys into the State Treasury by the Manufacturers' and Mechanics' Bank of Philadelphia."

Mr. MARSELIS, (Banks,) as committed, "A further supplement to the act regulating banks." Passed April 16, 1850."

Mr. COFFEY, (Finance,) as committed, House bill No. 723, "An Act to modify the existing auction laws of the Commonwealth, and to provide more effectually for the collection of the State tax and duty on auction sales."

Mr. GREGG, (same,) with a negative recommendation, House bill No. 378, "An Act relative to State taxes."

### BILLS IN PLACE.

Mr. BELL read in his place a bill, entitled "An Act to secure more effectually the right of appeal."

Mr. RANDALL, a bill, entitled "An Act to alter the number of trustees in the State savings' fund, incorporated as the Dime savings' fund in 1855."

Also, a bill, entitled "An Act relative to the Philadelphia and Reading railroad."

Also, "An Act to incorporate the Junction railroad."

### ORIGINAL RESOLUTIONS.

Mr. SCHELL offered the following:

*Resolved*, That the standing committees of the Senate, except the Committees on Finance and Accounts, be and are hereby discharged from the consideration of all bills referred to them.

Mr. RANDALL moved to amend by inserting the words "on and after Tuesday next." The resolution as amended was then agreed to.

### HOUSE AMENDMENTS

To Senate bill No. 361, "A further supplement to the act incorporating the Susquehanna railroad company, approved April 9th, 1853." Concurred in.

To Senate bill No. 894, "A supplement to an act to repeal certain acts, relating to the borough of Schuylkill Haven, in the county of Schuylkill." Concurred in.

### THE TONNAGE TAX.

Mr. SCOFIELD moved the orders of the day be suspended for the purpose of calling up House bill No. 740, "Resolution relative to the non-payment of the tonnage tax."

Upon this motion,

The yeas and nays were required by Mr. SCOFIELD and Mr. WRIGHT, and were as follow, viz:

YEAS—Messrs. Craig, Francis, Gazzam, Harris, Miller, Myer, Penney, Scofield, Schiudel and Steele—10.

NAYS—Messrs. Bell, Blood, Coffey, Fetter, Keller, Marselis, Nunemacher, Palmer, Parker, Randall, Rutherford, Schell, Shaeffer, Thompson, Turvey, Welsh, Wright, Yardley and Cresswell, *Speaker*—19.

So the question was determined in the negative.

Mr. KELLER called up Senate bill No. 1143, "An Act changing the venue of a certain action from Union to Northumberland county." Postponed.

### ORDERS OF THE DAY.

House bill No. 461, "An Act authorizing the State Treasurer to pay the Towanda bridge company a balance due them, in pursuance of a contract made with the Board of Canal Commissioners." Postponed until to-morrow.

House bill No. 400, "An Act to incorporate the Bald Eagle boom company of Clinton county." Amended, and passed finally.

Senate bill No. 1135, "An Act relative to unadjusted claims against the public works." The bill lies over until to-morrow.

Mr. BELL, from the Judiciary Committee, reported, as committed, a bill entitled "An Act relating to the courts of the city of Philadelphia."

Senate bill No. 971, "An Act to incorporate the Philadelphia and Pittsburg telegraph company." Postponed for the present.

On motion of Mr. WRIGHT, House bill No. 278, "A supplement to an act to repeal certain acts of Assembly upon non-payment of the enrolment tax." Amended, and passed.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

No. 75.

The orders of the day having been gone through with,

On motion of Mr. COFFEY, the Senate proceeded to the consideration of Senate bill No. 1128, "An Act to facilitate the sale of canals and railroads under mortgage." Lies over on second reading.

On motion of Mr. SOHELL, House bill No. 245, "A supplement to the acts limiting actions against real estate."

Amended and lies over.

On motion of Mr. BELL, Senate bill No. 111, "An Act relating to the action of replevin in cases of distress for arrears of rent."

Mr. GAZZAM. There has not been a word said in regard to the merits of this bill, and I do not see why there should not be a discussion on the bill, and if there are any objections to it, why not urged. My present purpose is to ask the Senate to let it go on the orders again. I cannot give the history of the bill in full, but I have to say I endeavored to get this bill out of committee for weeks. I said I did not care if it was reported with a negative recommendation, so that it came before the Senate. It is of no personal interest to me, but I believe the public interests would be promoted by the passage of this bill.

Mr. SCHELL. The Senator from Allegheny, (Mr. GAZZAM,) said the object of this bill is to do away with impositions. Now, I consider this bill nothing more nor less than an immense anaconda that is going to swallow up all the telegraph lines in the country, for I would like to know what would become of them if this bill passed. I am opposed to the bill on that principle.

Mr. GAZZAM. I think the general allegation against this bill, as an immense anaconda, and if sustained, would be a very good reason why the bill should be defeated, but I call upon the Senator, (Mr. SCHELL,) to make good his allegation. Competition is the life of business, and if there is to be any favoritism, I think it is wrong. What good reason is there for incorporating one company and not another?

Upon the first section,

The yeas and nays were required by Mr. SCOFIELD and Mr. BELL, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Blood, Coffey, Fetter, Finney, Francis, Gregg, Harris, Keller, Marselis, Miller, Nunemacher, Palmer, Parker, Penney, Randall, Rutherford, Schindel, Steele, Thompson, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—26.

NAY—Mr. Scofield—1.

So the question was determined in the affirmative.

Upon the second section,

The yeas and nays were required by Mr. SCOFIELD and Mr. GREGG, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Blood, Coffey, Fetter, Finney, Francis, Gazzam, Harris, Keller, Nunemacher, Palmer, Parker, Rutherford, Schindel, Steele, Thompson, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—22.

NAY—Mr. Scofield—1.

So the question was determined in the affirmative.

Upon the final passage of this bill,

The yeas and nays were required by Mr. SCOFIELD and Mr. BELL, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Blood, Coffey,

Fetter, Finney, Francis, Gazzam, Keller, Marselis, Miller, Nunemacher, Palmer, Penney, Randall, Rutherford, Schell, Schindel, Steele, Thompson, Turney, Welsh, Wright and Cresswell, *Speaker*—24.

NAYS—Messrs. Harris, Parker and Scofield—3.

So the question was determined in the affirmative.

On motion of Mr. MILLER, House bill No. 1051, "An Act relating to estates tail."

[Bill lies over on third reading.]

On motion of Mr. GAZZAM, the Senate resumed the consideration of Senate bill No. 971, "An Act to incorporate the Philadelphia and Pittsburg telegraph company."

And the question recurring upon the first section,

The yeas and nays were required by Mr. GAZZAM and Mr. MILLER, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Fetter, Finney, Francis, Gazzam, Gregg, Harris, Palmer, Parker, Scofield, Thompson and Yardley—13.

NAYS—Messrs. Blood, Keller, Marselis, Miller, Randall, Rutherford, Schell, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—13.

So the question was determined in the negative.

On leave given, Mr. MARSELIS read in his place and presented to the Chair, a bill, entitled "An Act to incorporate the Fulton market company."

Mr. GREGG submitted the following resolution; which was twice read and agreed to:

*Resolved*, That the Clerk be requested to cause inquiry to be made of the Public Printer, whether the copies of the Agricultural Report, ordered for the use of the Senate, will be ready for distribution before the close of the present session, and report to the Senate.

On motion of Mr. PENNEY, the Senate proceeded to the consideration of House amendments to Senate bill No. 1022, "An Act to incorporate the Allegheny and Etna passenger railroad company, in Allegheny county."

On his motion, the Senate concurred in amendments, except the proviso to the first section.

On motion of Mr. FETTER, House bill No. 1055, "An Act annexing the buildings of William Bratton to Beale township, in Juniata county." Passed.

On motion of Mr. SCHELL, House bill No. 245, "A supplement to the act limiting actions against real estate." Lies over on third reading.

On motion of Mr. SCHINDEL, House bill No. 761, "An Act for the relief of Sabina Bachman, of Northampton county." Passed.

On motion of Mr. BELL, House bill No. 1083, "An Act, entitled 'An Act to incorporate the Chester, Seipersville and Darby railroad company.'"

Read a third time and passed.

On motion of Mr. PARKER, House bill No. 701, "An Act to incorporate the Hope manufacturing company."

Upon the final passage of this bill,

The yeas and nays were required by Mr. WRIGHT and Mr. PARKER, and were as follow, viz:

YEAS—Messrs. Bell, Coffey, Finney, Francis, Gregg, Harris, Palmer, Parker, Penney, Rutherford, Thompson, Welsh and Yardley—18.

NAYS—Messrs. Blood, Keller, Marselis, Miller, Nunemacher, Randall, Schell, Scofield, Schindel, Wright and Cresswell, *Speaker*—11.

So the question was determined in the affirmative.

On motion of Mr. FRANCIS, House bill No. 1465, "A supplement to an act repealing an act relative to roads and bridges in the county of Mercer." Passed.

On motion of Mr. PARKER, Senate resumed the consideration of Senate bill No. 258, "A further supplement to an act incorporating the city of Philadelphia."

Upon this question,

The yeas and nays were required by Mr. PARKER and Mr. WRIGHT, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Finney, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Rutherford, Schindel, Steele and Thompson—13.

NAYS—Messrs. Blood, Craig, Fetter, Keller, Marselis, Miller, Nunemacher, Randall, Schell, Turney, Welsh, Wright and Cresswell, *Speaker*—13.

So the question was determined in the negative.

On motion of Mr. GREGG, House bill No. 800, "An Act for the payment of the claim of S. Miles Green, of Huntingdon county." Laid over for the purpose of amendment.

On motion of Mr. SCOFIELD, House bill No. 1095, "An Act declaring Willow creek, in Warren and M'Kean counties, a public highway." Passed.

On motion of Mr. SCHELL, Senate bill No. 544, "An Act relating to the claim of Jackson Fee." Passed.

On motion of Mr. SCHELL, the Senate resumed the consideration of House bill No. 800, "An Act to authorize the payment of the claim of S Miles Green, of Huntingdon county."—The bill, as amended, passed.

## ORIGINAL RESOLUTION.

On motion of Mr. SCOFIELD,

*Resolved*, That the Senate will adjourn from to-morrow at 12 o'clock, until half past 9 o'clock on Monday morning.

Mr. WRIGHT moved to amend by simply fixing the hour of adjournment at 12 o'clock to-morrow.

Upon this motion,

The yeas and nays were required by Mr. SCOFIELD and Mr. WRIGHT, and were as follow, viz:

YEAS—Messrs. Bell, Brewer, Coffey, Finney, Keller, Marselis, Miller, Nunemacher, Palmer, Penney, Schell, Scofield, Steele, Wright and Cresswell, *Speaker*—15.

NAYS—Messrs. Baldwin, Craig, Fetter, Gazzam, Gregg, Harris, Myer, Parker, Randall, Rutherford, Schindel, Thompson, Turney, Welsh and Yardley—15.

So the question was determined in the negative.

The question recurring upon the original resolution,

The yeas and nays were required by Mr. PALMER and Mr. GAZZAM, and were as follow, viz:

YEAS—Messrs. Bell, Coffey, Craig, Fetter, Finney, Francis, Gazzam, Harris, Penney, Randall, Rutherford, Schell, Scofield, Schindel, Steele, Turney, Yardley, and Cresswell, *Speaker*—18.



YAYS—Messrs. Baldwin, Gregg, Keller, Marsalis, Miller, Myer, Palmer, Parker, Thompson, Welsh, and Wright—11.

So the question was determined in the affirmative.

On leave given, Mr. PINNEY read in his place and presented to the Chair, a bill relative to the salary of the judges of the Supreme Court. Laid on the table.

The hour of 1 o'clock having arrived, the SPEAKER adjourned the Senate until this afternoon, at 3 o'clock.

## HOUSE OF REPRESENTATIVES.

Friday, April 8, 1859.

The House was called to order at 9½ o'clock. SPEAKER in the Chair.

On motion of Mr. MILLER, the reading of the Journal was dispensed with.

Mr. OAKS moved that the rules be suspended, and that the House proceed to the consideration of Senate bill No. 357, "A further supplement to the act to incorporate the Danville railroad company."

Mr. KETCHUM regretted exceedingly that, after the pleasant intercourse during the session between Judge OAKS and himself, he should be obliged to oppose this motion. He paid the highest compliments to the Judge, as a legislator and gentleman, and trusted that the opposition which he might make would not be considered by him (OAKS) as a personal matter.

Mr. OAKS said that he was sorry that, in the fulfilment of the duty which he owed to his constituents, he had brought down the wrath (although it was good natured) of the gentleman from Luzerne, (Mr. KETCHUM.) He hoped that the House, however, would take a different view of the matter from that assumed by Mr. K. The project of a railroad from Sunbury to Danville was one in which many of his constituents felt a deep interest, and he hoped that the House would pass the bill.

Mr. CHASE called for a division of the question.

And on the question,

Will the House suspend the rule?

The yeas and nays were required by Mr. PUGHE and Mr. KETCHUM, and were as follows, viz:

YEAS—Messrs. Abbott, Barlow, Bertolet, Boyer, (Clearfield,) Burley, Campbell, Dismant, Fearon, Foster, Galley, Glatz, Harding, Hill, Hottenstine, Irish, Jackson, Kinney, Laird, Miller, Oaks, Palm, Rose, Smead, Styer, Taylor, Thompson, Wigton, Zoller and Lawrence, *Speaker*—29.

NAYS—Messrs. Acker, Barnsley, Boyer, (Schuylkill,) Bryson, Chase, Church, Custer, Darboraw, Eckman, Ellmaker, Fleming, Good, Graham, Gratz, Gritman, Hamersly, Keneagy, Ketchum, Lawrence, (Washington,) Mehaffey, Matthews, McCurdy, Neall, Patterson, Peirce, Proudfoot, Pughe, Ramsdell, Shafer, Sheppard, Shields, Smith (Berks,) Stephens, Stoneback, Stuart, Thorn, Wagenseller, Walborn, Walker, Warden, Witman, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wolf and Woodring—50.

So the question was determined in the negative.

Mr. ROSE, on leave given, read in his place and presented to the Chair, "A supplement to the act repealing an act relative to roads and bridges in Mercer county;" which, on his motion, was taken up and passed finally.

### BILL RE-CONSIDERED.

Messrs. EVANS and BRYSON moved that the vote by which the act changing the venue of a certain action from Union to Northumberland county be re-considered.

Mr. STEPHENS said—

Mr. SPEAKER:—I trust this motion will not prevail. Sir, we are sent here as the representatives of a great and free people, to pass

laws which will protect them in all their inalienable rights. The right of trial by jury, secured to us by our fathers, is the brightest jewel that sparkles in the diadem of self-government. It is a constitutional privilege which every citizen of the United States should enjoy free and untrammelled. It is alleged, by the party seeking this legislation, that this sacred right has been violated in Union county—that the ends of justice aimed at by this priceless boon has been alienated from the noble purposes for which it was ordained by our fathers, through the influence of a large incorporated company, who have overshadowed and palsied the arm of justice, the stockholders of said company being so numerous in that county that it is quite impossible to empanel a jury who are not interested, or made interested, through their influence. If such be the lamentable fact, let us, by all means, sustain the passage of this act, to change the venue from Union to Northumberland county, that these parties may have a fair and impartial hearing, before a disinterested tribunal, in order that the right of trial by jury may be preserved to these parties and the ends of justice satisfied. If this bill was to benefit some rich incorporated company it would find but few, very few, opponents; but, sir, because this bill is brought here to protect the rights of a lone female, pleading her own cause, through her tears, and praying that this body will protect her from the merciless grasp of an incorporated company, it finds opposition. Oh! shame on that man, or set of men, who will oppose a helpless female asking for justice. What, has it come to this, that we are sent here to pass laws for the exclusive benefit of incorporated companies? I, for one, trust not. I hope we will awake from this dreamy state to our duty to the people of Pennsylvania. I think is high time we should begin to legislate for their interests, before we are tied hand and foot, and delivered over to the tender mercies of these giant corporations. Self-protection asks it; self-preservation demands it; for these are the great first laws of our nature. If we would remain free; if we would preserve inviolate the rights of every man, woman and child throughout the length and breadth of our State, whether high or low, rich or poor, we must preserve these inestimable rights unpolluted and untarnished, upon which the structure of our government is founded and guard well, by statute acts, that precious legacy left unto us by our fathers, that we may secure to ourselves and our children, and our children's children, equal rights, equal privileges and equal protection. Sir, I trust this motion will not prevail, for the passage of this bill has been a triumph in favor of these principles—a victory in favor of justice and the common rights of the people of Pennsylvania.

Mr. PINKERTON moved that the further consideration of the motion to re-consider be postponed indefinitely.

And on the motion,

The yeas and nays were required by Mr. PINKERTON and Mr. PATTERSON, and were as follows, viz:

YEAS—Messrs. Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Campbell, Church, Custer, Dismant, Fleming, Galley, Goepp, Harding, Hottenstine, Jackson, Keneagy, Kinney, Laird, McCurdy, Neall, Palm, Pinkerton, Rohrer, Shields, Smead, Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Taylor, Warden, Witman, Wilcox, Williams, (Bedford,) Wolf and Woodring—35.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Bryson, Chase, Darboraw, Eckman, Evans, Fearon, Fisher, Foster, Glatz, Graham, Gratz, Gray, Green, Hamersly, Irish, Ketchum, Lawrence, (Washington,) Matthews, Miller, Oaks, Patterson, Peirce, Quigley, Ramsdell, Shafer, Smith, (Berks,) Styer, Thompson, Wag-

enseller, Walborn, Wiley, Williams, (Bucks,) Wilson, Zoller and Lawrence, *Speaker*—39.

So the question was determined in the negative.

Mr. PINKERTON said that he considered this case one of the most important which had been before the House this session. Personally, he had no interest in the matter, except what was natural in the defence of a poor woman, who was liable to be crushed by the actions of a corporation.

He alluded to the fact that at an arbitration in Union county, great injustice had been done. This was cited as a reason why the venue should be changed, and by way of proof, he would forward some papers to the clerk to be read. These papers it would be perceived showed that although the arbitrators signed a report that the proceedings had been properly conducted, yet two of them had afterwards made affidavit that the defendant had not been present at the session. The papers were as follow:

### ARBITRATORS' AWARD.

Northumberland County, ss.

In the court of common pleas of said county it is thus contained, to wit:

Rebecca D. Quinn vs. William Heart, Mary Jenkins and Alfred Kneass.

In the court of common pleas of Union county, No. 35. February Term, 1858. Ejectment.

John Van Buskirk, one of the arbitrators named in the annexed record, met at the time and place therein stated, to wit: at the Buffalo House in the borough of Lewisburg, on Tuesday, the 4th day of March, A. D., 1858. John Wilt, esq., and Paul Geddes, the other arbitrators named in said record, being absent, and no reason assigned for such absence;

Whereupon, due and legal proof was made, that lawful notice was served on said absent arbitrators of the time and place of meeting. The plaintiff appeared by her agent, James L. Quinn (as he represented himself). It was also proved that lawful notice of the time and place of meeting of the arbitrators was served on plaintiff; one of the defendants appeared in person, and the other two were represented by counsel. The parties were unable to agree upon suitable persons to fill the vacancy of the absent arbitrators; whereupon, John Van Buskirk, the arbitrator present, under the provisions of the act of Assembly in such cases made and provided, appointed Thomas Hayes and George Merrill as arbitrators, to fill the place of the absent arbitrators.

We, the undersigned arbitrators, after being all duly sworn according to law, proceeded to hear the cause. The plaintiff failed to establish by evidence any title to the land in dispute in this suit. Whereupon we do award for the defendant, or in other words, find no cause of action and the plaintiff to pay the costs.

Witness our hands and seals, this 4th day of May, A. D., 1858.

JOHN V. BUSKIRK, [L. S.]

THOS. HAYS, [L. S.]

GEORGE MERRILL, [L. S.]

Arbitrators fees paid by def't. A. Kneass, \$3 00.

Extracted from the record and certified, March 22, 1859. D. BECKLEY, *Proth'y.*

Rebecca D. Quinn vs. Wm. Heart, Mary Jenkins and Alfred Kneass.

Ejectment in the common pleas of Union county, No. 35, February term, 1858, transferred to Northumberland county by act of Assembly, approved April 13, 1858.

To the arbitrators in this case:

You are hereby notified that the above case has its venue transferred to the court of common pleas of Northumberland county, by an act of Assembly, approved the 13th April, 1858. You, therefore, have no jurisdiction to try the case. You are requested to attach this notice



to your proceedings, and dismiss the case.

J. F. and J. M. Linn, attorneys, p. q. May 4th, 1858.

Union county, ss:

Rebecca D. Quinn vs. William Heart, Mary Jenkins and Alfred Kneass.

In the court of common pleas of Union county. No. 35, February term, 1858. Transferred to Northumberland county.

Union county, ss:

John Van Buskirk on oath, says, he was one of the arbitrators in the case of Rebecca Quinn vs. William Heart, Mary Jenkins and Alfred Kneass, No. 35, February term, 1858, in the common pleas of Union county; that he met at the place appointed, on the 4th of May, 1858; the other two arbitrators did not attend. Before the board was fully organized, a paper was presented to me, a copy of which is hereto attached, I wanted to put it off to another day. Kneass and Miller insisted that I should go on and choose two other men in the place of the two that were absent, and intimated that he would compel me to do it. I then chose Thomas Hays and George Merrill, in the place of those absent; were sworn, made out an award, and wanted to attach the above notice to it; to which George F. Miller objected, and would not let me do it. I then kept the notice, which is now at my house in Dry Valley, having forgotten to bring it along.

JOHN V. BUSKIRK.

Sworn and subscribed before me, May 17, 1858.

J. A. MERTZ, J. P.

Union county, ss:

Thomas Hays and George Merrill on oath, saith, that they were two of the arbitrators in the above case; that while they were then acting as arbitrators, James L. Quinn was not present. I had said that he had been there.

THOMAS HAYS,

GEORGE MERRILL.

Sworn and subscribed before me, May 17, 1858.

J. A. MERTZ, J. P.

Union county, ss:

James L. Quinn on oath, saith, that he, at the request of the plaintiff in the foregoing case, went to the Buffalo house on the 4th May, solely to give the arbitrators notice not to proceed in the case, as the venue of the case had been removed by act of Assembly, to Northumberland county; that only one of the arbitrators was present—John V. Buskirk—that he presented to him a certified copy of the act of Assembly, and gave him a written copy of the notice hereto attached, and then left before the other arbitrators were chosen. Buskirk said he would adjourn the case before I left.

JAMES L. QUINN.

Sworn and subscribed before me May 17, 1858.

J. A. MERTZ, J. P.

Filed May 17, 1858.

Union county, ss:

Certified from the original, remaining on file in my office at Lewisburg, the 15th day of March, 1859.

SAMUEL RAUSH, prothonotary.

Mr. HAMERSLY wished that some gentleman would give the House full information on the subject.

Mr. HOTTENSTINE was in favor of changing the venue, because the principle was right.

Mr. WAGENSELLER wished to correct some of the statements of the opposition. The Judiciary Committee had reported the bill with a negative recommendation, and it was improper and unusual for the House to refuse to coincide in their action. He denied that the furnace company cared anything about the bill or the land. He stated that the efforts of Miss Quinn, the petitioner, had been successful thus far through sympathy. The property had been

held by those whom she opposed for nearly sixty years, as was proved by the affidavit, which he called upon the Clerk to read. It was read, as follows:

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

The petition of Mary Ann Jenkins respectfully represents: That her father, James Jenkins, died about eighteen hundred and three, leaving issue—five children—and seized of some real estate, part of which was situate in the county of Union; that in December, A. D., 1825, application was made by the heirs to Union county court, for partition of the real estate of her deceased father, situate in said county. On and in 1826, a tract, or part of a tract of land, (being partly hill land,) was awarded to your petitioner at the valuation, on which some iron ore was afterwards discovered, and drifts for working the same opened; that from the sale of the iron ore, she has, in part, for several years, derived her support.

That in 1853, James L. Quinn, a young man, who was hunting about the lines of her land, made application, and obtained a warrant for nineteen acres, embracing, in part, her ore about drifts, alleging that it was vacant land. Notwithstanding it was claimed by an old title, and was in the peaceable and undisturbed possession of her father and his heirs for upwards of fifty years; and in 1854, said Quinn had a survey made for twenty acres and three perches; that after obtaining the warrant and survey, brought an action of ejectment for said twenty acres and three perches, which came on for trial at May term, 1857; and after a full and fair trial, a verdict was rendered in favor of your petitioner; or, in other words, the jury decided that there was no vacant land where Quinn laid his warrant and survey; that your petitioner was put to a heavy expense in defending the suit; and after Quinn was defeated, he denied owning any property out of which the costs could be realized. Consequently, she failed in collecting any part of her costs.

That the said James L. Quinn, without paying the costs, assigned or conveyed his claim to the said twenty acres and three perches to his sister, Rebecca L. Quinn, and brought another action in her name; after that, she went, as your petitioner has been informed, to Harrisburg, to get the venue changed to Northumberland county.

Your petitioner most respectfully protests against a change of the venue, as she has already been put to great expense; and, by removing the trial to another court, she would be under the necessity of getting the partition papers copied, and copy of said former suit, which would be considerable additional expense; and besides, there is no merit in Miss Quinn's claim, as she knows that your petitioner claimed the land and had defeated her brother when she took the assignment; and petitioner verily believes that Rebecca L. Quinn is merely acting as a cat's paw for her brother James.

Your petitioner further represents, that she has been informed that Miss Quinn is telling members of the Senate and House of Representatives that your petitioner is immensely rich; "that, if true," would be no good reason for changing the venue; but the charge against your petitioner is utterly false. The income that she has is scarcely adequate for her support; she has to use great economy.

Your petitioner is now upwards of sixty-six years, and in poor health; and she does most humbly pray, that your Honorable Bodies will not listen to the flattery of Rebecca L. Quinn, and will send her home, where a lady ought to be, without trying to deprive your petitioner of her just rights.

*Northumberland County, ss:*

Mary Ann Jenkins, the petitioner, being duly sworn, saith that the facts set forth in the fore-

going petition are true, to the best of her knowledge and belief.

Sworn and subscribed, this — day of February, 1859, before me,

D. B. M'GREGOR,  
Justice of the Peace.

The question recurring,

Will the House agree to the motion to reconsider?

The yeas and nays were required by Mr. PATTERSON and Mr. WAGENSELLER, and were as follow, viz:

YEAS—Messrs. Abbott, Barlow, Bryson, Durboraw, Eckman, Fearon, Fisher, Foster, Graham, Gratz, Green, Hamersly, Irish, Ketchum, Lawrence, (Washington,) McDowell, Milder, Oaks, Patterson, Peirce, Ramsdell, Rose, Shafer, Smith, (Berks,) Styer, Thompson, Wagenseller, Walborn, Wiley Williams, (Bucks,) Williston, Withrow, Zoller and Lawrence, *Speaker—34.*

NAYS—Messrs. Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Campbell, Chase, Custer, Dismant, Fleming, Galley, Goepf, Good, Gray, Gritman, Harding, Hill, Hottenstine, Jackson, Kinney, Laird, M'Curdy, Neall, Palm, Pinkerton, Proudfoot, Quigley, Robrer, Rouse, Shields, Smead, Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Warden, Witman, Wigton, Wilcox, Wolf and Woodring—40.

So the question was determined in the negative.

The Clerk of the Senate being introduced, informed the House that the Senate concurred in all the House amendments to bill, entitled "An Act for the assessment and recovery of damages on the North Branch and Wyoming canals," except the new section introduced yesterday by Mr. JACKSON.

Mr. SMEAD moved that the House recede from the amendment non-concurred in by the House.

Messrs. KINNEY, WILLISTON and SMEAD briefly favored the receding from the House amendments.

Mr. JACKSON appealed to the House and hoped that the motion to insist on the amendment would be carried. He believed that the interests of the claimants actually required it. He referred to the fact that the canals had been in course of construction for over twenty years, and that whenever the people had applied for damages they had been put off and told to wait until the canals were finished. That just as they were finished and about to be a source of revenue to the Commonwealth, they were sold. That the 7th section of the act selling the canals provides that purchasers shall be liable for all claims and damages arising from their construction, &c., and that the Legislature shall direct the manner of ascertaining and assessing the claims; and that this is a struggle between the canal companies and the people.

He hoped that this House would not consent that the company should have an opportunity to plead the statute of limitations and pay only those claims which had accrued within the last six years. The company had purchased the canals for a trifle, and he hoped the Legislature would protect the people and give the company no advantage over them.

He also referred to the fact that some of the members of the companies had been here the whole session, endeavoring to defeat the passage of a fair and just bill. That those persons were now opposing this amendment, and whilst doing so, at the same time asserted that it could not affect the rights of the parties, whether it was in or not.

Now, if this is so, then why do they say the bill must and shall fail if it is inserted?

He solemnly protested against the section being struck out, and hoped the House would sustain and protect the rights of the people against



any and all incorporations, and insist on the amendment.

Mr. KETCHUM opposed the receding.

On the question,

Will the House insist on its amendment?

The yeas and nays were required by Mr. JACKSON and Mr. SHEPPARD, and were as follow, viz:

YEAS—Messrs. Barnsley, Bertolet, Boyer, (Clearfield,) Burley, Chase, Custer, Dismant, Durboraw, Eckman, Ellmaker, Evans, Fleming, Galley, Glatz, Good, Graham, Green, Gritman, Hill, Hottenstine, Irish, Jackson, Ketchum, Kenegy, Kinney, M'Curdy, Oaks, Peirce, Pinkerton, Price, Proudfoot, Pughe, Rouse, Shafer, Shopard, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Styer, Taylor, Thompson, Warden, Witman, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wolf, Woodring and Zoller—55.

NAYS—Messrs. Abbott, Acker, Bryson, Church, Fearon, Fisher, Foster, Gratz, Gray, Hamersly, Harding, Laird, Matthews, Miller, Neall, Patterson, Quigley, Smith, (Philadelphia,) Wagenseller, Walborn, Walker, Wigton, Wiley and Lawrence, *Speaker*—24.

So the question was determined in the affirmative.

Mr. KINNEY moved that a committee of conference be appointed on the above bill, to confer with a similar committee from the Senate, (if the Senate appoint such a committee,) on the subject of the differences between the two Houses on said bill.

#### ORIGINAL RESOLUTION.

Mr. EVANS, on leave given, offered a resolution that this House will hold a session this afternoon, commencing at 3 o'clock, and an evening session commencing at 7½ o'clock; and that in lieu of to-morrow afternoon's session, a session be held to-morrow morning from 9 to 12 o'clock.

This resolution was read the second time.

Mr. PATTERSON moved to amend, by striking out to-morrow morning's session, and that when the House adjourns this evening, it will meet again on Monday afternoon, at 3 o'clock; which was not agreed to.

Mr. GRATZ moved to amend so that Public Bills be considered this afternoon—bills on which the House has made progress this evening—and private bills to-morrow morning.

Mr. GOEPP moved to amend the amendment, by inserting "Private Bills" in lieu of Public; which was agreed to.

And the amendment as amended was agreed to.

Mr. HAMERSLY moved to amend by proposing the following substitute:

*Resolved*, That this House will hold a session this afternoon, commencing at 3 o'clock, for the purpose of considering bills on the Private Calendar; and that in lieu of the session provided for to-morrow afternoon, a session be held to-morrow morning from 9 to 12 o'clock, and to meet again on Monday afternoon at 3 o'clock; which was read the second time.

Mr. IRISH moved to amend by holding a session this evening, commencing at 7½ o'clock; which was agreed to.

Mr. THORN moved further to amend by embracing within the resolution the consideration of bills on which the House has made progress; which was not agreed to.

Mr. GRATZ moved to amend that the session of this evening be devoted to the consideration of Public Bills. Not agreed to.

And substitute offered by Mr. HAMERSLY was adopted.

#### PUBLIC BILLS.

Agreeably to order, the House proceeded to the consideration of bills on the Public Calendar.

Whereupon the following were duly considered and passed finally:

With Mr. STYER in the Chair, Senate bill

No. 113, "An Act relative to testamentary trustees."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That in all cases of trusts created by will and annexed to the office of executor, he may decline to accept the trust or be discharged therefrom, without affecting his office of executor; and the orphan's court of the proper county shall have power to fill the vacancy by appointment; and if a trust fund or estate is committed to an executor or other trustee, in which several *cestues que trust* have or are entitled to enjoy separate interests, and a vacancy should in any manner occur in the office of trustee thereof, the said courts may appoint one or more trustees of such estate or fund, for each of the said *cestues que trust* on his or her application; and the said trustees shall give security as is provided by existing laws.

With Mr. HOTTENSTINE in the Chair, Senate bill No. 566, "An Act relative to executors, administrators and guardians."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That where any executor, administrator or guardian, has been required or hereafter shall be required upon the receipt of money to give a refunding bond as required by law, it shall be lawful for such executor, administrator or guardian, upon paying over such money to creditors, heirs, legatees or ward, to require under the direction of the orphans' court a bond refunding receipt or other obligation from the person or persons receiving the money to indemnify such executor, administrator or guardian to the amount each one may receive.

The following bills were considered and lost:

With Mr. Boyer, (Clearfield,) in the Chair, "An Act relative to challenging jurors in civil cases."

On the final passage of Senate bill No. 498, "An Act relative to the publication of opinions of the judges of the supreme court in certain cases."

The yeas and nays were required by Mr. SMITH, (Berks,) and Mr. ROSE, and were as follow, viz:

YEAS—Messrs. Church, Foster, Gratz, Harding, Neall, Shafer, Sheppard and Walborn—8.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Bertolet, Boyer, (Schuylkill,) Burley, Campbell, Custer, Dismant, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fleming, Galley, Glatz, Goepf, Good, Graham, Gritman, Hamersly, Hill, Hottenstine, Irish, Jackson, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mehafeey, Matthews, M'Curdy, Nill, Oaks, Palm, Patterson, Peirce, Pinkerton, Proudfoot, Pughe, Ramsdell, Rose, Rouse, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Taylor, Thompson, Thorn, Wegenseller, Walker, Warden, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Wolf, Woodring and Zoller—69.

So the question was determined in the negative.

The House resolved itself into committee of the whole, (Mr. PALM in the Chair,) on Senate bill No. 662, "An Act to equalize taxation on corporations, as follows:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, the capital stock of all banks, savings institutions, and companies whatever, incorporated by or under any law of this Commonwealth, or that may be hereafter incorporated, shall be subject

and to pay a tax into the treasury of the Commonwealth annually, at the rate of one-half mill upon each one per cent. of dividend made or declared by such bank, savings institution, or company; and in case of no dividend being made or declared by such bank, savings institution, or company, then a valuation of the capital stock of the same, agreeably to the thirty-third section of the act of twenty-ninth April, one thousand eight hundred and forty-four, entitled "An Act to reduce the State debt and incorporate the Pennsylvania railroad company;" and so much of any existing law as is inconsistent with the foregoing provisions, is hereby repealed. *Provided*, That any institution or company (except banks of issue) now liable for tax on capital stock, as also upon dividends, shall from henceforth be exempt from any tax upon dividends; *And Provided further*, That hereafter all banks of deposit and discount, or savings banks, shall be subject to the same tax as banks of issue; nothing, however, herein contained, shall be construed to make building associations, plank road, or turnpike companies liable for any tax to the Commonwealth, when such companies make or declare no dividends.

The bill passed committee of the whole, and being before the House on second reading,

Mr. CHASE moved to amend the bill as follows: "*And Provided further*, that nothing herein contained shall be taken or construed to apply to, or in any manner affect the existing law relative to tonnage tax on the Pennsylvania railroad," which was agreed to.

Mr. WILCOX moved to amend further:

"*Provided also*, That all unsettled accounts shall be adjusted in accordance with the provisions of this act," which was agreed to.

Mr. STEPHENS offered the following amendment:

That all property belonging to incorporated companies, shall pay taxes in their various localities in our township, ward, city, county and State governments, in proportion to its assessed value, the same as individual property holders; and all laws, or parts of laws, which makes their property public highways, or relieves it from taxation, is hereby repealed.

Mr. SPEAKER—I have offered this amendment in good faith, not with the view of repealing the tonnage tax, but to equalize the taxes of our governmental burthens, and should it prevail, I will amend the amendment by excepting the tonnage tax. Which thought did not occur to me at the time I penned the amendment, sir.

Mr. STEPHENS said the amendment before us, this day, is one that ought to meet with the hearty concurrence of every member upon this floor. It is one that has for its noble object, the disenthralment of the people of Pennsylvania, from the shackles of Legislative tyranny, from the chains of corporation bonds, which have so long prostrated the energies of her sons, and places her erect before God and man, where the constitution of our sires placed us, upon the platform of eternal justice, of equal rights, equal privileges, equal protection and equal taxation. Where is the legislator within these halls, that would not hail the passage of this act as the harbinger of a better, a brighter day, dawning upon the people of Pennsylvania? The rays of that light would fall upon us, like the gentle dews of Heaven, like the mellifluous streams of Heaven-born liberty, illuminating the pathway of self-government, so that we could see each other face to face, as freemen. If there should be any one here who would oppose this amendment from principle, who is so out of love with the principles of self-government, let him speak; he has not offended me, but he has betrayed and violated the principles which called into being our country. It would have been better for that man had he never been born within the limits of a free gov-



ernment, for he is unworthy of its protection. He would be a disgrace to the ashes of our sires, to the memory of our country's greatness and glory; to the spot where he was born, and the cradle of liberty in which he was rocked and reared up to manhood. Ah! more than this; the rebuke of a violated conscience would reprove him while life would last; and the rebuke of an outraged constituency would tell him, in language loud and plain, that could not be misunderstood, that he was unworthy to represent freemen. For my part, my judgment approves of this amendment; my whole heart is in it, and all that I am, I am willing to stake upon the issue. For the degeneracy of my country is so apparent from these great first principles, that I am willing to become a martyr to a cause that demands a sacrifice; that the old ship of State may be brought back into her safe moorings of constitutional liberty, from whence she has departed, through the tempestuous gales of corporate power. That she may have inscribed in letters of gold, upon the ample folds of the flag which waves at her masthead, mingled with the stars and stripes, those other symbols dear to every American heart, equal rights, equal privileges, equal protection and equal taxation. And that she may be manned with those men that will carry them out.

I know the finger of scorn will be pointed at me; I know that incorporated companies will gather around me and crush me to earth; but I know, also, that these principles must live and be carried out, or we must bid good-bye to self government. It may be here necessary to delineate what I understand to be the origin of government, in order to have a full view of the object aimed at by this amendment. The origin and source of government was to supply a defect in man's nature, occasioned by his fall. We must all admit that, if man was governed by the innate teachings of his conscience, and could not deviate therefrom, we should need no government. But seeing this is not the case, that to "err is human," we find it necessary to resort to some species of government in order to protect the good from the bad—the end and design of which is protection. It follows, therefore, as a natural consequence, that every man, or set of men, should pay taxes in proportion to the amount of property that each has protected in our township, county, ward, city and State governments. Each independent of the other in regard to the sovereign rights of the people only what each has surrendered up through the delegated powers of the Constitution. This is what I call carrying out the great doctrine of our fathers, of "equal rights, equal privileges, equal protection and equal taxation." This will fortify the township and ward governments from the encroachments of the county and city, and the county and city from that of the State. Then, happily, the people will enjoy the full fruits of self-government; the great balance wheel and key of the whole structure being equal taxation. Every departure from this principle, every step of centralization of the rights of the people, of township or ward by county and city, and county and city by State, is but so many steps towards absolutism. These reserved and inherent rights of the people must be preserved inviolate, if we would remain free. When we lose sight of these principles, and pursue a course for gain; when the glittering gold has more power over us than that patriotic duty which we owe to our country; when we forget that the great end and object of legislation is to secure every man in his inalienable rights, and to perfect his freedom; when we lose sight of these, the necessary objects of legislation, and legislate to increase the power of the State government over the city and county, and the county and city over the township and ward, by special legislation, for incorporated companies, who pay, for the betrayal of the rights of the

people (in order to cover up their barefaced transactions,) a seemingly large State tax. While many of them pay no other, and a great many of them not even that, and if they do pay any, it is merely a nominal tax. Then, indeed, we have departed from the fundamental principles of self government, and are ready to sell our country as Judas sold his Lord and Master.

I beseech you, therefore, fellow laborers, if you wish to preserve the priceless principles of civil liberty; if you wish to hand it down to your children, as pure as you received it from your fathers, without spot, wrinkle, or blemish; if you wish the session of 1859 to stand, side by side, with any previous sessions of the halcyon days of our Republic, vote for this resolution, which will commit to the charnel house of oblivion, all those acts of legislation, which are calculated to "benefit the few at the expense of the many;" which places the people of Pennsylvania, as I said before, all upon one common platform. I hold to, and maintain the doctrine that the Legislature has no right to say that any man, or set of men, shall be relieved from township, ward, city, and county tax, and only pay a State tax. This is one of the reserved rights of the people, which they never delegated to the State government, and every act of this kind has been a violation of the principles of self-government and the rights of a sovereign people. Sir, I ask you, Mr. Speaker, I ask every member of this House, what are our delegated constitutional powers? Whose voices clothed us with authority? And whose agents, in reality, are we? Solve these queries in your own mind; let conscience and patriotism point out to you the duty which you owe to your country, to your posterity, and to your God. And then you will see clearly that sovereignty is not delegated to us—that we are but the servants of the people, to do their bidding.

They have clothed us with authority and power, not to take away their sovereignty, but to do their will; to make laws which will protect them in their rights of property and person; to reform all governmental abuse; or, in other words, we are the sentinels to watch, protect, defend, preserve, improve and perfect their freedom. So that the burthens of our government shall fall upon every man, in proportion to his means, and the amount of property he possesses; so that his rights of property and person shall be preserved. This is the great doctrine of civil liberty, and this should be the doctrine of Pennsylvania. It was this doctrine that caused our fathers to leave their mother country, to cross the ocean, in their fragile barques, to clear up and settle this then wilderness country; to endure all its hardships and privations. Yes, and more than all this, to fight the great battles of the Revolution, in defence of "equal rights, equal privileges, equal protection, and equal taxation." Which brought into being the union of these States, under one form of government, and a Constitution which binds them together in one indissoluble tie; which breathes forth in every word and line the doctrine of this resolution. How is it? Oh! Pennsylvania! How is it, my countrymen, that we have departed from those principles, which ought to rule and reign over us, and live forever? Oh, liberty! Oh! A sound once dear to every Pennsylvanian. Has it lost its magic-spell? Must the spell-bound appetite of the love of money, by our legislators, banish you forever from the American heart? I trust, never! Oh, never! Think of the trials and struggles of our ancestors, which have made this, once wilderness country, to bud and "blossom as the rose." Think of the sacrifices that they made in order that their posterity might enjoy civil and religious liberty.

Behold your country, extended from ocean to ocean, from the Gulf of Mexico to the great lakes, forming one complete belt around this

continent, through the benign influence of their labor and patriotism. A country which is destined, if we are true to ourselves and their teachings, to spread itself from pole to pole, embracing all the isles of the ocean which surround this continent; and finally, by our example, our mission is to redeem the world from oppression and tyranny, so that man may take his place, as he was ordained by our Creator, free and upright, in the image of his maker. And, then, ask yourselves in view of the past and the glorious future that awaits us, as a people, whether you will suffer incorporated companies to despoil you of the noble heritage left you by your fathers, and rob you of all the glories of the past, and the future redemption of the world from tyranny.

Have the lessons of '76, so soon faded from our memories, that we are willing again to take upon ourselves the yoke of bondage, by placing incorporated power in the place of a king, exercised by legislative authority and sanctioned by the Supreme Court? so that these enactments are but the laws of the land, instead of the mandates of the King. What is the difference between laws made for the "protection of the few at the expense of the many," or, the authority of a King exercised for the same purpose?

We have not reached that period in our history, when we can see the full influence of corporate power, but we have seen sufficient to convince us that unless this power be restrained within proper limits, that there will soon be an end to our freedom.

Mr. Speaker, you and I may not live to see the fulfilment of this prediction; we may pass off the stage of action, before this young nestling of tyranny is fully fledged for its work of absolutism; but, he assured, he assured that if it is not checked by a law sentinel, of this character, it will eventually overthrow our free institutions and rob us of our liberty!

How many members, upon this floor, hold their seats through the influence of corporate power? How many are representing the interests of their constituents? Are there not some here representing the interests of British bondholders and neglecting the interests of their constituents? These are plain questions for the people to ponder upon; but nevertheless true.

With a union of corporate power, they can elect a majority of the legislators, the Governor and all other officers of the State. Then, who is to shield and protect the rights of the people? Is there not danger, then, that soulless corporations will usurp the rights of the people, and hold the balance of power in their own hands, and use it for their benefit? Do not these forebodings fill the breast of every lover of his country with fear and alarm for the future? Are past warnings not enough to teach us that power of such a dangerous magnitude, should be restrained?

We have given away the public works, which cost us untold millions to construct, at a period when we were about to realize some return for the labor and money expended. Had we held out to them and put them in proper hands, they would have supported our State government, for all coming time, without costing the people a single dime, and in the course of time would have paid off our State debt. It is our duty, now, to subject these works to taxation, the same as is your property, Mr. Speaker, and mine. Adopt this amendment, and I know we will realize more benefit from them, in the shape of taxation to uphold and sustain our government, than we ever did while we owned them. I know if the incorporated companies had to pay two and a half mills per dollar, for the real value of their property, the State would receive more from them than she does now. And then they would have to bear a proportionate



burthen of supporting our township, ward, county and city governments. How is it now? While some of them pay heavy taxes, others are wholly relieved from any burthens. For instance, in my county, the Delaware and Hudson canal company, and the Pennsylvania coal company paid last year one-tenth of the whole corporation tax of the State. Is this fair or equal? If they had paid one-tieth part they would have paid their share.

I trust, therefore, this resolution will be adopted. If adopted, it will spread universal joy and rejoicing throughout the length and breadth of our good old Commonwealth; lost confidence will again be restored in the integrity of our Legislature, and all will work harmoniously together to perfect and improve our government, to the elevation of our race, and to the upholding and sustaining of our free institutions.

If not adopted, I trust the people will take this matter into their own hands and keeping, and adopt a resolution of this character as their platform, for our Governor, our Legislatures, and all other officers of the State Government to stand upon. Let this be the issue, and the test of their fidelity to these principles. And, sir, I will risk the future of our country if committed to the keeping of such men. They will restore the equilibrium of governmental burthens; they will make corporations a blessing, to improve and develop our country, by keeping them in the path of self-government. What is the difference between the Czar of Russia and the President of the United States? They are both men. The difference is in the power they are permitted to exercise; the one uses his power for the good of his people, he cannot do well otherwise, for his power is limited. The other has full power; his will is the law of the land, and he can exercise it at his pleasure, for the weal or woe of his subjects. I want corporations to be thus put under proper restraint, in order that their power shall be limited to do evil, and only exercised to do good, and that restraint to be in keeping with the principles of self-government, so that the machinery of our government will be so constructed and managed as that all its parts will work in happy union and harmony, each part performing its proper functions. The burthens of keeping the machinery in motion being equal, and the benefits alike. I trust the people of our good old Commonwealth will take this matter into their own hands and keeping, and if they will carry it out, the millennium of happiness, of the peaceful fruits of self-government, will show forth its workings in all its grandeur and glory, and the old Keystone will take her appropriate place as the star of the first magnitude in the constellation of States, and the proudest monument of self-government.

And on the question,

Will the House agree to the amendment proposed by Mr. STEPHENS, it was determined in the negative.

Mr. SHEPPARD moved to amend the bill by inserting after the word "same," in the second proviso, the words, "building associations."

Pending the consideration of which, the hour of one having arrived, the SPEAKER adjourned the House until this afternoon at three o'clock.

#### SENATE.—AFTERNOON SESSION.

Friday, March 8, 1859.

On motion of Mr. GREGG, the Senate proceeded to the consideration of House bill No. 755, "An Act to incorporate the Montour improvement company," which was on third reading.

Upon the final passage of the bill,

The yeas and nays were required by Mr. MYER and Mr. GREGG, and were as follow, viz:

YEAS—Messrs. Baldwin, Blood, Brewer, Craig, Fetter, Francis, Gazzam, Gregg, Harris,

Keller, Marselis, Miller, Palmer, Park r, Penney, Rutherford, Schell, Schindel, Steele, Thomson, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—25.

NAYS—Messrs. Coffey, Myer, Nunemacher and Scofield—4.

So the question was determined in the affirmative.

On motion of Mr. KELLER, House bill No. 203, "An Act changing the venue of a certain action from Union to Northumberland county."

On the passage of the first section,

The yeas and nays were required by Mr. GREGG and Mr. KELLER, and were as follow, viz:

YEAS—Messrs. Bell, Blood, Brewer, Craig, Fetter, Keller, Marselis, Miller, Nunemacher, Palmer, Randall, Schell, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—18.

NAYS—Messrs. Baldwin, Coffey, Finney, Francis, Gazzam, Gregg, Harris, Parker, Penney, Rutherford and Scofield—11.

So the question was determined in the affirmative.

Mr. FINNEY, chairman of the Committee on Pensions and Gratuities, moved that the committee be discharged from the consideration of the following bills:

"An Act for the relief of A. W. Byard, an old soldier."

"An Act for the relief of Augustus J. Kuhn, of Lancaster county, an old soldier of the war of 1812."

"An Act for the relief of Rachel Robison, widow of an old soldier of the Revolution."

"An Act for relief of Lewis Six, of Green county, an old soldier in the Indian war of one thousand seven hundred and ninety-two."

Also, from the further consideration of the following petitions:

Petition of Margaret Coldwater, widow of Philip Coldwater, private of the tenth regiment, Revolutionary war, for a pension and gratuity.

Petition of Rachel Robinson, widow of an old soldier, for a pension.

Petition for the relief of Lewis Six, a soldier in the Indian wars of 1792; which was agreed to.

Mr. RUTHERFORD, on leave given, from the Committee on Private Claims and Damages, reported as committed, "An Act relative to the claim of Burke and Gonder."

Mr. STEELE moved that the Senate insist upon its amendment to House bill No. 617, "An Act for the assessment of damages upon the North Branch and Wyoming canals."

Upon the question recurring, a brief discussion took place between Messrs. MYER, SCOFIELD and STEELE.

Upon the motion,

The yeas and nays were required by Mr. MYER and Mr. STEELE, and were as follow, viz:

YEAS—Messrs. Brewer, Craig, Francis, Gregg, Harris, Marselis, Palmer, Penney, Randall, Schell, Scofield, Schindel, Turney and Cresswell, *Speaker*—14.

NAYS—Messrs. Blood, Coffey, Finney, Keller, Miller, Myer, Nunemacher, Parker, Rutherford, Welsh, Wright and Yardley—12.

So the question was determined in the affirmative.

On motion of Mr. FETTER, Senate bill No. 323, "An Act to incorporate the Northumberland and Juniata railroad company."

The question being upon the first section of the bill,

The yeas and nays were required by Mr. GREGG and Mr. FETTER, and were as follow, viz:

YEAS—Messrs. Bell, Brewer, Fetter, Keller, Miller, Schell, Steele and Turney—8.

NAYS—Messrs. Baldwin, Blood, Craig, Finney, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penney, Rutherford, Scofield,

Schindel, Thompson, Welsh and Cresswell, *Speaker*—18.

So the question was determined in the negative.

And the bill fell.

On motion of Mr. KELLER, the Senate proceeded to the consideration of House bill No. 205, "An Act changing the venue in a certain action from Union to Northumberland county."

The yeas and nays were required by Mr. KELLER and Mr. GREGG, and were as follow, viz:

YEAS—Messrs. Bell, Blood, Brewer, Fetter, Keller, Marselis, Miller, Nunemacher, Palmer, Randall, Schell, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—17.

NAYS—Messrs. Baldwin, Coffey, Finney, Francis, Gazzam, Gregg, Parker, Penney, Rutherford and Scofield—10.

So the question was determined in the affirmative.

Mr. MILLER, on leave given, read in place, a bill, entitled "An Act relating to the time of holding courts in Greene county."

The committee being discharged from the consideration of the bill, it was taken up and passed finally.

Mr. MYER called up House bill No. 1008, "An Act to authorize the investigation of a claim for damages of Thomas McDonald."

On motion of Mr. MYER, the bill was postponed until to-morrow.

On motion of Mr. COFFEY, House bill No. 1374, "An Act relating to Brackets on Canal Creek, in the counties of Indiana and Jefferson." Passed.

On motion of Mr. SCHINDEL, House bill No. 1187, "An Act to change the time of electing the officers of the Lehigh and Berks County turnpike road company." Passed.

On motion of Mr. PALMER, House bill No. 966, "An Act relating to the East Mackinaw railroad company." Passed.

On motion of Mr. PARKER, House bill No. 203, "Resolution relative to the payment of certain moneys into the treasury of the State by the Manufacturers' and Mechanics' Bank of Philadelphia." Postponed for the present.

On leave given, Mr. CRAIG reported as committed, a bill for the payment of the claim of John W. Geary and Israel Painter.

On leave given, Mr. PENNEY read in place and presented to the Chair, bill entitled "An Act relating to partitions in courts having equity jurisdiction in the county of Allegheny."

On his motion, the Committee on the Judiciary was discharged from its consideration, and the Senate proceeded to the consideration of the same.

The question being upon the final passage of the bill, it was agreed to.

On motion of Mr. RANDALL, the Judiciary Committee was discharged from the consideration of Senate bill No. 1168, "A supplement to an act, entitled 'An Act establishing a mode for drawing jurors in and for the county of Philadelphia.'"

The bill passed final reading.

The hour of five having arrived, the SPEAKER adjourned the Senate until this evening at seven o'clock.

#### SENATE.—EVENING SESSION.

On leave, Mr. GAZZAM read in his place, and presented to the Chair, an act relating to county commissioners.

House amendments to Senate bill 678, "An Act to incorporate the Pottsville and Minersville railroad company."

On motion of Mr. PALMER, the Senate concurred in the first and second amendments, with amendments.

On motion of Mr. RUTHERFORD, the Senate proceeded to the consideration of House



bill No. 1244, "An Act relative to the borough of Lebanon, in the county of Lebanon." Passed.

Mr. SCHELL moved that the Committee on Banks be discharged from the further consideration of House bill No. 469, "An Act to incorporate the Huntingdon Bank."

On this question, the yeas and nays were required by Mr. WRIGHT and Mr. SCHELL, and were as follow, viz:

YEAS—Messrs. Baldwin, Brewer, Gazzam, Gregg, Harris, Parker, Penney, Rutherford, Schell, Thompson and Yardley—11.

NAYS—Messrs. Blood, Coffey, Fetter, Marselis, Miller, Nunemacher, Randall, Scofield, Turney, Welsh, Wright and Cresswell, *Speaker*—12.

So the question was determined in the negative.

On motion of Mr. SCOFIELD, House bill No. 1314, "An Act in regard to road taxes in Tioga county." Passed.

Mr. BREWER, on leave given, reported from standing Committee on Militia, bill No. 235, "An Act to authorize the Allen Rifles to erect an armory;" and on his motion,

The Senate proceeded to the consideration of the same. Passed.

On motion of Mr. STEELE, House bill No. 1310, "A further supplement to the act to incorporate the Citizens' passenger railway, approved March 25, 1859."

Mr. PARKER moved that the consideration of the bill be indefinitely postponed.

Upon this question,

The yeas and nays were required by Mr. RANDALL and Mr. PARKER, and were as follow, viz:

YEAS—Messrs. Baldwin, Blood, Brewer, Craig, Fetter, Finney, Francis, Gazzam, Gregg, Harris, Keller, Marselis, Miller, Myer, Nunemacher, Parker, Penney, Rutherford, Schell, Scofield, Schindel, Thompson, Welsh, Wright, Yardley and Cresswell, *Speaker*—26.

NAYS—Messrs. Randall and Steele—2.

So the question was determined in the affirmative.

On motion of Mr. TURNEY, Senate bill No. 1149, "An Act authorizing the State Treasurer to pay Andrew McClelland, grandson of John McClelland, a balance of money due said John McClelland for services rendered in the Indian wars of 1782."

Read a third time and passed.

#### HOUSE AMENDMENTS

On motion, the Senate recede from its amendment to Senate bill No. 680, "An Act to incorporate the Pittsburgh, Allegheny and Manchester passenger railway company."

On motion, the Senate recede from amendments to House bill No. 382, "An Act to adjust the account of F. Knox Morton, late treasurer of the city and county of Philadelphia."

On motion, the Senate recede from its amendments to House bill No. 660, "An Act relative to the vacation of certain streets in the city of Philadelphia."

On motion of Mr. RANDALL, Senate bill No. 1171, "An Act to alter the number of trustees of the State savings fund of Philadelphia, formerly the Dime savings institution." Passed.

On motion of Mr. SCHINDEL, Senate bill No. 91, "An Act to incorporate the Eastern iron company."

This bill had been vetoed by the Governor; and the question being,

Shall the bill pass, notwithstanding the veto of the Governor?

Agreeably to the thirty-third article of the Constitution, the yeas and nays were taken, and were as follow, viz:

YEAS—Messrs. Baldwin, Brewer, Coffey, Craig, Finney, Francis, Gazzam, Gregg, Harris, Keller, Myer, Palmer, Parker, Penney, Rutherford, Schell, Schindel, Steele, Thompson, Turney and Yardley—21.

NAYS—Messrs. Blood, Fetter, Marselis, Miller, Nunemacher, Randall, Scofield, Wright and Cresswell, *Speaker*—9.

So the question was determined in the affirmative.

On motion of Mr. WELSH, House bill No. 1091, "An Act to incorporate the Peach Bottom and Maryland Line turnpike road company." Passed.

On leave given, Mr. MILLER (Judiciary) reported, with amendment, "A supplement to the act consolidating the city of Philadelphia, so far as relates to the assessors of the Nineteenth ward."

On motion of Mr. WRIGHT, the Senate proceeded to the consideration of the same. Passed finally.

On motion of Mr. STEELE, the Committee on Roads and Bridges were discharged from the further consideration of House bill No. 1071, "A supplement to the act incorporating the Carbonale and Providence plank road and turnpike road company," and the Senate proceeded to consider the same. Passed.

On motion of Mr. BREWER, Senate bill No. 445, "An Act to incorporate the Mont Alto iron company."

This bill had been vetoed by the Governor, and the question being, shall the bill pass, notwithstanding the veto?

According to the thirty-third article of the Constitution, the yeas and nays were called, and were as follow, viz:

YEAS—Messrs. Baldwin, Brewer, Coffey, Craig, Fetter, Finney, Francis, Gazzam, Gregg, Harris, Keller, Myer, Palmer, Parker, Penney, Schell, Schindel, Steele, Thompson and Yardley—20.

NAYS—Messrs. Miller, Nunemacher, Randall, Scofield, Wright and Cresswell, *Speaker*—6.

So the question was determined in the affirmative.

On motion of Mr. TURNEY, Senate bill No. 1050, "An Act to authorize the Auditor General to correct certain accounts." Passed with amendment.

On motion of Mr. BALDWIN, the Committee on Roads and Bridges were discharged from the further consideration of House bill No. 1043, "An Act to incorporate the Pequa and Beaver Valley turnpike road company." The Senate proceeded to consider the same. Passed.

On motion of Mr. RUTHERFORD, Senate bill No. 704, "An Act to authorize the Church of United Brethren in Christ, of the borough of Middletown, to convey certain real estate." Passed.

On motion of Mr. HARRIS, the Senate resumed the consideration of House bill No. 504, "An Act providing for the fencing of a part of the Cleveland and Pittsburgh railroad, and for the protection of property in the county of Beaver;" and, on his motion, the Senate went into committee of the whole for special amendment.

Upon this motion,

The yeas and nays were required by Mr. HARRIS and Mr. TURNEY, and were as follow, viz:

YEAS—Messrs. Baldwin, Francis, Gregg, Harris, Miller, Myer, Palmer, Parker, Penney, Scofield and Thompson—11.

NAYS—Messrs. Blood, Brewer, Fetter, Keller, Marselis, Nunemacher, Randall, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—14.

So the question was determined in the negative.

Upon the final passage of the bill,

The yeas and nays were required by Mr. TURNEY and Mr. HARRIS, and were as follow, viz:

YEAS—Messrs. Baldwin, Francis, Gregg, Harris, Miller, Myer, Penney, Rutherford, Scofield and Thompson—10.

NAYS—Messrs. Blood, Brewer, Fetter, Finney,

Keller, Marselis, Nunemacher, Palmer, Parker, Randall, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—15.

So the question was determined in the negative.

On motion of Mr. BLOOD, House bill No. 471, "An Act to authorize Sabina R. Sloan to sell certain real estate."

Upon the passage of the bill,

The yeas and nays were required by Mr. BLOOD and Mr. MILLER, and were as follow, viz:

YEAS—Messrs. Blood, Coffey, Francis, Nunemacher, Parker, Schell, Steele, Wright and Cresswell, *Speaker*—9.

NAYS—Messrs. Brewer, Craig, Fetter, Finney, Gazzam, Miller, Palmer, Penney, Scofield, Turney, Welsh and Yardley—11.

So the question was determined in the negative.

On motion of Mr. FETTER, House bill No. 214, "An Act authorizing the sale of property belonging to the Keystone Division Sons of Temperance."

On the final passage of the bill,

The yeas and nays were required by Mr. WELSH and Mr. FETTER, and were as follow, viz:

YEAS—Messrs. Brewer, Fetter, Francis, Keller, Parker, Randall, Rutherford, Schell, Steele, Turney and Cresswell, *Speaker*—11.

NAYS—Messrs. Bell, Finney, Gazzam, Gregg, Harris, Marselis, Miller, Myer, Nunemacher, Palmer, Penney, Scofield, Welsh, Wright and Yardley—15.

So the question was determined in the negative.

On motion of Mr. FRANCIS, the Committee on Corporations was discharged from the consideration of House bill No. 1193, "An Act to incorporate the American piano and melodeon company of Pennsylvania," and that the Senate proceed to the consideration of the same.

On the first section,

The yeas and nays were required by Mr. TURNEY and Mr. WRIGHT, and were as follow, viz:

YEAS—Messrs. Bell, Blood, Brewer, Coffey, Craig, Fetter, Finney, Francis, Gazzam, Gregg, Harris, Keller, Miller, Myer, Palmer, Parker, Penney, Randall, Rutherford, Schindel, Steele, Thompson, Welsh, Yardley and Cresswell, *Speaker*—24.

NAYS—Messrs. Marselis, Nunemacher, Schell, Turney and Wright—5.

So the question was determined in the affirmative.

Mr. BREWER moved that the Senate do now adjourn.

Upon this question,

The yeas and nays were required by Mr. RANDALL and Mr. BREWER, and were as follow, viz:

YEAS—Messrs. Bell, Brewer, Miller, Nunemacher, Randall, Schell, Scofield, Solindol, Welsh and Wright—10.

NAYS—Messrs. Baldwin, Blood, Coffey, Fetter, Finney, Francis, Gazzam, Gregg, Harris, Keller, Marselis, Palmer, Parker, Rutherford, Steele, Thompson, Turney and Yardley—18.

So the question was determined in the negative.

On motion, the Senate adjourned until nine and a half o'clock to-morrow morning.

#### HOUSE—AFTERNOON SESSION.

FRIDAY, March 8, 1859.

#### ORIGINAL RESOLUTION.

Mr. GOEPP, on leave given, offered the following resolution; which was twice read, considered and adopted.

Resolved, If the Senate concur, that bill No. 509, House file, entitled "A further supplement to an act incorporating the Navigation railroad



company," approved April 20, 1854, be amended by striking out the fourth section, and adding to the end of said bill the following new section as section six, "that on the payment of the enrolment tax, on the act, entitled 'A further supplement to the act incorporating the Navigation railroad company, approved April 20, 1854, which said act was approved the 18th April, 1857, said act shall be as good and valid as though the enrolment tax had been paid as required by law."

Mr. FLEMING, on leave given, read in his place and presented to the Chair, "An Act relating to the Susquehanna and Waterford turnpike road company, in Clarion, Clearfield and Jefferson counties;" which, on his motion, was taken up, considered, passed finally, and sent to the Senate for concurrence.

Mr. WILLIAMS, (Bucks,) offered a resolution that in addition to the chief clerks and assistants, each of the regular transcribing clerks shall be entitled to a copy of the Geological Survey of the State; which was read the second time.

Mr. THOMPSON moved to amend the resolution by including the Postmaster.

Mr. LAWRENCE, (Washington,) moved that each of the clergymen of Harrisburg who officiated during the session by opening its proceedings with prayer, be furnished with a copy of said report.

And on the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. HAMERSLY and Mr. HARDING, and were as follow, viz:

YEAS—Messrs. Abbott, Barlow, Bryson, Burley, Chaso, Church, Custer, Durboraw, Eckman, Ellmaker, Fearon, Fleming, Graham, Lawrence, (Washington,) Mehafeey, M'Clure, Oaks, Patterson, Pinkerton, Proudfoot, Ramsdell, Shafer, Smith, (Berks,) Stuart, Thompson, Wagenseller, Walborn, Walker, Wardeo, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson and Lawrence—*Speaker*—35.

NAYS—Messrs. Barnsley, Bertolet, Boyer, (Clearfield,) Dismant, Evans, Foster, Galley, Glatz, Goepp, Good, Gratz, Gray, Green, Hamersly, Harding, Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Matthews, M'Dowell, Miller, Neall, Peirce, Price, Pughe, Rouse, Sheppard, Smead, Smith, (Philadelphia,) Stephens, Stoneback, Styer, Thoru, Wigton, Wolf and Woodring—39.

So the question was determined in the negative.

Mr. EVANS moved to amend the amendment by furnishing Ed. H. Flood, late a Transcribing Clerk of the House, with a copy of said report.

And on the question,

Will the House agree to the same?

The yeas and nays were required by Mr. GOOD and Mr. BURLEY, and were as follow, viz:

YEAS—Messrs. Abbott, Boyer, (Clearfield,) Church, Custer, Evans, Fisher, Foster, Goepp, Good, Gray, Gritman, Hamersly, Harding, Jackson, Keneagy, Ketchum, Laird, Matthews, M'Clure, M'Curdy, Neall, Oaks, Pinkerton, Pughe, Ramsdell, Rouse, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Thompson, Thorn, Warden, Williams, (Bucks,) Wilson, Woodring and Zoller—37.

NAYS—Messrs. Acker, Barnsley, Barlow, Bertolet, Bryson, Burley, Chase, Durboraw, Eckman, Ellmaker, Fearon, Fleming, Galley, Glatz, Graham, Gratz, Green, Hottenstine, Kinney, Lawrence, (Washington,) M'Dowell, Peirce, Price, Proudfoot, Rose, Shafer, Smead, Stoneback, Stuart, Styer, Taylor, Wagenseller, Walborn, Walker, Wigton, Wilcox, Wiley, Williams, (Bedford,) Wolf and Lawrence, *Speaker*—40.

So the question was determined in the negative.

Mr. EVANS moved that the further consid-

eration of the question be postponed indefinitely.

Mr. M'CLURE rose to a call of the previous question; which was sustained.

And on the question,

Shall the main question be now put?

It was determined in the negative.

And the question recurring,

Will the House agree to the main question—Mr. THOMPSON'S amendment?

It was agreed to.

The question recurring,

Will the House agree to the resolution as amended?

The yeas and nays were required by Mr. EVANS and Mr. STONEBACK, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Church, Durboraw, Eckman, Ellmaker, Fearon, Fisher, Fleming, Foster, Goepp, Good, Graham, Green, Hamersly, Harding, Keneagy, Ketchum, Laird, Lawrence, (Washington,) Mehafeey, Matthews, M'Clure, M'Curdy, M'Dowell, Neall, Oaks, Palm, Peirce, Price, Proudfoot, Pughe, Rose, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Smith, (Philadelphia,) Styer, Thompson, Thorn, Walborn, Walker, Wilcox, Wiley, Williams, (Bucks,) Wilson, Zoller and Lawrence, *Speaker*—57.

NAYS—Messrs. Bertolet, Custer, Dismant, Evans, Galley, Glatz, Gray, Gritman, Hill, Hottenstine, Kinney, Patterson, Ramsdell, Shields, Stephens, Stoneback, Stuart, Taylor, Wagenseller, Warden, Williams, (Bedford,) Wolf and Woodring—23.

So the question was determined in the affirmative.

Mr. M'DOWELL voted "No," because the amendment included only the clergymen of Harrisburg, when clergymen from other places had officiated, and were equally entitled to receive the courtesy.

The House resumed the consideration of Senate bill No. 662, "An Act to equalize taxation upon corporations."

Mr. SHEPPARD moved to amend the bill by inserting after the word "make," the words "building associations;" thereby exempting from taxation building associations which declare no dividends; which was agreed to. And the bill as amended passed finally.

#### PRIVATE BILLS.

The House resumed the second reading and consideration of bills on the Private Calendar.

Whereupon the following were read and laid aside for second reading:

Senate 529. "An Act to incorporate the Huntingdon Valley railroad company."

Senate 547. "A further supplement to the act to incorporate the Trenton City bridge company."

No. 1452. "An Act authorizing the town council of the borough of Chambersburg to increase the rate of tax."

No. 1453. "An Act to annul the marriage contract between Samuel C. Harvey and Sarah Aon his wife."

No. 1454. "An Act to incorporate the Mt. Vernon Hook and Ladder Company, independent No. 1, of Harrisburg, Pa."

Senate 697. "An Act to authorize the State Treasurer to refund to Samuel Baird certain money paid by him."

No. 1456. "An Act to regulate the building of powder magazines and the deposit of powder therein, within the county of Dauphin."

No. 1457. "An Act for the relief of Benjamin F. Appold."

No. 1461. "Supplement to the act to incorporate the Richmond and Schuylkill passenger railway company."

No. 1462. "An Act to incorporate the Monongahela passenger railroad company."

No. 1463. "An Act to incorporate the Ply-

mouth and Wilkesbarre railroad and bridge company."

No. 1464. "Supplement to an act to authorize the erection of a poor house by the borough of Pittston, township of Pittston and township of Jenkins, county of Luzerne."

No. 1416. "Supplement to the act to incorporate the city of Philadelphia."

No. 1470. "An Act to pay the claim of Peter Bolig."

No. 1203. "Supplement to an act to incorporate the upper Presbyterian congregation of Marsh Creek, in the county of York."

No. 1061. "Supplement to an act to incorporate the Quarryville and Union turnpike road company."

No. 1416. "An Act for the relief of Andrew Hentzleman and others, of York county."

No. 1471. "An Act to authorize the State treasurer to pay Wm. F. Felix for losses sustained on the Philadelphia and Columbia railroad company."

"An Act declaratory of An Act to apportion the city of Philadelphia."

#### BILLS CONSIDERED AND PASSED.

The House, on motion of Mr. HAMERSLY, proceeded to the second reading and consideration of the following bills on the Private Calendar, which were passed finally:

Sen. 634. "An Act relative to certain school accounts of Porter township school district, in the county of Jefferson."

Sen. 539. "An Act for the relief of the Somerset borough school district, Somerset county."

No. 1292. "An Act authorizing the Auditor General to cancel any balance standing open against the Lebanon Bank in his office on dividends of said bank."

No. 1296. "An Act to incorporate the trustees of the township of Jenkins, Luzerne county."

No. 1297. "An Act to incorporate the trustees of the borough of Pittston, Luzerne county."

"An Act relative to livery stable keepers in Allegheny county."

No. 1305. "A further supplement to the act incorporating the Duocannon, Broad Top and Landisburg railroad company," was read the second time.

And on the question,

Will the House agree to the bill?

Mr. PATTERSON moved to amend by adding to the end of the bill the following:

*Provided*, That if said company shall change its route they shall first refund all moneys paid by stockholders dissatisfied with the change in such route.

Mr. WIGTON moved to amend the amendment by inserting the words "between Waterloo and Bedford" at the end of the seventh line.—Not agreed to.

The question recurring,

Will the House agree to the amendment of Mr. PATTERSON?

The yeas and nays were required by Mr. PATTERSON and Mr. WIGTON, and were as follow, viz:

YEAS—Messrs. Acker, Barnsley, Bertolet, Boyer, (Clearfield,) Burley, Church, Custer, Fearon, Glatz, Gritman, Hottenstine, Jackson, M'Dowell, Miller, Oaks, Patterson, Proudfoot, Shafer, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Styer, Wagenseller, Walborn, Wilman, Wigton, Williams, (Bucks,) Wilson, Zoller and Lawrence, *Speaker*—31.

NAYS—Messrs. Abbott, Bryson, Campbell, Chase, Dismant, Durboraw, Ellmaker, Fisher, Fleming, Foster, Galley, Goepp, Good, Graham, Gratz, Gray, Hill, Irish, Keneagy, Kinney, Lawrence, (Washington,) M'Clure, M'Curdy, Neall, Nill, Palm, Peirce, Pinkerton, Ramsdell, Rose, Rouse, Sheppard, Stephens, Stoneback, Stuart, Taylor, Thorn, Walker, Warden, Williams, (Bedford,) Williston, Wolf and Woodring—43.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

76.

So the question was determined in the negative.

And on the question.

Will the House agree to the bill?

A motion was made by Mr. WILLIAMS, (Bucks,) that the House do now adjourn; which was agreed to.

Whereupon the SPEAKER adjourned the House until this evening at seven o'clock.

## HOUSE—EVENING SESSION.

FRIDAY, April 8, 1859.

The House was called to order at 7½ o'clock, and resumed the consideration, on second reading, of House bill No. 1305.

**FURTHER SUPPLEMENT** to the act incorporating the Duncannon, Landishurg and Broad Top railroad company.

**SECTION. 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and directors of the Pennsylvania and Pacific railroad company are hereby authorized to locate the main line of their road on the route which they may deem most advantageous, and for the best interests of said company.

And on the question,

Will the House agree to the bill?

Mr. M'CLURE moved to amend, by adding to the end thereof:

*Provided,* That the supplement shall not be construed to confer on the said directors the power to change the present terminus of the road in Perry and Bedford counties.

And on the question,

Will the House agree to the amendment?

Messrs. M'CLURE and PATTERSON entered into a discussion.

Mr. WALBORN explained what he considered to be the whole object of the road, which was to form a connection between the Baltimore and Ohio railroad on the south, and the Susquehanna railroad on the north, thereby taking the productions and cattle of Virginia into N. York directly through this State.

Mr. SMITH, (Berks,) moved that the further consideration of the bill be postponed for the present.

Mr. M'CLURE rose to a call of the previous question; which was sustained.

And on the question,

Shall the main question be now put?

It was determined in the affirmative.

The question recurring,

Will the House agree to the amendment of Mr. M'CLURE?

It was determined in the negative?

The question again recurring,

Will the House agree to the bill?

The yeas and nays were required by Mr. PATTERSON and Mr. STYER, and were as follow, viz:

**YEAS**—Messrs. Abbott, Barlow, Boyer, (Schuylkill,) Bryson, Campbell, Custer, Dismant, Durboraw, Evans, Fisher, Fleming, Foster, Galley, Good, Graham, Gratz, Gray, Hottenstine, Irish, Keneagy, Laird, M'Clure, M'Curdy, Neall, Nill, Oaks, Palm, Pinkerton, Proudfoot, Rose, Sheppard, Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Taylor, Thorn, Walker, Warden, Wilcox, Williams, (Bedford,) Williston, Wolf and Woodring—45

**NAYS**—Messrs. Acker, Barnsley, Boyer, (Clearfield,) Burley, Church, Eckman, Fearon, Glatz,

Green Harding, Hill, Jackson, Ketchum, Mehaffey, M'Dowell, Miller, Patterson, Peirce, Shafer, Shields, Smead, Smith, (Berks,) Styer, Thompson, Wagenseller, Walborn, Williams, (Bucks,) Wilson, Withrow and Lawrence, *Speaker*—30.

So the question was determined in the affirmative.

The bill was ordered to be transcribed for a third reading.

And on the question,

Will the House suspend the rule and read the bill the third time by its title?

The yeas and nays were required by Mr. PATTERSON and Mr. WAGENSELLER, and were as follow, viz:

**YEAS**—Messrs. Abbott, Barlow, Bertolet, Boyer, (Schuylkill,) Campbell, Custer, Dismant, Durboraw, Evans, Fisher, Fleming, Foster, Galley, Goepp, Good, Graham, Gratz, Gray, Green, Gritman, Hottenstine, Irish, Jackson, Keneagy, Laird, M'Clure, M'Curdy, Neall, Nill, Oaks, Palm, Peirce, Proudfoot, Ramsdell, Rose, Smith, (Philadelphia,) Stoneback, Stuart, Taylor, Thorn, Walker, Warden, Witman, Wilcox, Williams, (Bedford,) Williston, Wolf and Woodring—48.

**NAYS**—Messrs. Acker, Barnsley, Boyer, (Clearfield,) Bryson, Burley, Chase, Church, Eckman, Fearon, Glatz, Harding, Hill, Ketchum, Lawrence, (Washington,) Mehaffey, M'Dowell, Miller, Patterson, Shafer, Shields, Smead, Smith, (Berks,) Styer, Thompson, Wagenseller, Walborn, Wigton, Williams, (Bucks,) Wilson, Withrow, Zoller and Lawrence, *Speaker*—32.

So the question was determined in the negative, two-thirds not voting in the affirmative.

No. 1329. "A supplement to an act to enable the Governor to incorporate a company to make an artificial road, beginning at the intersection of Vine and Tenth streets, Philadelphia; and thence to Perkiomeu bridge, in the county of Montgomery," was read the second time.

Mr. NEALL moved that the further consideration of the bill be postponed indefinitely.

And on the motion,

The yeas and nays were required by Mr. HILL and Mr. WALBORN, and were as follow, viz:

**YEAS**—Messrs. Barusley, Bertolet, Boyer, (Clearfield,) Chase, Church, Custer, Dismant, Durboraw, Eckman, Fisher, Fleming, Foster, Galley, Glatz, Goepp, Good, Gray, Gritman, Hill, Hottenstine, Jackson, Ketchum, Laird, Mehaffey, Matthews, M'Dowell, Neall, Oaks, Patterson, Shafer, Shields, Smead, Smith, (Philadelphia,) Stephens, Stoneback, Thorn, Walborn, Warden, Wilcox, Wiley, Williams, (Bucks,) Williston and Woodring—43.

**NAYS**—Messrs. Abbott, Acker, Barlow, Boyer, (Schuylkill,) Bryson, Campbell, Ellmaker, Evans, Fearon, Graham, Green, Hamersly, Harding, Keneagy, Lawrence, (Washington,) M'Clure, M'Curdy, Miller, Nill, Palm, Peirce, Pughe, Rouse, Sheppard, Smith, (Berks,) Stuart, Styer, Taylor, Thompson, Walker, Wigton, Williams, (Bedford,) Wilson, Wolf, Zoller and Lawrence, *Speaker*—36.

So the question was determined in the affirmative.

No. 1334. "An Act to annul the marriage contract between J. B. Emery and Almira R. his wife," was considered.

Mr. SMITH, (Berks,) desired an explanation.

Mr. GOEPP explained, that in this case the husband had been notified of the intended application, and had offered no opposition. The parties were married in April, 1858, and lived together for a short time. The husband then went to California, and wrote home that he cared nothing about his wife. There could be no recourse to the courts, because the time of desertion had not yet been sufficiently extended.

Mr. SMITH, (Berks,) thought that the matter plainly came under the jurisdiction of the courts, as no one knew better than the gentleman from Northampton. He desired further information, and called for the reading of the proofs of the assertions of the gentleman from Northampton, (Mr. GOEPP.)

Mr. GOEPP then forwarded to the Clerk the following papers, which were read by him, to wit:

In the matter of the petition of Almira R.

Emry, for the passage of "An Act divorcing her from the bonds of matrimony contracted by her with J. B. Emry."

Edward Lawall, of the borough of Easton, in the county of Northampton, and Commonwealth of Pennsylvania, aged thirty-five years, being duly sworn, says: That he knows Almira R. Emry, the petitioner; that her maiden name was Almira R. Keiser, and that she was adopted by him when nearly twelve years of age; and after that, was generally known by the name of Almira R. Lawall: that on the 10th day of April, A. D., 1858, whilst living with this deponent, at Easton, where he then kept and still keeps a hotel, she was married to J. B. Emry, of the said borough, a saddler; after her marriage they both continued to board at the house of this deponent; shortly after her marriage, on the 12th of April, J. B. Emry purchased a stock of millinery goods, and set her up in the business, associating his sister with her; on the first of September, she, at his request, sold out her interest in the stock to his sister, but received no money therefor; on the 2d of September he left Easton, saying that he had some business in Bucks county, and would return in eight or ten days; at the time he left, he owed this deponent seventeen dollars and a half for board, and left no money with her, nor has he sent her any since; he did not return at the time appointed, nor has he been here, at Easton, since; that this deponent afterwards learned from E. E. Hemingway, that he had received a letter from J. B. Emry, from San Francisco, California, stating that he had obtained employment there, and asking Hemingway to send him his tools; and that said Hemingway had accordingly sent them; that the said J. B. Emry took with him all his money, amounting to \$1500 or \$1600, and has no property, whatever, at Easton; that the parents of the said J. B. Emry, who reside in Bucks county, refuse to do anything for the support of the said Almira, and that she is still living with this deponent, who is able and willing to assist her, and put her in the way of supporting herself: *Provided*, she be divorced from the said J. B. Emry, who, as this deponent verily believes, has deserted and abandoned her, willfully and without any just cause.

EDWARD LAWALL.

Sworn to and subscribed, December 30th, 1858, before me, B. F. ARNDT, J. P.

In the matter of the petition of Almira R. Emry, for the passage of "An Act of Assembly



divorcing her from the bonds of matrimony contracted with J. B. Emry.

Edward Lawall, being duly sworn says: that on the 30th day of December, A. D., 1858, he deposited in the postoffice, at Easton, a letter, whereof the following is a true copy, viz:

EASTON, December 30, 1858.

Mr. J. B. EMRY—Sir: Take notice that an application will be made to the Legislature of Pennsylvania for the passage of an act divorcing me from the bonds of matrimony contracted with you, at their next session, commencing on the 4th of January, 1859.

ALMIRA R. EMRY.

Addressed—"Mr. J. B. Emry, San Francisco, California."

EASTON, March 26, 1859.

DEAR SIR: I received your letter to-day, stating about J. B. Emry. He has not written to me; neither to his wife since he left; but he has wrote to Miss Hemingway about five weeks ago, and in that letter he has stated that I had sent him notice that I was trying for a divorce, but he did not care anything about it. This is all that he has said about it.

Your friend, EDWARD LAWALL.

Mr. GOEPP denied that the case was one which could be properly taken to court.

Mr. WALBORN thought that the parties should not come into court, until the power of the court had been exhausted.

On the final passage of the bill,

The yeas and nays were required by Mr. WALBORN and Mr. ROSE, and were as follow, viz:

YEAS—Messrs. Bertolet, Boyer, (Clearfield,) Custer, Dismant, Goepp, Good, Gray, Green, Hamersly, Hill, Keueagy, Kinney, Oaks, Proudfoot, Pughe, Rohrer, Shafer, Smead, Smith, (Philadelphia,) Stephens, Thorn, Witman, Wilcox and Woodring—24.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Boyer, (Schuylkill,) Bryson, Chase, Durboraw, Eckman, Ellmaker, Fearon, Foster, Galley, Glatz, Graham, Harding, Hottenstine, Irish, Ketchum, Lawrence, (Washington,) M'Curdy, Miller, Neall, Nill, Palm, Patterson, Peirce, Ramsdell, Rose, Rouse, Sheppard, Shields, Smith, (Berks,) Stuart, Styer, Taylor, Thompson, Walhorn, Warden, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson and Wolf—47.

So the question was determined in the negative.

No. 1335. "An Act to annul the marriage contract between Catharine and Reuben Frankendorf," was read the second time and lost.

No. 1336. "An Act to annul the marriage contract between Mahlon and Mary Griffith, of Chester county," was read the second time and lost.

No. 1337. "An Act to annul the marriage contract between Oliver and Lydia Merritt," was read the second time and lost.

No. 1339. "An Act to annul the marriage contract between James Edward and Catharine Roosevelt," was read the second time and lost.

No. 1340. "An Act to annul the marriage contract between Thomas and Lydia Hemmich," was read the second time.

Mr. BERTOLET moved to amend, by adding preamble; which was agreed to:

WHEREAS, Lydia Hemmich, wife of Thomas Hemmich, has, since her marriage, become hopelessly insane, and subject to fits of violent passion, which render it necessary to keep her confined and restrained of her liberty; and she is now so confined in the asylum for the insane in the county of Berks; and it is the opinion of her medical attendants that she can never regain the use of her reason; therefore, &c.

Mr. BERTOLET called for the reading of the papers in the case. They were read by the Clerk, as follows:

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

The petition of Thomas F. Hemmich, of the city of Reading, county of Berks, and State of Pennsylvania, respectfully represents:

That your petitioner, in the year one thousand eight hundred and fifty-one, was united in the bonds of wedlock with Lydia Holloway; that he has always treated his said wife kindly, but that his said wife, four years ago, or thereabouts, lost her mind and become subject to fits of insanity; that when not actually raving, she has been melancholy and incapable of attending to her household duties; that she has been in the habit of tearing off all her clothing and appearing naked in the presence of both men and women; that she, at the present time, will not keep any clothes upon her; that she has run your petitioner into debt by her extravagance, he having no control over her; that she has neglected, and still does neglect, the said child of of your petitioner; and the said Lydia Hemmich becomes intoxicated whenever she can obtain spirituous liquor, and that generally, she is a hurthen to your petitioner, a cause of annoyance, shame and expense; and that in all respects she fails to perform her duties as a wife and mother.

Being unable to procure a divorce from the courts of law on the grounds above stated, your petitioner respectfully prays your Honorable Bodies to pass a law divorcing him from the bonds of matrimony entered into with the said Lydia Hemmich.

And he will pray, &c.

THOMAS F. HEMMICH.

Reading, March 14, 1859.

City of Reading, Berks County, ss:

Before me, the subscriber, an alderman of the said city, personally appeared Thomas F. Hemmich, who, being duly affirmed, deposes and says, that the facts set forth in the above petition are true, to the best of his knowledge and belief.

THOMAS F. HEMMICH.

Affirmed and subscribed, the 14th day of March, 1859, before me,

GEORGE IMITZ, Alderman.

Mr. THORN moved that the bill be indefinitely postponed. It was terrible for a man, after having married a wife, to wish a divorce from her because she became sick and insane.

Mr. BERTOLET said that the woman had brought the trouble on herself. About three years ago she had been detected in adultery, and had taken to drink.

Mr. M'CLURE opposed the divorce.

Mr. SMITH, (Berks,) said that the husband alleged that he had detected the wife in adultery, and applied to the courts. His application for a divorce fell through, however, for want of proof. The power of the courts had thus been exhausted, and this was a fit case for the Legislature. The wife, since the discovery, had deserted her partner and become hopelessly insane.

The motion to postpone indefinitely was agreed to.

The House resumed the consideration of bills on the Private Calendar; whereupon the following bills were taken up, considered and passed finally:

No. 1306. "An Act in relation to the election of trustees, et cetera, of the Proprietors school fund in the township of Plains, in Luzerne county."

No. 1307. "An Act relative to the election of assessors in the Twenty-first ward of the city of Philadelphia."

No. 1311. "An Act for the relief of Elizabeth Murphy, widow of an old soldier."

No. 1312. "An Act for the relief of Elizabeth Neely, widow of an old soldier."

No. 1313. "An Act to pay the claim of H. E. Hndson."

Sen. 765. "An Act to incorporate the Franklin high school and Normal institute association of the borough of Martinsburg, in the county of Blair."

No. 1326. "An Act to incorporate the People's Passenger railway company of the borough of Harrisburg."

No. 1327. "An Act to erect a new township and election district in the county of Dauphin, to be called West Londonderry township."

No. 1328. "An Act authorizing the State Treasurer to pay the sum of fifty dollars to Elizabeth Hassinger."

"Supplement to an act to incorporate the Penn Haven and White Haven railroad company," approved 4th May, 1857.

No. 1320. "An Act to authorize the Auditor General and State Treasurer to re-examine the accounts between the Commonwealth and the president, managers and company of the Bustleton and Feasterville turnpike road company."

Sen. 626. "A supplement to an act to erect part of the township of Denison, in the county of Luzerne, into a separate district for road purposes, &c."

Sen. 328. "A further supplement to the act incorporating the Norristown and Freemansburg railroad company."

Sen. 790. "An Act to incorporate the Packer iron company."

"A further supplement to an act consolidating the wards of the city of Pittsburg for educational purposes."

"An Act to incorporate the Monongahela railroad company."

No. 1343. "An Act to incorporate the Harmony anthracite coal company."

No. 1352. "An Act to incorporate the Farmers' and Citizens' hay and straw company."

Sen. 702. "An Act to incorporate the Western library association of the city of Philadelphia."

No. 1355. "An Act to incorporate the New Oxford, Abbottstown and York railroad company."

No. 1356. "An Act authorizing the Butler House hotel company to change their corporate name."

No. 1365. "An Act to encourage more effectually the destruction of crows."

Sen. 763. "An Act to allow the government of the United States to hold certain real estate in the city of Philadelphia."

No. 1338. "An Act to incorporate the Pittston gas company."

No. 1369. "An Act to incorporate the New York and Carbondale coal company."

No. 1370. "An Act to incorporate the East Scranton improvement company."

No. 1371. "An Act to incorporate the Ross Hill coal company."

No. 1372. "An Act to incorporate the Literary association of North Pennsylvania."

Sen. 1093. "A further supplement to an act relating to a burial ground and school lot in the borough of Pottsville."

"Supplement to an act authorizing the erection of a new court house, in Clarion, Clarion county."

Sen. 702. "An Act to authorize the German Reformed church of Philadelphia to sell and convey certain real estate."

No. 1409. "A further supplement to an act to incorporate the North Philadelphia plank road company."

Sen. 529. "An Act to incorporate the Norristown and Morrisville railroad company."

"Further supplement to an act to incorporate the Trenton City bridge company."

No. 1452. "An Act to authorize the town council of the borough of Chambersburg to increase their rate of tax."

No. 1456. "An Act to annul the marriage contract between Samuel C. Harvey and his wife," was read and lost.



"An Act to incorporate the Mount Vernon Hook and Ladder company independent No. 1 of Harrisburg."

"An Act to authorize the State Treasurer to refund certain moneys to Samuel Baird paid by him."

Mr. FOSTER moved to amend by adding the following proviso:

*Provided*, That before the act shall take effect the said Samuel Baird shall pay to Charles Shaler and Stephen H. Geyer, attorneys for the Commonwealth and plaintiffs in said case, the sum of one hundred dollars each, their fees as counsel therein; which was not agreed to.

The yeas and nays were required by Mr. NILL and Mr. GRAY, and were as follow, viz:

YEAS—Messrs. Abbott, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Custer, Dismant, Ellmaker, Fearon, Fleming, Galley, Good, Gray, Green, Hamersly, Harding, Hill, Irish, Kinney, Laird, Lawrence, (Washington,) Mahaffey, Matthews, M'Clure, M'Curdy, M'Dowell, Miller, Neall, Palm, Patterson, Peirce, Pughe, Rohrer, Rose, Rouse, Shafer, Sheppard, Shields, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Styer, Thompson, Thorn, Wagenseller, Walhorn, Walker, Warden, Witman, Wiley, Williston, Wilson, Zoller and Lawrence, *Speaker*—56.

NAYS—Messrs. Barnsley, Barlow, Chase, Church, Durboraw, Eckman, Foster, Graham, Gratz, Nill, Ramsdell, Taylor, Williams, (Bedford,) Williams, (Bucks,) and Wolf—15.

So the question was determined in the affirmative.

The question recurring,

Shall the bill pass?

It was agreed to.

"An Act to regulate the building of powder magazines, &c., within the county of Dauphin," was again read and passed finally.

No. 1457. "An Act for the relief of Benjamin E. Appold," was again read and passed.

No. 1460. "Supplement to an act incorporating the Quarryville and Unicorn turnpike road company," was read and passed.

No. 1461. "Supplement to the act to incorporate the Richmond and Schuylkill passenger railroad company," was read and passed.

No. 1463. "An Act to incorporate the Plymouth and Wilkesbarre railroad and bridge company."

No. 1464. "Supplement to an act to erect a poor house in certain townships, Luzerne county, approved May 8, 1857," was read and passed finally.

No. 1467. "An Act to prevent frauds at elections in the city of Philadelphia," was read and passed finally.

No. 1416. "An Act for the relief of Andrew Heintzleman and others, of Adams county," was read and passed finally.

No. 1393. "Supplement to an act to incorporate the Upper Presbyterian congregation of Marsh creek, York county," was read and passed finally.

1469. "Supplement to an act to incorporate the city of Philadelphia," was read and passed finally.

No. 1470. "An Act to pay the claim of Peter Bolig," was read and passed finally.

No. 1471. "An Act to authorize the State Treasurer to pay Wm. F. Feels, for loss sustained on the Philadelphia and Columbia railroad," was read and passed finally.

Senate bill No. 481. "An Act to amend an act, entitled 'An Act to apportion the city of Philadelphia into single senatorial and representative districts, agreeably to the provisions of the Constitution,' approved April twenty-second, one thousand eight hundred and fifty-eight."

WHEREAS, By the third section of the act, entitled "An Act to apportion the city of Philadelphia into single senatorial and representative

districts, agreeably to the provisions of the Constitution," approved April twenty-second, one thousand eight hundred and fifty-eight, the third election division of the Sixth ward is made to compose a part both of the Sixth and Seventh representative districts; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passage of this act the said third election division of the Sixth ward shall be deemed and taken as composing a part of the Sixth representative district, as provided in said third section of the act, approved April twenty-second, one thousand eight hundred and fifty-eight; and said act shall be so taken and construed as if said third election division had not been made, to compose a part of said Seventh representative district, was again read.

Mr. CHURCH moved to amend in the fifth line, by inserting "seventh," instead of "sixth," and "sixth," instead of "seventh," in the ninth line.

Mr. HAMERSLY moved that the further consideration of the bill be postponed until tomorrow.

Mr. SMITH, (Berks,) moved that the House do now adjourn.

And on the motion,

The yeas and nays were required by Mr. EVANS and Mr. IRISH, and were as follow, viz:

NAYS—Messrs. Boyer, (Clearfield,) Boyer, (Schuylkill,) Campbell, Chase, Church, Custer, Eckman, Fishor, Fleming, Glatz, Goepp, Good, Graham, Gray, Hamersly, Hill, Jackson, Kinney, Laird, Mahaffey, Miller, Nill, Oaks, Palm, Patterson, Proudfoot, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Taylor, Thompson, Wagenseller, Williams, (Bedford,) Williams, (Bucks,) Williston, Woodring and Zoller—40.

YEAS—Messrs. Abbott, Acker, Barnsley, Barlow, Bryson, Burley, Dismant, Durboraw, Evans, Fearon, Foster, Galley, Gratz, Green, Hottentstine, Irish, Keneagy, Ketchum, Lawrence, (Washington,) Matthews, M'Clure, M'Curdy, M'Dowell, Neall, Peirce, Pughe, Ramsdell, Rose, Rouse, Shafer, Sheppard, Stuart, Styer, Thorn, Walhorn, Walker, Warden, Witman, Wigton, Wiley, Wilson and Wolf—42.

So the question was determined in the negative.

And the question recurring,

Will the House agree to the amendment proposed by Mr. CHURCH?

The Clerk of the Senate being introduced, returned House bill, "An Act to incorporate the Pottsville and Minersville railroad company," with amendments; in which the House concurred.

The SPEAKER adjourned the House until to-morrow morning at nine o'clock.

## SENATE.

SATURDAY, April 9, 1859.

Senate met at the usual hour.

The SPEAKER in the Chair.

Prayer by Rev. B. R. Waugh.

On motion, the reading of the Journal was dispensed with.

## REPORTS OF COMMITTEES.

Mr. WELSH, from the Committee on Estates and Escheats, reported, with a negative recommendation, House bill No. 806, "An Act authorizing the sale of the armory of the Independent Guards, of Frederickshurg, Lchanon county, a disbanded corps."

The same Senator, from the same committee, with a negative recommendation, House bill No. 1052, "An Act relative to the estate of William B. Smith, late of the city of Reading, Berks county, deceased."

Mr. BREWER, from the same committee, with a negative recommendation, House bill No. 1053, "An Act authorizing the executor of John Wragg, late of the county of Luzerne, deceased, to sell and convey certain real estate."

The same Senator, from the same committee, with a negative recommendation, House bill No. 1185, "An Act to authorize the school directors of Jefferson township, Dauphin county, to sell certain real estate."

Mr. PENNEY, from the same committee, as committed, House bill No. 513, "An Act authorizing William Hull, of Blakeley township, Luzerne county, to sell certain real estate."

The same Senator, from the same committee, with a negative recommendation, House bill No. 837, "An Act authorizing Adam Lafevre, executor of the last will and testament of Samuel Harman, late of Providence township, in the county of Lancaster, dec'd, to sell the real estate belonging to said estate."

The same Senator, from the same committee, as committed, House bill No. 1182, "An Act to authorize the trustees of the Brush Creek German Lutheran congregation, in the county of Westmoreland, and their successors, to enjoy more fully the benefit and advantage of certain real estate held by them, for the benefit of said congregation."

Mr. WRIGHT asked that the committee on corporations be discharged from the consideration of "An Act to incorporate the Market Street savings fund, of Philadelphia."

Also, from the consideration of House bill, No. 776, "A supplement to the act incorporating the north Pennsylvania railroad." Agreed to.

Mr. SCHINDEL, (Vice and Immorality) as committed, House bill, No. 1862, "An Act relating to the granting of licenses to hotel, inn, or tavern-keepers."

Mr. HARRIS, (same) with a negative recommendation, House bill, No. 1349, "An Act relating to the erection of a house of correction in the city of Philadelphia."

Mr. PALMER, (same) with a negative recommendation, House bill, No. 296, "A farther supplement to the act to regulate the sale of liquors, &c., approved March 1, 1856."

## BILLS READ IN PLACE.

Mr. WRIGHT, bill, entitled "A supplement to An Act for the regulation of the militia of this Commonwealth."

Mr. GAZZAM, bill, entitled "An Act to incorporate the Pittsburg and Birmingham passenger railroad company."

## ORDERS OF THE DAY.

House bill, No. 461, entitled "An Act to authorize the State treasurer to pay the Towanda bridge company a balance due them, in pursuance of a contract made with the board of Canal Commissioners."

Mr. MILLER spoke in favor of the bill; Mr. MYER in opposition to it.

On the final passage of the bill,

The yeas and nays were required by Mr. MYER and Mr. MILLER, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penney, Rutherford, Scofield, Shaeffer, Schindel, Steele, Thompson, Yardley, and Cresswell, *Speaker*—18.

NAYS—Messrs. Bell, Blood, Brewer, Fetter, Marselis, Miller, Nunemacher, Randall, Turney, Welsh, and Wright—11.

So the question was determined in the affirmative.

House bill No. 1198, "An Act to incorporate the American piano and melodeon company."

On the final passage of the bill, the yeas and nays were required by Mr. WRIGHT and Mr. TURNER, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Blood, Brewer, Coffey, Fetter, Francis, Gazzam, Gregg, Harris



Miller, Messrs. Marselis, Nunnemacher, Turney and Wright—4.

So the question was determined in the affirmative.

Senate bill, No. 1135, "An Act relating to unadjusted claims against the public works." Passed with amendments.

On motion of Mr. SHAEFFER, Senate bill No. 573, "An Act relating to appeals, &c," was reconsidered. The consideration was then postponed for the present.

On motion of Mr. COFFEY, Senate bill No. 1128, "An Act relative to the sale of the Northwestern railroad." Passed with amendments.

On motion of Mr. PARKER, Senate bill No. 723, "An Act to modify the existing auction laws of the Commonwealth, and to provide more effectually for the collection of the State tax and duty on auction sales." Read a third time and passed.

#### HOUSE AMENDMENTS

To Senate bill No. 662, "An Act to equalize taxation upon corporations."

On motion of Mr. MILLER, postponed.

To Senate bill No. 541, entitled "An Act for the regulation and continuance of education by common schools in the city of Pittsburgh."

On motion of Mr. PENNEY, postponed.

Mr. RANDALL, on leave given, read in place a bill, entitled "An Act relative to the claim of James Connel."

Also, "Joint resolution relative to the payment of Samuel Hazard, editor of the *Colonial Record*."

Mr. WRIGHT, on leave given, (Corporations,) reported as committed, House bill No. 1355, entitled "An Act to incorporate the Washington Monument association of the first school district of Pennsylvania."

Also, (same,) as committed, bill, entitled "An Act to incorporate the Warren Hose company of Philadelphia."

Also, (same,) as committed, "An Act to incorporate the Schuylkill market company."

Also, (same,) as committed, Senate bill, entitled "An Act to incorporate the Spring Garden engine company."

Mr. SHAEFFER, from the same committee, as committed, Senate bill No. 1189, "An Act relative to the Cottage building company at Beverly."

The same Senator, from the same committee, House bill No. 1244, "A supplement to an act to incorporate the Lehigh County mutual home insurance company."

Mr. GAZZAM, from the same committee, as committed, House bill No. 1207, "An Act to incorporate the Rebecca iron company."

The same Senator, from the same committee, as committed, House bill No. 1019, "An Act to incorporate the Duquesne insurance company."

The same Senator, from the same committee, House bill No. 1097, as committed, "An Act to incorporate the Odd Fellows' Hall association of Thompsonstown, Juniata county."

On motion of Mr. COFFEY, the Committee on Roads and Bridges were discharged from the further consideration of House bill No. 1373, entitled "An Act to repeal an act, approved the 6th of May, 1854, authorizing the extension of Walnut street, in the borough of Blairsville, Indiana county."

The Senate proceeded to the consideration of the bill, when it passed finally with amendments.

Mr. TURNEY, (Finance,) on leave given, reported, with amendment, "A resolution to authorize the purchase of a lot of ground adjoining the Executive mansion."

Mr. PARKER moved to re-commit House bill

to the Senate, supplementary to an act incorporating the Six Penny saving fund society of Philadelphia, approved April 5, 1851."

#### HOUSE AMENDMENTS

To Senate bill No. 1070, "A supplement to the act to incorporate the Penn Haven and White Haven railroad company."

On motion of Mr. SCOTFIELD, House bill No. 1080, "An Act declaring the Portage branch of the Sinnemahoning creek a public highway." Passed.

On motion of Mr. PENNEY, House bill No. 36, "An Act relating to costs in certain cases."

On the first section of the bill,

The yeas and nays were required by Mr. PENNEY and Mr. BREWER, and were as follows, viz:

YEAS—Messrs. Baldwin, Blood, Coffey, Fetter, Francis, Gazzam, Gregg, Harris, Marselis, Myer, Palmer, Parker, Peuncy, Rutherford, Scofield and Yardley—16.

NAYS—Messrs. Bell, Brewer, Miller, Nunnemacher, Shaeffer, Turney, Welsh, Wright and Cresswell, *Speaker*—9.

So the question was determined in the affirmative.

The bill then passed finally.

On motion of Mr. FETTER, House bill No. 923, "An Act requiring the supervisors of the different townships in Cumberland county to keep the wing walls and embankments of said county bridges in repair." Passed.

On motion of Mr. BELL, House bill No. 819, "An Act to authorize the Auditor General to examine the claim of S. C. Williamson, for loss sustained on the Philadelphia and Columbia railroad."

Mr. GREGG wished to have some explanation of the claim.

Mr. BELL explained, by producing a deposition, which stated that Mr. Williamson, the present claimant, being the owner of a number of cars on this railroad which were under the agency of the State, and in that capacity his agents were proceeding towards Philadelphia with a load of cars. They were going slowly, it being at night, when somewhere below Paoli, a train, coming in the rear, run into them and destroyed three or four cars.

Some further discussion ensued between Messrs. MILLER, MYER and BELL, when the bill passed finally.

On motion of Mr. GREGG, House bill No. 511, "A further supplement to the act to encourage the manufacture of iron with coke or mineral coal, and for other purposes, passed June 16th, 1856." Lies over.

The following message from the Governor was received and read:

EXECUTIVE CHAMBER, }  
Harrisburg, April 9, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following acts of the General Assembly, viz:

On the 7th instant:

"An Act to extend the jurisdiction of the orphans' courts in cases of testamentary trusts."

"An Act to incorporate the Bordeaux steam ship company."

"An Act to legitimate Margaret Hast."

"An Act to incorporate the Weyssauking railroad company."

On the 8th instant:

"An Act to attach Somerset county to the Middle district for the supreme court of Pennsylvania."

"An Act to incorporate the Thirteenth and Fifteenth Streets passenger railway company of the city of Philadelphia."

"An Act to incorporate the Pittsburgh and East Liberty passenger railway."

"An Act relative to taxes on meadow lands in the First ward of the city of Philadelphia."

"An Act to incorporate the Centreville and Pineville turnpike road company."

"An Act to incorporate the Centre Valley turnpike road company."

"An Act to incorporate the Hollenback and Hanover turnpike road company."

"An Act to authorize Walter J. Smith to erect a ferry over the Allegheny river at Warren."

"An Act authorizing the Tinklepaugh coal company to borrow money."

"An Act to incorporate the New Ephrata and Litiz turnpike road company."

"A supplement to an act to incorporate the Hartsville and Centreville turnpike road company."

"A supplement to an act to provide for the erection of a house for the employment of the poor in the county of Allegheny."

"An Act to authorize the erection of a lock-up house in the borough of Orwigsburg, Schuylkill county."

"An Act to authorize the Auditor General and State Treasurer to re-examine the account between the Commonwealth and the president, managers and company of the Northampton bridge company."

"An Act to repeal a part of the fourth section of an act to appoint road commissioners to take charge of a portion of the Warren and Ridgway turnpike road, in Elk and Forest counties, approved 15th April, 1858."

"An Act to repeal the second section of an act providing for the expenses of roads and poor, in Pitt township, in the county of Allegheny, approved 21st April, 1846."

"A further supplement to An Act to incorporate the Conestoga and Beaver Valley turnpike road company, passed 27th March, 1855."

"A supplement to An Act to repeal former acts relating to the borough of Schuylkill Haven, and extending the general features of an act regulating boroughs, approved 3d of April, 1851, to said borough."

"An Act relative to the exemption of three hundred dollars, and to the widows and children of decedents."

"An Act to incorporate the Black Rock bridge company."

"An Act to refund to the West Chester gas company the amount of tax overpaid by them to the State treasury."

"A supplement to An Act to incorporate the Plymouth Canal company."

"An Act to incorporate the New Britain turnpike road company."

"A further supplement to An Act relative to huckstering in the counties of Berks and Lebanon, passed 9th April, 1856."

"Resolution relative to clerk hire."

On the 9th inst.:

"An Act authorizing the Bostwick iron company to mine coal, et cetera."

WM. F. PACKER.

Mr. WRIGHT, (Corporations,) on leave given, reported, as committed, House bill No. 1228, "An Act to incorporate the Moyamensing fire insurance company of Philadelphia."

On motion of Mr. GAZZAM, the same bill was taken up and passed first and second readings. Laid over.

On motion of Mr. HARRIS, the Committee on Finance were discharged from the consideration of House bill No. 1099, "An Act allowing the treasurer of Beaver county a credit for certain balances of militia fines collected, and by him paid *bona fide* to the uniformed militia for duty done according to law." Passed first and second readings and laid over.

On motion of Mr. MILLER, House bill No. 861, "An Act relating to the directors of the poor and house of employment for the county of Washington." Passed finally.

The hour of twelve having arrived, the SENATE adjourned the Senate until Monday morning at 9½ o'clock.



## HOUSE OF REPRESENTATIVES.

SATURDAY, April 9, 1859.

The House was called to order at 9 o'clock A. M.

Prayer by Rev. Green Miles.

Mr. WILLIAMS, (Bucks) moved to dispense with reading of the Journal.

Agreed to.

## BILLS CONSIDERED.

Mr. WILLIAMS, (Bucks) called up Senate bill, No. 624, "A supplement to an act incorporating the Quakertown and Spinnertown turnpike road company." Passed finally.

Mr. WIGTON, on leave given, called up House bill, No. 492, "An Act to run and define part of a boundary line between Mifflin and Huntingdon counties," which was considered and passed finally.

Mr. WITMAN, moved that the vote had on final passage of the bill, entitled "A supplement to the act to incorporate the Allentown railroad company," be reconsidered; which was agreed to.

The question recurring,

Shall the bill pass?

Mr. WALBORN moved that the further consideration of the bill be indefinitely postponed.

Mr. WALBORN said that the bill contemplated the enlargement of privileges to a company, the principal part of whose stock was owned by parties in another State. It allowed lateral branches to be constructed, wherever the officers might deem such to be expedient, and to tap such roads as was thought proper.

Mr. GOOD said that the branches were only to be ten miles long.

Mr. WALBORN granted this, but said that a ten mile extension would not be necessary to enable the road to connect with many coal roads, and to take the coal, which now found an outlet at Philadelphia, to the city of New York, thereby injuring the North Pennsylvania and Reading roads, and drawing trade from the metropolis of the Commonwealth. Moreover, it was proposed to give this power to a company which did not pay one cent of tribute to the State treasury, when another corporation, (the Pennsylvania Central) was taxed to the uttermost, although its owners were Pennsylvanians. This was manifestly unjust.

Mr. PALM said that the bill was perfectly harmless, had been before discussed, and he hoped that it would pass.

Mr. HAMERSLY said that the bill gave a roving commission to the company to build roads where they please.

Mr. PALM said that the only extension contemplated was one to Schuylkill Haven.

Mr. HAMERSLY read from the bill to prove that it gave to the company every possible privilege which they could desire. He was certain that, if the House understood its provisions, they never would pass it.

Mr. GOOD declared that it only allowed the company to build a road ten miles in length to connect with certain coal beds.

Mr. GOEPP stated that the object was to extend the road to certain iron and coal beds, and to benefit the stockholders and the Lehigh region.

The question recurring,

Will the House agree to the motion to postpone indefinitely?

The yeas and nays were required by Mr. GOOD and Mr. PALM, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barnsley, Barlow, Bertolet, Boyer, (Clearfield,) Bryson, Burley, Chase, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Glatz, Graham, Gratz, Gray, Green, Hamersly, Harding, Hill, Jackson, Lawrence, (Washington,) Matthews, Miller, Neall, Oaks, Patterson, Peirce, Ramsdell, Rose, Shafer,

Sheppard, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Styer, Thompson, Thorn, Wagenseller, Walborn, Walker, Witman, Wigton, Wilcox, Wiley, Williams (Bucks,) Williston, Wilson, Withrow, Wolf, Zoller and Lawrence, *Speaker*—61.

NAYS—Messrs. Boyer, (Schuylkill,) Campbell, Foster, Galley, Goepf, Good, Gritman, Hottenstine, Laird, M'Curdy, Nill, Palm, Rouse, Shields, Smead, Stuart, Warden, Williams (Bedford,) and Woodring—19.

So the question was determined in the affirmative.

Mr. M'CURDY, on leave given, read in his place, "An Act to authorize the burgess and town council of Mechanicsburg, Cumberland county, to borrow money;" which, on his motion, was taken up and passed finally.

Mr. THORN moved, that for the purpose of proceeding to the consideration of a motion to re-consider House bill No. 672, "An Act relating to insurance companies in Philadelphia and Allegheny county," the rules be suspended.

And on the motion,

The yeas and nays were required by Mr. PATTERSON and Mr. GRATZ, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Chase, Church, Ellmaker, Evans, Fisher, Foster, Gratz, Green, Irish, Matthews, M'Clure, Miller, Neall, Peirce, Pughe, Rohrer, Rose, Rouse, Sheppard, Smead, Smith, (Berks,) Smith, (Philadelphia,) Taylor, Thorn, Walborn, Walker, Warden, Wiley, Williston and Zoller—32.

NAYS—Messrs. Barnsley, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Custer, Dismant, Dodds, Durboraw, Eckman, Fearon, Fleming, Galley, Glatz, Goepf, Graham, Gray, Gritman, Hamersly, Hill, Hottenstine, Jackson, Kinney, Laird, Lawrence, (Washington,) Mehaffey, Oaks, Patterson, Price, Ramsdell, Shafer, Shields, Stephens, Stoneback, Stuart, Styer, Thompson, Wagenseller, Witman, Wigton, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf, Woodring and Lawrence, *Speaker*—51.

So the question was determined in the negative.

Mr. SMITH, (Philadelphia,) on leave given, called up House bill No. 538, entitled "Supplement to the act for the better preservation of game," which, on his motion, was taken up, (Mr. OAKS in the chair,) and passed finally.

Mr. LAIRD, on leave given, read in his place, "An Act authorizing the corporation of St. Paul's Church, of the city of Erie, to sell certain real estate;" which, on his motion, was taken up, and passed finally.

Mr. HARDING, on leave given, read in his place, "An Act relative to the Scott Legion of Philadelphia," and moved that the rules be suspended and that the House proceed to the consideration of the same.

Mr. ROSE called for a division of the question.

And on the question,

Will the House agree to the suspension of the rules?

It was determined in the negative.

The House resumed the consideration of Senate bill No. 481, "An Act declaratory of an act apportioning the city of Philadelphia."

The question being on the amendment of Mr. CHURCH, so as to make the first section read as follows:

That from and after the passage of this act, the Third election division of the Sixth ward, shall be deemed and taken as composing part of the Seventh Representative district, as provided in said third section of the act approved April 22, 1868, and said act shall be so taken and construed as if said Third election division had not been made to compose a part of said Sixth Representative district.

The question being on the amendment of Mr. CHURCH,

Mr. NILL moved to postpone the subject indefinitely; which was agreed to.

"An Act to incorporate the Susquehanna mutual insurance company of Harrisburg," was read, and passed finally.

No. 1042. "An Act to lay out a State road in Bucks and Lehigh counties," was read, and passed finally.

No. 1098. "An Act to annul the marriage contract between Horace B. Fry and Emilie R. his wife," was read.

And on the question,

Shall the bill be prepared for second reading?

The yeas and nays were required by Mr. CHASE and Mr. ROSE, and were as follow, viz:

YEAS—Messrs. Bertolet, Boyer, (Clearfield,) Gray, Ketchum, Neall, Pughe, Smead and Stephens—8.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Boyer, (Schuylkill,) Bryson, Burley, Chase, Church, Custer, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fisher, Fleming, Foster, Galley, Glatz, Goepf, Good, Graham, Gratz, Green, Hamersly, Harding, Hill, Hottenstine, Irish, Kinney, Lawrence, Mehaffey, Matthews, M'Clure, M'Curdy, Miller, Nill, Palm, Patterson, Peirce, Pinkerton, Proudfoot, Ramsdell, Rose, Rouse, Shafer, Sheppard, Shields, Smith, (Berks,) Stoneback, Stuart, Styer, Taylor, Thompson, Thorn, Wagenseller, Walborn, Walker, Warden, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wolf, Zoller and Lawrence, *Speaker*—73.

So the question was determined in the negative.

And the bill fell.

Mr. NEALL voted against, because he wanted the bill to come to second reading, that the evidence upon which the report of the committee was based might be read. And also that the House might endeavor to bring about an investigation of the charges made against persons who have taken an active part in this matter on both sides; as for his part, he felt no interest one way or the other. The property in his district would not depreciate in value, let it be decided as it might.

Messrs. PALM and M'CLURE moved that the vote by which the House concurred in Senate amendments to House bill to incorporate the Pattonville and Minersville railroad company be re-considered.

On the motion to re-consider.

The yeas and nays were required by Mr. PATTERSON and Mr. WILLIAMS, of Bucks, and were as follow, viz:

YEAS—Messrs. Evans, Galley, Gratz, Harding, Hottenstine, Irish, McClure, M'Curdy, Nill, Palm, Pinkerton, Proudfoot, Shields, Smith, (Berks,) Stuart, Taylor, Warden and Williams, (Bedford,)—18.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Church, Custer, Dodds, Durboraw, Eckman, Fearon, Fisher, Fleming, Foster, Glatz, Graham, Green, Hill, Hamersly, Keneagy, Kinney, Lawrence, (Washington,) Matthews, Miller, Oaks, Patterson, Peirce, Ramsdell, Rohrer, Shafer, Sheppard, Smith, (Philadelphia,) Stoneback, Styer, Thompson, Thorn, Wagenseller, Walborn, Witman, Wigton, Wilcox, Wiley, Williams, (Bucks,) Williston, Withrow, Wolf, Woodring, Zoller and Lawrence, *Speaker*—53.

So the question was determined in the negative.

Mr. PALM said—

My reasons for voting "yea," on this question to re-consider the vote had last night, to concur in the Senate amendments to the bill in question, are as follow, viz: This bill originated in the Senate only a short time ago. A similar



bill, under a different title, was negative in the Railroad Committee some time ago. This bill, as it came from the Senate, was objectionable in many of its features, and was obnoxious to many of my constituents. I could, in fact, find very few individuals that were favorable to the provisions of the bill, in its original form. Now, sir, I am in favor of a railroad from Pottsville to Minersville, but I want that road to terminate at Minersville, so that the citizens of that place can reap the benefits of the road as well as Pottsville, and I am opposed to the road terminating at any point inconvenient to the citizens of Minersville. The bill in question was modified and rendered unobjectionable in this House by the consent of the Senator from Schuylkill, my colleagues and parties interested at home. The Senator from Schuylkill argued, as I understand, that the bill as amended in the House should pass the Senate. When the bill came up in the Senate, that body concurred in the House amendments; but made other amendments changing entirely the features of the bill. I do not believe that the bill, in its present form, will be acceptable to the citizens of Minersville, and others of my constituents. I have good reasons for believing that the road contemplated is intended to terminate some five or six miles from Minersville.

Senate bill No. 445. "An Act to incorporate the Mount Alto iron company," was returned with the objections of the Governor.

And on the question,

Shall the bill pass, notwithstanding the objections of the Governor?

Mr. M'CLURE favored the bill, and hoped that it would pass over the veto.

In accordance with the provisions of the Constitution, the yeas and nays were required, as follows, viz:

YEAS—Messrs. Abbott, Acker, Barnsley, Barlow, Bertolet, Bryson, Burley, Campbell, Chase, Church, Dodds, Durboraw, Eckman, Ellmaker, Fisher, Goepp, Good, Graham, Gratz, Green, Hamersly, Harding, Irish, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Matthews, M'Clure, M'Curdy, Miller, Neall, Nill, Palm, Patterson, Pinkerton, Price, Proudfoot, Pughe, Ramsdell, Rohrer, Rose, Rouse, Shafer, Sheppard, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Styer, Taylor, Thompson, Thorn, Wagenseller, Walborn, Walker, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wolf, Woodring, Zoller and Lawrence, *Speaker*—69.

NAYS—Messrs. Custer, Dismant, Evans, Foster, Galley, Glatz, Gray, Hill, Hottenstine, Stephens, Stonehack, Stuart and Warden—13.

So the question was determined in the affirmative, and the bill becomes a law.

Senate bill No. 91. "An Act to incorporate the Easton iron company," was returned with the objections of the Governor.

And on the question,

Shall the same become a law, notwithstanding the objections of the Governor?

The yeas and nays were as follows, viz:

YEAS—Messrs. Abbott, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Campbell, Chase, Church, Dodds, Durboraw, Eckman, Ellmaker, Fisher, Fleming, Goepp, Good, Graham, Gratz, Gray, Green, Hamersly, Harding, Irish, Jackson, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Matthews, M'Clure, M'Curdy, Miller, Neall, Nill, Oaks, Palm, Patterson, Pinkerton, Price, Proudfoot, Pughe, Ramsdell, Rohrer, Rose, Rouse, Shafer, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Styer, Taylor, Thorn, Wagenseller, Walborn, Walker, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wolf, Woodring, Zoller and Lawrence, *Speaker*—70.

NAYS—Messrs. Acker, Custer, Dismant,

Evans, Foster, Galley, Glatz, Hill, Hottenstine, Peirce, Stephens, Stonehack, Stuart and Warden—14.

So the question was determined in the affirmative, and the bill becomes a law.

Mr. STYER moved that the House resume the consideration of the motion to postpone for the present the motion to reconsider the vote by which the House refused to lay aside for second reading House bill No. 801, "An Act relative to the New York Middle Coalfield railroad and coal company."

Mr. PEIRCE moved to amend the motion by postponing indefinitely the motion to reconsider the vote by which the House refused to lay said bill aside for second reading.

Discussed by Messrs. GRATZ, NILL, PEIRCE, WALBORN, SHAFER, CHURCH, PINKERTON, ACKER and others.

And on the motion,

The yeas and nays were required by Mr. PEIRCE and Mr. SHAFER, and were as follows, viz:

YEAS—Messrs. Acker, Barnsley, Burley, Custer, Durboraw, Eckman, Graham, Hamersly, Hill, Kinney, M'Curdy, Nill, Patterson, Peirce, Ramsdell, Rouse, Shafer, Stuart, Taylor, Wagenseller, Walborn, Witman, Wigton, Wiley, Wilson and Withrow—26.

NAYS—Messrs. Abbott, Barlow, Boyer, (Clearfield,) Bryson, Campbell, Church, Dismant, Dodds, Ellmaker, Evans, Fearon, Fisher, Fleming, Foster, Galley, Glatz, Goepp, Good, Gratz, Gray, Green, Gritman, Harding, Irish, Jackson, Laird, Lawrence, (Washington,) Mehafeey, Miller, Neall, Oaks, Palm, Pinkerton, Price, Rohrer, Rose, Sheppard, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stonehack, Styer, Thompson, Thorn, Walker, Warden, Wilcox, Williams, (Bedford,) Williston, Wolf, Woodring and Lawrence, *Speaker*—54.

So the question was determined in the negative.

The question recurring,

Will the House agree to the motion to reconsider?

It was determined in the affirmative.

Said bill was read the second time.

And on the question,

Will the House suspend the rule and read the bill the third time by its title?

The yeas and nays were required by Mr. PEIRCE and Mr. SHAFER, and were as follows, viz:

YEAS—Messrs. Abbott, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Campbell, Chase, Church, Custer, Dodds, Ellmaker, Evans, Fisher, Fleming, Foster, Galley, Glatz, Goepp, Good, Gratz, Gray, Green, Gritman, Hamersly, Harding, Irish, Jackson, Ketchum, Kinney, Laird, Matthews, Miller, Neall, Oaks, Palm, Pinkerton, Proudfoot, Rohrer, Sheppard, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Styer, Thompson, Thorn, Walker, Warden, Wilcox, Williams, (Bedford,) Williston, Wolf, Woodring and Lawrence, *Speaker*—56.

NAYS—Messrs. Acker, Burley, Dismant, Eckman, Fearon, Graham, Hill, Hottenstine, M'Curdy, Nill, Patterson, Peirce, Ramsdell, Rouse, Shafer, Stuart, Taylor, Wagenseller, Walborn, Witman, Wigton, Wiley, Williams, (Bucks,) Wilson, Withrow and Zoller—26.

So the question was determined in the affirmative, two thirds having so voted.

Mr. SHAFER moved that the House go into committee of the whole, for the purpose of special amendment; which was not agreed to.

And the question recurring,

Shall the bill pass?

The yeas and nays were required by Mr. SHAFER and Mr. ACKER, and were as follows, viz:

YEAS—Messrs. Abbott, Barlow, Bertolet, Boyer, (Clearfield,) Campbell, Chase, Church,

Dodds, Durboraw, Ellmaker, Evans, Fisher, Fleming, Foster, Glatz, Goepp, Good, Gratz, Gray, Green, Gritman, Harding, Jackson, Keneagy, Ketchum, Laird, Lawrence, (Washington,) Mehafeey, Miller, Neall, Oaks, Pinkerton, Price, Sheppard, Shields, Smead, Smith, (Berks,) Smith, (Philadelphia,) Styer, Thompson, Thorn, Warden, Wilcox, Williams, (Bedford,) Williston, Wolf, Woodring and Lawrence, *Speaker*—48.

NAYS—Messrs. Acker, Barnsley, Custer, Dismant, Eckman, Fearon, Graham, Hamersly, Hill, Hottenstine, Kinney, M'Curdy, M'Dowell, Nill, Patterson, Peirce, Proudfoot, Ramsdell, Rouse, Shafer, Stephens, Stuart, Taylor, Wagenseller, Walhorn, Witman, Wigton, Wiley, Williams, (Bucks,) Wilson, Withrow and Zoller—32.

So the question was determined in the affirmative.

Mr. WOLF, on leave given, read in his place and presented to the Chair, "An Act to change the place of holding elections in West Manheim township, York county," which on his motion was taken up, considered and passed finally.

Mr. GREEN called up House bill No. 1173, which was considered and passed finally, (Mr. CHURCH in the Chair,) as follows:

SUPPLEMENT to an act to provide for the due training of teachers for the common schools of the State, passed on the twentieth of May, one thousand eight hundred and fifty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That as soon as a normal school, such as is contemplated and described by the act to which this is a supplement, shall be in full operation in any of the districts created by said act, and shall have all the requisites, and have been visited, approved and recognized in the mode directed by said act, then said act shall go into operation, as fully and effectually, in regard to said school, as if the four schools, thereby required had been established and recognized: Provided however, That no more than one school in each district shall be recognized under this act.*

SEC. 2 That the requisites to entitle any school to the benefits of this act or the one to which this is a supplement, as set forth in the sixth section thereof, are hereby altered in the following particulars, viz: The pupils of the model school, may or may not be from the immediate vicinity of the normal school with which it is connected, as in the discretion of the trustees thereof shall seem most expedient; that the cost of the tuition of all classes of students, whether admitted on common school district account, private account, or whether they are actual school teachers, shall be fixed by the trustees of the several schools; that the examination of students for graduation, if only one school shall be recognized, operation shall be by the faculty thereof; if two schools shall be in operation, it shall be by the principals of both; if three, it shall be by the principals of all, or at least two of them, and when more than three shall be in operation, the examination shall never be conducted by less than three principals, to be designated as prescribed by the twelfth paragraph of the sixth section of said act, of whom the principal of the school, whose students are to be examined, shall be one: *And provided, That these examinations shall, in all cases, be conducted in the presence of the superintendent of common schools and the county superintendents of the proper district, if they desire to attend, upon receiving due notice that the certificate to graduates shall embrace such branches of learning, in addition to those of orthography, reading, writing, English grammar, geography and arithmetic, as shall be prescribed by the board of principals,*



in accordance with the seventh paragraph of the sixth section of said act, or by the principal of the first school recognized, so long as only one shall be in operation; and the certificate shall be signed by all the examiners, if less, and by at least two thirds of them, if more than three, and also by the whole faculty of the proper school in every case.

Mr. WARDEN called up House bill N. 1076; which was considered and passed committee of the whole, (Mr. WILSON in the chair,) as follows:

A SUPPLEMENT to an act for the better regulation of the militia of this Commonwealth, approved the twenty-first day of April, one thousand eight hundred and fifty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter the pay of uniformed militia men, as provided for in the twenty-fourth clause of the ninth section of the act to which this is a supplement, shall be, for each officer, non-commissioned officer, musician and private, of any uniformed company or troop, one dollar for every day actually on duty, and for each horse used by them, fifty cents per day; but no officer or member shall receive pay for parading oftener than five times in any one year.

SEC. 2. That hereafter the fines imposed by the third clause of the thirteenth section of the act aforesaid, shall be one dollar for every non-commissioned officer, musician and private; and it shall be the duty of the court of inquiry or appeal, after having ascertained the amount of the fines aforesaid, to place the same in the hands of the constables residing near or convenient to the rendezvous or regular parading ground of each of the respective companies constituting the brigade, whose duty it shall be to collect the same, deducting therefrom ten per cent. as commission for collecting, and paying over the remainder to the proper treasurer of the county, to be placed to the credit of the military fund; but in all cases where persons against whom such fines have been charged shall refuse to pay the same on demand, after due notice has been given according to the requirements of the law to which this a supplement, then it shall be the duty of the constables aforesaid to collect such fines in the same manner as they are authorized to collect any debt upon civil process, together with lawful costs; but in no case shall absence or neglect to appear for the performance of military duty work a forfeiture of pay, except when, upon a fair and impartial trial before the court of inquiry or appeal, the party so charged shall have been found guilty of willfully and without lawful excuse absenting himself from the regularly called parades of his company, regiment, brigade or division; but any refusal to appear, after due notice has been given, to answer such charge, either in person, or by affidavit duly sworn to and attested before a proper justice of the peace, shall be taken as evidence of willful neglect, and work a forfeiture of pay accordingly.

SEC. 3. That in all cases where calls shall be made for encampments, either by the Governor or the commanding officer of any division or brigade, or regiment, no company shall go into camp before Tuesday morning, or remain longer than Saturday morning of the same week.

SEC. 4. That hereafter it shall be lawful for the Adjutant General to furnish each of the regularly organized companies of this Commonwealth with the requisite number of tents and equipments for camping purposes, under the same provisions and requirements of law as apply to arms and other equipments.

SEC. 5. That it shall be the duty of the several treasurers of this Commonwealth, to prepare annually a statement of the receipts and expenditures of the military fund of their respective

counties, setting forth the amount received from each collector separately, and the amount paid each person to whom money may be due; which statement, after being examined and passed by the county auditors, shall be published in the same manner that the other accounts of the said county treasurer are by law directed to be published; the expenses whereof to be paid out of the military fund of said county, and a statement of the same forwarded by the county treasurers to the State Treasurer of this Commonwealth, on or before the first day of February in each and every year.

SEC. 6. That the State Treasurer is hereby authorized and required to pay out of the aggregate military fund, now accumulated or that may hereafter accumulate, to the several county treasurers, any deficiencies of the county military expenses wherein statements have been duly transmitted agreeably to the fifth section of this supplement.

SEC. 7. That so much of the provisions of the act to which this a supplement as are inconsistent with the provisions of this act, be and the same are hereby repealed.

Mr. WARDEN moved to strike out sections three, four, five and six, and substitute as follows; which was agreed to:

SEC. 3. That it is hereby declared to be the true intent and meaning of the fifth section of the act aforesaid, that the election of Major Generals shall take place on first Monday in July, one thousand eight hundred and fifty nine, and on the first Monday in July in every five years thereafter.

And the bill, as amended, passed finally.

Mr. WILLISTON, on leave given, read in his place "An Act relative to the road laws in Potter county;" and upon motion, the same was considered and passed finally.

Mr. HOTTENSTINE, on leave given, presented to the Chair, "An Act to authorize the Attorney General and Auditor General, to re-examine the accounts between Isaac Briedlespach and Martin Bielmyer and the Commonwealth;" and on his motion, said bill was considered and passed finally.

Mr. GRATZ called up House bill No. 1423, "An Act to vacate a certain portion of a street between Master and Jefferson and 18th and 19th streets, city of Philadelphia;" which was considered and passed finally.

On motion of Mr. ABBOTT, House bill No. 997, "An Act to reduce the number of aldermen in the 24th ward, Philadelphia," was made the special order for next Monday afternoon.

Mr. STYER called up House bill No. 612, "Supplement to an act passed April 20, 1820, relating to the attachment of vessels;" which, after having been amended by Mr. SHEPPARD, passed finally.

Mr. GALLEY, on leave given, read in his place and presented to the Chair, "Supplement to an act to incorporate the Layton bridge company;" which, on his motion, was passed finally.

On motion of Mr. PRICE, House bill No. 94, "An Act directing the taxes arising from collateral inheritances, now applied and appropriated to the sinking fund of this Commonwealth, to be hereafter applied to the common school fund of the city or county wherein such tax, or taxes may be due or collected," was made the special order for next Monday afternoon.

Mr. CHASE, on leave given, read in his place and presented to the chair, "An Act to incorporate the Montrose gas company;" and, on his motion, the House took up the same; which was passed finally, and was ordered to be sent to the Senate for concurrence.

On motion of Mr. JACKSON, the House took up, and passed finally, House bill No. 1021, "An Act to enable Catherine Sickles to sell certain real estate in Cherry township, Sullivan county."

Mr. PUGHE, on leave given, read in his place and presented to the chair, "An Act to incorporate the Carbondale gas company;" which was taken up, and passed finally.

Mr. WIGTON, "An Act relative to the claim of Samuel McPherron;" which was passed finally, after having been amended by Mr. THOMPSON so that the claim shall not exceed one hundred and fifty dollars.

Mr. KETCHUM called up Senate bill No. 684, "An Act to incorporate the Wilkesbarre and Pittston railroad company;" which was considered, and passed finally.

Mr. GOEPP called up House bill No. 384, "An Act relating to void marriages;" which was considered, and passed finally, as follows:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases where a supposed or alleged marriage shall have been contracted, which is absolutely void by reason of one of the parties thereto having a husband or wife living at the time, the courts of common pleas shall have power to decree the said supposed or alleged marriage to be null and void, upon the application of an innocent or injured party, and the jurisdiction shall be exercised and proceedings conducted according to the principles and forms which are or shall be prescribed by law for cases of divorce from the bond of matrimony.

Mr. GRAHAM called up House bill No. 1020, "An Act to provide for the payment of the uniformed militia of this Commonwealth;" which was considered and passed finally, as follows:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter it shall be the duty of the several treasurers of the respective cities and counties of this Commonwealth, immediately after the board of officers shall have audited the just claims on the military fund of their respective brigades for contingent expenses of the brigade, and for the per diem pay of all the officers, musicians and privates for services and duty performed in or for said brigade, and shall have made their order on the proper city or county treasurer, requiring him to pay such order out of the military fund of the brigade, to ascertain the balance of the said claims, if any there be, over and above the amount of the military fund in the treasury, and also the balances of such claims of the year Anno Domini one thousand eight hundred and fifty-eight, that remain unpaid, and certify the amount of them to, and draw his warrant on the State Treasurer, whose duty it shall be to pay the same out of any money in the State Treasury, not otherwise appropriated; and the city or county treasurer having received the same, shall distribute the same among the claimants according to law; and so much of any law of this Commonwealth as is inconsistent herewith is hereby repealed.

Mr. NILL called up House bill No. 125, AN ACT supplementary to an act relating to certain duties and rights of husband and wife and parents and children, passed the fourth day of May, Anno Domini one thousand eight hundred and fifty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases under the act, to which this is a supplement, where any person has adopted a child in accordance with the provisions of said act, and where such child, after being so adopted, shall die intestate, the adopting parent shall become heir, under the intestate laws, to such adopted child, and in such case such child had been by birth his or her own legitimate off-



spring—which was considered, and on motion of Mr. ROSE, indefinitely postponed.

Mr. CHURCH called up Senate bill No. 995, "Further supplement to the act incorporating the city of Philadelphia."

Mr. THOMPSON called for the orders of the day.

Mr. IRISH called up Senate bill, entitled "An Act relative to petitions in courts having equity jurisdiction in Allegheny county;" which was considered and passed finally.

Mr. PROUDFOOT called up Senate bill, entitled "An Act relative to undisputed claims against the Commonwealth;" which was considered and, on motion of Mr. THOMPSON, postponed until Monday.

Mr. HAMERSLY called up House bill No. 1171, "An Act to alter the number of trustees in the States saving fund, incorporated as the Dimes savings in 1855;" which was considered and passed finally.

#### SENATE AMENDMENTS

To a number of bills were read and concurred in.

The hour of adjournment having arrived, the SPEAKER adjourned the House until next Monday afternoon at 3 o'clock.

#### SENATE.

Monday, April 11, 1859.

Senate met at half-past 9 o'clock, according to adjournment. The SPEAKER in the chair.

The Journal of Saturday was partly read, and the further reading dispensed with.

#### REPORTS OF COMMITTEES.

Mr. BREWER, from the Judiciary Committee, with a negative recommendation, House bill No. 445, "An Act in reference to promissory notes, bills of exchange, et cetera."

Also, from same committee, with a negative recommendation, House bill No. 1212, "An Act relating to county commissioners."

Also, from same committee, with a negative recommendation, House bill No. 1204, "A supplement to an act to enable joint tenants, tenants in common, and adjoining owners of mineral lands, in this Commonwealth, to manage and develop the same."

Also, as committed, House bill No. 107, "An Act relative to reserved tracts or out-lots of the borough of Franklin."

Mr. BELL, chairman of the same committee, with a negative recommendation, House bill No. 1144, "An Act requiring the overseers of the poor in Delaware township, Juniata county, to give security."

Also, from the same committee, with a negative recommendation, House bill No. 1057, "An Act authorizing the commissioners of Crawford county to make certain compromises."

Also, from the same committee, with a negative recommendation, House bill No. 307, "An Act giving justices of the peace power, with a jury of five, to hear and finally determine charges for crimes of a certain character within certain counties in this Commonwealth, and to lessen the expenses in criminal cases."

Mr. MILLER, from the same committee, House bill No. 1057, "An Act authorizing the commissioners of Crawford county to make certain compromises."

Also, as committed, House bill No. 1209, "A supplement to an act, entitled 'An Act relative to bonds issued by the county commissioners of Allegheny, for stock in railroad companies, approved April 13th, 1858.'"

Also, from the same committee, with a negative recommendation, House bill No. 1203, "An Act in regard to the writ of estrepement."

Also, from the same committee, with a negative recommendation, House bill No. 1224, "An Act relative to the liabilities of railroad companies in this Commonwealth."

Also, with a negative recommendation, House bill No. 1156, "An Act to change the name of John H. Smith, of Connoy township, Lancaster county, to that of J. Hoffman Smith."

Mr. SCOTFIELD, from the same committee, as committed, "An Act relating to the pay of assessors in the county of Dauphin."

Also, with a negative recommendation, House bill No. 1222, "An Act to divide the township of Pitt, in the county of Allegheny."

Also, with a negative recommendation, House bill No. 1225, "An Act relative to vendors of patent medicines in the county of Mercer."

Also, House bill No. 1213, with a negative recommendation, "An Act relating to county commissioners."

Also, with a negative recommendation, House bill No. 1205, "An Act to enable joint tenants, tenants in common, and adjoining owners of mineral lands in this Commonwealth, to manage and develop the same."

Mr. GAZZAM, from the Committee on Banks, with amendments, House bill No. 1215, "An Act to increase the capital stock of the South-west Bank of the city of Philadelphia."

Mr. MARSELIS, from the same committee, House bill No. 1217, with a negative recommendation, "An Act authorizing vice-presidents of banks to receive salaries for their services."

Mr. KELLER, from the same committee, with a negative recommendation, House bill No. 469, "An Act to incorporate the Huntingdon bank."

Mr. SCHELL, from the same committee, with amendments, House bill No. 1180, "A supplement to an act to incorporate the City Bank of Philadelphia."

Mr. CRAIG, from the Committee on Private Claims and Damages, as committed, House bill No. 1219, "An Act relative to the claim of James Condon."

Mr. WRIGHT, from the Committee on Corporations, as committed, House bill No. 910, "A supplement to an act to incorporate the City of Philadelphia ice company, and for other purposes."

Mr. KELLER, from the Committee on Pensions and Gratuities, reported as committed, House bill No. 749, "An Act for the relief of Catharine Kelley, widow of Conrad Kelley, a soldier of the Revolutionary war."

Mr. TURNEY, chairman of the Committee on Finance, with a negative recommendation, House bill No. 1463, "Resolution relative to the geological report."

#### BILLS IN PLACE.

Mr. PENNEY read in his place and presented to the Chair, bill entitled "An Act to repeal an act, relative to executions against bridge companies."

Mr. BELL, bill entitled "An Act to correct a clerical error, in the act to incorporate the trustees of the Young Men's Christian Building Association of Philadelphia."

On his motion the Committee on Corporations was discharged from the further consideration of the bill, and the Senate proceeded to consider and pass the same.

Mr. SCHINDEL read in his place and presented to the Chair, bill entitled "An Act to lay out the Ashtola and St. Clair State road, in Bedford and Somerset counties."

Mr. WRIGHT, bill entitled "An Act authorizing the sheriff of Philadelphia county to sell certain real estate in lots."

Mr. MARSELIS, a bill entitled "An Act relative to the Eastern Penitentiary."

#### ORIGINAL RESOLUTIONS.

Mr. BELL offered the following resolution, which was twice read, and agreed to:

*Resolved*, That the House of Representatives be requested to return to the Senate, bill No. 573 of the file of the Senate, for further action.

On motion of Mr. WRIGHT, the Senate reconsidered the vote upon Senate bill No. —, "An Act to incorporate the Philadelphia and Pittsburg telegraph company."

On the final passage of the bill,

The yeas and nays were required by Mr. GAZZAM and Mr. WRIGHT, and were as follows, viz:

YEAS—Messrs. Blood, Fetter, Gazzam, Keller, Marselis, Palmer, Parker, Randall, Wright and Yardley—10.

NAYS—Messrs. Baldwin, Brewer, Craig, Francis, Harris, Miller, Myer, Nunemacher, Penney, Schell, Shaeffer, Steele, Turney, Welsh and Cresswell, *Speaker*—15.

So the question was determined in the negative.

Mr. CRAIG moved that the House proceed to a re-consideration of the vote on the final passage of House bill No. 1198, "An Act to incorporate the American piano and melodicon company;" which was agreed to.

And upon the final passage of the bill,

The yeas and nays were required by Mr. CRAIG and Mr. SCHINDEL, and were as follows, viz:

YEAS—Messrs. Bell, Craig, Keller, Marselis, Miller, Nunemacher, Schell, Scofield, Schindel, Turney, Welsh and Wright—12.

NAYS—Messrs. Baldwin, Brewer, Fetter, Francis, Gazzam, Gregg, Harris, Palmer, Parker, Penney, Randall, Thompson, Yardley and Cresswell, *Speaker*—14.

So the question was determined in the negative.

#### BILLS ON THIRD READING.

House bill No. 1228, "An Act incorporating the Moyamensing fire insurance company." Passed.

House bill No. 1099, "An Act allowing the treasurer of Beaver county a credit for certain balances of militia fines collected, and by him paid *bona fide* to the uniformed militia for duty done according to law."

Mr. MILLER moved that the Senate go into committee of the whole, for the purpose of special amendment. Not agreed to.

The bill passed finally.

House bill No. 245, "A supplement to the act limiting actions against real estate." Passed.

House bill No. 1051, "An Act relative to estates tail." Passed.

#### HOUSE AMENDMENTS

To Senate bill No. —. Agreed to.

To Senate bill No. 506. Agreed to.

To Senate bill No. 539. Agreed to.

To Senate bill No. 626. Agreed to.

To Senate bill No. 647. Non-concurred in.

To Senate bill No. 684. Agreed to.

To Senate bill No. 885. Non-concurred in; and, on motion, the Senate insist that a committee of conference be appointed.

House bill No. 662. Agreed to.

House bill No. 541. Bill postponed.

Mr. PARKEE moved that the Senate proceed to the consideration of House bill No. 202, "An Act relative to the payment of certain money." Agreed to.

The question being on the first section,



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

77.

Mr. MILLER remarked that this was an important bill, and if Senators would examine its provisions they certainly would not vote for it. This bank claimed they should not be taxed for an increase of their capital stock, because they had paid a bonus of \$30,000, as required by the act of 1836. The act of 1836, under which an increase of capital was obtained, extended to the bank the provisions of the act of 1824, limiting the tax upon dividends to eight per cent. This was a part of the consideration for which the bank agreed to pay the bonus referred to. Therefore, as this bank has enjoyed this exoneration from the payment of heavy dividends they are justly entitled to pay for the increase of capital obtained under the act of 1857. He said the adoption of this bill would have a tendency to bring a host of other banks here making the same application, and to deplete the treasury to the extent of thousands of dollars. Therefore he would vote against the bill.

Mr. PARKER briefly replied.

The yeas and nays were required by Mr. PARKER and Mr. MILLER, and were as follows, viz:

YEAS—Messrs. Craig, Gregg, Palmer, Parker, Rutherford, Shaeffer and Thompson—7.

NAYS—Messrs. Bell, Blood, Brewer, Keller, Marselis, Miller, Myer, Nunemacher, Penney, Schell, Scofield, Schindel, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—17.

So the question was determined in the negative.

And bill fell.

Mr. RANDALL moved that the Judiciary Committee be discharged, and that the Senate proceed to the consideration of House bill No. 1214, "A supplement to an act authorizing the courts of common pleas to change the name of persons, approved the 9th day of April, 1852," which was agreed to.

And the bill passed.

On motion of Mr. PENNEY, the Senate proceeded to the consideration of Senate bill No. 1223, "An Act relative to actions of ejectment." Passed with amendment.

On motion of Mr. RANDALL, the Senate proceeded to the consideration of Senate bill No. 1023, "A supplement to an act regulating lateral railroads." Passed with amendment.

Mr. HARRIS moved that the Senate proceed to the consideration of House bill No. 362, "An Act, entitled 'An Act relating to the granting of licenses to inns and taverns.'"

The question being on the first section,

Mr. HARRIS briefly supported the bill. The law passed at the last session has been construed differently in different courts of the Commonwealth, and the object of this bill was simply to explain that law.

Mr. BELL moved to amend, by inserting the word "not" after the word "shall," in the fourth line, and striking out all in the section after the word "tavern."

Mr. PALMER opposed the amendment. He thought it derogatory to the dignity of the judges of our courts, that they should be denied any discretion in the matter of granting tavern licenses. Why not put the matter in the hands of the clerks of our courts at once, if it is to be a compulsory duty, that as soon as the petition is presented, the license shall be granted? In the good old days, there was a possibility of keeping irresponsible men from getting

license; but under our modern laws, all classes can obtain licenses to sell intoxicating liquors. There should be a wise discretion left with the judges, so that when improper parties claim a right to sell, they may be refused. He said he was not an ultraist on this subject. He did not view it as a partizan, but as a Senator, conscious of the high obligations he owes to his fellow-citizens. He could overlook party considerations, and cheerfully vote for a measure so eminently calculated to prevent an indiscriminate licensing of whisky shops; then right must prevail, and no consideration of party preference shall induce him in any manner to help spread the great evil of the age—intemperance.

Mr. TURNEY would vote against the amendment and the bill, because there was no reason he could see for disturbing the present enactment. In his county, the courts had placed the only just construction the law of 1858 would admit, and that was, that their duty ceased when they had examined the petition and papers, and found them in compliance with the demands of the law.

Mr. MILLER. Did you not vote at the last session for this discretionary power?

Mr. TURNEY. I voted against the whole bill.

Mr. MILLER. I find in the Senate Journal of last session that upon the adoption of the sixth section you voted in the affirmative.

Mr. TURNEY. If so recorded it is wrong; because I voted against every section, and on final passage against the whole bill.

Mr. FRANCIS thought the whole traffic in liquors was not confined to any party or community, but was everywhere present, and that only for evil. He did not believe in the practicability of sumptuary laws; they have proved to be incapable of good; but he was in favor of at least granting to our courts a wise discretion in the granting of licenses to sell liquor. It was a well known fact that our courts have put different constructions upon the law of last session, and if the legal minds of our Commonwealth cannot agree upon its meaning it is our duty to make it plain.

Mr. BELL remarked there were two propositions before the Senate—one that the judges shall not exercise discretionary power, the other, that they shall or may exercise a discretion in the granting of licenses. If you adopt the last named, it gives unlimited discretion, and hence judges may grant one hundred applications, or fifty, or ten, or none. It is for the Senate to say whether it is safe to place this power in their hands, or whether their power shall not cease when the applicant has complied with the requirements of the law.

Mr. BELL moved to postpone further consideration for the present.

On this motion,

The yeas and nays were required by Mr. HARRIS and Mr. PALMER, and were as follows, viz:

YEAS—Messrs. Bell, Blood, Brewer, Craig, Keller, Marselis, Nunemacher, Randall, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—13.

NAYS—Messrs. Baldwin, Fetter, Francis, Gregg, Harris, Miller, Myer, Palmer, Parker, Penney, Rutherford, Schell, Scofield, Shaeffer, Schindel, Thompson and Yardley—17.

So the question was determined in the negative.

Mr. BELL then withdrew his amendment.

The question recurring upon the 1st section to the bill,

It was further debated by Mr. SCHELL and Mr. WELSH.

Mr. SCHELL moved to strike out all after the word "tavern," in the 7th line.

Mr. MILLER moved to postpone further consideration until to-morrow.

On this motion,

The yeas and nays were required by Mr. HARRIS and Mr. MILLER, and were as follows, viz:

YEAS—Messrs. Bell, Blood, Brewer, Craig, Keller, Marselis, Miller, Nunemacher, Penney, Randall, Schell, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—17.

NAYS—Messrs. Baldwin, Fetter, Francis, Gregg, Harris, Myer, Palmer, Parker, Rutherford, Scofield, Shaeffer, Thompson and Yardley—14.

So the question was determined in the affirmative.

Mr. RANDALL offered the following resolution:

*Resolved*, That the Senate hold a session this afternoon and evening, at the usual hours.

On motion of Mr. BREWER, the resolution was so amended as to make that the order for the present week.

On motion of Mr. PENNEY, the Committee on Judiciary was discharged from the consideration of Senate bill No. 1228, "An Act to repeal an act relative to executions against bridge companies."

Mr. PENNEY explained the object of the bill, and gave the reasons for which he urged the repeal of the act to which he referred. Passed.

On motion of Mr. BELL, Senate bill No. 1015, "A supplement to the act of the 16th of June, 1836, relating to executions."

On this motion,

The yeas and nays were required by Mr. BELL and Mr. SCOFIELD, and were as follows, viz:

YEAS—Messrs. Bell, Blood, Brewer, Gregg, Harris, Keller, Miller, Penney, Schell, Shaeffer, Schindel, Steele, Thompson, Yardley and Cresswell, *Speaker*—15.

NAYS—Messrs. Craig, Fetter, Nunemacher, Palmer, Parker, Randall, Scofield, Turney and Welsh—9.

So the question was determined in the affirmative.

Pending the consideration of the question on the passage of the bill, and during the remarks of Mr. BELL in explanation and advocacy of it,

The hour of one o'clock having arrived, the SPEAKER adjourned the Senate until this afternoon at 3 o'clock.

## SENATE—AFTERNOON SESSION.

Senate met according to adjournment.

On leave given, Mr. MILLER read in his place and presented to the chair, bill, entitled "An Act to equalize taxation in the borough of Washington."

On his motion, the Judiciary Committee was discharged from the further consideration of the same, and the Senate proceeded to consider, when the bill finally passed.

Mr. SCHELL read in his place, "An Act relative to turnpike companies."

Mr. GREGG called up on second reading, House bill No. 828, "A supplement to the act,



entitled "An Act to encourage the manufacture of iron with coke and mineral coal."

On the final passage of the bill,

The yeas and nays were required by Mr. BREWER and Mr. GREGG, and were as follow, viz:

YEAS—Messrs. Blood, Fetter, Francis, Gazzam, Gregg, Harris, Keller, Myer, Palmer, Parker, Schell, Shaeffer, Schindel, Thompson and Welsh—15.

NAYS—Messrs. Bell, Brewer, Craig, Marsellis, Miller, Nunemacher, Wright and Cresswell, *Speaker*—8.

So the question was determined in the affirmative.

On motion of Mr. MYER, the Senate proceeded to the consideration of House bill No. 658, "An Act authorizing a State road from Dushore, Sullivan county, to the north branch of Susquehanna river, at or near Welles' ferry, Bradford county." Bill lies over.

On motion of Mr. CRAIG, the Senate proceeded to the consideration of Senate bill No. 1219, "An Act relative to the claims of James Condin." Read by its title and passed.

On motion of Mr. SHAEFFER, Senate bill No. 768, "A supplement to an act relating to common schools in the city of Lancaster." Passed finally.

On motion of Mr. PARKER, the Senate proceeded to the consideration of House bill No. 1355, "An Act to incorporate the Washington Monument association of 1st school district of Pennsylvania." Read by its title and passed.

Mr. TURNEY, from the committee of conference on the Appropriation bill, made a report, which was read and adopted.

On motion of Mr. PENNEY, the Senate proceeded to the consideration of Senate bill No. 1281, "An Act to incorporate the Turners' Association." Read by its title and passed.

On motion of Mr. PARKER, Senate bill No. 1141, "A supplement to an act to incorporate the Union railroad company." Amended and passed.

On leave given, Mr. SCHELL, from the Committee on Estates and Escheats, reported, as committed, House bill No. 1283, "An Act to authorize the Washington hose company of Harrisburg to sell certain real estate."

Mr. RUTHERFORD moved that the committee be discharged from the further consideration of the bill, and that the Senate proceed to consider the same. Agreed to.

The bill was read a third time and passed.

Mr. SCHELL moved to proceed to the consideration of House bill No. 469, "An Act to incorporate the Huntingdon County Bank."

Mr. SCHELL asked the indulgence, at this stage of the question, to make a few remarks in explanation of his position upon this bill.—He had called it up at the urgent solicitations of his constituents, of Huntingdon county, of all parties; and being called upon to do so, he felt that he was but performing his duty in moving to proceed to its consideration, no matter what his private opinions may be upon the question of banks. If there was any necessity for banks, in any locality, he believed that necessity existed here. There is no bank between Harrisburg and Pittsburgh, with one exception. The coal trade of Huntingdon county has increased half a million of dollars within the last five years, and that trade, in connection with other business, is increasing at a rate which bids fair to double itself in a few years. He, therefore, believed a necessity did exist for the incorporation of this bank, and he hoped the Senate would proceed to its consideration.

Upon this motion,

The yeas and nays were required by Mr. SCHELL and Mr. THOMPSON, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Brewer, Fran-

cis, Gazzam, Gregg, Harris, Parker, Schell and Thompson—10.

NAYS—Messrs. Blood, Craig, Fetter, Keller, Marselis, Myer, Nunemacher, Randall, Scofield, Shafer, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—16.

So the question was determined in the negative.

Mr. SCOFIELD moved to discharge the Judiciary Committee from the further consideration of "An Act to authorize the sheriff of Philadelphia county to sell certain real estate in the city of Philadelphia in lots or sub-divisions."

The motion was agreed to, and the bill read a second and third time, and passed finally.

Mr. SCHINDEL called up House bill No. 510, "An Act to incorporate the Bethlehem mining company."

On the final passage of the bill,

The yeas and nays were required by Mr. MILLER and Mr. SCHINDEL, and were as follow, viz:

YEAS—Messrs. Craig, Francis, Gregg, Harris, Myer, Palmer, Parker, Penney, Rutherford, Scofield, Shaeffer, Schindel, Steele, Thompson and Cresswell, *Speaker*—15.

NAYS—Messrs. Blood, Brewer, Fetter, Miller, Nunemacher, Randall, Schell and Wright—8.

So the question was determined in the affirmative.

Mr. SHAEFFER called up Senate bill No. 503, "An Act for the relief of the firm of Moderwell & Longenecker."

Mr. MILLER moved to amend, by referring the claim to the Auditor General for his supervision before payment.

Mr. SHAEFFER moved to amend further, by adding after Auditor General, "State Treasurer and Attorney General," and to authorize them to examine and pay the same."

Upon the amendments, as well as upon the merits of the bill, there was a brief discussion between Messrs. SHAEFFER and CRESSWELL, in favor of the payment of the claim, and by Mr. MILLER in opposition to its allowance, without its reference to the proper board, where its justice may be investigated and decided upon.

The amendment to the amendment was agreed to.

And the question recurring upon the section as amended,

It was agreed to.

On the final passage of the bill,

The yeas and nays were required by Mr. SCOFIELD and Mr. SHAEFFER, and were as follow, viz:

YEAS—Messrs. Baldwin, Brewer, Craig, Fetter, Francis, Gazzam, Keller, Marselis, Miller, Myer, Palmer, Parker, Penney, Randall, Rutherford, Shaeffer, Schindel, Thompson, Welsh, Wright, Yardley and Cresswell, *Speaker*—22.

NAYS—Messrs. Blood, Nunemacher, Scofield and Turney—4.

So the question was determined in the affirmative.

On leave given, Mr. STEELE, from the Committee on Railroads, reported, as committed, House bill No. 1463, entitled, "An Act to incorporate the Plymouth and Wilkesbarre railroad and bridge company."

And, on his motion, the committee was discharged from the further consideration of the same; when the Senate took up the bill, and passed it through its several readings.

On motion of Mr. THOMPSON, House bill No. 789, "An Act to incorporate the Philadelphia and Florence steamship company." Read and passed.

Mr. GREGG, on leave given, read in his place and presented to the Chair, bill, entitled "An Act declaring Elk creek, in Sullivan county, a public highway," and moved that the Senate proceed to a consideration of the same. Objected to.

Mr. STEELE, from the Committee on Private Claims and Damages, reported, as committed, House bill No. 1233, entitled, "An Act authorizing the State Treasurer to pay the claim of R. Young for losses sustained by him from fire on the Columbia railroad."

On motion of Mr. GREGG, the Senate receded from its amendments to House bill relative to the claim of S. Miles Green.

On motion of Mr. TURNEY, House bill No. 561, "An Act to repeal an act for the better preservation of game and insectivorous birds, so far as the same relates to the counties of Fayette, Westmoreland and Greeng," read a third time and passed.

The hour of five having arrived, the SPEAKER adjourned the Senate till this evening at 7 o'clock.

#### SENATE—EVENING SESSION.

Monday, April 11, 1859.

Mr. GREGG moved that the Committee on Roads and Bridges be discharged from the consideration of bill, entitled "An Act to declare Elk creek, in Sullivan county, a public highway." Not agreed to.

Mr. MARSELIS, from the Committee on Election Districts, reported a bill, entitled "An Act authorizing the erection of a new election district in the Twenty-third ward of Philadelphia." Passed.

On motion of Mr. YARDLEY, House bill No. 1285, "Supplement to an act to incorporate the Philadelphia and New Hope railroad company." Passed with amendments.

On motion of Mr. BLOOD, House bill No. 455, "An Act to change the name of Chrysostom Charles Sweeney to Chrysostom Charles McLaughlin." Passed.

On motion of Mr. BALDWIN, House bill No. 398, "A supplement to the act to incorporate the Mount Joy savings institution."

On the motion to consider this bill,

The yeas and nays were required by Mr. BALDWIN and Mr. RANDALL, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Francis, Gazzam, Gregg, Harris, Palmer, Parker, Penney, Rutherford, Thompson and Yardley—12.

NAYS—Messrs. Bell, Keller, Marselis, Miller, Myer, Nunemacher, Randall, Schindel, Turney, Welsh, Wright and Cresswell, *Speaker*—12.

So the question was determined in the negative.

Mr. WELSH, on leave given, from the Committee on Finance, reported, as committed, House bill No. 1452, "An Act to authorize the town council of the borough of Chamberburg to increase their rate of tax."

On motion of Mr. BREWRR, the committee was discharged, and the Senate proceeded to the consideration of the same.

The bill was read a third time and passed.

Mr. WELSH moved to discharge the Committee on Canals and Inland Navigation from the further consideration of House bill No. 496, "An Act authorizing Henry Wilton to erect a dam or breakwater in the river Susquehanna." Agreed to.

And on his motion, said bill was taken up, considered and passed finally.

Mr. GAZZAM moved to discharge the Committee on Railroads from the further consideration of Senate bill No. 1022, "An Act to incorporate the Pittsburgh and Birmingham passenger railway company." Agreed to.

And on his motion, said bill was considered and passed as amended.

On leave given, Mr. RANDALL, from the Committee on Railroads, reported with amendments, House bill No. 1276, "A supplement to an act to incorporate the North Pennsylvania railroad company."

On motion of Mr. SCHINDEL, the committee was discharged from the further considera-



tion of the bill, and the Senate proceeded to consider the same. Passed.

On motion of Mr. COFFEY, the Committee on Roads and Bridges was discharged from the consideration of bill "authorizing the managers of the Ebensburg and Indiana turnpike road company to collect toll."

The bill was read and passed.

Mr. BREWER, on leave given, reported from the Judiciary Committee, as committed, "An Act to empower the chief burgess and town council of Mechanicsburg, Cumberland county, to borrow money."

On motion of Mr. FETTER, the committee was discharged, and the Senate proceeded to the consideration of the same. The bill was read a third time and passed.

On motion of Mr. FRANCIS, the Senate proceeded to the consideration of House bill No. 107, "An Act relating to reserved tracts or out lots in the borough of Franklin."

Read a third time, and passed finally.

On motion of Mr. GAZZAM, the Senate proceeded to the consideration of House bill No. 1019, "An Act to incorporate the Du Quesne insurance company of the city of Allegheny."

Read a third time, and passed finally.

On motion of Mr. GREGG, "An Act for the better security of work done by daily laborers in the counties of Bedford, Clarion and Chester."

On the final passage of the bill,

The yeas and nays were required by Mr. BELL and Mr. GREGG, and were as follow, viz:

YEAS—Messrs. Gregg, Harris, Parker, Rutherford and Thompson—5.

NAYS—Messrs. Bell, Brewer, Craig, Fetter, Marsellis, Miller, Nunemacher, Palmer, Penney, Randall, Schell, Scofield, Schindel, Steele, Welsh, Wright, Yardley and Cresswell, *Speaker*—18.

So the question was determined in the negative.

On motion of Mr. GAZZAM, Senate bill No. 1214, "A supplement to an act to incorporate the Southwark Bank, of Philadelphia."

On this motion,

The yeas and nays were required by Mr. GAZZAM and Mr. RANDALL, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Gazzam, Harris, Palmer, Parker, Penney, Rutherford, Thompson and Yardley—10.

NAYS—Messrs. Blood, Brewer, Craig, Fetter, Keller, Marsellis, Miller, Myer, Nunemacher, Randall, Schell, Scofield, Shaeffer, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—19.

So the question was determined in the negative.

Mr. WRIGHT, on leave given, reported as committed, from the Committee on Corporations, House bill No. 1195, "An Act to incorporate the village of New Washington, in Clearfield county."

On motion of Mr. BLOOD, the Senate proceeded to consider the same, when it was finally passed.

Mr. WRIGHT, from the Committee on Corporations, as committed, "An Act incorporating the Tylersville water company."

Mr. BREWER moved to reconsider the vote had on House bill No. 471, "An Act empowering Sabina R. Sloan to sell certain real estate," which was agreed to.

The question being on the first section of the bill,

The yeas and nays were required by Mr. BELL and Mr. BLOOD, and were as follow, viz:

YEAS—Messrs. Blood, Francis, Gazzam, Gregg, Harris, Keller, Marsellis, Nunemacher, Palmer, Parker, Rutherford, Scofield, Shaeffer, Schindel, Steele, Wright and Cresswell, *Speaker*—17.

NAYS—Messrs. Bell, Brewer, Coffey, Craig and Penney—5.

So the question was determined in the affirmative.

The question recurring on the final passage, the bill passed.

On motion of Mr. HARRIS, House bill No. 1241, "An Act to incorporate the Tylersville water company." Passed.

Mr. RANDALL, from the Committee on Railroads, on leave given, reported as committed, House bill No. 1258, "An Act to incorporate the Seventeenth and Nineteenth Streets passenger railroad of Philadelphia."

On motion of Mr. PARKER, the Senate proceeded to consider the same; and the question being upon its final passage, it was agreed to, with amendments.

On the final passage of the bill,

The yeas and nays were required by Mr. RANDALL and Mr. PARKER, and were as follow, viz:

YEAS—Messrs. Brewer, Francis, Gazzam, Harris, Marsellis, Palmer, Parker, Penney, Shaeffer, Schindel, Thompson, Turney, Welsh and Wright—14.

NAYS—Messrs. Blood, Craig, Keller, Miller, Nunemacher, Randall, Scofield, Steele, Yardley and Cresswell, *Speaker*—10.

So the question was determined in the affirmative.

Mr. WRIGHT, on leave given, from the Committee on Corporations, reported as committed, House bill No. 1190, "An Act to incorporate the Handel and Hayden society of Philadelphia."

Mr. MARSELIS moved to proceed to consideration of same; which was agreed to, and the bill passed finally.

On motion of Mr. BALDWIN, the Senate proceeded to consider House bill No. 236, "An Act to authorize the State Treasurer to pay certain moneys to A. K. & A. L. Witmer, for losses sustained in consequence of collision on the Columbia and Philadelphia railroad." Lies over.

On motion of Mr. MILLER, House bill No. 1057, "An Act to incorporate the Jacksonville and State Line turnpike road company, in Green county." Passed.

Mr. WRIGHT, on leave given, from the Committee on Corporations, reported as committed, bill, entitled "An Act to incorporate the Montrose gas company."

On motion of Mr. MYER, the committee was discharged, and the Senate proceeded to consider the same." Passed.

On motion of Mr. PALMER, House bill No. 293, "An Act to increase the pay of the several supervisors of Schuylkill county." Passed.

Mr. BLOOD, on leave given, from the Committee on New Counties and County Seats, reported, as committed, House bill No. 492, "An Act to run and define the boundary line between the counties of Mifflin and Huntingdon."

On motion of Mr. WRIGHT, the Senate proceeded to the consideration of House bill No. 725, "An Act to increase the fees of jurors in the rural districts of the county of Philadelphia."

Read a third time and passed finally.

On motion of Mr. PENNEY, the Senate proceeded to the consideration of House bill No. 555, "An Act to establish a house of industry for the reformation of vagrants, beggars, &c., in the county of Allegheny."

Read a third time and passed finally.

Mr. WRIGHT, on leave given, from the Judiciary Committee, as committed, House bill No. 1556, bill, entitled "An Act to authorize the Butler House hotel company to change their corporate name, and for other purposes."

On motion of Mr. RANDALL, the Senate proceeded to the consideration of the same, when the bill was passed.

Mr. SCOFIELD, on leave given, reported,

from the Judiciary Committee, as committed, House bill No. 1456, "An Act to regulate the building of powder magazines and the deposit of powder in the county of Dauphin."

On motion of Mr. RUTHERFORD, the Senate proceeded to the consideration of the same, when it passed to third reading and lies over.

Mr. PENNEY moved to discharge the Committee on Corporations from the further consideration of House bill No. 1079, "An Act incorporating the Pittsburgh gymnastic association;" which was agreed to.

And on his motion said bill was taken up, considered and passed finally.

Mr. SCOFIELD moved to discharge the Committee on Roads and Bridges from the further consideration of House bill No. 1485, "An Act in regard to road taxes in the county of Potter;" which was agreed to.

And on his motion said bill was taken up, considered and passed finally.

Mr. SCHINDEL moved to discharge the Committee on Corporations from further consideration of House bill No. 1204, "An Act to incorporate the Allen rolling mill."

On his motion, said bill was taken up and considered.

On the final passage of the bill,

The yeas and nays were required by Mr. WRIGHT and Mr. SCHINDEL, and were as follow, viz:

YEAS—Messrs. Blood, Brewer, Coffey, Craig, Francis, Gregg, Harris, Palmer, Parker, Penney, Rutherford, Shaeffer, Schindel, Steele, Thompson, Turney, Welsh and Yardley—18.

NAYS—Messrs. Bell, Fetter, Marsellis, Miller, Nunemacher, Schell, Wright and Cresswell, *Speaker*—8.

So the question was determined in the affirmative.

Mr. SCHELL, on leave given, from the Committee on Corporations, reported, as committed, House bill No. 1061, "A further supplement to an act to incorporate the town of Ashland, partly in Schuylkill and partly in Columbia county."

On motion of Mr. PALMER, the Senate proceeded to consider the same, when the same was read a third time and passed.

Mr. WRIGHT, from the Committee on Corporations, on leave given, reported, as committed, House bill No. 1489, "An Act to incorporate the Carbondale gas company."

On motion of Mr. STEELE, the Senate proceeded to the consideration of the same; which passed finally.

On motion of Mr. PARKER, the Senate proceeded to the consideration of House bill No. 879, "An Act to incorporate the Bell Isle salt manufacturing company of Philadelphia."

Read a third time and passed finally.

Mr. THOMPSON moved to discharge the Committee on Elections and Election Districts, from the further consideration of House bill No. 1507, "An Act to fix the place for holding elections in Union township, Union county, and to legalize the late election held in said township;" which was agreed to.

And on his motion, said bill was taken up, considered, and passed finally.

On motion of Mr. TURNEY, the Senate proceeded to the consideration of House bill No. 1214, "An Act authorizing the State Treasurer to pay the claim of John W. Geary and Israel Paynter, out of any moneys in the treasury not otherwise appropriated."

Pending the adoption of the 1st section,

Mr. TURNEY moved to postpone further consideration for the present.

Which was agreed to.

On motion of Mr. WELSH, the Committee on Elections and Election Districts, was discharged from the further consideration of House bill No. 1484, "An Act changing the place of holding elections in West Manheim, York county;"



and the same is settled to be under the same. Passed.

Mr. WRIGHT moved that the Committee on Corporations be discharged from the consideration of House bill No. 1469, "Supplement to the act to incorporate the city of Philadelphia." Lies over.

On motion of Mr. PENNEY, Senate bill No. 1018, "A supplement to an act to provide for the election of an additional law judge in the county of Allegheny." Passed.

On motion of Mr. FETTER, House bill No. 1097, "An Act to incorporate the Odd Fellows hall association of Thompsontown, Juniata county." Passed.

On motion adjourned.

## HOUSE OF REPRESENTATIVES.

MONDAY, April 11, 1859.

The House met at three o'clock, and was called to order by the SPEAKER.

The Clerk read the Journal of Saturday.

### SENATE AMENDMENTS

To House bill relative to the claim of S. Miles Green, were read; and, on motion of Mr. WIGTON, non-concurred in.

To House bill, entitled "An Act to incorporate the Montour navigation improvement company," were read.

Mr. JACKSON moved to amend the first Senate amendment, by striking out the words, "in proportion."

Mr. MEHAFFEY opposed it.

Mr. JACKSON said—

Mr. SPEAKER:—When this bill passed the House, I offered an amendment to the fourth section, as follows:

*Any provided further, That nothing contained in this act shall be so construed as to give the said corporation, or any other person or persons, any other or greater rights than they now have, of floating logs or lumber under the laws of this Commonwealth; and the officers, directors and stockholders of this corporation, shall be individually liable for the full amount of all damages that may result to any person or persons, from the misuse or abuse by the said corporation or its employees, of the privileges hereby granted; which was adopted.*

Now, sir, the amendment that the Senate has made, is one, in my opinion, calculated to cause considerable trouble to any person who may suffer damages from this corporation. The amendment is as follows: after the word "liable," insert the words, "in proportion to the amount of stock held by each." Now, sir, what will be the consequence if this amendment is adopted? Why, if a person wishes to bring suit against a member or stockholder of this corporation, he will have to prove by the books of the company, the amount of stock held by him, and then he can recover from him in proportion to the amount of stock held by each stockholder. Now suppose, sir, that he holds one-fifth of the stock, and the damage has been one hundred dollars. Then he can recover of him but twenty dollars, and must bring suits against each of the other stockholders before he can recover the full amount of his damages. It is true, sir, however, that as long as the company has property, the person damaged can bring suit against the corporation and recover from it the full amount. But my object, sir, has been and is, to hold the officers, directors and stockholders individually liable for all damages that may arise from the misuse or abuse of the privileges granted to the corporation, and to give the person who has been damaged an opportunity of bringing suit against any stockholder he may see proper, and not compel him to sue the company unless he saw proper to do so.

If these words are stricken out it will still hold each stockholder individually liable to the

amount of stock held by each and render it easier to recover damages.

I hope my amendment will be adopted.

Mr. MEHAFFEY said—

Mr. Speaker, I hope that this House will concur in the Senate amendments. This bill was read in place early in the session and was held over from time to time for the purpose of getting it in shape so that it would be satisfactory to all concerned. It passed this House and went to the Senate, and there passed with amendments, and has come back for our concurrence. Now, sir, I think that the Senate amendments are not objectionable to the bill; therefore, I trust this House will concur, as it is getting near the close of the session, and if the bill has to go back to the Senate, for the want of time the bill may be defeated.

And on the question,

Will the House agree to the amendment proposed by Mr. JACKSON?

The yeas and nays were required by Mr. JACKSON and Mr. STEPHENS, and were as follow, viz:

YEAS—Messrs. Bertolet, Boyer, (Clearfield,) Brodhead, Custer, Dismant, Evans, Fleming, Foster, Good, Gray, Hill, Hottentstine, Jackson, Ketchum, Kinney, Laird, Nill, Oaks, Patterson, Pennell, Proudfoot, Rohrer, Smith, (Berks,) Stephens, Stonehack, Stuart, Wilcox and Woodruff—28.

NAYS—Messrs. Abbott, Barlow, Boyer, (Schuylkill,) Bryson, Burley, Campbell, Chase, Church, Dodds, Durboraw, Eckman, Ellmaker, Fearou, Graham, Gratz, Green, Hamersly, Harding, Irish, Keneagy, Lawrence, (Washington,) MehaFFEY, Matthews, M'Curdy, M'Dowell, Neall, Peirce, Pinkerton, Rouse, Shafer, Sheppard, Smead, Styer, Taylor, Wagenseller, Walhorn, Walker, Wigton, Wiley, Williams, (Bedford,) Williston, Wilson, Withrow and Lawrence, *Speaker*—45.

So the question was determined in the negative.

The several amendments to said bill were then read and concurred in.

### SENATE AMENDMENTS

To bill No. 400, "An Act to incorporate the Bald Eagle boom company, in Clinton county," were read, and on motion of Mr. FEARON, concurred in.

Mr. PALM, on leave given, read in his place, "An Act repealing the first section of a further supplement to an act to incorporate a company to make a lock navigation on the river Schuylkill;" and on his motion, said bill was taken up.

Mr. WALBORN moved that the further consideration of the bill be indefinitely postponed.

Mr. PALM said, I had hopes that it would not become necessary for me to occupy the time of the House, at this late day, to discuss the merits of the bill under consideration. I see that I must defend the bill to prevent its defeat. Now, sir, this bill was read in place only a short time ago, and hurried through before members had time to inquire or examine its merits. As for myself, sir, when the gentleman from Berks, (Mr. BERTOLET,) called up the bill, and the Clerk read the title of the bill, my attention was first called to the bill. A gentleman, who I had reason to believe knew the provisions of the bill, passed my desk, I stopped him and inquired of him the nature of the bill, he informed me that it was a bill to "extend the charter of the Schuylkill canal company;" that the charter must be renewed every fifteen years. While I was thus engaged in inquiring about the bill, the section of the bill, which we propose to repeal, was read and passed. Now, sir, the Schuylkill navigation company have, for a long time, been endeavoring to procure legislation to give them power to transport coal, &c., and to keep the boatmen down. In the year 1841, a similar bill passed both branches

of the Legislature. But, sir, that good man, Governor Shunk, vetoed the bill. The public, sir, sustained the Governor. Why, sir, a public meeting was called in different places along the line of the Schuylkill navigation. At Pottsville a large and enthusiastic meeting was held, Strange V. Palmer, Esq., assisted by a large and respectable number of vice presidents. That meeting, sir, passed resolutions endorsing and approving of the Governor's veto. I hold a paper in my hand containing that veto and the proceedings of that meeting. If it were earlier in the session, I would have this veto, of one of the best Governors the State of Pennsylvania ever had, read, but I do not deem it necessary. I hold also in my hand a large list of names—these were procured within one or two hours. Sir, the boatmen, and others along the line of the navigation, are in an intense state of excitement upon this subject. I trust that the good sense of this House will go to the rescue of the boatmen, who have their all invested in boat stock on the Schuylkill canal. I want the members of this House to show those men that they have their interests at heart by voting for this bill, to repeal this objectionable section! If this law is permitted to remain on our statute books, the boatmen will be compelled to relinquish their business. I sincerely trust that the friends of the boatmen will give this bill their support, and not postpone the matter until to-morrow. We have only about a day and a half left for work, we want this bill to pass now; we want it to pass the Senate, and we want it to receive the signature of the Governor. I am a friend of the workingmen, so are my colleagues—so are the members of this House! Shall we then crush individual enterprise, or shall we protect?

Mr. WALBORN opposed the supplement.

Mr. PINKERTON said—

I feel astonished to find the gentleman from Philadelphia, (Mr. WALBORN,) opposing this supplement. He need not fear but what the bill will be supplied with coal, and the event of this bill will either way interfere with the amount of coal transported, but affects only those who are now delivering coal to market; in short, the only question is, whether individuals shall carry the coal, or whether the canal company shall have incorporated powers to carry the coal. So you see there are conflicting interests between individuals, and the individual labor and a corporation. I shall, as I have invariably done upon this floor, vote to protect the laborer or individual capital in opposition to corporation capital, where these two interests conflict.

Mr. HAMERSLY said—

This bill, like a hundred others at the present session, passed the House without its provisions being properly understood. It was not printed and placed upon our files as is usually done, but the bill was in manuscript, and was read from the Clerk's desk at a time when, from the noise and confusion which prevailed in the Hall, it was difficult to understand what it really did contain. The gentleman from Schuylkill, who has examined the bill since its passage, assures us that it is calculated to interfere seriously with the business of individual boatmen, and as a large number of honest and hard-working men in my district are engaged in this business, I shall cheerfully vote for the repeal of so much of this bill as is calculated to interfere with their rights and interests. I am a friend of the Schuylkill navigation company, and am willing to vote for any proper measure to promote the interests of an improvement in which the city of Philadelphia is deeply interested, but I am not willing to do it at the expense of the thousands of industrious and deserving men who are dependent upon the boating business for their support. I shall, therefore, vote to repeal the first section of this bill.



Mr. BERTOLET said—

Mr. SPEAKER:—Gentlemen say that I introduced this bill into this House; I deny it; I called up the bill after its introduction, and it passed this House almost unanimously, and it has since become a law. Now there are men here advocating and asking the repeal of the first section of this act, which has so recently become a law. I have been a boatman for the last seven years, and have always stood by the boatmen, and on more than one occasion, fought the canal company. I am opposed to companies and corporations monopolizing the interests of the laboring man. When I called up this bill, I expected to do a great deal of good for the laboring boatmen. I am satisfied the Schuylkill canal company desired nothing but the good of the boatmen in this bill. They ask not for transportation power and privileges; but the purport of the bill is more for the relief and interests of the boatmen than of injury to them. I am satisfied the boatmen do not understand the import of the bill, which merely asks for power to contract for freights, which would throw more freights upon the canal, and thereby the canal company would be enabled to assist and relieve the boatmen.

I myself have been deeply, and am still somewhat interested in transporting on the canal, and would certainly not go against my interests and the interests of my friends, and had I entertained the idea for one moment, that the company intended to injure the boatmen, I would have opposed the bill throughout.

I shall, therefore, vote for the repeal of this section, which seems to be so objectionable to the boatmen.

The motion to postpone indefinitely was withdrawn.

Mr. SMITH, (Berks,) moved the bill be postponed until to-morrow; which was not agreed to.

On the question,

Will the House agree to the bill?

It was determined in the affirmative.

And on the question,

Will the House suspend the rule, and read the bill the third time by its title?

The yeas and nays were required by Mr. WALBORN and Mr. BERTOLET, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barnsley, Barlow, Bertolet, Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fleming, Glatz, Graham, Gratz, Gray, Green, Gritman, Hamersly, Hill, Hottenstine, Irish, Jackson, Ketchum, Laird, Lawrence, (Washington,) Mehaffey, Matthews, M'Curdy, Miller, Nill, Oaks, Palm, Pennell, Peirce, Pinkerton, Price, Rouse, Shafer, Smead, Stephens, Stoneback, Stuart, Taylor, Thompson, Walker, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wolf and Lawrence, *Speaker*—64.

NAYS—Messrs. Boyer, (Clearfield,) Foster, Good, Neall, Sheppard, Smith, (Berks,) Styer, Wagenseller and Walborn—9.

So the question was determined in the affirmative.

The bill being on final passage,

The yeas and nays were required by Mr. SMITH, (Berks,) and Mr. HAMERSLY, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barnsley, Barlow, Bertolet, Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Custer, Dismant, Durboraw, Eckman, Ellmaker, Evans, Glatz, Graham, Gray, Green, Gritman, Hamersly, Hill, Hottenstine, Irish, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mehaffey, Matthews, M'Curdy, Miller, Oaks, Palm, Peirce, Pinkerton, Price, Shafer, Smead, Stephens, Stoneback, Stuart, Taylor, Thompson, Walker, Witman, Wigton, Wilcox, Wiley, Williams, (Bedford,)

Williams, (Bucks,) Wilson, Withrow, Wolf, Woodring and Lawrence, *Speaker*—57.

NAYS—Messrs. Boyer, (Clearfield,) Foster, Good, Jackson, Neall, Sheppard, Smith, (Berks,) Styer, Wagenseller and Walborn—10.

So the question was determined in the affirmative.

Mr. BERTOLET said—

Mr. SPEAKER:—I shall place my reasons upon the record for voting for the repeal of the first section of this canal bill.

When it was introduced here, I was under the impression that it was more for the relief of the boatmen than the benefit of the canal company. I would, under no circumstances, vote power and privileges unto companies and corporations, whereby they could oppress the community, the persons interested in such business, or the laboring man. I do not hold that the Schuylkill canal company desire to do anything of the kind, and am only sorry that the company have not had an opportunity to try the effects of this act, and I do hope the working boatmen will be benefitted by the repeal of this section, and hope that at some future day they will see the necessity of just such an act as has been repealed. Therefore, in conformity of the wishes and earnest solicitations of many of my constituents and boatman friends, I do vote for the repeal of the section.

Mr. CUSTER said:

Mr. SPEAKER: I give for my reason for voting for the repeal of the first section of an Act passed April 1859, [this canal bill] that I am inclined to the belief that the passage of the act which this in part proposes to repeal, would be, in my opinion, injurious to the interests of the individual boatman and boat owners. That I have in my possession a number of letters received from persons engaged upon said navigation as boatmen and boatowners, and they inform me that a law of this kind would operate highly detrimental to their individual interests. The law to which I refer was passed without due deliberation and in a hurried manner and under a different statement to me, in reference to its probable operation upon the class of persons above referred to, I therefore vote, "aye."

Mr. IRISH, on leave given, introduced "An Act to incorporate the Cameron House hotel company," which, on his motion, was taken up and passed finally.

Mr. CHASE read "An Act authorizing vice-presidents of banks to receive salaries for their services;" which, on his motion, was considered and passed finally.

Mr. KINNEY, committee of conference on House bill No. 617, "An Act for the assessment and recovery of damages on the North Branch and Wyoming canals," made report, which was read and adopted.

Mr. LAWRENCE, (Washington) read "An Act to authorize the Auditor General to examine the claim of John Gennill, of Huntingdon county;" which, on his motion, was taken up and considered, and on the final passage of the bill,

The yeas and nays were required by Mr. NILL and Mr. WILLIAMS, (Bedford,) and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Bryson, Burley, Chase, Church, Durboraw, Fearon, Fisher, Foster, Graham, Gratz, Green, Hamersly, Harding, Keneagy, Lawrence, (Washington,) Mann, Matthews, M'Curdy, Neall, Palm, Pennell, Proudfoot, Rouse, Sheppard, Styer, Witman, Wigton, Wilson and Lawrence, *Speaker*—32.

NAYS—Messrs. Barnsley, Bertolet, Boyer, (Clearfield,) Brodhead, Custer, Dismant, Dodds, Eckman, Ellmaker, Fleming, Glatz, Good, Gray, Hill, Irish, Ketchum, Nill, Oaks, Patterson, Price, Rohrer, Shafer, Smith, (Berks,) Stoneback, Stuart, Taylor, Thompson, Wagenseller,

Walker, Warden, Wilcox, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Withrow, Wolf and Woodring—38.

So the question was determined in the negative.

Mr. WOLF read in his place and presented to the Chair, a petition from citizens of the borough of Columbia, Lancaster county, in favor of the Wrightsville steam ferry company.

Mr. GRATZ, on leave given, presented "An Act supplementary to an act to incorporate the Thirteenth and Fifteenth Streets passenger railroad company;" which, on his motion, was taken up and passed finally.

Mr. ROHRER, "An Act to incorporate the Armstrong gas company;" which, on his motion, was taken up and passed finally.

Mr. WAGENSELLER, "An Act to fix the place of holding elections in Union township, Union county, and to legalize a late election held in said township;" which was taken up and passed finally.

Mr. WALKER, "An Act to authorize the election or a lock up house in the borough of Millersburg, Somerset county;" on his motion, considered and passed finally.

Mr. PRICE, "An Act to incorporate the Mt. Joy gas company, in the borough of Mt. Joy, Lancaster county;" on his motion, considered and passed finally.

Mr. HAMERSLY, "An Act relating to the courts of the city of Philadelphia;" which, on his motion, was considered and passed finally.

Messrs. BARNSELY and ROUSE moved that the vote by which the act relating to the courts in the city of Philadelphia passed the House be reconsidered.

Mr. THORN moved that the further consideration of the motion be postponed indefinitely. And on the motion,

The yeas and nays were required by Mr. BARNSELY and Mr. NILL, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Campbell, Church, Ellmaker, Evans, Fearon, Fisher, Foster, Gratz, Hamersly, Harding, Irish, Laird, Mann, Mehaffey, Matthews, Neall, Price, Rohrer, Sheppard, Styer, Thorn, Walborn, Wigton, Wiley and Zoller—26.

NAYS—Messrs. Acker, Barnsley, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Chase, Custer, Dismant, Dodds, Durboraw, Eckman, Fleming, Galley, Glatz, Good, Graham, Gray, Gritman, Hill, Hottenstine, Jackson, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) M'Curdy, Miller, Nill, Oaks, Patterson, Pennell, Pinkerton, Proudfoot, Pughe, Shafer, Shields, Smith, (Berks,) Stephens, Stonehack, Stuart, Taylor, Thompson, Wagenseller, Warden, Witman, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wolf, Woodring and Lawrence, *Speaker*—56.

So the question was determined in the negative.

The question recurring,

Will the House agree to the motion to reconsider?

It was discussed by Messrs. NILL, CHASE, HAMERSLY, BARNSELY, THOMPSON and WILSON, and determined in the affirmative.

Mr. HAMERSLY moved that the House go into committee of the whole by striking out all but the entire second section, and the words "to be paid quarterly by the treasurer of the city of Philadelphia," in the first section; which was agreed to.

Whereupon, the House resolved itself into committee of the whole (Mr. GRITMAN in the Chair,) and the amendment was inserted.

The bill being before the House, on final passage,

The yeas and nays were required by Mr. WILLIAMS, (Bucks,) and Mr. WALKER, and were as follow, viz:



YEAS—Messrs. Abbott, Chase, Church, Ellmaker, Evans, Fearon, Fisher, Foster, Gratz, Hamersly, Irish, Mann, Matthews, Neall, Pughe, Rouse, Sheppard, Styer, Thorn, Walborn, Wiley and Zoller—22.

NAYS—Messrs. Acker, Barnsley, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Custer, Dismant, Dodds, Durboraw, Eckman, Fleming, Galley, Glatz, Good, Graham, Gray, Gritman, Hill, Hottenstine, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) M'Curdy, Miller, Nill, Oaks, Palm, Patterson, Pennell, Peirce, Pinkerton, Proudfoot, Shafer, Shields, Smcad, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thompson, Wagenseller, Walker, Warden, Witman, Wigton, Wilcox, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf, Woodring and Lawrence, *Speaker*—62.

So the question was determined in the negative.

Mr. CHASE, from the committee of conference on the Appropriation bill, made report; which was read.

And on the question,

Will the House agree to the report of the committee?

The yeas and nays were required by Mr. WILLISTON and Mr. M'DOWELL, and were as follow, viz:

YEAS.—Messrs. Abbott, Acker, Barlow, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Campbell, Chase, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fleming, Foster, Glatz, Goepf, Good, Graham, Gratz, Gray, Gritman, Hill, Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Meliaffey, M'Curdy, M'Dowell, Miller, Nill, Oaks, Pennell, Peirce, Price, Proudfoot, Pughe, Robrer, Rouse, Shafer, Shields, Stephens, Stuart, Styer, Thompson, Thorn, Warden, Wigton, Wilcox, Wilson, Wolf, Woodring, Zoller and Lawrence, *Speaker*—64.

NAYS—Messrs. Burley, Fisher, Hamersly, Harding, Hottenstine, Mann, Matthews, Neall, Patterson, Sheppard, Smith, (Berks,) Stoneback, Wagenseller, Walborn, Witman, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston and Withrow—20.

So the question was determined in the affirmative.

Mr. IRISH, on leave given, offered a resolution that this House will hold a session this evening, commencing at 7 o'clock; which passed to second reading.

Mr. GOOD moved to amend, by meeting at 7½ o'clock; not agreed to.

Mr. WILCOX moved to amend, by meeting at 8 and adjourning at 9 o'clock: not agreed to.

Mr. WALBORN moved that the House meet at 7½ and adjourning at 9½ o'clock; not agreed to.

Mr. HAMERSLY moved to amend the resolution, by substituting the following:

*Resolved*, That when this House adjourns, it will meet again this evening at 8 o'clock; which was agreed to.

And the resolution as amended was adopted.

Agreeably to order, the House proceeded to the consideration of House bill No. 957, "An Act to afford further protection to passengers on railroads."

WHEREAS, We are of the opinion that many of the accidents happening on our railroads are to be attributed to the inefficiency or to the carelessness of some of the locomotive engineers;

And whereas, The large body of our citizens engaged in that dangerous and responsible avocation, should be aided and encouraged in their efforts to elevate the character of the individuals employed in it;

And whereas, It is our duty to invoke as many expedients, and to throw around the trav-

eling public as many safe-guards, calculated to protect their lives and limbs, as wisdom or experience can suggest; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the Governor of the State of Pennsylvania shall appoint, in the month of October of this year, and every third year thereafter, three persons who shall be a board of examiners for all persons who desire to act as engineers, in charge of locomotive engines upon any railroad in whole or in part in the State, and that said examiners shall be selected from a list of five names, three of said names to be furnished by the association of locomotive engineers of the State of Pennsylvania, and two by the railroad companies of the Commonwealth; and on the said companies failing, refusing or neglecting to present two such names for the space of five days, then the Governor shall have the right and power to appoint the said three persons, presented by the association.

SEC. 2. That said board of examiners shall hold their commission for three years, and not less than two of them shall be practical locomotive engineers running an engine on a railroad lying in whole or in part within the State, at the time of their appointment, and the other a practical machinist.

SEC. 3. That the board of examiners shall meet at Harrisburg for the purpose of examining candidates for license to act as engineers upon locomotives on railroads, on the first Monday of January of each and every year, and shall have power to meet as much oftener, and in such places as may be deemed expedient and necessary by said board; and they shall remain in session not less than three days, and until the applications filed or made previous to the meeting shall have been disposed of by fair and impartial examination.

SEC. 4. That no candidate shall be licensed as locomotive engineer aforesaid, unless the board is satisfied upon the examination of the applicant, and upon full consideration and inquiry, that he is of temperate habits and a suitable and safe person to be entrusted with the duties of such a station; nor shall any candidate be licensed to act as an engineer unless the said board is also satisfied by strict personal examination, as well as by certificate or inquiry, as to the proper knowledge and experience possessed by such candidate, for the position of engineer as aforesaid; to this end said board must be satisfied that said candidate, so seeking a license as aforesaid, is competent to superintend or execute all road repairs, while on road duty, that may be needed on a locomotive, and that he is able to answer all practical questions that may be submitted to him.

SEC. 5. That the said board shall issue a license to every applicant whom they shall believe to be qualified to act as engineer in charge of a locomotive on any railroad in this State; after having made the inquiry and examination required in this act, the said license shall be good for three years from the date thereof: *Provided however*, That said board of examiners shall have the power, upon cause shown, to revoke said license, and also to reinstate the person, when, in their judgment, they shall deem it right and just; the fee for said license to be paid by the applicant to the board, shall be ten dollars on the expiration of said term of three years; the fee to be paid to said board for the renewal of a license for another term of three years, shall be three dollars.

SEC. 6. That the members of said board shall, before they or any of them, enter upon the duties of their office, take the following oath, which shall be administered to them and each of them, by the clerk of the criminal court of the respective counties in which they may be holding

a session, and shall be entered on the records of said court "I, A. B., appointed an examiner of locomotive engineers for the State of Pennsylvania, do solemnly swear or affirm, that in the examination of candidates and licensing locomotive engineers, I will inquire only into the moral and professional fitness of the candidate, and that I will show neither prejudice or partiality in the discharge of my duty as examiner, but will be governed in my action by my examination into the moral and professional fitness of the candidate."

SECTION 7. That no person shall run, or be placed in charge of a locomotive engine upon any road in this State, as engineer thereof, after the third month from the first regular meeting of said board of examiners; and the said person having been running three months as aforesaid, shall not again run, or be placed in charge of a locomotive as engineer thereof, on any railroad in this State, unless he shall have first obtained a license as locomotive engineer from the said board of examiners; and any person running a locomotive engine on any railroad in this State, without such license, shall be subject to an action of debt in the name of the association of locomotive engineers, before any alderman or justice of the peace; and on conviction, shall be fined seventy-five dollars; and on default of defendant paying said sum with costs of proceeding, or if no property owned by him or them can be found, then the body of said defendant shall be taken and committed to the prison of the respective county for the space of ten days.

SECTION 8. That no individual or corporation incorporated by this State, and no corporation whose line of railroad may be in whole or in part within this State, shall suffer or permit, or employ any person to act as an engineer in charge of any locomotive, any longer than three months as aforesaid, unless the said person so suffered, or permitted, or employed, has at the time of sufferance, or permission, or employment, and during the whole term thereof, have received and shall hold a license from the said board of examiners to act as engineer within this State; and the person, or corporation suffering, or permitting, or employing any person to act as engineer in charge of any locomotive on any road lying in whole or in part in this State, who is not licensed as aforesaid, shall be subject to a fine of one hundred dollars, to be recovered by action of debt in the name of the association of locomotive engineers.

SEC. 9. That any vacancy or vacancies that may occur in the said board of examiners shall be filled by the Governor: *Provided however*, That said vacancy or vacancies shall be filled from the names presented by the association, if the same occur by the death, removal or resignation of any member of the same in said board; and from the names presented by the companies, in case such vacancy shall be caused by the death, removal or resignation of any of the members presented by them; and the person or persons appointed to fill said vacancy or vacancies, shall hold his or their offices only until the expiration of the term for which his or their predecessor or predecessors were appointed.

Mr. NILL moved to amend the bill, by adding the following new section; which was agreed to.

That all railroad companies in the Commonwealth, shall keep their ticket offices open for at least one hour before the time fixed upon for the starting of trains, under the penalty of fifty dollars, to be recovered as debts of like amount are recovered; one-half to be paid to the informer, and the other half of said penalty to be paid to the treasurer of the Commonwealth.

Mr. PENNELL moved that the further consideration of the bill be indefinitely postponed.

The motion was resisted by Messrs. ABBOTT and NEALL.



And on the motion,

The yeas and nays were required by Mr. NEALL and Mr. SMITH, (Berks,) and were as follow, viz:

YEAS—Messrs. Barnsley, Bertolet, Boyer, (Schuylkill,) Bryson, Burley, Chase, Church, Custer, Dismant, Durboraw, Eckman, Fleming, Foster, Galley, Glatz, Graham, Hottenstine, Jackson, Keneagy, Ketchum, Kinney, M'Dowell, Miller, Pennell, Peirce, Proudfoot, Pughe, Rohrer, Shafer, Shields, Smead, Smith, (Berks,) Stoneback, Taylor, Thorn, Wagenseller, Walborn, Witman, Wigton, Withrow and Wolf—41.

NAYS—Messrs. Abbott, Campbell, Gratz, Hamersly, Harding, Hill, Matthews, Neall, Nill, Pinkerton, Sheppard, Stuart, Walker, Warden, Williams, (Bedford,) and Wilson—16.

So the question was determined in the affirmative.

Mr. MILLER offered a resolution that the use of this hall be granted to the Democratic State Convention on next Wednesday, from 12 o'clock, m., till 7 o'clock, p. m., which was read the second time and adopted.

Mr. FOSTER, on leave given, read in his place and presented to the Chair, "An Act to incorporate the Home and Foreign Bible society," which, on his motion, was taken up and considered.

The bill being on final passage,

A motion was made by Mr. THORN that the House do now adjourn; which was agreed to.

Adjourned till 8 o'clock this evening.

#### HOUSE.—EVENING SESSION.

MONDAY, April 11, 1859.

House called to order at 7 o'clock, p. m.

Mr. CHASE in the chair.

The House resumed consideration of bill to incorporate the Allegheny Bible society.

Mr. FOSTER moved to go into committee of the whole for amendment; which was agreed to.

Mr. WILSON assumed the chair.

The bill was amended by the insertion of different names as corporators.

Mr. WALBORN asked the unanimous consent of the House to make an amendment. Not agreed to.

The House again went into committee of the whole to add the words: "provided the books are published and sold only in the county of Allegheny."

The amendment was agreed to.

On the final passage of the bill,

The yeas and nays were required by Mr. WALBORN and Mr. FOSTER, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Bertolet, Brodhead, Bryson, Burley, Campbell, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Fearon, Fleming, Foster, Galley, Graham, Gratz, Gritman, Hamersly, Harding, Irish, Jackson, Laird, Lawrence, (Washington,) Mahaffey, Matthews, M'Curdy, M'Dowell, Miller, Neall, Peirce, Proudfoot, Pughe, Rohrer, Rouse, Shafer, Stuart, Taylor, Thompson, Thorn, Wagenseller, Walker, Warden, Wigton, Wilcox, Williams, (Bucks,) Wilson, Withrow, Wolf and Woodring—53.

NAYS—Messrs. Barnsley, Boyer, (Schuylkill,) Custer, Evans, Gray, Hottenstine, Keneagy, Ketchum, Nill, Sheppard, Smith, (Berks,) Stoneback, Styer, Walborn, Witman and Wiley—17.

So the question was determined in the affirmative.

Mr. HOTTENSTINE called up House bill No. 1135, viz:

AN ACT requiring supervisors of roads and overseers of the poor in this Commonwealth to give security.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act it shall be the duty of the township auditors and borough councils to require the overseers of the poor and the supervisors of roads in each township and borough in this Commonwealth, before entering upon their duties, to give bond with security, to be approved by the auditors or borough councils, in a sum not less than double the probable amount of the tax which may be levied by the said officers for the ensuing year, which bonds shall be taken in the name of the auditors and borough councils and their successors in office, for the use of such borough or township, conditioned for the faithful performance of their respective duties as supervisors and overseers of the poor, accounting for and paying over to their successors in office any balance that may remain in their hands at the settlement of their accounts, by the aforesaid auditors or borough councils; and in case the said officers shall neglect or refuse to pay over said balance remaining in their hands within thirty days after the settlement, it shall be the duty of the said auditors and borough councils holding the bonds to proceed, by due course of law, to collect the same, for the use of said township or borough: *Provided*, That each officer may give security individually in double the amount of such sum as may, in the judgment of the auditors, come unto his hands for the ensuing year; and in such case he shall not be accountable for the acts of his associate in office.

SEC. 2. That any officer or officers failing to give the security required by the 1st section of this act, within one month after his election, then his or their offices shall be declared vacant, and the court of quarter sessions shall appoint one or both as the case may be, subject to all the restrictions of the first section of this act, and who shall hold his office till the next election; and until such appointment is made the officer giving bail shall act for both; and if both fail to give the required security, then the preceding officers shall perform the duties, as heretofore, until such appointment is made by the court, in accordance with the provisions of this act.

SEC. 3. That any officer failing to give the security required by this act shall not be liable for the penalty imposed by existing laws upon township and borough officers refusing to serve: *Provided*, That the auditors and borough council shall be satisfied that such security could not be obtained.

SEC. 4. That all laws which are inconsistent, and being supplied by the provisions of this act, be and the same are hereby repealed.

Mr. HOTTENSTINE moved to amend by making the bill apply only to the county of Northumberland. Agreed to; and the bill passed finally.

The SPEAKER'S table was cleared.

Senate bill, entitled "An Act authorizing the sheriff of the county of Philadelphia to sell certain real estate in lots, parcels or subdivisions," came up.

Messrs. HAMERSLY and WILCOX moved to proceed to consideration. Agreed to; and the bill passed finally.

Mr. HAMERSLY called up "A supplement to an act to incorporate the Union railroad company," and moved to proceed to its consideration. Agreed to; and the bill passed finally.

"A supplement to the act incorporating the city of Philadelphia."

Mr. CHURCH moved to proceed to consideration. Agreed to. The bill passed finally.

"A supplement to the act incorporating the Young Men's christian building association of Philadelphia."

Mr. THORN moved to proceed to its consideration. Agreed to.

The bill passed finally.

Mr. NEALL read "An Act repealing an act incorporating the National Art association," and moved to proceed to its consideration; which was agreed to; and the bill passed finally.

Mr. KETCHUM read "An Act to incorporate the Waynesburg gas company," and moved to proceed to its consideration. Agreed to; and the bill passed finally.

"An Act to authorize the sale of the Northwestern railroad company."

Mr. THOMPSON offered a substitute.

A debate ensued, which was participated in by Messrs. THOMPSON, WALBORN, HAMERSLY and THORN.

Mr. THOMPSON favored the substitute which he had offered to the original bill. The discussion took a wide range, and the course of the people of Butler county and of Philadelphia, was canvassed. Allegations that frauds had been committed on both sides, were freely made and denied.

On the substitute of Mr. THOMPSON,

The yeas and nays were required by Mr. THOMPSON and Mr. BRYSON, and were as follow, viz:

YEAS—Messrs. Acker, Barnsley, Brodhead, Bryson, Campbell, Chase, Dodds, Durboraw, Eckman, Ellmaker, Fearon, Fleming, Foster, Galley, Graham, Hottenstine, Jackson, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mahaffey, M'Curdy, M'Dowell, Miller, Nill, Oaks, Patterson, Pennell, Peirce, Proudfoot, Rouse, Shafer, Stuart, Taylor, Thompson, Wagenseller, Walker, Witman, Wigton, Williams, (Bucks,) Wilson, Wolf, Woodring and Zoller—45.

NAYS—Messrs. Abbott, Bertolet, Church, Dismant, Evans, Fisher, Gratz, Hamersly, Hill, Keneagy, Neall, Sheppard, Smith, (Berks,) Stoneback, Styer, Thorn, Walborn, Wiley and Wiliston—20.

So the question was determined in the affirmative.

Mr. ZOLLER moved to adjourn. Not agreed to.

Mr. HAMERSLY moved to strike out a portion of the amendment or substitute of Mr. THOMPSON'S.

The CHAIRMAN decided not to entertain the motion, alleging that although the regular SPEAKER of the House entertained motions to strike out portions of sentences just before inserted, his judgment would not allow him to adopt that course.

Mr. HAMERSLY moved to amend, by adding as follows:

*Provided*, That this act shall not affect any proceedings in regard to said road, now pending in any of the courts of this Commonwealth, and before it shall go into effect, the consent of a majority of stockholders shall first be obtained thereto.

Mr. THOMPSON opposed the amendment.

Mr. HAMERSLY said that evidently the object of the act was to interfere with the action of the court.

On the amendment of Mr. HAMERSLY, the yeas were 20, nays 43.

Mr. EVANS offered an amendment, inserting the names of two additional corporators.

Before the question was taken,

Mr. THOMPSON called the previous question, which was sustained.

On the question,



Shall the main question be now put?

The yeas and nays were required by Mr. HAMERSLY and Mr. SHEPPARD, and were as follow, viz:

YEAS—Messrs. Acker, Barnsley, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Chase, Custer, Dismant, Dodds, Durboraw, Eckman, Fleming, Galley, Gray, Hottenstine, Jackson, Ketchum, Kinney, Laird, M'Curdy, Miller, Nill, Oaks, Palm, Pennel, Peirce, Shafer, Stouckback, Stuart, Taylor, Thompson, Walker, Wigton, Williams, (Bucks,) Wilson Wolf and Woodring—41.

NAYS—Messrs. Abbott, Church, Evans, Fearon, Fisher, Foster, Gratz, Gritman, Hamersly, Harding, Hill, Keneagy, Matthews, Neall, Proudfoot, Sheppard, Smead, Smith, (Berks,) Styer, Walboru, Warden, Witman, Wiley and Willis-ton—21.

So the question was determined in the affirmative.

On the amendment of Mr. EVANS,

The yeas and nays were required by Mr. SHEPPARD and Mr. GRATZ, and were as follow, viz:

YEAS—Messrs. Abbott, Bertolet, Burley, Church, Evans, Fearon, Fisher, Gratz, Gritman, Hamersly, Harding, Hill, Keneagy, Ketchum, Matthews, Neall, Proudfoot, Sheppard, Smith, (Berks,) Stoneback, Stuart, Styer, Thorn, Walhorn, Warden and Wiley—26.

NAYS—Messrs. Acker, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Campbell, Custer, Dodds, Durboraw, Eckman, Fleming, Foster, Galley, Graham, Gray, Jackson, Kinney, Lawrence, (Washington,) M'Curdy, M'Dowell, Miller, Nill, Oaks, Palm, Pennell, Peirce, Shafer, Taylor, Thompson, Wagenseller, Walker, Wigton, Williams, (Bucks,) Wilson, Wolf and Woodring—36.

So the question was determined in the negative.

The bill passed to a second reading, and was laid over.

"An Act to prevent the destruction of trout in the counties of Blair, Bedford and Somerset."

The House insisted on its amendments.

Senate amended the bill relative to claims for damages on the Columbia railroad.

The House refused to concur.

Senate amendments to House bill relative to the borough of Blairsville, Indiana county, were concurred in.

Senate amendments to House bill, relative to the treasurer of Beaver county, were concurred in.

Senate amendments to the bill incorporating the Seventeenth and Nineteenth Streets passenger railroad of Philadelphia, were concurred in. Adjourned.

### HOMESTEAD EXEMPTION.

"Wherever the property selected by a defendant, under the exemption laws of this Commonwealth, shall consist in whole or in part of the dwelling house of such defendant, he or she being at the time a housekeeper charged with the maintenance of a family, the amount of valuation shall be five hundred dollars instead of three hundred, as heretofore."

While the above section was under consideration in the Senate, Mr. SCOFIELD made the following remarks:

The policy of exemption, so far as it now goes, is to leave to the debtor the absolute necessities of life. The same policy should certainly spare the family roof. Many articles allowed under the old law might possibly be dispensed with; but a house of some kind must

be had at all events. If the policy of any exemption is well founded, the poor man's home, which comes clearly within its reason and spirit, should certainly be free. But while the principle upon which all exemption laws rests, would leave to an unfortunate family a small habitation, as an object of first necessity, there are some reasons in favor of the measure that do not apply to any other species of property.—A dwelling house is always accommodated to the size, arranged and ornamented to the taste of a particular family. In this respect it is unlike a store, shop or tavern. These are planned, not to suit a particular tradesman, but a particular trade, and are as suitable for one person carrying on such trade as another. Experience shows that while this kind of building will generally sell for more than cost, a dwelling house is often sold at a ruinous sacrifice. The family residence, like family portraits, is far more valuable to the occupant than to any one else; and when forced to sale, though it does not enrich the purchaser, leaves the unfortunate sufferer poor indeed. It is more or less a sale of all the attachments and affections which the whole household cherish for their old haunts and hearth. For to them it is not only a shelter, but the depository of cherished associations. The tree they have planted, whose germination and growth they have watched and watered, has to them an ideal value; if you drive them from it, you deprive them not only of its shade, but the mental satisfaction with which they regard it as the product of their care. The vine that spreads over the hovel its protecting and beautifying green, clings not more closely to its rude support, than do the affections of the child it shelters to the objects of its first familiarity. This home affection never chills. The child grown to manhood, and wandering where he may in new pathways of life, will gaze, even in the busiest moments of ambitious prime, and turn a pensive thought or a reverent step to this first Mecca of the mind. These sentiments exist in the coarsest heart. And I submit to the Senate if it is good policy, to say nothing of humanity, to turn these amiable traits in the human character to articles of merchandize.

In opposition to this measure, it is said we cannot build men houses by legislation. No, sir; but we can do much to encourage their acquisition. Place the family residence beyond the reach of chicane or misfortune, and you stimulate the idle and thriftless to habits of labor and economy. The present proverbial uncertainty of fortune is the great discouragement of human exertion. Now, industry knows not whose overgrown estate its acquisitions may finally swell. The hand that would plant a tree knows not what unbidden stranger may enjoy its shade. The household, whose united efforts might earn a common home, knows not how soon simplicity or mismanagement in its legal control, may expose it to the exactions of credit or of craft!

Cannot give poor men homes by legislation! Sir, it is by a long course of adverse legislation that the poor are deprived of their portion of the earth. It is because the hooks overflow with legislation that encourages land monopoly; that the *million* has not a place to rest the sole of his foot, nor a turf to cover his grave, except by leave of "my lord." There is space enough in the world for all, and plenty to spare. Naturally, we are but tenants in common in its surface. Naturally, each person has an equal right with his brother, to a spot on which to pitch his tent and erect an altar—to ground in which to plant and gather harvests during life: and in whose familiar dust his ashes may sleep when life's fitful fever is over. It is because this natural right has been legislated away; because a single man is authorized by law to draw an imaginary line

around whole leagues of land, and hold it away from the world, that the child of want is compelled to "beg his lordly fellow-worm to give him leave to toil."

We have 24,000,000 of population, and yet the census informs us that less than one and a half millions have any interest in the soil; except what still belongs to Government this million and a half have monopolized the whole of this magnificent country. Between the Atlantic and Pacific there is not a single foot of ground upon which a poor man may rest and say "It is mine." Over every hill and valley, prairie and plain, the ægis of ownership has long since been spread. In some degree this unnatural state of things is the result of legislation, and in some small degree the proposed legislation will correct it.

Again, the State has an interest, aside from that of the debtor, in the enlargement of the number of freeholders within her limits. Bound by interest to the soil they cultivate, they become the natural supporters of the government that confers and protects their tillers. The landowner, unlike the capitalist, cannot fly with his property, nor change it with the shifting government and laws. His safety lies in the stability of law and good order in society. The Commonwealth should not allow her humblest citizen to be driven to extreme poverty by the remorselessness of a single creditor. God prescribed limits to the persecutions of his servant, and the Commonwealth should prescribe a line beyond which the pursuit of her honest poor should cease. She owes this duty alike to the poor and the tax-payers; for each class are alike sufferers by the extreme exactions of credit.

But what wrong could this law do to creditors? It is prospective in its character. No contract could be effected by it, except those made after the date of its passage. Suppose at the time a credit is given it is stipulated by the parties that in case of failure to pay, the creditor should have no lien upon his dwelling house. Would any one say that upon the happening of the contingency provided for, the creditor should be allowed to isolate his contract and drive his unfortunate debtor into the street? I presume not. Yet parties contract in view of the existing laws of the State, in their contemplation such laws are as much a part of the contract, as if drawn up at length, and inserted in it. Now, will it be claimed that the creditor may violate his implied any more than his express contract? And if not, in what respect is he injured? So far from being injured, the general class of creditors would be benefited. There is no wisdom in the law that strips the falling debtor at once. For, from that time however numerous or honest his debts, he pays no more. Driven from his fireside and compelled to seek a home in new and changing places, his ambition and energy are gone. His lessened earnings are absorbed in rents, if not wasted in dissipation. The inheritor of suffering knows not there is a cup of happiness he never tasted. Man schooled to want may bear its hardships with a callous heart. But failing affluence or forced insolvency wears a heavier chain. The child always homeless, may forget his sorrows on the pillow of occasional charity, but one cast upon the world by fresh misfortune, rarely finds an easy pillow, till he finds it on the bosom of mother earth. Real want and fancied shame pursue him to the last.

Let the homestead, unless one of fraudulent extravagance, be held sacred by the law. Let it be made, what the law now wrongly declares it, the owner's castle. Let no servant of exacting credit come within its gates. Let the latch-string be pulled only by familiar hands, and the threshold crossed only by the feet of friendship.



# LEGISLATIVE RECORD.

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FOR THE SESSION OF 1859.

78.

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## SENATE.

TUESDAY, April 12, 1859.

Senate met at the usual hour.  
The SPEAKER in the Chair.  
The reading of the Journal of yesterday was, upon motion, dispensed with.

## PETITIONS AND REMONSTRANCES.

Mr. WELSH, a petition from citizens of Peach Bottom township, York county, praying for the passage of a law authorizing the voters of that county to vote on the question of granting tavern licenses.

## REPORTS OF COMMITTEES.

Mr. BELL, (Judiciary,) as committed, House bill No. 384, "An Act relating to void marriages."

Mr. WELSH, (Estates and Escheats,) as committed, House bill No. 1482, "An Act to authorize the corporation of St. Paul's church, of the city of Erie, to sell certain real estate."

Mr. WRIGHT, (Corporations,) with a negative recommendation, House bill No. 517, "An Act to incorporate the Conestoga gas light company of the city of Lancaster."

Also, as committed, House bill No. 1393, "An Act supplementary to an act to incorporate the Old School Presbyterian congregation of the county of York."

Also, with a negative recommendation, "A supplement to the act consolidating the city of Philadelphia."

Also, as committed, House bill No. 446, "A further supplement to the act incorporating the city of Philadelphia."

Also, as committed, "An Act to incorporate the Mount Vernon Hook and Ladder company of Harrisburg."

Also, with a negative recommendation, House bill No. 142, "An Act to provide for the better regulation of buildings in the city of Philadelphia."

Also, as committed, "A supplement to an act to incorporate the Chestnut Hill water company."

Also, as committed, "An Act relating to insu-

rance companies and associations in the city and county of Philadelphia, and county of Allegheny."

Mr. SCHELL, (same,) with a negative recommendation, House bill No. 514, "A further supplement to an act incorporating the borough of Reading, Berks county."

Also, as committed, House bill No. 1203, "An Act to incorporate the Farmers' and Mechanics' mutual insurance company."

Also, as committed, House bill No. 1090, "A supplement to the act incorporating the Exchange mutual insurance company."

Also, (same,) as committed, House bill No. 1274, "A supplement to an act to incorporate the West End insurance company of Philadelphia."

Also, (same,) as committed, "A further supplement to the act incorporating the Kensington steamboat and navigation company."

Also, (same,) as committed, House bill No. 1103, "A further supplement to an act incorporating the town of Lawrenceville into a borough."

Mr. STEELE, (same,) as committed, House bill No. 1368, "An Act to incorporate the Pittston gas company."

Also, (same,) as committed, House bill No. 1502, "An Act to incorporate the Cameron House hotel company."

Also, (same,) House bill No. 1371, "An Act to incorporate the Ross Hill coal company."

Also, (same,) as committed, House bill No. 1297, "An Act to incorporate the trustees of the borough of Pittston, Luzerne county."

Also, (same,) as committed, House bill No. 1343, "An Act to incorporate the Harmony anthracite coal company."

Also, (same,) as committed, House bill No. 1370, "An Act to incorporate the East Scranton improvement company."

Also, (same,) as committed, House bill No. 1369, "An Act to incorporate the New York and Carbondale coal company."

Mr. SHAEFFER, (same,) as committed, "A supplement to an act incorporating the borough of West Chester, in Centre county."

Also, (same,) with a negative recommendation, "An Act to incorporate the Union manufacturing company of Pennsylvania."

Also, (same,) as committed, "An Act to incorporate the National steamship company."

Also, (same,) as committed, House bill No. 1006, "A supplement to an act to erect the town of Chester and vicinity into a borough."

Also, (same,) as committed, House bill No. 1240, "An Act to incorporate the Elm Tree fire insurance company of Philadelphia."

Also, (same,) with amendment, "An Act to incorporate the Warwick manufacturing company."

Mr. GAZZAM, (same,) as committed, House bill No. 282, "An Act to incorporate the Harrisburg park association."

Also, (same,) as committed, "An Act to incorporate the Farmers' and Citizens' hay and straw company."

Also, (same,) as committed, House bill No. 1372, "An Act to incorporate the Literary association of north west Pennsylvania."

Also, (same,) as committed, House bill No. 868, "An Act relating to the Columbia water company."

Also, (same,) as committed, House bill No. 102, "An Act to incorporate the town of Mid-

dleport, Schuylkill county, into a borough."

Also, (same,) with amendment, House bill No. 766, "An Act to incorporate the Anthracite improvement company."

Mr. MARSELIS, (Banks,) with a negative recommendation, House bill No. 242, "An Act to incorporate the Mifflin County Bank."

Also, (same,) with a negative recommendation, House bill No. 816, "An Act to incorporate the Market Street savings fund of Philadelphia."

Mr. KELLER, (same,) with a negative recommendation, House bill No. 594, "An Act to incorporate the Dime savings fund of Harrisburg."

Mr. STEELE, (Railroads,) as committed, House bill No. 1462, "An Act to incorporate the Monongahela passenger railroad company."

Also, as committed, "An Act to incorporate the Junction railroad company."

Mr. RANDALL, (same,) as committed, House bill No. 1136, "An Act to authorize the Pennsylvania railroad company to obtain a better supply of water for the uses of their road."

Also, with a negative recommendation, House bill No. 1030, "An Act requiring the Sunbury and Pottsville railroad company to fence their road."

Mr. CRAIG, (same,) as committed, House bill No. 1238, "An Act incorporating the Darlington, Brandywine and Pequa railroad company."

Also, as committed, "An Act relative to the Philadelphia and Reading railroad company."

Mr. COFFEY, (same,) as committed, House bill No. 1326, "An Act to incorporate the People's passenger railway company of the borough of Harrisburg."

Also, as committed, House bill No. 1355, "An Act to incorporate the New Oxford, Alleatown and York railroad company."

Mr. SCHINDEL, (Education,) with a negative recommendation, House bill No. 361, "An Act to authorize the school directors of the county of Allegheny to select sites for school houses."

Mr. YARDLEY, (same,) House bill No. 1306, "An Act in relation to the election of the trustees, &c."

Mr. WELSH, (same,) House bill No. 1173, "A supplement to an act to provide for the due training of teachers for the common schools of the State."

Mr. FETTER, (Agriculture and Domestic Manufactures,) as committed, House bill No. 538, "A supplement to an act in relation to the better preservation of game."

Mr. RUTHERFORD, (Roads and Bridges,) with a negative recommendation, "An Act to widen Liberty alley, in the city of Reading."

Mr. FETTER, (Militia,) with a negative recommendation, House bill No. 1020, "An Act providing for the pay of the uniformed militia of this Commonwealth."

## BILLS ON THIRD READING.

House bill No. 658, "An Act authorizing the laying out of a State road from Dushore, Sullivan county, to the north branch of the Susquehanna river, at or near Wells' ferry, Bradford county." Passed.

House bill No. 1008, "An Act to authorize the investigation of the claim for damages of Dennis McDonald." Passed.

House bill No. 1463, "A supplement to an



act to incorporate the city of Philadelphia." Passed with amendments.

House Bill 236, "An Act to authorize the State Treasurers to pay A. K. and A. L. Witmer, for losses occasioned in the course of a collision on the Columbia and Philadelphia railroad." Passed.

House bill No. 1456, "An Act to regulate the building of powder magazines and the deposit of powder therein."

Mr. RANDALL offered to amend by adding the following:

"Provided, That this act shall not apply to such buildings as shall be fire-proof, and otherwise safe."

On this amendment,

The yeas and nays were required by Mr. RANDALL and Mr. RUTHERFORD, and were as follow, viz:

YEAS—Messrs. Bell, Keller, Randall, Schell, Turney and Welsh—6.

NAYS—Messrs. Baldwin, Blood, Brewer, Fetter, Finney, Francis, Gazzam, Gregg, Harris, Marselis, Miller, Myer, Nunemacher, Palmer, Parker, Penney, Rutherford, Scofield, Schindel, Steele, Thompson, Wright, Yardley and Cresswell, *Speaker*—23.

So the question was determined in the negative.

The bill passed finally.

House bill No. 203, "An Act relating to the granting of licenses to inns, hotels or taverns."

Mr. WELSH moved to amend, as follows:

Strike out all after the word "tavern," in the seventh line; and insert: "Provided, That the discretion of said courts in the granting of licenses shall not extend to the question of the necessity of such hotel, inn or tavern, but be confined to the inquiry whether the applicant possesses the personal qualifications, and has the necessary accommodations required by law."

On this amendment,

The yeas and nays were required by Mr. WELSH and Mr. MYER, and were as follow, viz:

YEAS—Messrs. Blood, Brewer, Craig, Keller, Marselis, Nunemacher, Randall, Schell, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—14.

NAYS—Messrs. Baldwin, Bell, Coffey, Fetter, Francis, Gregg, Harris, Miller, Myer, Palmer, Parker, Penney, Rutherford, Scofield, Shaeffer, Thompson and Yardley—17.

So the question was determined in the negative.

Mr. SCHELL offered the following amendment:

Provided, That the several courts of quarter sessions shall have and exercise such discretion, and no other, in regard to the necessity of inns or taverns, as is given to said courts by the act relative to inns and taverns, approved March 11, 1834.

Mr. SCOFIELD moved the previous question; which was seconded by Messrs. COFFEY, MYER, HARRIS and PALMER.

And the question being,

Shall the question be now put?

The yeas and nays were required by Mr. MYER and Mr. COFFEY, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Fetter, Francis, Gregg, Harris, Myer, Palmer, Parker, Rutherford, Scofield, Shaeffer and Thompson—13.

NAYS—Messrs. Bell, Blood, Brewer, Craig, Gazzam, Keller, Marselis, Miller, Nunemacher, Penney, Randall, Schell, Schindel, Steele, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—19.

So the question was determined in the negative.

The question recurring on the amendment of Mr. SCHELL,

The yeas and nays were required by Mr.

MYER and Mr. RANDALL, and were as follow, viz:

YEAS—Messrs. Bell, Blood, Brewer, Craig, Keller, Marselis, Miller, Nunemacher, Randall, Schell, Schindel, Steele, Turney, Welsh, Wright and Yardley—16.

NAYS—Messrs. Baldwin, Coffey, Fetter, Francis, Gregg, Harris, Myer, Palmer, Parker, Penney, Rutherford, Scofield, Shaeffer, Thompson and Cresswell, *Speaker*—15.

So the question was determined in the affirmative.

Upon the adoption of the section as amended, The yeas and nays were required by Mr. HARRIS and Mr. BLOOD, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Coffey, Fetter, Finney, Francis, Gregg, Harris, Miller, Myer, Palmer, Parker, Penney, Rutherford, Schell, Scofield, Shaeffer, Schindel, Thompson and Yardley—20.

NAYS—Messrs. Blood, Brewer, Craig, Keller, Marselis, Nunemacher, Randall, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—12.

So the question was determined in the affirmative.

Upon the motion to suspend the rule, and read the bill a third time by its title.

The yeas and nays were required, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Coffey, Fetter, Finney, Francis, Gazzam, Gregg, Harris, Miller, Myer, Palmer, Parker, Penney, Rutherford, Schell, Scofield, Shaeffer, Schindel, Thompson and Yardley—21.

NAYS—Messrs. Blood, Brewer, Craig, Keller, Marselis, Nunemacher, Randall, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—12.

So the question was determined in the negative.

A communication was received from the State printer, and read, in reply to a resolution of the Senate, informing the body that it would be impossible to furnish the copies of the State agricultural report, ordered before the close of the present session.

The following resolution was submitted by Mr. GREGG:

Resolved, That the State printer is hereby ordered to deliver to the custody of the chief clerk of the Senate, the copies of the State agricultural report, ordered by this body, and that he retain in his custody the quota of each Senator, subject to their order.

Mr. SCOFIELD moved to amend by substituting the Secretary of State for the chief clerk.

The amendment was agreed to, and the resolution, as amended, passed.

The following message was received from the Executive, and read:

EXECUTIVE CHAMBER,  
Harrisburg, April 12, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following acts of the General Assembly, viz:

On the 9th inst., "An Act to incorporate the Huntingdon Valley Mutual fire insurance company."

"An Act to incorporate the Manayunk and Roxborough water company."

"A further supplement to the act incorporating the Navigation railroad company, approved April 20, A. D., 1854."

"An Act to incorporate the Germantown Market company of the city of Philadelphia."

"A further supplement to an act to incorporate the Philadelphia and Reading railroad."

"An Act to incorporate the National Art association."

"An Act to modify the existing auction laws of the Commonwealth, and to provide more ef-

fectly for the collection of State tax or duty on such sales in the city of Philadelphia and county of Allegheny."

"An Act to incorporate the Pine Grove turnpike road company, in Centre county."

"A further supplement to an act to incorporate the Lykens Valley railroad company, in Dauphin county, approved the 7th day of April, A. D., 1830."

"An Act for the payment of the claim of Mary Wilson, widow of Thomas Wilson."

"An Act to incorporate the Hydropathic college and institute of Loretto."

"An Act to incorporate the Union market company of Philadelphia."

"Supplement to the act incorporating the Fairmount market company, approved March 16, 1859."

On the 11th inst., "Supplement to the act to incorporate the Penn Haven and White Haven railroad company, approved the 4th day of May, A. D., 1857."

"An Act changing the venue of a certain action from Union to Northumberland county."

"A supplement to an act of the New York and Middle Coalfield railroad and coal company."

"An Act for the relief of the sureties of Samuel W. Pearson, former Clerk of the Senate."

"Supplement to an act to incorporate the Yardleyville bridge company, approved 15th April, 1835."

"An Act to establish a public ferry over the West Branch of the Susquehanna river, near the furnace of Beaver, Geddes, Marsh & Co., in Union township, Union county."

"An Act authorizing the settlement of the account of Levi G. Clover, late collector at Pittsburgh."

"A supplement to the act incorporating the Attleboro, Hulmeville and Bristol turnpike road company."

"An Act supplementary to the act incorporating the borough of Pottsville."

"An Act to incorporate the Union association and reading room."

"An Act to authorize the Governor to appoint an auctioneer for the borough of Scranton, Hyde Park and Providence boroughs, in Luzerne county."

"An Act to incorporate the City and County insurance company of the city of Allegheny."

"An Act authorizing the supervisors of Carbon township, in Huntingdon county, to provide a look-up house at Coalmont, in said county."

"A supplement to the act to incorporate the Mifflord and Metamoras railroad company," approved April 7, 1849."

"An Act to cure an irregularity in the incorporation of the borough of Carmichaels, and declare certain judicial proceedings therein valid."

"An Act to authorize the payment of the claim of John C. Couch, of Huntingdon county."

"An Act relative to the enrolment tax on certain acts of Assembly."

"Supplement to the act to limit and regulate sequestrations in case of the Erie canal company," approved April 9, 1850.

"An Act to incorporate the Indiana County mutual fire insurance company."

"A supplement to an act to incorporate the West Philadelphia railway company."

"An Act to authorize the removal of the dead interred in the grounds connected with the St. Stephens church, Harrisburg."

"An Act to legalize the township election in Terrytown, Bradford county."

"An Act authorizing the removal of the dead from the burying ground, deeded to the first Methodist Episcopal church of Morristown, Montgomery county, Pa., to the Norris City cemetery."

"An Act to adjust the account of F. Knox Morton, late treasurer of the city of Philadelphia."



"An Act authorizing the town council of the borough of Hollidaysburg to license drays and carts."

"An Act providing for the recording of certain papers in the county of Schuylkill."

"An Act to authorize the State Treasurer to refund to Samuel Baird certain money paid by him."

"An Act authorizing the sheriff of Mifflin county to appoint William Shrimp deputy sheriff thereof."

"An Act relating to the election of overseers of the poor in the borough of Blairsville, in the township of Burrell, in the county of Indiana."

"An Act to incorporate the Lebanon County Agricultural and Horticultural society."

"An Act to change the time for electing the officers of the Berks and Lehigh County turnpike road company."

"An Act declaring Willow Creek, in Warren and M'Kean counties, a public highway."

"An Act to incorporate the Pequa and Beaver Valley turnpike road company."

"An Act relating to the borough of North Lebanon, county of Lebanon."

"A supplement to an act repealing the act relative to roads and bridges in the county of Mercer."

"An Act to authorize the Allen Rifles to build an armory."

"An Act for the relief of Sabina Bachman, of Northampton county."

"An Act relating to the east Mahanoy railroad company."

"An Act to incorporate the Peach Bottom and Maryland Line turnpike road company."

"An Act annexing the buildings of William Bratton to Beal township, in Juniata county."

"Supplement to an act incorporating the Carbonale and Providence plank road and turnpike company."

"An Act relating to Brackets in Canoe creek, in the counties of Indiana and Jefferson."

"An Act in regard to the road taxes in Tioga county."

"An Act authorizing the payment of Anderson McClelland, a guardian of John McClelland, a soldier of the Indian wars, a balance due to the said John McClelland."

"An Act for the relief of Thomas Bridgens, collector of the military tax for the borough of Lock Haven, in the county of Clinton, for the year 1856."

A supplement to an act, approved the 20th day of April, 1854, entitled "An Act in relation to establishing and changing the places for holding general elections throughout the Commonwealth."

"An Act relative to elections in St. Thomas and Letterkenney townships, in Franklin county."

"An Act to authorize the Auditor General and State Treasurer to open and re-settle the account between the Commonwealth and the Farmers' and Drivers' Bank of Waynesburg."

"An Act to incorporate the Ministers and Elders of the General Assembly of the United Presbyterian Church of North America."

"An Act to authorize the appointment of three additional notaries public, in the county of Chester."

"An Act to incorporate the Pennsylvania Annual Conference of the Methodist Protestant Church."

"An Act to incorporate the Towanda Library Association."

"An Act to incorporate the Richlandtown turnpike road company."

"An Act to authorize the Chartiers Valley and Hempfield railroad companies to lease their several roads."

"An Act to prevent the destruction of trout, during the spawning season, in the counties of Lycoming, Clinton and Sullivan."

"An Act to incorporate the Sewickley cemetery, of Allegheny county."

"An Act to alter the general borough laws, so far as relates to the borough of Nazareth, Northampton county."

"An Act to incorporate the Lampeter and Bridgeport turnpike road company."

"A supplement to an act to incorporate the Selinsgrove bridge company, approved the 15th day of April, A. D. 1857."

"An Act to authorize the president and managers of the Milford and Richmond turnpike road company to borrow money."

"An Act to declare the North Branch of Tullick creek, in Indiana county, a public highway."

"An Act to incorporate the Manayunk market company of the city of Philadelphia."

"A supplement to an act to authorize the Tyrone and Clearfield railroad company to borrow money."

"An Act to provide for taking testimony in cases of contested elections of members of the General Assembly."

"A supplement to an act to incorporate the Greencastle and Middleburg turnpike road company, approved March 1, A. D. 1859."

"An Act establishing the location of the streets, alleys and lots in a certain part of the borough of Johnstown, Cambria county."

"An Act to incorporate the Lincoln bridge company, in the county of Berks."

"An Act for the relief of John S. Miller."

"An Act authorizing the Auditor General to open and re-settle the account of James Mitchell, late treasurer of Lawrence county."

"An Act to incorporate the Schuylkill hose company in the city of Philadelphia."

"A supplement to an act regulating boroughs."

"An Act to incorporate the ministers and elders constituting the first United Presbyterian Synod of the West."

"An Act to incorporate the Clearfield water company."

"An Act to incorporate the Evangelical Lutheran Synod of West Pennsylvania."

"An Act to incorporate the Mahoning railroad company."

"A supplement to an act incorporating the Kensington steamboat navigation company."

"An Act to declare Johnson's Run, in Fox township, Elk county, a public highway."

"An Act to incorporate the Williamsport library association."

"An Act appointing commissioners to lay out and open a State road in the counties of Potter and M'Kean."

"A supplement to an act to incorporate the Watsonstown bridge company, approved May 9, 1854."

"Supplement to the act consolidating the city of Philadelphia, so far as relates to assessors of the Nineteenth and Twenty-first wards."

"An Act authorizing the school directors of the borough of Auburn, in the county of Schuylkill, to borrow money."

"A further supplement to an act, entitled 'An Act to erect the town of Lebanon, in the county of Lebanon, into a borough, approved February 20, 1821.'"

"An Act declaring Tomb's run a public highway."

"A supplement to an act relating to the fees of aldermen, justices of the peace and constables in and for the city of Pittsburgh and counties of Washington and Lancaster."

"An Act authorizing the Manayunk gas company to consolidate its stock."

"An Act relating to the collection of taxes on unseated lands in the borough of New Brighton, Beaver county."

"An Act to incorporate the Germann hall of arts."

"An Act to amend the road laws and change the manner of appraising damages in the open-

ing of public and private roads in the counties of Adams and Perry."

"An Act relating to the election of officers of the Wyoming canal company."

"An Act to liquidate the amount due on a certain judgment, and to enforce the collection of the same."

"An Act to lay out a State road in Armstrong and Clarion counties."

"A further supplement to the act incorporating the Pennsylvania railroad company."

"An Act to incorporate the Butler mutual insurance company."

"An Act to incorporate the Amity hose company."

"An Act declaring a bridge between the counties of Armstrong and Clarion as a county bridge."

"A supplement to an act to incorporate the Newry railroad company, approved the 15th March, 1859."

"A supplement to the act to incorporate the Erie City hall association, approved 2nd April, 1852."

"Supplement to the act for incorporating the Lehigh and Delaware plank road company."

"An Act to incorporate the the borough of New Columbus, in the county of Luzerne."

"An Act to incorporate the Keylertown, Morrisdale and Philipsburg plank road company."

"An Act regulating the fees of aldermen, justices and constables, relative to poor indigent persons in Lancaster county."

"A supplement to the act to incorporate the trustees of the Associate Reform congregation of Brush Creek, of the county of Westmoreland, approved April 14th, 1834."

WM. F. PACKER.

On motion of Mr. MILLER, House bill No. 1173, "Supplement to the act to provide for the due training of teachers of common schools." Laid over.

On motion of Mr. RUTHERFORD, House bill No. 1116, "A resolution relative to the purchase of a lot adjoining the executive mansion."

On the motion to proceed to the consideration of the bill,

The yeas and nays were required by Mr. RUTHERFORD and Mr. GAZZAM, and were as follow, viz:

YEAS—Messrs. Baldwin, Brewer, Coffey, Fetter, Francis, Gazzam, Gregg, Harris, Keller, Marselis, Myer, Palmer, Parker, Penney, Rutherford, Schell, Scofield, Shaeffer, Schindel, Thompson, Welsh and Yardley—22.

NAYS—Messrs. Bell, Blood, Miller, Nune-macher, Randall, Steele, Turney, Wright and Cresswell, *Speaker*—9.

So the question was determined in the affirmative.

Mr. TURNEY submitted an amendment:

"Provided, That the price agreed upon shall not exceed the sum of six thousand dollars."

The amendment was briefly discussed by Messrs. BELL, GREGG, GAZZAM, WRIGHT, and SCHELL.

Mr. SCOFIELD moved that the further consideration be indefinitely postponed.

On the motion,

The yeas and nays were required by Mr. GAZZAM and Mr. RUTHERFORD, and were as follow, viz:

YEAS—Messrs. Bell, Blood, Coffey, Craig, Marselis, Miller, Myer, Nune-macher, Randall, Schell, Scofield, Schindel, Steele, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—18.

NAYS—Messrs. Baldwin, Brewer, Francis, Gazzam, Gregg, Harris, Palmer, Parker, Penney, Rutherford and Shaeffer—11.

So the question was determined in the affirmative.

Mr. BREWER, on leave given, from the Committee on the Militia System, reported House bill No. 1076, "A supplement to an act for the



better regulation of the militia of this Commonwealth."

The Senate proceeded, on motion of the same gentleman, to the consideration of the same. Passed finally.

On motion of Mr. MARSELIS, House bill No. 528, "A supplement to an act for the better preservation of game." Laid over.

On motion of Mr. TURNEY, House bill No. 738, "An Act regulating the standard weight of oats."

On the final passage of the bill,

The yeas and nays were required by Mr. MYER and Mr. TURNEY, and were as follow, viz:

YEAS—Messrs. Baldwin, Blood, Brewer, Craig, Fetter, Francis, Gazzam, Gregg, Harris, Keller, Miller, Myer, Nunemacher, Schell, Shaeffer, Schindel, Steele, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—22.

NAYS—None.

So the question was determined in the affirmative.

On motion of Mr. SCHELL, House bill No. 1468, "Resolution relative to the report of the Geological Survey."

On the motion to proceed to the consideration of the resolution,

The yeas and nays were required by Mr. SCHELL and Mr. TURNEY, and were as follow, viz:

YEAS—Messrs. Baldwin, Blood, Brewer, Fetter, Finney, Francis, Gazzam, Harris, Keller, Marselis, Myer, Palmer, Parker, Penney, Scofield, Shaeffer, Schindel, Steele, Thompson, Welsh, Yardley and Cresswell, *Speaker*—22.

NAYS—Messrs. Bell, Coffey, Gregg, Miller, Nunemacher, Turney and Wright—7.

So the question was determined in the affirmative.

The Senate then resolved itself into committee of the whole, (Mr. YARDLEY in the chair,) and after some time the committee rose, reported progress, and asked leave to sit again; which was not agreed to.

Mr. FINNEY moved that the Senate adjourn, but subsequently withdrew his motion, for the purpose of allowing the Committee on Accounts to report.

Mr. WRIGHT, on leave given, presented a report from the Committee on Accounts, in relation to the pay of the mileage of Senators.

The report was adopted, and the SPEAKER authorized to draw his warrant on the State Treasurer, for the payment of the same.

Mr. FINNEY renewed his motion to adjourn; which was agreed to.

And the SPEAKER adjourned the Senate until this afternoon at 3 o'clock.

#### SENATE—AFTERNOON SESSION.

Senate met at three o'clock.

##### HOUSE AMENDMENTS

Senate bill No. 819. On motion of Mr. BELL, the Senate receded from its amendments.

Senate bill No. 539. On motion of Mr. YARDLEY, the Senate insist upon its amendments, and appoint a committee of conference.

Senate bill No. 460. On motion of Mr. RUTHERFORD, the bill was postponed for the present.

Senate bill No. 903. On motion of Mr. SHAEFFER, proceeded to second reading of amendments.

On the question of concurring in the amendments,

The yeas and nays were required by Mr. WRIGHT and Mr. SHAEFFER, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Coffey, Finney, Francis, Gazzam, Gregg, Myer, Palmer, Parker, Rutherford, Shaeffer, Thompson, Welsh, Yardley and Cresswell, *Speaker*—16.

NAYS—Messrs. Brewer, Fetter, Harris, Mar-

selis, Miller, Nunemacher, Randall, Scofield, Schindel and Wright—10.

So the question was determined in the affirmative.

On motion of Mr. BALDWIN, House bill No. 398, "A supplement to an act to incorporate the Mount Jay savings institution."

On the motion to proceed to the consideration of the bill,

The yeas and nays were required by Mr. RANDALL and Mr. SHAEFFER, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Finney, Francis, Gazzam, Gregg, Harris, Palmer, Parker, Penney, Rutherford, Thompson and Yardley—13.

NAYS—Messrs. Bell, Marselis, Miller, Myer, Randall, Scofield, Shaeffer, Welsh, Wright and Cresswell, *Speaker*—11.

So the question was determined in the affirmative.

On motion of Mr. MYER, the committee rose, reported progress, and asked leave to sit again.

On the first section of the bill, The yeas and nays were required by Mr. RANDALL and Mr. BALDWIN, and were as follow, viz:

YEAS—Messrs. Baldwin, Gazzam, Gregg, Harris, Palmer, Parker, Penney, Rutherford, Thompson and Yardley—10.

NAYS—Messrs. Bell, Blood, Brewer, Coffey, Fetter, Finney, Keller, Marselis, Miller, Myer, Nunemacher, Randall, Schell, Scofield, Shaeffer, Schindel, Turney, Welsh, Wright and Cresswell, *Speaker*—20.

So the question was determined in the negative.

On motion of Mr. BELL, House bill No. 1278, "An Act to authorize the State Treasurer to pay Robert Young for loss sustained by fire, on the line of the Philadelphia and Reading railroad." Passed with amendment.

On motion of Mr. BLOOD, House bill No. 1466, "An Act relating to the Susquehanna and Waterford turnpike road company, in Clarion, Jefferson and Clearfield counties."

On motion of Mr. BREWER, House bill No. 1355, "An Act to incorporate the New Oxford, Abbottstown and York railroad companies." Passed.

On motion of Mr. COFFEY, House bill No. 1506, "An Act relative to the Kittanning gas company." Passed.

On motion of Mr. SCHELL, the Senate resumed the consideration of House bill No. 469, "An Act to authorize the Secretary of State and State Treasurer to appoint commissioners to examine and adjust certain claims."

And on his motion, the Senate receded from its amendments.

##### HOUSE AMENDMENTS

To Senate bill No. 1237, "An Act to incorporate the Pittsburgh and Birmingham passenger railway company. Concurred in.

Mr. WRIGHT moved to reconsider the vote on House bill No. 460, "An Act to authorize the Secretary of State and State Treasurer to appoint commissioners to examine and adjust certain claims;" which was agreed to.

On the motion to recede, it was not agreed to.

And on motion of Mr. SCOFIELD, a committee of conference was appointed.

House amendments to Senate bill No. 844. Concurred in.

House amendments to Senate bill No. 647.

On motion of Mr. TURNEY, the Senate refused to recede, and appoint a committee of conference.

House amendments to Senate bill No. 544. On motion of Mr. SCHELL, the Senate refuse to concur.

On motion of Mr. BALDWIN, House bill No. 1288, "An Act to incorporate the Downingtown,

Brandywine and Piqua railroad company." Passed.

On motion of Mr. FETTER, House bill No. 1117, "An Act to abolish the office of sealer of wrights and measures in the counties of Washington, Cumberland, Westmoreland and Fayette."

Mr. TURNEY offered an amendment:

Provided, That this act shall not take effect until the expiration of the term of the present incumbents.

On the adoption of the amendment,

The yeas and nays were required by Mr. RANDALL and Mr. FETTER, and were as follow, viz:

YEAS—Messrs. Brewer, Craig, Fetter, Gazzam, Marselis, Miller, Nunemacher, Randall, Schell, Shaeffer, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—16.

NAYS—Messrs. Blood, Coffey, Finney, Francis, Gregg, Harris, Keller, Myer, Palmer, Parker, Penney, Rutherford, Scofield, Thompson and Yardley—15.

So the question was determined in the affirmative.

On motion of Mr. MILLER, the county of Washington was stricken out.

On motion of Mr. FETTER, the county of Perry was inserted.

On motion of Mr. TURNEY, the county of Westmoreland was stricken out.

The bill passed, as amended.

##### SENATE AMENDMENTS

To House bill, No. 1276.

On motion of Mr. RANDALL, the Senate insisted on its amendments.

To House bill No. 1128.

On motion, amendments concurred in.

The hour of five having arrived, the SPEAKER adjourned the Senate until this evening at seven o'clock.

#### SENATE—EVENING SESSION.

Senate met at 7 o'clock.

Mr. YARDLEY, from the Committee to Compare Bills, made report.

On motion of Mr. WELSH, the Senate resumed the consideration of House bill No. 233, "An Act to pay the claim of Nathaniel White." Passed with amendment.

On motion of Mr. SCOFIELD, the Senate proceeded to consider House bill 1551, "An Act to pay George H. Lenhard and Jacob P. Hoffman, folders in the House, each, and that the SPEAKER draw his warrant for the payment of the same." Passed.

##### HOUSE AMENDMENTS.

House amendments to Senate bill 1123. On motion, the Senate receded.

##### BILLS CONSIDERED.

On leave given, Mr. SHAEFFER, from the Committee on Estates and Escheats, reported, with a negative recommendation, House bill No. 1021, "An Act to enable Catharine Sickle to sell certain real estate in Cherry township, Sullivan county."

On motion of Mr. PARKER, House bill No. 1012, "A supplement to an act incorporating the Spring Garden savings fund society of Philadelphia."

On the motion to suspend the rules, and read the bill a third time,

The yeas and nays were required by Mr. WRIGHT and Mr. PARKER, and were as follow, viz:

YEAS—Messrs. Brewer, Coffey, Craig, Finney, Francis, Gazzam, Gregg, Harris, Myer, Palmer, Parker, Penney, Rutherford, Schell, Scofield, Welsh and Yardley—17.

NAYS—Messrs. Blood, Fetter, Keller, Marselis, Miller, Nunemacher, Randall, Turney, Wright and Cresswell, *Speaker*—10.

So the question was determined in the negative.



On motion of Mr. HARRIS, House bill No. 683, "An Act to incorporate the Washington fire insurance company, to be located in the city of Philadelphia." Passed.

On the final passage of the bill,

The yeas and nays were required by Mr. WRIGHT and Mr. HARRIS, and were as follows, viz:

YEAS—Messrs. Brewer, Finney, Francis, Gazzam, Gregg, Harris, Palmer, Parker, Penney, Rutherford, Shaeffer, Schindel, Steele, Thompson, Welsh and Yardley—16.

NAYS—Messrs. Blood, Craig, Fetter, Keller, Marselis, Miller, Nunemacher, Schell, Turney, Wright and Cresswell, *Speaker*—11.

So the question was determined in the affirmative.

On motion of Mr. GAZZAM, House bill No. 1462, "An Act to incorporate the Monongahela passenger railway company." Passed.

On motion of Mr. GREGG, House bill No. 562, "An Act fixing the place for holding the general and township elections in Lycoming township, Lycoming county." Passed.

On motion of Mr. HARRIS, House bill No. 1054, "An Act fixing the place of holding elections in South Buffalo township, Armstrong county." Passed.

On motion of Mr. SHEAFFER, House bill No. 350, "An Act for the relief of Rachel Robinson, widow of an old soldier." Passed.

On motion of Mr. MARSELIS, House bill No. 866, "An Act relative to the Weccacoe and Moyamensing meadow company." Passed.

Mr. HARRIS, from the Committee on Pensions and Gratuities, on leave given, reported, as committed, House bill No. 918, "An Act for the relief of Elizabeth Roberts, widow of an old soldier."

On motion of Mr. MILLER, the Senate proceeded to the consideration of the same." Passed finally.

On motion of Mr. MYER, House bill No. 496, "An Act to incorporate the Laporte gas and water company." Passed.

On motion of Mr. SCHINDEL, House bill No. 910, "An Act to incorporate the Philadelphia ice company and for other purposes." Passed.

On motion of Mr. SHEAFFER, House bill No. 1102, "An Act to incorporate the town of Middleport, in the county of Schuylkill, into a borough." Passed.

On motion of Mr. TURNEY, the Senate resumed the consideration of House bill No. 1214, "An Act to pay the claim of John W. Geary and Israel Painter."

On the second reading of the bill,

The yeas and nays were required by Mr. MILLER and Mr. TURNEY, and were as follows, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Fetter, Francis, Gazzam, Keller, Palmer, Parker, Rutherford, Schell, Shaeffer, Schindel, Thompson, Turney, Welsh and Cresswell, *Speaker*—17.

NAYS—Messrs. Bell, Blood, Brewer, Finney, Gregg, Harris, Marselis, Miller, Myer, Nunemacher, Penney, Randall, Steele, Wright and Yardley—15.

So the question was determined in the affirmative.

Mr. FETTER, on leave given, from the Committee on Corporations, reported, as committed, House bill No. 1189, "An Act to repeal so much of an act as relates to the Glen Hope turnpike road company."

On motion, the Senate proceeded to the consideration of the same. Passed finally.

On motion of Mr. SCHINDEL, House bill No. 910, "A supplement to an act to incorporate the Philadelphia ice company and for other purposes." Passed.

On motion of Mr. PARKER, House bill No. 813, "An Act supplementary to an act to in-

corporate the six-penny savings fund of Philadelphia."

On motion of Mr. FINNEY, House bill No. 1482, "An Act to authorize the corporation of St. Paul's church, in the city of Erie, to sell certain real estate."

On motion of Mr. PARKER, House bill No. 1274, "A further supplement to an act to incorporate the West End insurance company of Philadelphia." Passed.

On motion of Mr. RUTHERFORD, House bill No. 1210, "An Act relative to the payment of the claim of Burke and Gonder."

On the motion to suspend the rules,

The yeas and nays were required by Mr. MILLER and Mr. RUTHERFORD, and were as follows, viz:

YEAS—Messrs. Brewer, Fetter, Gazzam, Keller, Myer, Palmer, Parker, Rutherford, Schell, Shaeffer, Schindel, Steele, Welsh, Wright and Cresswell, *Speaker*—15.

NAYS—Messrs. Baldwin, Blood, Coffey, Craig, Finney, Gregg, Harris, Marselis, Miller, Nunemacher, Penney, Scofield and Thompson—13.

So the question was determined in the negative.

On motion of Mr. SCHELL, House bill No. 704, "An Act to confer upon Joseph Crieckfield, of Somerset county, all the rights and privileges of a child born in lawful wedlock." Passed.

On motion, the Senate adjourned until tomorrow morning at half past 9 o'clock.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, April 12, 1859.

The House was called to order at 9½ o'clock.

Prayer was offered by the Rev. Thos. Creigh, of Mercersburg.

The Clerk read the Journal of yesterday.

#### SENATE BILLS.

Mr. LAWRENCE, (Washington,) moved that the House proceed to the consideration of Senate bill No. 1223, "An Act in relation to actions of ejectment;" which was agreed to.

Whereupon the same was considered and passed finally.

Mr. PATTERSON called up Senate bill No. 1072, "A supplement to an act to incorporate the Protestant Episcopal Society for the promotion of evangelical knowledge;" which was considered and passed finally.

Mr. WILLIAMS (Bucks) called up Senate bill No. 202, "A further supplement to an act authorizing the Canal Commissioners to examine the claim of Thomas Morley;" which was considered and passed finally.

Mr. ELLMAKER called up Senate bill, entitled "A further supplement to an act to incorporate the Bedford Mineral Springs association;" which was considered and passed finally.

Mr. PRICE called up Senate bill No. 903, "An Act for the relief of the late firm of Modewell & Longenecker;" which was considered and passed finally.

Mr. FISHER called up Senate bill No. 1103, "An Act to incorporate the Delaware Avenue market company of the city of Philadelphia;" which was considered and passed finally.

Mr. BURLEY, called up Senate bill No. 1023, "A further supplement to an act regulating lateral railroads."

Whereupon the House resolved itself into committee of the whole (Mr. SHEPPARD in the Chair) and passed the same.

The bill passed the House finally, as follows:

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* when the owner or owners of any mines of iron ore within the county of Blair shall desire to construct a railroad therefrom under the surface of the earth, he or they, their agents, en-

gineers and artists may enter upon the lands of other persons where the said railroad enters under the surface, and thereon mark out so much thereof as may be necessary for a place for the deposit of rock slate and earth excavated in the working of said mines not exceeding one acre; and he or they may take, appropriate and use the same for the purpose aforesaid, subject nevertheless, to all the provisions and restrictions of an act, entitled "An Act regulating lateral railroads," passed the fifth day of May, one thousand eight hundred and thirty-two, and the supplements thereto.

Mr. KINNEY called up Senate bill No. 535, "A further supplement to an act to incorporate the Bradford railroad and coal company;" which was considered and passed finally.

SECTION 1. *Be it enacted by the Senate and House of Representatives, of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the clause in the eighth section of the said act, having reference to the forfeiture of stock in the said company, be and the same is hereby repealed; and that in lieu thereof, the said eighth section shall be amended, as follows: the directors may from time to time call in, on thirty days notice thereof, in at least one newspaper printed in the county of Bradford, and two daily papers printed in the city of Philadelphia, such instalments on the stock of said company as they may judge best, not exceeding twenty per cent. thereof, at any one time and place appointed; and if any instalment on the stock so called in, shall remain unpaid for the space of thirty days from the time so appointed, every such stockholder or subscriber, or his or her assignee, shall in addition to the instalment so called for, pay at the rate of one per centum per month for the delay of such payment; or in default of payment by any stockholder or subscriber of any such instalment as aforesaid, the directors may cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid; or at their election, may cause the share or shares of stock on which the same shall be due, to be sold at public auction to the highest and best bidder, and the proceeds of such sale applied to the payment of the instalment or instalments due, with interest and expenses of such sale; and the surplus, if any, shall be paid over to such delinquent stockholder or stockholders: *Provided*, That no stockholder, whether an original subscriber or assignee, shall be entitled to vote at any election or at any general or special meeting of said company, on whose share or shares any instalment or arrearages may be due and payable, more than thirty days previously to said election or meeting.

Mr. WILSON called up Senate bill No. 1045, "An Act relative to the unadjusted claims against the Commonwealth;" which was considered and passed finally.

Mr. OAKS called up Senate bill No. 1046, "An Act for the relief of the sureties of Wm. Wilson, jr., late collector of tolls at Northumberland," which was considered and passed finally.

Mr. ROUSE called up Senate bill No. 743, "An Act relative to the election of district attorney," which was considered and passed finally, (Mr. WOODRING in the chair,) as follows:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the true intent of the act of May third, one thousand eight hundred and fifty, providing for the election of district attorney, shall be held to be, and it is hereby enacted, that any person heretofore elected by the electors of any county to fill a vacancy in the office of district attorney, shall be held to have been elected for the



full term of three years; and all persons so elected, or that may be hereafter elected to said office, shall hold the office for that length of time; and the official acts of all persons while in office, who have been elected to fill vacancies, and who have continued in office three years, are hereby declared valid.

Mr. BOYER, (Schuylkill,) called up Senate bill No. 366, "Supplement to an act to incorporate the Middle Coalfield furnace and railroad company;" which was considered and passed finally.

Mr. GRAHAM called up Senate bill No. 1229, "An Act to equalize taxation in the borough of Washington;" which was considered and passed finally.

Mr. FEARON called up Senate bill No. 292, "An Act relative to the fees of county surveyors;" which was considered in committee of the whole, (Mr. DISMANT in the Chair,) and passed the House finally, as follows:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the several county surveyors of this Commonwealth, shall be and are hereby authorized to charge and receive for the services hereinafter mentioned, the following fees, and no more, to wit:*

For receiving warrant and giving receipt for the same if required, twenty-five cents.

For executing warrants not exceeding one hundred acres, four dollars and fifty cents.

For each additional one hundred acres on same warrant, seventy-five cents.

For return of survey to Surveyor General's office, one dollar.

For draft thereof to the warrantee, twenty-five cents.

For executing order of re-survey, and making return thereof, same fees as for like service on original survey.

For certifying survey made by deputy, fifty cents.

For each mile necessarily traveled in going to and returning from land, ten cents.

SEC. 2. That if any county surveyor shall take greater or other fees than is hereinbefore expressed and limited for the service designated, he shall be subject to all the penalties and liabilities prescribed by the twenty-sixth section of the act of the twenty-eighth of March, one thousand eight hundred and fourteen, entitled "An Act establishing a fee bill."

SEC. 3. That all laws or parts of laws relating to the fees of surveyors inconsistent herewith, be and the same are hereby repealed.

Mr. WITHROW offered a resolution that the Senate be requested to return to the House a bill, entitled "An Act to run and define part of the boundary line between Mifflin and Huntingdon counties," for the purpose of amendment; which was read the second time.

And on the final passage of the resolution, The yeas and nays were required by Mr. WIGTON and Mr. WAGENSELLER, and were as follow, viz:

YEAS—Messrs. Acker, Bertolet, Bryson, Campbell, Dismant, Dodds, Durhoraw, Eekman, Fleming, Glatz, Good, Hottenstine, Irish, Ketchum, Kinney, Matthews, M'Curdy, Nill, Oaks, Palm, Patterson, Proudfoot, Pughe, Quigley, Rouse, Shafer, Sheppard, Smead, Stephens, Stoneback, Stuart, Styer, Taylor, Wagenseller, Wiley, Williams, (Bedford,) Williams, (Bucks,) Withrow and Wolf—38.

NAYS—Messrs. Abbott, Barlow, Boyer, (Clearfield,) Brodhead, Custer, Ellmaker, Fearon, Foster, Galley, Goepp, Graham, Gray, Green, Hill, Laird, Lawrence, (Washington,) Miller, Pennell, Peirce, Price, Smith, (Berks,) Warden, Wigton, Woodring and Zoller—25.

So the question was determined in the affirmative.

Mr. IRISH called up Senate bill No. 1237, "An Act to incorporate the Pittsburg and Birmingham passenger railway company;" which was considered and passed finally.

Mr. WITMAN called up Senate bill No. 1026, "An Act for the relief of R. J. Fleming;" which was considered and passed finally.

Mr. NILL called up Senate bill No. 672, "An Act relating to sureties of county treasurers;" which was considered and passed finally, as follows:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That whenever any county treasurer within this Commonwealth shall fail to pay to the Commonwealth, on demand being made, the balance found to be due by him upon settlement of his account by the Auditor General and State Treasurer, a petition may be presented to the court of common pleas of the county wherein the said treasurer may reside, at the instance of the Attorney General, or one or more of the sureties of said county treasurer, praying for his dismissal from office on account of said default. Upon the presentation of said petition, the said court shall enter a rule upon said county treasurer to appear on a day certain to show cause why he should not be removed from said office, of which due notice shall be given to said county treasurer.*

SEC. 2. That upon the hearing of said rule, if it shall be made to appear to the satisfaction of said court that the said officer is in default for the non-payment of money due the Commonwealth, the court shall forthwith make a decree dismissing him from the said office; and upon receiving a certified copy of the said decree, the commissioners of the proper county shall immediately fill the vacancy thereby created, for the unexpired term of said treasurer.

Mr. GRAY called up Senate bill 1164, "An Act relating to the time of holding the courts in Greene county;" which was considered; and passed finally.

Mr. THORN moved that the House proceed to the consideration of Senate bill No. 1128, "An Act relative to the sale of the Northwestern railroad company;" which was agreed to; and the bill passed finally.

Mr. SMEAD called up Senate bill No. 1123, "An Act in relation to the Towanda and Burlington plank road company;" which was considered and passed finally.

Mr. WILLIAMS, (of Bedford,) called up Senate bill No. 538, "An Act for the relief of Liberty township school district, in Bedford county."

And being on final passage, it was not agreed to.

Mr. HAMERSLY called up Senate bill No. 1168, "Supplement to an act establishing a mode for drawing and selecting jurors in and for the city of Philadelphia;" which was considered and passed finally.

Mr. WIGTON called up Senate bill No. 1037, "An Act authorizing the payment of the claim of Andrew Wise, of Huntingdon county;" which was considered and passed finally.

Mr. TAYLOR called up Senate bill No. 1239, "An Act to authorize the managers of the Indiana and Ebensburg turnpike road company to collect tolls for certain purposes;" which was considered and passed finally.

Mr. NILL called up Senate bill 1131, "An Act to incorporate the Valley Forge military academy;" which was considered and passed finally.

Mr. PROUDFOOT called up Senate bill No. 1152, "Supplement to the act dividing the borough of Johnstown into wards;" which was considered and passed finally.

Mr. GOEPP offered a joint resolution that House bill No. 182, "An Act to confer upon

certain associations of citizens of this Commonwealth all the rights and immunities of corporations and bodies politic in law, and to confirm charters heretofore granted," be amended by striking out the 11th section; which was twice read and passed finally.

Mr. HAMERSLY offered a resolution that the State printer be directed to print 3000 copies of the report of the Auditor General on banks and savings institutions, for the use of members of the next House of Representatives, and that they be laid on the desks of the members at the opening of the session; and that 1000 copies of all public bills passed at the present session, be printed for the use of the members; which was read the second time.

Mr. NILL moved that the further consideration of the bill be indefinitely postponed, which was not agreed to.

Mr. CHASE called for a division of the question,

And the resolutions were severally adopted.

Mr. KINNEY offered a joint resolution relative to the pay of George H. Lenhard and Jacob Hoffman, folders of the House; which was considered and passed finally.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor; which was read, as follows, viz:

EXECUTIVE CHAMBER,

Harrisburg, April 12, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following acts of the General Assembly viz:

On the 9th instant:

"An Act to incorporate the Huntindon Valley mutual fire insurance company."

"An Act to incorporate the Manayunk and Roxborough water company."

"A further supplement to the act incorporating the Navigation railroad company, approved April 20, A. D. 1854."

"An Act to incorporate the Germantown market company of the city of Philadelphia."

"A further supplement to an act to incorporate the Philadelphia and Reading railroad."

"An Act to incorporate the National Art association."

"An Act to modify the existing auction laws of the Commonwealth, and to provide more effectually for the collection of State tax or duty on auction sales in the city of Philadelphia and county of Allegheny."

"An Act to incorporate the Pine Grove turnpike road company, in Centre county."

"A further supplement to an act to incorporate the Lykens Valley railroad company, in Dauphin county, approved the 7th day of April, A. D. 1830."

"An Act for the payment of the claim of Mary Wilson, widow of Thomas Wilson."

"An Act to incorporate the Hydropathic college and institute of Loretto."

"An Act to incorporate the Union market company of Philadelphia."

"Supplement to the act incorporating the Fairmount market company, approved March 16, 1859."

On the 11th inst.:

"Supplement to the act to incorporate the Penn Haven and White Haven railroad company, approved the 4th day of May, A. D. 1857."

"An Act changing the venue of a certain action from Union to Northumberland county."

"A supplement to an act of the New York and Middle Coal Field railroad and coal company."

"An Act for the relief of the sureties of Samuel W. Pearson, former Clerk of the Senate."

"Supplement to an act to incorporate the Yardleyville bridge company, approved 15th April, 1835."



- "An Act to establish a public ferry over the West Branch of the Susquehanna river, near the furnace of Beaver, Geddes, Marsh & Co., in Union township, Union county."
- "An Act authorizing the settlement of the account of Levi G. Clover, late collector at Pittsburgh."
- "A supplement to the act incorporating the Attleboro', Hulmeville and Bristol turnpike road company."
- "An Act supplementary to the act incorporating the borough of Pottsville."
- "An Act to incorporate the Union association and reading room."
- "An Act to authorize the Governor to appoint an auctioneer for the borough of Scranton, Hyde Park and Providence boroughs, in Luzerne county."
- "An Act to incorporate the City and County insurance company of the city of Allegheny."
- "An Act authorizing the supervisors of Carbon township, in Huntingdon county, to provide a lock-up house at Coalmount, in said county."
- "A supplement to the act to incorporate the Milford and Metamoras railroad company, approved April 7, 1849."
- "An Act to cure an irregularity in the incorporation of the borough of Carmichaels, and declare certain judicial proceedings therein valid."
- "An Act to authorize the payment of the claim of John C. Couch, of Huntingdon county."
- "An Act relative to the enrolment tax on certain acts of Assembly."
- "Supplement to the act to limit and regulate sequestration, in case of the Erie canal company," approved April 9, 1850.
- "An Act to incorporate the Indiana County mutual fire insurance company."
- "A supplement to an act to incorporate the West Philadelphia railway company."
- "An Act to authorize the removal of the dead interred in the grounds connected with the St. Stephens church, Harrisburg."
- "An Act to legalize the township election in Terrytown, Bradford county."
- "An Act authorizing the removal of the dead from the burying ground, deeded to the first Methodist Episcopal church of Morristown, Montgomery county, Pa., to the Norris City cemetery."
- "An Act to adjust the account of F. Knox Morton, late treasurer of the city of Philadelphia."
- "An Act authorizing the town council of the borough of Hollidaysburg to license drays and carts."
- "An Act providing for the recording of certain papers in the county of Schuylkill."
- "An Act to authorize the State Treasurer to refund to Samuel Baird certain money paid by him."
- "An Act authorizing the sheriff of Mifflin county to appoint William Shrimp deputy sheriff thereof."
- "An Act relating to the election of overseers of the poor in the borough of Blairsville, in the township of Burrell, in the county of Indiana."
- "An Act to incorporate the Lebanon County Agricultural and Horticultural society."
- "An Act to change the time for electing the officers of the Berks and Lehigh County turnpike road company."
- "An Act declaring Willow Creek, in Warren and McKean counties, a public highway."
- "An Act to incorporate the Pequa and Beaver Valley turnpike road company."
- "An Act relating to the borough of North Lebanon, county of Lebanon."
- "A supplement to an act repealing the act relative to roads and bridges in the county of Mercer."
- "An Act to authorize the Allen Rifles to build an armory."
- "An Act for the relief of Sabina Bachman, of Northampton county."
- "An Act relating to the east Mahanoy railroad company."
- "An Act to incorporate the Peach Bottom and Maryland Line turnpike road company."
- "An Act annexing the buildings of William Bratton to Beal township, in Juniata county."
- "Supplement to an act incorporating the Carbondale and Providence plank road and turnpike company."
- "An Act relating to Brackets in Canoe creek, in the counties of Indiana and Jefferson."
- "An Act in regard to the road taxes in Tioga county."
- "An Act authorizing the payment of Anderson McClelland, a guardian of John McClelland, a soldier of the Indian wars, a balance due to the said John McClelland."
- "An Act for the relief of Thomas Bridgens, collector of the military tax for the borough of Lock Haven, in the county of Clinton, for the year 1856."
- "A supplement to an act, approved the 20th day of April, 1854, entitled 'An Act in relation to establishing and changing the places for holding general elections throughout the Commonwealth.'"
- "An Act relative to elections in St. Thomas and Letterkenney townships, in Franklin county."
- "An Act to authorize the Auditor General and State Treasurer to open and re-settle the account between the Commonwealth and the Farmers' and Drovers' Bank of Waynesburg."
- "An Act to incorporate the Ministers and Elders of the General Assembly of the United Presbyterian Church of North America."
- "An Act to authorize the appointment of three additional notaries public, in the county of Chester."
- "An Act to incorporate the Pennsylvania Annual Conference of the Methodist Protestant Church."
- "An Act to incorporate the Towanda Library Association."
- "An Act to incorporate the Richlandtown turnpike road company."
- "An Act to authorize the Chartiers Valley and Hempfield railroad companies to lease their several roads."
- "An Act to prevent the destruction of trout during the spawning season, in the counties of Lycoming, Clinton and Sullivan."
- "An Act to incorporate the Sewickley cemetery, of Allegheny county."
- "An Act to alter the general borough laws, so far as relates to the borough of Nazareth, Northampton county."
- "An Act to incorporate the Lampeter and Bridgeport turnpike road company."
- "A supplement to an act to incorporate the Selinsgrove bridge company, approved the 18th day of April, A. D. 1857."
- "An Act to authorize the president and managers of the Milford and Richmond turnpike road company to borrow money."
- "An Act to declare the North Branch of Tullick creek, in Indiana county, a public highway."
- "An Act to incorporate the Manayunk market company of the city of Philadelphia."
- "A supplement to an act to authorize the Tyrone and Clearfield railroad company to borrow money."
- "An Act to provide for taking testimony in cases of contested elections of members of the General Assembly."
- "A supplement to an act to incorporate the Greencastle and Middleburg turnpike road company, approved March 1, A. D. 1859."
- "An Act establishing the location of the streets, alleys and lots in a certain part of the borough of Johnstown, Cambria county."
- "An Act to incorporate the Lincoln bridge company, in the county of Berks."
- "An Act for the relief of John S. Miller."
- "An Act authorizing the Auditor General to open and re-settle the account of James Mitchell, late treasurer of Lawrence county."
- "An Act to incorporate the Schuylkill hose company, in the city of Philadelphia."
- "A supplement to an act regulating boroughs."
- "An Act to incorporate the ministers and elders constituting the first United Presbyterian Synod of the West."
- "An Act to incorporate the Clearfield water pany."
- "An Act to incorporate the Evangelical Lutheran Synod of West Pennsylvania."
- "An Act to incorporate the Mahoning railroad company."
- "A supplement to an act incorporating the Kensington steamboat navigation company."
- "An Act to declare Johnson's Run, in Fox township, Elk county, a public highway."
- "An Act to incorporate the Williamsport library association."
- "An Act appointing commissioners to lay out and open a State road in the counties of Potter and McKean."
- "A supplement to an act to incorporate the Watsonstown bridge company, approved May 9, 1854."
- "Supplement to the act consolidating the city of Philadelphia, so far as relates to assessors of the Nineteenth and Twenty-first wards."
- "An Act authorizing the school directors of the borough of Auburn, in the county of Schuylkill, to borrow money."
- "A further supplement to an act, entitled 'An Act to erect the town of Lebanon, in the county of Lebanon, into a borough, approved February 20, 1821.'"
- "An Act declaring Tomb's run a public highway."
- "A supplement to an act relating to the fees of aldermen, justices of the peace and constables in and for the city of Pittsburgh and counties of Washington and Lancaster."
- "An Act authorizing the Manayunk gas company to consolidate its stock."
- "An Act relating to the collection of taxes on unseated lands in the borough of New Brighton, Beaver county."
- "An Act to incorporate the German hall of arts."
- "An Act to amend the road laws and change the manner of appraising damages in the opening of public and private roads in the counties of Adams and Perry."
- "An Act relating to the election of officers of the Wyoming canal company."
- "An Act to liquidate the amount due on a certain judgment, and to enforce the collection of the same."
- "An Act to lay out a State road in Armstrong and Clarion counties."
- "A further supplement to the act incorporating the Pennsylvania railroad company."
- "An Act to incorporate the Butler mutual insurance company."
- "An Act to incorporate the Amity horse company."
- "An Act declaring a bridge between the counties of Armstrong and Clarion as a county bridge."



"A supplement to an act to incorporate the Newry railroad company, approved the 15th March, 1859."

"A supplement to the act to incorporate the Erie City hall association, approved 2nd April, 1852."

"Supplement to the act for incorporating the Lehigh and Delaware plank road company."

"An Act to incorporate the borough of New Columbus, in the county of Luzerne."

"An Act to incorporate the Keylertown, Morrisdale and Philipshurg plank road company."

"An Act regulating the fees of aldermen, justices and constables, relative to poor indigent persons in Lancaster county."

"A supplement to the act to incorporate the trustees of the Associate Reform congregation of Brush Creek, of the county of Westmoreland, approved April 14th, 1834"

WM. F. PACKER.

Mr. GOEPP called up Senate bill No. 169, "An Act relating to commissions of justices of the peace and aldermen;" which was considered and passed finally, (Mr. ELLMAKER in the chair,) as follows:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That every person hereafter elected to the office of justice of the peace or alderman, shall, within, thirty days after the election, if he intends to accept said office, give notice thereof, in writing, to the prothonotary of the common pleas of the proper county, who shall immediately inform the Secretary of the Commonwealth of said acceptance; and no commission shall issue until the Secretary of the Commonwealth has received the notice aforesaid.

SEC. 2. That so much of an act of Assembly as requires constables to send copies of the returns of the election of aldermen and justices of the peace to the Governor of the Commonwealth, is hereby repealed.

SEC. 3. That whenever any person elected to the office of alderman or justice of the peace shall fail to give the notice of acceptance as provided for in the first section of this act, within thirty days after said election, the office shall be considered vacant, and shall be filled as vacancies are now filled by law.

Mr. WITMAN called up Senate bill No. 704, "An Act to authorize the trustees of the corporation of the United Brethren in Christ, of Middleton, Dauphin county, to convey certain real estate;" which was considered and passed finally.

Mr. BURLEY called up Senate bill No. 1219, "An Act relative to the claim of James Condrnn;" which was considered and passed finally.

Mr. SMEAD called up Senate bill No. 1050, "An Act to authorize the Auditor General to correct certain accounts;" which was considered and passed finally.

Mr. WIGTON called up Senate bill No. 544, "An Act relative to the claim of Jackson Fee;" which was considered.

Mr. SMITH, (Berks,) moved to amend, by requiring the Auditor General to report the amount to the next Legislature; which was agreed to.

And the bill, as amended, passed finally.

Mr. WOLF called up House bill No. 1263, "An Act to incorporate the Wrightsville steam ferry company;" which was considered.

Mr. GREEN forwarded to the SPEAKER'S desk a memorial against the passage of the act; which was read by the Clerk.

And on the question,

Will the House agree to the bill,

It was determined in the affirmative.

Mr. GALLEY, from the conference committee on House bill No. 885, "An Act repealing an act to increase the pay of jurors, witnesses, &c., so far as relates to Fayette county," made report; which was read and adopted.

Mr. HAMERSLY called up Senate bill 1214, "Supplement to an act to authorize the courts of common pleas to change names of persons;" which was considered and passed finally.

Mr. THORN alluded to the speech which Mr. STEPHENS delivered on Friday last. He admitted it to be overpoweringly eloquent, but objected to the course which had afterwards been taken by the gentleman from Wayne (Mr. STEPHENS) in directing the publishers of the *Record* to strike out the remarks of all other gentlemen who had spoken on the subject. He now asked that the remarks which he had made on that occasion be published, as follows:

MR. SPEAKER: This House have been entertained and instructed by the very eloquent remarks of the gentleman from Wayne. The manner of the gentleman, and the lamentable condition of our Commonwealth, as described by him, the probable destruction of our institutions, because of the degeneracy of her representatives, forcibly remind me of the unfortunate condition of a boat descending the Ohio. It was freighted with, or had on board, some souls; it encountered a severe storm, and after much trouble all were saved. The pilot afterwards described the scene and the condition of the boat in the following language:

"She pitched and heaved, and heaved and pitched,  
And up her rudder flung;  
And every time she pitched and heaved,  
A worse leak she sprung."

Mr. STEPHENS said that the remarks in question had been published in *Berger's* paper, and that they were in character with the man who controlled that sheet. The remarks were entirely out of place. He had done nothing but his duty to his country.

Mr. THORN said that his remarks had been entertained by the SPEAKER, and therefore were not out of place. He did object, however, to the clandestine course of the gentleman from Wayne, (Mr. STEPHENS.)

Mr. SMITH, (Berks,) said that at this juncture, when it was so important to the members that the *Record* should be right, he had been surprised to find it incorrect, not through any action of the Reporters, but through the effort of Mr. STEPHENS. In the printed speech of that gentleman, (written by himself,) there was an insidious allusion to members who were controlled by "British Bondholders." Now, the gentleman from Wayne, when he delivered the speech, had made no such remarks. He called upon Mr. STEPHENS to explain whether by that printed allusion, he had any reference to the connection which he, (Mr. SMITH, Berks,) was supposed to have with the Reading railroad. If Mr. STEPHENS had uttered the same words which he caused to be printed, they would have met an immediate response on the floor.

Mr. STEPHENS said that he had not alluded to the gentleman from Berks, (Mr. SMITH.)

Mr. HARDING wished the gentleman to state who he had alluded to.

Mr. HAMERSLY said that several questions and some remarks which he had volunteered, when the gentleman from Wayne was delivering his celebrated speech, had also been withheld from the *Record*, by order of Mr. STEPHENS.

Mr. KINNEY said that a resolution of his, had also been stricken out.

Mr. THOMPSON protested against the action of the gentleman from Wayne, (Mr. STE-

PHENS, in thus causing remarks of other members to be suppressed, when he distributed two thousand copies of his own speech throughout the State. It was unfair. He wished the gentleman to explain what he had meant in his speech, by a comparison between the Czar of Russia, and the President of the United States.

Mr. STEPHENS said that all his acts had been in obedience to the duty which he owed his country. The remarks of the other gentlemen, if they had been published, would have injured him. He had attempted fruitlessly to attract the attention of the SPEAKER at the time they were delivered.

Mr. SMITH, (Berks,) rose to a point of order. It was not proper or honorable to cast reflections on the SPEAKER, when that gentleman had no opportunity to reply.

Mr. HARDING rose to a conundrum, and wanted an answer. What was the difference between the Czar of Russia and the President of the United States?

Mr. STEPHENS knew that what he had said had made the gentleman from Berks, (Mr. SMITH,) sore.

Mr. SMITH, (Berks,) called upon Mr. STEPHENS to explain? What did he mean by saying that he (Mr. SMITH,) was sore? Was it intended as an aggravation of an injury already inflicted?

Mr. STEPHENS relied upon the people of the State and country to sustain him.

Mr. ROHRER said that his resolution at the conclusion of Mr. STEPHENS' speech had also been left out. The resolution had been to give three cheers for the American eagle; and had been offered in good faith.

Mr. STEPHENS said that the gentleman from Armstrong, (Mr. ROHRER,) would have sustained him, if he had been a man.

Mr. ROHRER rose to a personal explanation. He wished to know what the gentleman meant.

#### SENATE AMENDMENTS

To House bill, entitled "An Act to incorporate the Pittsburg gymnasium association," were read; and, on motion of Mr. McDOWELL, non-concurred in.

To House bill, entitled "Supplement to an act to incorporate the North Pennsylvania railroad company," were read and non-concurred in, on motion of Mr. HAMERSLY.

Mr. LAWRENCE, (Washington,) moved that the vote by which the resolution granting the use of this Hall to the Democratic State Convention was passed, be re-considered; which was agreed to.

The resolution being on final passage,

Mr. LAWRENCE, (Washington,) moved to postpone the further consideration of the resolution until this afternoon; which was agreed to.

Mr. KINNEY offered the following resolution:

*Resolved*, That a committee of thirteen be appointed to wait on the third house, to ascertain if they have any further business in readiness for this House.

The SPEAKER ruled the resolution out of order.

An extract from the Journal of the Senate was read and adopted.

Mr. GALLEY offered a resolution, that the SPEAKER of the House of Representatives be directed to withhold his signature from bill, entitled "An Act relative to the division of the borough of Uniontown, Fayette county;" which was considered and adopted.

The hour of one having arrived, the SPEAKER adjourned the House until this afternoon at three o'clock.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

79.

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## HOUSE.—AFTERNOON SESSION.

The House was called to order at 3 o'clock. The SPEAKER in the chair.

Mr. THORN moved to take a recess for half an hour; agreed to.

And the SPEAKER adjourned the House.

### AFTER RECESS.

House re-assembled at 3½ o'clock.

Mr. HAMERSLY moved that when the House adjourns it do so to meet at 8 o'clock.

Mr. GLATZ moved to amend, by saying 7½ o'clock.

Mr. WILSON moved to amend the amendment, by making it 7¼ o'clock.

The proposition to meet at 8 o'clock was agreed to.

Mr. LAWRENCE, (Washington,) called up "Resolution relative to granting the Hall to the Democratic Convention from 12 M. to 7 P. M., to-morrow.

Mr. THOMPSON moved to amend, by saying from 10 A. M. to 7. P. M.

The original resolution, as thus amended, was agreed to.

Mr. QUIGLEY moved to adjourn.

Not agreed to.

The House adjourned.

## HOUSE.—EVENING SESSION.

The House met at 8 o'clock, and was called to order by the SPEAKER.

Mr. FOSTER called up Senate bill No. 1228, "An Act repealing an act relating to executions against bridge companies;" which was considered and passed finally.

Mr. SHEPPARD, from the Committee to Compare Bills, made report; which was read.

### ORIGINAL RESOLUTION.

Mr. NEALL offered a resolution that the Clerk of the House be authorized to employ a competent person to construct such ventilators as he may deem necessary for a proper ventilation of this Hall.

Read the second time.

The question was discussed by Messrs. HAN-

ERSLY, NEALL, SMEAD, THORN, ROHRER, and WILSON.

And on the question,  
Shall the resolution pass?

The yeas and nays were required by Mr. NEALL and Mr. HARDING, and were as follow, viz:

YEAS—Messrs. Abbott, Evans, Fearon, Foster, Hamersly, Harding, Keneagy, Matthews, M'Dowell, Neall, Sheppard, Smith, (Berks,) Styer, Walborn, Wiley and Lawrence, *Speaker*—14.

NAYS—Messrs. Acker, Barnsley, Barlow, Boyer, (Clearfield,) Brodhead, Bryson, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Fleming, Galley, Glatz, Goepf, Graham, Gray, Hill, Jackson, Ketchum, Kinney, Laird, Lawrence, (Washington,) M'Curdy, Oaks, Pennell, Peirce, Proudfoot, Pughe, Quigley, Rohrer, Shafer, Shields, Smead, Stephens, Stoneback, Stuart, Taylor, Thorn, Wagenseller, Walker, Warden, Witman, Wigton, Williams, (Bedford,) Williston, Wilson, Wolf and Woodring—50.

So the question was determined in the negative.

Mr. HAMERSLY offered a joint resolution relative to the pay of certain paper-folders of the House; which was considered and passed finally.

### SENATE AMENDMENTS

To House bills numbered and entitled, as follows, were read and concurred in:

No. 1076. "Supplement to an act for the regulation of the militia of this Commonwealth."

No. 1285. "Supplement to the act incorporating the Philadelphia and New Hope railroad company."

No. 1469. "Supplement to the act incorporating the city of Philadelphia."

No. 1117. "An Act to abolish the office of sealer of weights and measures in Philadelphia."

No. 236. "An Act relative to the claim of A. K. and A. L. Witmer, of Lancaster county."

No. 658. "An Act relative to a State road, from Dushore, Sullivan county, to a point, at or near Miller's ferry, in Bradford county."

Mr. LAWRENCE, (Washington,) moved that the House proceed to the consideration of House bill, entitled "An Act to run and define part of the boundary line between Mifflin and Huntingdon counties;" which was not agreed to.

The Clerk of the Senate being introduced, informed the House that the Senate insisted on its amendment to House bill, entitled "An Act to authorize the appointment of commissioners to examine and adjust certain claims," and has appointed a committee of conference.

On motion of Mr. LAWRENCE, (Washington,) a similar committee was appointed on the part of the House.

The Senate insists on its amendments to House bill No. 1276, "Supplement to an act to incorporate the North Pennsylvania railroad company."

On motion of Mr. THORN, the House insisted on its amendment, and appointed a committee of conference.

### BILL IN PLACE.

Mr. SMITH, (Berks,) on leave given, read in his place and presented to the Chair, "An Act authorizing interpleading in executions levied on real estate," and moved that the House proceed to the consideration of the same; which was not agreed to.

Mr. THORN moved that this House will hold

a session to-morrow evening, commencing at 7 o'clock; which was agreed to.

Mr. WALBORN moved that when this House adjourns, it will meet again at 9 o'clock to-morrow morning; which was agreed to.

On motion of Mr. SHEPPARD, the SPEAKER adjourned the House until to-morrow morning at 9 o'clock.

## SENATE.

WEDNESDAY, April 13, 1859.

Senate met at the usual hour. The SPEAKER in the chair.

Prayer by Rev. Mr. Hay.

The Journal was partly read. The further reading was then dispensed with.

The following communication was received from the Governor:

### EXECUTIVE CHAMBER.

Harrisburg, April 13, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following acts of the General Assembly, viz:

On the 12th inst.,

"An Act relative to the lists of assessments in Cambria county."

"A further supplement to an act incorporating the Susquehanna railroad company, approved 9th April, 1853."

"An Act relating to costs in certain cases."

"An Act to equalize taxation upon corporations."

"An Act to alter the number of trustees in the State's savings fund; incorporated as the Dimes savings in 1855."

"An Act for the assessment and recovery of damages on the North Branch and Wyoming canals."

"An Act to incorporate the Susquehanna insurance company of Harrisburg."

"An Act to incorporate the Chester, Leipersville and Darby railway company."

"An Act to incorporate the Wilkesbarre and Plymouth railway and bridge company."

"An Act to incorporate the Seventeenth and Nineteenth Streets passenger railway company of Philadelphia."

"An Act to incorporate the Pittsburg, Allegheny and Manchester passenger railway company."

"An Act supplementary to an act to incorporate the Union railroad company."

"An Act for the relief of James Rogers, deceased."

"An Act to authorize the auditors of Forest county to re-audit the State account of Wm. R. Coon and John D. Hunt, treasurers of said county."

"A further supplement to the act, entitled 'An Act to incorporate the Norristown and Freemansburg railroad company.'"

"A further supplement to an act to encourage the manufacture of iron with coke or mineral coal, and for other purposes, passed 16th June, 1836."

"An Act incorporating the First Presbyterian church cemetery in the borough of Strasburg."

"An Act to restrict sales by auction in the counties of Northampton, Dauphin and Lehigh."

"An Act to correct a clerical error in an act, entitled 'An Act to incorporate the trustees of the Young Men's christian building association



of Philadelphia, approved 18th February, 1850."

"An Act authorizing the sheriff of Philadelphia county to sell certain real estate in lots, parcels and sub-divisions."

"An Act to authorize the auditors of Sullivan county to re-audit the account of James Taylor, late treasurer of said county, with the Commonwealth."

"An Act to incorporate the Eastern iron company."

"An Act to incorporate the Mont Alto iron company."

"An supplement to an act to incorporate the city of Carbondale, passed March 15th, 1851."

"An Act to incorporate the Montour improvement company."

"A further supplement to the act incorporating the city of Philadelphia."

"An Act to confer on certain associations of the citizens of this Commonwealth the powers and immunities of corporations and bodies politic in law, and to confirm charters heretofore granted."

"An Act to provide for the ordinary expenses of the government, and other general and special appropriations."

"An Act to incorporate the Penn steam engine, steamship and steam boiler manufacturing company."

"An Act to authorize the appointment of an additional notary public in the county of Erie."

WM. F. PACKER.

Mr. TURNEY, chairman of the Committee on Finance, moved that the committee be discharged from the further consideration of bills. Agreed to.

#### ORIGINAL RESOLUTIONS.

Mr. PENNEY submitted the following resolution; which was twice read and agreed to:

*Resolved*, That the Attorney General be requested to examine the title of the State of Virginia to the territory lying west of the present line of Pennsylvania, and East of the Ohio river, and report the result of his investigation to the Senate at the next meeting of the Legislature.

Mr. GREGG submitted the following resolution; which was twice read and agreed to:

*Resolved*, If the House concur, that the Clerks of the two Houses be instructed to strike the word "Lycoming" from bill No. 537, on the files of the House, entitled "An Act to prevent the hunting of deer with dogs, in certain counties of this Commonwealth;" which passed both Houses, and is now in the hands of the Governor.

Mr. BALDWIN moved to reconsider the vote on Senate bill No. 323, "An Act to incorporate the Northumberland and Juniata railroad."

Upon this motion,

The yeas and nays were required by Mr. WELSH and Mr. BALDWIN, and were as follow, viz:

YEAS—Messrs. Bell, Coffey, Fetter, Francis, Gazzam, Gregg, Keller, Myer, Palmer, Parker, Penney, Shaeffer, Thompson, Turney, Wright and Yardley—15.

NAYS—Messrs. Baldwin, Blood, Craig, Harris, Marselis, Miller, Nunemacher, Randall, Rutherford, Scofield, Schindel, Steele, Welsh and Cresswell, *Speaker*—15.

So the question was determined in the negative.

Mr. WRIGHT, from the Committee on Accounts, reported the account of Geo. W. Porter, postmaster, for postage, with a resolution that the SPEAKER draw his warrant for the amount—seven hundred and sixteen dollars. Agreed to.

#### ORDERS OF THE DAY.

House bill No. 362, "An Act relating to the granting of licenses to taverns, inns or hotels."

Upon the final passage of the bill,

The yeas and nays were required by Mr.

WELSH, and Mr. WRIGHT and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Coffey, Fetter, Francis, Gregg, Harris, Miller, Myer, Palmer, Parker, Penney, Rutherford, Schell, Scofield, Shaeffer, Schindel, Thompson and Yardley—19.

NAYS—Messrs. Blood, Brewer, Craig, Keller, Marselis, Nunemacher, Randall, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—12.

So the question was determined in the affirmative.

House bill No. 1012, "Supplement to an act to incorporate the Spring Garden saving fund society of Philadelphia."

Upon the final passage of the bill,

The yeas and nays were required by Mr. WRIGHT and Mr. PARKER, and were as follow, viz:

YEAS—Messrs. Baldwin, Brewer, Coffey, Craig, Fetter, Francis, Gazzam, Harris, Myer, Palmer, Parker, Penney, Rutherford, Schell, Scofield, Schindel, Welsh and Yardley—18.

NAYS—Messrs. Blood, Keller, Marselis, Miller, Nunemacher, Randall, Steele, Turney, Wright and Cresswell, *Speaker*—10.

So the question was determined in the affirmative.

House bill No. 1210, "An Act relative to the payment of the claim of Burke and Gonder." Passed.

House bill No. 1214, "An Act authorizing the payment of the claim of John W. Geary and Israel Painter." Upon its passage,

The yeas and nays were required by Mr. MILLER and Mr. TURNEY, and were as follow, viz:

YEAS—Messrs. Baldwin, Coffey, Craig, Fetter, Francis, Gazzam, Palmer, Parker, Rutherford, Shaeffer, Schindel, Turney, Welsh and Cresswell, *Speaker*—14.

NAYS—Messrs. Bell, Blood, Koller, Marselis, Miller, Nunemacher, Penney, Randall and Wright—9.

So the question was determined in the affirmative.

Bill No. 1173, House file, "A supplement to an act to provide for the due training of teachers." Passed.

House bill No. 1468, "An Act relative to the distribution of the Geological report."

On motion of Mr. RANDALL, the bill was indefinitely postponed.

House bill 538, "An Act for the better preservation of game." Passed.

Mr. PENNEY called up a joint resolution to pay pasters and folders, omitted in the general appropriation bill. Passed.

Mr. RANDALL moved to re-consider House bill No. 1503, "An Act authorizing vice presidents of banks to receive a salary for their services;" which was agreed to.

And on his motion,

Said bill was taken up, considered and passed finally.

On motion of Mr. WRIGHT, the Senate proceeded to the consideration of House bill No. 1409, "A further supplement to the act incorporating the North Philadelphia plank road company."

Read a third time and passed finally.

On motion of Mr. SCHINDEL, the Senate proceeded to the consideration of House bill No. 1208, "An Act to incorporate the Lehigh iron company."

On the final passage of the bill,

The yeas and nays were required by Mr. WRIGHT and Mr. SCHINDEL, and were as follow, viz:

YEAS—Messrs. Baldwin, Brewer, Coffey, Craig, Fetter, Francis, Gazzam, Gregg, Harris, Keller, Myer, Palmer, Parker, Penney, Rutherford, Schindel, Steele, Yardley and Cresswell, *Speaker*—19.

NAYS—Messrs. Bell, Marselis, Miller, Nunemacher, Scofield, Welsh and Wright—7.

So the question was determined in the affirmative.

On motion of Mr. STEELE, the Senate proceeded to the consideration of House bill No. 1237, "An Act to incorporate the Wilkesbarre and Kingston plank road company." Read by its title and passed finally.

On motion of Mr. STEELE, the Senate proceeded to the consideration of House bill No. 1368, "An Act to incorporate the Pittston gas company."

Read by its title and passed finally.

On motion of Mr. BREWER, House bill No. 524, "An Act to make George William Eshelman an heir of J. Middleton Whitehill and Elizabeth Whitehill, his wife, and to confer on him the name of George William Whitehill." Passed.

On motion of Mr. RUTHERFORD, House bill No. 316, "Supplement to an act to incorporate the Tuckahoe and Mount Pleasant turnpike road company." Passed.

On motion of Mr. PALMER, House bill No. 973 "A supplement to an act for the relief of the West Chester railroad company, and for other purposes." Passed.

On motion of Mr. YARDLEY, House bill No. 1330, "To authorize the Auditor General and State Treasurer to re-examine the account of the Bustleton and Feasterville turnpike road company." Passed.

On motion of Mr. STEELE, House bill No. 1369, "An Act to incorporate the New York and Carbondale coal company." Passed.

On motion of Mr. BELL, the Senate proceeded to the consideration of House bill No. 1368, "An Act to divide the borough of West Chester into two election precincts." Read by its title and passed finally.

On motion of Mr. BREWER, the Senate proceeded to the consideration of House bill No. 1416, "An Act for the relief of Andrew Heinzelman, Daniel Merklein and Peter Merklein." Read by its title and passed finally.

On motion of Mr. COFFEY, the Senate proceeded to the consideration of House bill, No. 1311, "An Act for the relief of Elizabeth Murphy, widow of an old soldier." Read by its title and passed finally.

On motion of Mr. SHAEFFER, House bill No. 1126, "An Act authorizing the Pennsylvania railroad company to obtain a better supply of water for the supply of their road." Passed.

On motion of Mr. BELL, House bill No. 38, "An Act relating to void marriages." Passed.

On motion of Mr. SCHELL, House bill No. 1239, "An Act relative to the claim of Roger C. McGill and McGill and Cross, of Huntingdon county." Passed.

On motion of Mr. BLOOD, the Senate proceeded to the consideration of House bill No. 1502, "An Act to incorporate the Cameron House Hotel company."

On the final passage of the bill,

The yeas and nays were required by Mr. SCOFIELD and Mr. BLOOD, and were as follow, viz:

YEAS—Messrs. Blood, Brewer, Craig, Fetter, Palmer, Parker, Penney, Rutherford, Schell, Shaeffer, Schindel, Steele and Thompson—13.

NAYS—Messrs. Bell, Finney, Francis, Gazzam, Gregg, Harris, Keller, Marselis, Miller, Nunemacher, Randall, Scofield, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—17.

So the question was determined in the negative, and the bill fell.

Mr. FETTER moved to proceed to the consideration of House bill No. 240, "An Act to incorporate the Mifflin County Bank."

On the question,

The yeas and nays were required by Mr. WELSH and Mr. FETTER, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Fetter, Francis, Gazzam, Gregg, Harris, Miller, Palmer,



Parker, Penney, Rutherford, Schindel, Thompson, Turney and Yardley—16.

**YAS**—Messrs. Blood, Brewer, Craig, Finney, Keller, Marselis, Nunemacher, Randall, Scofield, Shaeffer, Steele, Welsh, Wright and Cresswell, *Speaker*—14.

So the question was determined in the affirmative.

The question being on the first section of the bill,

The yeas and nays were required by Mr. RANDALL and Mr. FETTER, and were as follow, viz:

**YAS**—Messrs. Baldwin, Fetter, Francis, Gazzam, Gregg, Harris, Palmer, Parker, Rutherford, Thompson and Yardley—11.

**NAYS**—Messrs. Bell, Blood, Brewer, Craig, Finney, Keller, Marselis, Miller, Nunemacher, Penney, Randall, Scofield, Shaeffer, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—19.

So the question was determined in the negative, and the bill fell.

On motion of Mr. SHAEFFER, House bill No. 1216, "An Act authorizing the State Treasurer to pay Thomas and Henry Bomgardner for losses sustained in consequence of collision on the Columbia and Philadelphia railroad." Passed with amendments.

On motion of Mr. SCHINDEL, House bill No. 1207, "An Act to incorporate the Rebecca Iron company." Passed.

On motion of Mr. COFFEY, House bill No. 994, "Resolution authorizing the State Treasurer to pay to the treasurer of Armstrong county the deficiency of the militia fund to which the several companies in said county are entitled."

On the first section,

The yeas and nays were required by Mr. SHAEFFER and Mr. COFFEY, and were as follow, viz:

**YAS**—Messrs. Brewer, Coffey, Finney, Francis, Gregg, Harris, Miller, Myer, Parker, Penney and Rutherford—11.

**NAYS**—Messrs. Bell, Blood, Fetter, Keller, Marselis, Nunemacher, Schell, Shaeffer, Welsh, Wright and Cresswell, *Speaker*—11.

So the question was determined in the negative, and the bill fell.

Mr. KELLER moved to reconsider the vote had on House bill No. 1503, "An Act to incorporate the Cameron House hotel company."

On the question,

The yeas and nays were required by Mr. SHAEFFER and Mr. BLOOD, and were as follow, viz:

**YAS**—Messrs. Blood, Brewer, Francis, Harris, Keller, Parker, Rutherford, Schell, Steele, Thompson and Welsh—11.

**NAYS**—Messrs. Finney, Gazzam, Marselis, Nunemacher, Randall, Shaeffer, Wright and Cresswell, *Speaker*—8.

So the question was determined in the affirmative.

Said bill was then taken up and considered.

On final passage,

The yeas and nays were required by Mr. RANDALL and Mr. RUTHERFORD, and were as follow, viz:

**YAS**—Messrs. Blood, Brewer, Fetter, Keller, Palmer, Penney, Rutherford, Schell, Steele, Thompson and Welsh—11.

**NAYS**—Messrs. Bell, Finney, Marselis, Miller, Nunemacher, Scofield, Shaeffer, Wright, Yardley and Cresswell, *Speaker*—9.

So the question was determined in the affirmative.

On motion of Mr. FRANCIS, the Senate proceeded to the consideration of House bill No. 1511, "An Act to incorporate the Home and Foreign Bible society of Western Pennsylvania."

Read a third time and passed finally.

Mr. SHAEFFER moved to reconsider the

vote just had on House bill No. 994, "Joint resolution authorizing the State Treasurer to pay the treasurer of Armstrong county the deficiency of the militia fund to which the several companies in said county are entitled;" which was agreed to.

Said bill was then taken up and considered.

And on final passage,

The yeas and nays were required by Mr. WELSH and Mr. COFFEY, and were as follow, viz:

**YAS**—Messrs. Bell, Blood, Brewer, Coffey, Finney, Francis, Gazzam, Gregg, Harris, Myer, Parker, Penney, Rutherford and Cresswell, *Speaker*—14.

**NAYS**—Messrs. Fetter, Keller, Marselis, Nunemacher, Schell, Scofield, Shaeffer, Steele, Welsh and Wright—10.

So the question was determined in the affirmative.

The following communication was received from the Auditor General, viz:

AUDITOR GENERAL'S OFFICE,  
Harrisburg, April 13, 1859.

Hon. JOHN CRESSWELL, Jr.,

*Speaker of the Senate:*

SIR:—In obedience to the third section of the act, entitled "An Act relative to foreign insurance companies, approved April 9, 1856," I herewith transmit to you a statement showing the condition of such companies as have obtained license since the 22d day of April, 1858, to transact business in the State of Pennsylvania under the provisions of the act aforesaid.

Very respectfully yours,

JACOB FRY, Jr.,

Auditor General.

On motion of Mr. WRIGHT, the communication, with the accompanying statement, was ordered to be published in the *Legislative Record*.

Mr. STEELE moved that the Senate reconsider the vote upon House bill No. 1116, "An Act for the purchase of a lot adjoining the Executive mansion."

Mr. MILLER moved to postpone the motion to re-consider indefinitely.

Upon which,

The yeas and nays were required by Mr. MILLER and Mr. RANDALL, and were as follow, viz:

**YAS**—Messrs. Baldwin, Bell, Brewer, Coffey, Craig, Francis, Gazzam, Keller, Marsellis, Miller, Myer, Nunemacher, Penney, Randall, Schell, Scofield, Schindel, Thompson, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—23.

**NAYS**—Messrs. Fetter, Palmer, Parker, Rutherford and Steele—5.

So the question was determined in the affirmative.

Mr. SHAEFFER moved that the Senate do now adjourn.

Upon which motion,

The yeas and nays were required, and were as follow, viz:

**YAS**—Messrs. Keller, Marselis, Nunemacher, Scofield, Shaeffer, Welsh and Cresswell, *Speaker*—7.

**NAYS**—Messrs. Baldwin, Brewer, Coffey, Fetter, Francis, Gazzam, Gregg, Harris, Miller, Myer, Palmer, Parker, Penney, Randall, Rutherford, Schell, Schindel, Steele, Thompson, Turney, Wright and Yardley—22.

So the question was determined in the negative.

On motion of Mr. YARDLEY, the Senate proceeded to the consideration of House bill No. 702, "A supplement to an act incorporating the Pennsylvania fire insurance company."

Read a third time and passed finally.

On motion of Mr. STEELE, the Senate proceeded to the consideration of House bill, No. 1307, "An Act to incorporate the East Scranton improvement company of Luzerne county."

Read a third time, amended, and passed finally.

On motion of Mr. HARRIS, the Senate proceeded to the consideration of House bill No. 1240, "An Act to incorporate Elm Tree fire insurance company."

Read a third time and passed finally."

On motion of Mr. WRIGHT, House bill No. 146, "A supplement to an act to incorporate the Richmond and Schuylkill passenger railway company." Passed.

On motion of Mr. MILLER, House bill No. 1312, "An Act for the relief of Elizabeth Nicely, widow of an old soldier of the Indian wars of 1790-5." Passed.

On motion of Mr. RANDALL, House bill No. 681, "An Act to incorporate the Drivers' beneficial association of Pennsylvania."

On motion of Mr. MYER, the Senate proceeded to the consideration of House bill No. 515, "An Act extending the provisions of the fifteenth section of the act of April 2, 1853, entitled 'An Act to incorporate the Rosemont cemetery company; relative to judicial proceedings, assessments and jurors, in Columbia and Montour counties; to a certain State road; to the bounty upon fox scalps in Luzerne county; to hunting in certain counties, etc., to Wyoming county.'"

Read a third time and passed finally.

On motion of Mr. SCHELL, House bill No. 654, "An Act relative to supervisors of public highways in Somerset county." Passed.

On motion of Mr. YARDLEY, House bill No. 1352, "An Act to incorporate the Farmers' and Citizens' hay and straw market company."—Passed.

On motion of Mr. PARKER, House bill No. 1188, "An Act to incorporate the Spring Garden fire engine company of Philadelphia."—Passed.

The hour of one having arrived the SPEAKER adjourned the Senate until this afternoon at three o'clock.

#### SENATE—AFTERNOON SESSION.

WEDNESDAY, April 13, 1859.

The SPEAKER called the Senate to order at 3 o'clock.

Quorum of Senators present.

On motion of Mr. RANDALL, the Senate proceeded to the consideration of House bill No. 1848.

Mr. MYER asked unanimous consent to record his vote on the first section of the bill incorporating the Mifflin County Bank, he being necessarily absent when the vote was taken.

Leave being given, Mr. MYER voted "no."

On motion of Mr. RUTHERFORD, the Senate proceeded to the consideration of House bill No. 1282, "An Act to incorporate the Harrisburg park association."

Read by its title and passed.

On motion of Mr. PENNEY, House bill No. 83, "An Act relating to improvements in the city of Pittsburg." Passed with amendments.

On motion of Mr. PARKER, House bill No. 859, "An Act to incorporate the Southwestern market company of Philadelphia."

On motion of Mr. RUTHERFORD, House bill No. 1454, "An Act to incorporate the Mount Vernon hook and ladder company of Harrisburg." Passed.

On motion of Mr. SHAEFFER, House bill No. 563, "An Act for the relief of Augustus J. Koon, of Lancaster county, a soldier of the war of 1812."

On the first section of the bill,

The yeas and nays were required by Mr. HARRIS and Mr. SHAEFFER, and were as follow, viz:

**YAS**—Messrs. Baldwin, Blood, Brewer, Fetter, Francis, Keller, Marselis, Myer, Palmer, Parker, Randall, Rutherford, Schell, Shaeffer, Schindel, Thompson, Turney, Welsh, Wright and Cresswell, *Speaker*—20.



**YARDS**—Messrs. Harris, Nunemacher, Yardley—3.

So the question was determined in the affirmative.

The question recurring on the final passage of the bill, it was agreed to.

On motion of Mr. SCHINDEL, the Senate proceeded to the consideration of House bill No. 749, "An Act for the relief of Catharine Keller, wife of Conrad Keller, widow of an old soldier of the Revolutionary war." Read a third time and passed finally.

On motion of Mr. STEELE, the Senate proceeded to the consideration of House bill No. 392, "An Act to divide the township of Wilkesbarre, in Luzerne county, into two election wards." Read a third time and passed finally.

On motion of Mr. SHAEFFER, the Senate proceeded to the consideration of House bill No. 1509, "An Act to incorporate the Mount Joy gas company." Read a third time and passed finally.

On motion of Mr. WELSH, the Senate proceeded to the consideration of House bill No. 1035, "An Act to establish a ferry over the Allegheny river at Freeport, Westmoreland county." Read a third time and passed finally.

On motion of Mr. RUTHERFORD, the Senate proceeded to the consideration of House bill No. 508, "A further supplement to an act authorizing the Governor to incorporate the Bare Mountain railroad company." Read a third time and passed finally.

On motion of Mr. RANDALL, House bill No. 737, "An Act relative to the duties of port wardens of Philadelphia." Passed.

On motion of Mr. YARDLEY, House bill No. 1343, "To incorporate the Harmony Anthracite coal company." Passed.

On motion of Mr. BALDWIN, House bill No. 634, "An Act to authorize the payment of the claim of Emanuel Will, of Lancaster county." Passed.

On motion of Mr. BELL, House bill No. 847, "An Act relating to dog tax in the township of Thornbury, in the county of Chester." Passed.

On motion of Mr. SCHELL, the Senate proceeded to the consideration of House bill No. 492, "An Act to run and define the boundary line between the counties of Huntingdon and Mifflin."

Read a third time and passed finally.

On motion of Mr. PARKER, the Senate proceeded to the consideration of House bill No. 812, "An Act to incorporate the West Philadelphia mutual saving and trust company."

Read a third time, and the question being on the final passage,

The yeas and nays were required by Mr. WRIGHT and Mr. PALMER, and were as follow, viz:

**YEAS**—Messrs. Blood, Brewer, Coffey, Craig, Francis, Gazzam, Gregg, Miller, Myer, Palmer, Parker, Rutherford, Schell, Shaeffer, Steele, Thompson, Welsh and Yardley—18.

**NAYS**—Messrs. Keller, Marselis, Nunemacher, Scofield, Turney and Wright—6.

So the question was determined in the affirmative.

On motion of Mr. RUTHERFORD, the Senate proceeded to the consideration of House bill No. 1203, "An Act to incorporate the Farmers' and Mechanics' mutual insurance company of Dauphin county."

The question being on the third section,

The yeas and nays were required by Mr. RUTHERFORD and Mr. BELL, and were as follow, viz:

**YEAS**—Messrs. Coffey, Gazzam, Gregg, Harris, Palmer, Parker, Penney, Rutherford and Thompson—9.

**NAYS**—Messrs. Bell, Blood, Brewer, Craig, Keller, Marselis, Miller, Nunemacher, Randall,

Schell, Scofield, Steele, Turney, Welsh and Wright—15.

So the question was determined in the negative.

And the question recurring on the title of the bill, it was not agreed to, and the bill fell.

On motion of Mr. RANDALL, House bill No. 1515, "An Act to repeal an act, entitled 'An Act to incorporate the National art association.'" Passed.

On motion of Mr. GAZZAM, House bill No. 77, "An Act to incorporate the Allentown and Reading telegraph company."

On this motion,

The yeas and nays were required by Mr. GAZZAM and Mr. SHAEFFER, and were as follow, viz:

**YEAS**—Messrs. Fetter, Francis, Gazzam, Marselis, Penney, Randall, Steele and Wright—8.

**NAYS**—Messrs. Baldwin, Bell, Blood, Brewer, Coffey, Craig, Harris, Keller, Miller, Myer, Nunemacher, Rutherford, Schell, Scofield, Shaeffer, Turney and Welsh—18.

So the question was determined in the negative.

On motion of Mr. SCHELL, seconded by Mr. KELLER, that the Senate re-consider the vote just taken.

Mr. SHAEFFER moved to postpone the motion to re-consider indefinitely.

Pending the discussion of the motion, the hour of five having arrived, the SPEAKER adjourned the Senate until this evening at 7 o'clock.

#### SENATE—EVENING SESSION.

WEDNESDAY, April 13, 1859.

The Senate was called to order by the SPEAKER at 7 o'clock.

No quorum being present,

Mr. SCOFIELD moved that the Senate do now adjourn.

On this question,

The yeas and nays were required by Mr. MARSELIS and Mr. SCOFIELD, and were as follow, viz:

**YEAS**—Messrs. Craig, Marselis, Nunemacher, Scofield and Yardley—6.

**NAYS**—Messrs. Baldwin, Brewer, Gazzam, Gregg, Miller, Palmer, Parker, Penney, Rutherford, Schell, Shaeffer, Schindel, Thompson, Turney and Welsh—14.

So the question was determined in the negative.

The SPEAKER then announced a quorum of members present.

The Senate resumed the consideration of the subject pending on adjournment this afternoon.

The question being on the motion to postpone indefinitely the motion to re-consider the vote on the bill incorporating the Reading and Allentown telegraph company.

On this question,

The yeas and nays were required by Mr. SHAEFFER and Mr. GAZZAM, and were as follow, viz:

**YEAS**—Messrs. Baldwin, Blood, Brewer, Craig, Miller, Nunemacher, Palmer, Rutherford, Scofield, Shaeffer, Schindel, Turney, Welsh, Yardley and Cresswell, *Speaker*—15.

**NAYS**—Messrs. Gazzam, Gregg, Marselis, Parker, Penney, Steele, Thompson and Wright—8.

So the question was determined in the affirmative.

On motion of Mr. RANDALL, House bill No. 1209, "An Act for the relief of Margaret Coldwater, widow of Philip Coldwater, a soldier of the Revolutionary war." Passed.

On motion of Mr. GREGG, House bill No. 1090, "Supplement to an act to incorporate the Exchange mutual insurance company of Philadelphia."

On motion of Mr. SCHELL, House bill No. 462, "An Act relative to the claim of Barbara Hileman."

Mr. GAZZAM, on leave given, read in place and presented to the Chair, a bill, entitled "An Act relative to the removal of Pennsylvania railroad tracks in the city of Pittsburgh."

Mr. PENNEY offered the following resolution:

*Resolved*, That, the House of Representatives concurring, that the eleventh joint rule of the Senate and House of Representatives be dispensed with, for the purpose of considering "An Act relative to the removal of the Pennsylvania railroad tracks in the city of Pittsburgh."

On motion of Mr. PARKER, the Senate proceeded to the consideration of House bill No. 1180, "Supplement to an act to incorporate the City Bank of Philadelphia."

Read a third time and passed finally.

On motion of Mr. STEELE, House bill No. 1306, "An Act in relation to the election of trustees of the Proprietary school fund of the township of Plains, in Luzerne county."

On motion of Mr. SCHELL, Senate bill No. 1490, "An Act relative to the claim of Samuel McFearon, of Huntingdon county."

Upon the motion to proceed to its consideration,

The yeas and nays were required by Mr. SCOFIELD and Mr. SCHELL, and were as follow, viz:

**YEAS**—Messrs. Blood, Brewer, Fetter, Marselis, Miller, Myer, Parker, Penney, Randall, Schell, Schindel, Steele, Turney, Welsh, Wright and Cresswell, *Speaker*—16.

**NAYS**—Messrs. Coffey, Craig, Francis, Gregg, Nunemacher, Palmer, Rutherford and Scofield—8.

So the question was determined in the affirmative.

On the final passage of the bill,

The yeas and nays were required by Mr. SCOFIELD and Mr. SCHELL, and were as follow, viz:

**YEAS**—Messrs. Blood, Brewer, Finney, Gazzam, Keller, Marselis, Miller, Myer, Parker, Schell, Schindel, Steele, Turney and Cresswell, *Speaker*—14.

**NAYS**—Messrs. Coffey, Gregg, Nunemacher, Palmer, Rutherford, Scofield, Shaeffer and Welsh—8.

So the question was determined in the affirmative.

Mr. GAZZAM, on leave given, presented a petition signed by one hundred and fifty business men of Philadelphia, in favor of incorporating the Market Street savings fund company of Philadelphia.

Mr. GAZZAM, moved to proceed to the consideration of House bill No. 816, "An Act to incorporate the Market Street savings fund company of Philadelphia."

On the question,

The yeas and nays were required by Mr. WRIGHT and Mr. GAZZAM, and were as follow, viz:

**YEAS**—Messrs. Baldwin, Coffey, Francis, Gazzam, Gregg, Palmer, Parker, Penney, Rutherford, Scofield, Yardley and Cresswell, *Speaker*—12.

**NAYS**—Messrs. Blood, Brewer, Craig, Fetter, Keller, Marselis, Miller, Myer, Nunemacher, Randall, Schell, Shaeffer, Steele, Thompson, Turney, Welsh and Wright—17.

So the question was determined in the negative.

Mr. TURNEY, from the committee of conference, to whom was referred the differences with regard to the claim of James H. Dull, made report that they had selected Wm. B. Foster, John H. Briggs and Thos. T. Wireman to adjust the same.

Upon the question of accepting the report of the committee,

The yeas and nays were required by Mr.



MILLER and Mr. TURNEY, and were as follows, viz :

YEAS—Messrs. Baldwin, Blood, Brewer, Fetter, Francis, Gazzam, Gregg, Keller, Myer, Palmer, Parker, Penney, Rutherford, Schell, Shaeffer, Schindel, Thompson, Welsh and Yardley—19.

NAYS—Messrs. Bell, Craig, Harris, Marselis, Miller, Nunemacher, Randall, Scofield, Wright and Cresswell, *Speaker*—10.

So the question was determined in the affirmative.

On motion of Mr. MILLER, the Senate proceeded to the consideration of House bill No. 794, "An Act extending the limits of the borough of Beallsville, county of Washington, for school purposes." Read a third time and passed.

On motion of Mr. HARRIS, the Senate proceeded to the consideration of House bill No. 1371, "An Act to incorporate the Rossville coal company."

On the passage of the bill on second reading, The yeas and nays were required by Mr. WELSH and Mr. SCOFIELD, and were as follows, viz :

YEAS—Messrs. Gregg and Harris—2.

NAYS—Messrs. Baldwin, Bell, Blood, Brewer, Coffey, Craig, Fetter, Francis, Gazzam, Keller, Marselis, Miller, Myer, Nunemacher, Palmer, Penney, Randall, Rutherford, Schell, Scofield, Shaeffer, Schindel, Steele, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—28.

So the question was determined in the negative, and the bill fell.

On motion of Mr. RUTHERFORD, House bill No. 888, "An Act to confer on Edward E. Lutz, all the rights of a child born in lawful wedlock." Passed.

On motion of Mr. RUTHERFORD, House bill No. 890, "An Act to confer on Horace G. Lutz, the rights of a child born in lawful wedlock." Passed.

On motion of Mr. SCHELL, House bill No. 1508, "An Act to authorize the erection of a lock-up house in the borough of Wellsborough, Somerset county." Passed.

On motion of Mr. KELLER, the Senate proceeded to the consideration of House bill No. 1165, "An Act compelling the overseers and supervisors in the borough and county of Northumberland to give security."

Pending the consideration of the bill,

Mr. COFFEY moved the Senate do now adjourn.

On this motion,

The yeas and nays were required by Mr. CRAIG and Mr. COFFEY, and were as follows, viz :

YEAS—Messrs. Bell, Brewer, Coffey, Craig, Francis, Marselis, Nunemacher, Scofield, Shaeffer and Welsh—10.

NAYS—Messrs. Baldwin, Fetter, Gregg, Keller, Miller, Myer, Palmer, Parker, Penney, Randall, Rutherford, Schell, Schindel, Steele, Turney, Wright and Yardley—17.

So the question was determined in the negative.

The Senate resumed the consideration of the bill, when it passed finally.

Mr. PARKER moved that the Senate proceed to the consideration of House bill No. 673, "An Act to incorporate the Mutual Dupont insurance association of Philadelphia."

Mr. RANDALL moved that the Senate do now adjourn.

On this question,

The yeas and nays were required by Mr. RANDALL and Mr. PARKER, and were as follows, viz :

YEAS—Messrs. Bell, Brewer, Francis, Marselis, Nunemacher, Randall, Schell, Scofield, Welsh, Wright and Cresswell, *Speaker*—11.

NAYS—Messrs. Baldwin, Coffey, Craig, Keller, Miller, Myer, Palmer, Parker, Penney, Rutherford,

Shaeffer, Steele, Thompson and Yardley—14.

So the question was determined in the negative.

The bill being on the passage of the first section,

Mr. RANDALL moved that the Senate do now adjourn.

On this motion,

The yeas and nays were required by Mr. RANDALL and Mr. BELL, and were as follows, viz :

YEAS—Messrs. Bell, Brewer, Francis, Gregg, Keller, Marselis, Nunemacher, Randall, Schell, Scofield, Schindel, Turney, Welsh, Wright and Cresswell, *Speaker*—15.

NAYS—Messrs. Baldwin, Coffey, Craig, Miller, Myer, Palmer, Parker, Penney, Rutherford, Shaeffer, Steele and Yardley—12.

So the question was determined in the affirmative.

The SPEAKER thereupon declared the Senate adjourned, until to-morrow morning at nine and a half o'clock.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 13, 1859.

The House was called to order at 9 o'clock by the SPEAKER.

Prayer was offered by the Rev. Mr. G. J. Martz, of the Lutheran Church, Harrisburg.

The Clerk read the Journal of yesterday.

Mr. M'CURDY, from the Committee of Accounts, made report, accompanied with a resolution, that the SPEAKER draw his warrant in favor of G. W. Porter, Postmaster at Harrisburg, for \$1,237 84, being in full for postage up to date; which was read the second time and adopted.

#### SENATE AMENDMENTS

To a number of House bills were read and concurred in.

The Clerk of the Senate being introduced, informed the House that the Senate non-concurs to House amendments to Senate bill, entitled "An Act relative to the claim of Jackson Fee;" and, on motion of Mr. WIGTON, the House recede from its amendment.

On motion of Mr. THOMPSON, the SPEAKER adjourned the House until this evening at 7 o'clock.

#### HOUSE—EVENING SESSION.

The House met again at seven o'clock, and was called to order by the SPEAKER.

Mr. LAWRENCE, (Washington,) from the committee of conference, on House bill No. 460, relative to the examination and adjustment of certain claims, made report; which was read and adopted.

Mr. WILEY called up Senate bill No. 906, "An Act to incorporate the Byberry and Andalusia turnpike road company;" which was considered and passed finally.

Mr. BARNESLEY, from the committee of conference, on bill, entitled "An Act to incorporate the Huntingdon Valley railroad company," made report; which was read and adopted by the House.

Mr. WILLIAMS, (Bucks,) on leave given, presented "A supplement to an act to incorporate St. Pauls church, city of Philadelphia," and moved that the House suspend the rule and proceed to the consideration of the same.

The bill was read at the request of Mr. THORN.

The motion to consider the bill was carried, and the bill was read.

On the question,

Will the House agree to the same?

A motion was made by Mr. THORN that the further consideration of the same be postponed indefinitely; which was agreed to.

Senate amendments to numerous House bills were read and concurred in.

Senate amendments to House bill relative to the granting of licenses to hotel, inn or tavern keepers, were read, as follows :

*Provided*, That the several courts of quarter sessions shall have and exercise such discretion, and no other, in regard to the necessity of inns or taverns as is given to said courts by the act relative to inns or taverns, approved March 11, 1834.

The first section of the bill reads as follows : That it shall be lawful for the several courts of quarter sessions of this Commonwealth to hear petitions, in addition to that of the applicant, in favor of and remonstrances against the application of any person applying to either of them for a license to keep a hotel, inn or tavern, and thereupon to refuse the same; and so much of the sixth section of the act of Assembly relating to the sale of intoxicating liquors, passed 20th day of April, 1858, as is inconsistent herewith, is hereby repealed: *Provided*, That nothing in this shall apply to the city of Philadelphia.

And on the question,

Will the House concur in the same?

The question was discussed by Messrs. GOEPP, THOMPSON, SMITH, (Berks,) WILSON, FOSTER, IRISH, and others, at some length; when

Mr. EVANS rose to a call of the previous question; which was sustained.

And on the question,

Shall the main question be now put?

The yeas and nays were required by Mr. GOEPP and Mr. RAMSDELL, and were as follows, viz :

YEAS—Messrs. Abbott, Acker, Barnsley, Barlow, Bayard, Bryson, Burley, Campbelle, Church, Dodds, Durhoraw, Eckman, Ellmaker, Evans, Fearon, Fleming, Galley, Graham, Gratz, Green, Hamersly, Harding, Hottenstine, Irish, Jackson, Keneagy, Kinney, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Curdy, Nill, Oaks, Pennell, Peirce, Price, Proudfoot, Pugh, Ramsdell, Rohrer, Rouse, Shafer, Shields, Stuart, Taylor, Thompson, Thorn, Wagenseller, Walborn, Walker, Warden, Witman, Wigton, Williams, (Bedford,) Williston, Wilson and Lawrence, *Speaker*—58.

NAYS—Messrs. Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Custer, Dismant, Foster, Glatz, Goepf, Gray, Hill, Laird, Neall, Quigley, Sheppard, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Wolf and Woodring—20.

So the question was determined in the affirmative.

And the question recurring,

Will the House agree to the Senate amendment?

The yeas and nays were required by Mr. GOEPP and Mr. SMITH, (Berks,) and were as follows, viz :

YEAS—Messrs. Abbott, Acker, Barnsley, Barlow, Bayard, Bryson, Burley, Campbelle, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Fearon, Fleming, Galley, Graham, Hill, Hottenstine, Irish, Jackson, Kinney, Lawrence, (Washington,) Mann, Mehaffey, M'Curdy, Nill, Oaks, Peirce, Proudfoot, Pugh, Ramsdell, Rohrer, Rouse, Shafer, Shields, Stuart, Taylor, Thompson, Wagenseller, Walborn, Walker, Warden, Wigton, Williams, (Bedford) Williston, Wilson and Lawrence, *Speaker*—48.

NAYS—Messrs. Bertollet, Boyer, (Clearfield,) Boyer, (Schuylkill) Brodhead, Church, Custer, Evans, Foster, Glatz, Goepf, Gray, Green, Hamersly, Harding, Keneagy, Laird, Matthews, Neall, Price, Quigley, Sheppard, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Styer, Thorn, Wiley, Wolf and Woodring—30.

So the question was determined in the affirmative.



Messrs. IRISH and ELLMAKER moved that the vote just had be re-considered, for the purpose of amending the bill, by adding to the end of the Senate proviso the words "except in the city of Philadelphia and county of Allegheny."

And on the question,

Will the House agree to the motion to re-consider?

Mr. GRAHAM moved that the further consideration of the motion to re-consider be indefinitely postponed.

A rambling discussion having ensued,

Mr. THORN rose to a call of the previous question; which was not sustained.

The question was then further discussed by Messrs. BARLOW, RAMSDELL and NEALL.

Mr. GRAHAM withdrew his motion to postpone indefinitely the motion to re-consider.

Mr. IRISH withdrew the motion to re-consider; whereupon

Mr. FOSTER asked leave to offer a resolution, that the bill under consideration be so amended as to add after the word "sessions," in the second proviso, the words, "empowered to grant licenses."

And on the question,

Shall the gentleman have leave to offer the resolution?

The yeas and nays were required by Mr. SMITH, (Berks,) and Mr. GOEPP, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barnsley, Barlow, Bayard, Bryson, Burley, Campbell, Church, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fleming, Foster, Graham, Gratz, Green, Hamersly, Harding, Hill, Hottentstine, Irish, Jackson, Keneagy, Kinney, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Dowell, Neall, Oaks, Peirce, Proudfoot, Pughe, Quigley, Rohrer, Rouse, Shafer, Sheppard, Shields, Smith, (Philadelphia,) Styer, Taylor, Thompson, Walborn, Walker, Warden, Witman, Wigton, Wilson and Lawrence, *Speaker*—55.

NAYS—Messrs. Boyer, (Clearfield,) Brodhead, Custer, Galley, Glatz, Goepp, Good, Gray, Laird, Nill, Ramsdell, Smith, (Berks,) Stephens, Stoneback, Thorn, Wolf and Woodring—17.

So the question was determined in the affirmative.

And on the question,

Will the House proceed to the second reading and consideration of the resolution?

The yeas and nays were required by Mr. GOEPP and Mr. SMITH, (Berks,) and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Bayard, Bryson, Burley, Church, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Foster, Galley, Graham, Gratz, Hamersly, Harding, Hill, Hottentstine, Jackson, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Curdy, M'Dowell, Neall, Oaks, Peirce, Proudfoot, Rohrer, Rouse, Shafer, Sheppard, Shields, Smith, (Philadelphia,) Styer, Taylor, Thompson, Wagonseller, Walborn, Walker, Warden, Witman, Williams, (Bucks,) Williston and Wilson—51.

NAYS—Messrs. Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Custer, Dismant, Glatz, Goepp, Good, Gray, Laird, Nill, Price, Quigley, Ramsdell, Smith, (Berks,) Stephens, Stoneback, Stuart, Wolf and Woodring—20.

So the question was determined in the affirmative.

Mr. FOSTER moved to amend as follows: "and that the joint rule be suspended, so far as relates to the transmission of this resolution;" which was agreed to.

And the question recurring,

Will the House agree to the resolution?

Mr. EVANS rose to a call of the previous question; which was sustained.

And on the question,

Shall the main question be now put?

The yeas and nays were required by Mr. GOEPP and Mr. WOLF, and were as follow, viz:

YEAS—Messrs. Acker, Barlow, Bayard, Bryson, Burley, Campbell, Church, Dodds, Durboraw, Eckman, Evans, Fearon, Galley, Graham, Gratz, Hamersly, Harding, Hill, Jackson, Keneagy, Ketchum, Kinney, Lawrence, (Washington,) Mann, Mehaffey, M'Curdy, M'Dowell, Oaks, Patterson, Peirce, Proudfoot, Ramsdell, Rohrer, Rouse, Shafer, Sheppard, Shields, Stuart, Styer, Taylor, Thompson, Thorn, Wagonseller, Walker, Warden, Witman, Wigton, Williams, (Bucks,) Williston, Wilson and Lawrence, *Speaker*—51.

NAYS—Messrs. Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Custer, Dismant, Ellmaker, Fleming, Foster, Glatz, Goepp, Good, Laird, Neall, Nill, Price, Quigley, Smith, (Berks,) Stoneback, Walborn, Wolf, Woodring and Zoller—23.

So the question was determined in the affirmative.

The question recurring,

Shall the resolution pass?

The yeas and nays were required by Mr. GOEPP and Mr. WOLF, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barnsley, Barlow, Bayard, Bertolet, Bryson, Burley, Campbell, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Fleming, Foster, Galley, Graham, Gratz, Hamersly, Harding, Hill, Jackson, Keneagy, Ketchum, Kinney, Mann, Mehaffey, M'Curdy, M'Dowell, Neall, Oaks, Peirce, Proudfoot, Rohrer, Ronse, Shafer, Sheppard, Shields, Smith, (Philadelphia,) Stuart, Styer, Taylor, Thompson, Wagonseller, Walborn, Walker, Warden, Witman, Wigton, Williams, (Bucks,) Wilson, Zoller and Lawrence, *Speaker*—56.

NAYS—Messrs. Boyer, (Clearfield,) Brodhead, Custer, Glatz, Goepp, Good, Laird, Nill, Price, Quigley, Ramsdell, Smith, (Berks,) Wolf and Woodring—14.

So the question was determined in the affirmative.

An extract from the Journal was received as follow:

*Resolved*, (the House of Representatives concurring,) That the eleventh joint resolution of the Senate and House of Representatives be dispensed with for the purpose of considering "An Act relative to the removal of the tracks of the Pennsylvania railroad company from a portion of Liberty street, in the city of Pittsburg;" which was read the second time.

Discussion ensued between Messrs. THORN, M'DOWELL, FOSTER, HAMERSLY and WALBORN.

And on the question,

Shall the resolution pass?

Mr. PRICE rose to a call of the previous question; which was sustained.

And on the question,

Shall the main question be now put?

It was agreed to.

The question recurring,

Shall the resolution pass?

The yeas and nays were required by Mr. FOSTER and Mr. HAMERSLY, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Bayard, Bryson, Burley, Church, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fisher, Galley, Glatz, Graham, Gratz, Green, Hamersly, Harding, Hill, Hottentstine, Jackson, Keneagy, Ketchum, Lawrence, (Washington,) Matthews, M'Curdy, M'Dowell, Neall, Oaks, Patterson, Pennell, Peirce, Price, Proudfoot, Quigley, Ramsdell, Rohrer, Ronse, Shafer, Sheppard, Smead, Styer, Taylor, Thompson, Walborn, Walker, Wigton, Williams, (Bucks,) Williston, Wilson, Zoller and Lawrence, *Speaker*—54.

NAYS—Messrs. Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Custer, Dismant, Fearon,

Fleming, Foster, Goepp, Gray, Kinney, Laird, Smith, (Berks,) Smith, (Philadelphia,) Stoneback, Stuart, Thorn, Warden, Witman, Wiley, Wolf and Woodring—22.

So the question was determined in the affirmative.

Several extracts from the Journal of the Senate were read and adopted.

#### SENATE AMENDMENTS

To a number of House bills were read and concurred in.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor; which was read, as follows:

EXECUTIVE CHAMBER,  
Harrisburg, April 12, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following acts of the General Assembly viz:

On the 12th inst.,

"An Act relative to the lists of assessments in Cambria county."

"A further supplement to an act incorporating the Susquehanna railroad company, approved 9th April, 1853."

"An Act relating to costs in certain cases."

"An Act to equalize taxation upon corporations."

"An Act to alter the number of trustees in the State's savings fund, incorporated as the Dimes savings in 1855."

"An Act for the assessment and recovery of damages on the North Branch and Wyoming canals."

"An Act to incorporate the Susquehanna insurance company of Harrisburg."

"An Act to incorporate the Chester, Leipersville and Darby railway company."

"An Act to incorporate the Wilkesbarre and Plymouth railway and bridge company."

"An Act to incorporate the Seventeenth and Nineteenth Streets passenger railway company of Philadelphia."

"An Act to incorporate the Pittsburg, Allegheny and Manchester passenger railway company."

"An Act supplementary to an act to incorporate the Union railroad company."

"An Act for the relief of James Rogers, deceased."

"An Act to authorize the auditors of Forest county to re-audit the State account of Wm. R. Coon and John D. Hunt, treasurers of said county."

"A further supplement to the act, entitled 'An Act to incorporate the Norristown and Free-mansburg railroad company.'"

"A further supplement to an act to encourage the manufacture of iron with coke or mineral coal, and for other purposes, passed 16th June, 1836."

"An Act incorporating the First Presbyterian church cemetery in the borough of Strasburg."

"An Act to restrict sales by auction in the counties of Northampton, Danphin and Lehigh."

"An Act to correct a clerical error in an act, entitled 'An Act to incorporate the trustees of the Young Men's christian building association of Philadelphia, approved 18th February, 1859.'"

"An Act authorizing the sheriff of Philadelphia county to sell certain real estate in lots, parcels and sub-divisions."

"An Act to authorize the auditors of Sullivan county to re-audit the account of James Taylor, late treasurer of said county, with the Commonwealth."

"An Act to incorporate the Eastern iron company."

"An Act to incorporate the Mont Alto iron company."



"A supplement to an act to incorporate the city of Carbondale, passed March 15, 1851."

"An Act to incorporate the Montour improvement company."

"A further supplement to the act incorporating the city of Philadelphia."

"An Act to confer on certain associations of the citizens of this Commonwealth the powers and immunities of corporations and bodies politic in law, and to confirm charters heretofore granted."

"An Act to provide for the ordinary expenses of the government, and other general and special appropriations."

"An Act to incorporate the Penn steam engine, steamship and steam boiler manufacturing company."

"An Act to authorize the appointment of an additional notary public in the county of Erie."

WM. F. PACKER.

The Deputy Secretary of the Commonwealth being introduced, presented a message from the Governor, vetoing the act authorizing the collection of taxes for the support of the poor in the counties of Tioga, Potter and Northumberland; which was read.

And on the question,

Shall said bill become a law notwithstanding the objections of the Governor,

Agreeably to the provisions of the Constitution, the yeas and nays were called with the following result:

YEA—Mr. Price—1.

NAYS—Messrs. Abbott, Acker, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Bryson, Burley, Campbell, Church, Custer, Dismant, Dodds, Eckman, Evans, Fearon, Fisher, Fleming, Foster, Galley, Glatz, Goepf, Graham, Gratz, Gray, Green, Hamersly, Harding, Hill, Jackson, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mebaffey, Matthews, McCurdy, Neall, Oaks, Patterson, Proudfoot, Pughe, Quigley, Rouse, Sbafer, Sheppard, Smith, (Berks,) Smith, (Philadelphia,) Stephens, Stoneback, Stuart, Styer, Taylor, Thorn, Wagenseller, Walborn, Walker, Warden, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wolf, Woodring and Lawrence, *Speaker*—63.

So the question was determined in the negative.

And the bill falls.

On motion of Mr. RAMSDELL, the SPEAKER adjourned the House until to-morrow morning at 9½ o'clock.

## LAWS OF PENNSYLVANIA.

### SESSION OF 1859.

A SUPPLEMENT to "An Act relating to executors and administrators," approved the twenty-fourth day of February, Anno Domini one thousand eight hundred and thirty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* whenever the executors or administrators of a deceased plaintiff or defendant, in any action or proceeding pending in any court of this Commonwealth, resides without the jurisdiction of the said court, the writ of *scire facias*, provided by the twenty-seventh and thirty-second sections of the act to which this act is supplementary, may be served on such executor or administrator by the sheriff of the county where he is resident, if, in the opinion of the proper court, such service may be reasonably practicable; but if otherwise, and also where the said executors or administrators reside in some other State of the United States, such service may be made by publication in one or more public newspapers, as in the opinion of the court will be most likely to give notice to the said executors or admin-

istrators; the said manner of service herein provided, to have the same force and effect as the manner of service provided by the said act to which this is supplementary.

W. C. A. LAWRENCE,

*Speaker of the House of Representatives.*

JOHN CRESSWELL, JR.,

*Speaker of the Senate.*

APPROVED—The sixth day of April, Anno Domini one thousand eight hundred and fifty-nine.

WM. F. PACKER.

A SUPPLEMENT to an act to amend certain defects of the law for the more safe and just transmission and secure enjoyment of real and personal estate, approved twenty-seventh day of April, one thousand eight hundred and fifty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* in all cases where aliens have purchased real estate within this Commonwealth, and have sold the same to citizens of the United States, the said sales shall be valid to all intents and purposes, and shall be construed to vest the title to the said real estate in the citizens aforesaid, as fully and effectually as if the said aliens had been citizens at the time of purchasing the same: *Provided*, This act shall not apply to any cases that have been already adjudicated.

W. C. A. LAWRENCE,

*Speaker of the House of Representatives.*

JOHN CRESSWELL, JR.,

*Speaker of the Senate.*

APPROVED—The sixth day of April, Anno Domini one thousand eight hundred and fifty-nine.

WM. F. PACKER.

AN ACT supplementary to an act relating to orphans' courts, and for other purposes, approved the thirteenth day of October, Anno Domini one thousand eight hundred and forty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the provisions of the thirteenth, fourteenth, fifteenth and sixteenth sections of the act to which this is a supplement, be and they are hereby extended to musical societies and associations.

W. C. A. LAWRENCE,

*Speaker of the House of Representatives.*

JOHN CRESSWELL, JR.,

*Speaker of the Senate.*

APPROVED—The sixth day of April, Anno Domini one thousand eight hundred and fifty-nine.

WM. F. PACKER.

AN ACT to extend the jurisdiction of the orphans' courts in case of testamentary trusts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the orphans' courts of the several counties of this Commonwealth shall have full power and authority in all cases of trusts derived under, or created by any last will and testament whether vested in executors, administrators with the will annexed, or any other trustee or trustees, to dismiss from such office or trust, any and all such trustee or trustees as aforesaid, whenever such courts shall be satisfied that there has been waste or mismanagement in the administration of such trust, or whenever the said trustee or trustees shall fail or neglect to pay over the principal or income of the trust funds according to their duty under their several trusts, or fail or neglect to comply with any order or direction of the said courts, made in relation to said trusts; and shall further

have power to make all such orders for the surrender and delivery of the funds, securities, moneys, books, accounts, and papers belonging or relating to said trusts, to such person or persons as such courts may appoint to receive the same, and to enforce obedience to such orders by attachment, execution, or otherwise, as to them shall seem necessary and proper for the due protection of the rights and interests of any and all parties interested under such trusts.

W. C. A. LAWRENCE,

*Speaker of the House of Representatives.*

JNO. CRESSWELL, JR.,

*Speaker of the Senate.*

Approved the seventh day of April, Anno Domini one thousand eight hundred and fifty-nine.

WM. F. PACKER.

AN ACT relating to interest upon verdicts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act it shall be lawful for any party or parties, in whose favor any verdict may be rendered for a specific sum of money, to collect and receive interest upon such sum from the date of the verdict, and every general judgment entered upon such verdict, whether by a court of original jurisdiction or by the supreme court, shall be deemed and held to be a judgement for the sum found by the verdict, with interest thereon from the date of such finding: *Provided*, That nothing in this act contained shall prevent any court from directing special verdicts, or entering special judgments, whenever the same shall be deemed just and proper.

W. C. A. LAWRENCE,

*Speaker of the House of Representatives.*

JNO. CRESSWELL, JR.,

*Speaker of the Senate.*

Approved the sixth day of April, Anno Domini one thousand eight hundred and fifty-nine.

WM. F. PACKER.

AN ACT to attach Somerset county to the Middle district for the supreme court of Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from after the passage of this act, the county of Somerset, now attached to the Western district, be, and the same is hereby attached to the Middle district for the supreme court of Pennsylvania; and that writs of error and appeals, issued by the prothonotary of the supreme court of the Western district to Somerset county, and now pending and undecided, are hereby directed to be certified, with all papers relating thereto, by the prothonotary of the said Western district to the prothonotary of the Middle district, at Harrisburg, where they shall be heard and determined.

W. C. A. LAWRENCE,

*Speaker of the House of Representatives.*

JOHN CRESSWELL, JR.,

*Speaker of the Senate.*

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-nine.

WM. F. PACKER.

AN ACT further to prevent the disturbance of public meetings.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, if any person or persons shall be guilty of disturbing any society or meeting, assembled for the pur-



pose of any moral, social, literary or scientific object, ceremony, examination, exhibition or lecture, or assembled for the purpose of transacting any business pertaining thereto, or if any person or persons shall be guilty of encouraging or aiding any such disturbance, on conviction thereof, in the manner provided for the conviction of persons disturbing religious meetings, shall be punished in like manner, and in the same way as persons disturbing religious meetings are now punished by the existing laws of this Commonwealth.

Sec. 2. Any justice of the peace or alderman shall have power to depute any person or persons as special officers to attend and preserve order at any congregation or meeting assembled for the purposes set forth in this and the act to which this is a supplement, which person or persons so deputed shall have power to arrest any person or persons so offending against the provisions of the said act and its supplements in their presence and within their knowledge; which said person or persons so offending may be taken before the nearest or most convenient justice of the peace or alderman, to be dealt with under the provisions and penalties in said act and its supplements provided.

W. C. A. LAWRENCE,  
*Speaker of the House of Representatives.*  
JNO. CRESSWELL, Jr.,  
*Speaker of the Senate.*

Approved the sixth day of April, Anno Domini one thousand eight hundred and fifty-nine.  
WM. F. PACKER.

AN ACT to extend the power of prothonotaries and clerks to administer oaths.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the prothonotaries and commissioned clerks of courts of this Commonwealth, shall have a general power to administer oaths and affirmations: *Provided,* That no prothonotary or clerk shall be compelled to administer the same in any matter not pertaining to the proper business of his office.

Sec. 2. That oaths and affirmations heretofore administered by the several prothonotaries and clerks of courts, shall be valid and effectual, though not done in conducting the business of their respective offices: *Provided,* That this confirmation shall not include cases heretofore judicially acted upon and adversely decided: *Provided,* That no part of this act shall apply to the city of Philadelphia.

SIMEON B. CHASE,  
*Speaker of the House of Representatives, pro tem.*  
JOHN CRESSWELL, Jr.,  
*Speaker of the Senate.*

APPROVED—The twenty-second day of March, Anno Domini one thousand eight hundred and fifty-nine.

WM. F. PACKER.

AN ACT to make decrees for the payment of money in equity proceedings liens upon real estate, with the right to revive or continue the liens of the same by writ of *scire facias*.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That decrees in equity for the payment of money shall be and constitute a lien on the real estate of the defendants or debtors named in the said decree, in the manner, for the like period, and with the same force and effect as the lien of judgments rendered by and in the common law courts of this Commonwealth, and shall be entered in like manner in the judgment or lien docket of the proper county; and the complainant or plaintiff in such decree shall have the like remedy, by writ of *scire facias* or otherwise,

for the revival and continuance of the said lien, as is prescribed by existing laws, for the continuance of the lien of such judgments and the proceedings under such writ of *scire facias* or other process; and the entry of a decree of revival may be regulated so far as is necessary by rules ordained by the proper court.

Sec. 2. Should any issue of fact arise in the course of such proceeding of revival, the same shall be proceeded in and determined by an issue directed in the manner now practiced in courts of equity.

W. C. A. LAWRENCE,  
*Speaker of the House of Representatives.*  
JOHN CRESSWELL, Jr.,  
*Speaker of the Senate.*

APPROVED—The twenty-ninth day of March, Anno Domini one thousand eight hundred and fifty-nine.  
WM. F. PACKER.

AN ACT relative to recorders of deeds within this Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the several recorders of deeds, within this Commonwealth, heretofore authorized to take the acknowledgement of and proof of deeds and other writings, shall have full power and are hereby authorized to take and certify the acknowledgment and proof of or concerning any such instruments of writing, as fully and with like effect as any judge or justice of the peace of this Commonwealth, might or could do.

W. C. A. LAWRENCE,  
*Speaker of the House of Representatives.*  
JNO. CLESSWELL, Jr.,  
*Speaker of the Senate.*

APPROVED—The sixth day of April, Anno Domini one thousand eight hundred and fifty-nine.  
WM. F. PACKER.

AN ACT in reference to the commissions of justices of the peace and aldermen.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That every person hereafter elected to the office of justice of the peace or alderman, shall, within thirty days after the election, if he intends to accept of said office, give notice thereof in writing, to the prothonotary of the common pleas of the proper county, who shall immediately inform the Secretary of the Commonwealth of said acceptance, and no commission shall issue until the Secretary of the Commonwealth has received the notice aforesaid.

Sec. 2. That so much of an act of Assembly as requires constables to send copies of the returns of the election of aldermen and justices of the peace, to the Governor of the Commonwealth, is hereby repealed.

Sec. 3. That whenever any person, elected to the office of alderman or justice of the peace, shall fail to give the notice of acceptance, as provided for in the first section of this act, within thirty days after said election, the office shall be considered vacant, and shall be filled as vacancies are now filled by law.

W. C. A. LAWRENCE,  
*Speaker of the House of Representatives.*  
JOHN CRESSWELL, Jr.,  
*Speaker of the Senate.*

APPROVED—The thirteenth day of April, Anno Domini one thousand eight hundred and fifty-nine.  
WM. F. PACKER.

AN ACT to authorize execution of process in certain cases in equity, concerning property within the jurisdiction of the court, and on defendants not resident or found therein.

SECTION 1. *Be it enacted by the Senate and*

*House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall be lawful for any court of this Commonwealth having equity jurisdiction, upon special motion of the plaintiff or plaintiffs in any suit in equity, which has been or shall be instituted therein, concerning goods, chattels, lands, tenements or hereditaments, or for the perpetuating of testimony concerning any lands, tenements, and so forth, situate or being within the jurisdiction of such court, or concerning any charge, lien, judgment, mortgage or incumbrance thereon, or where the court have acquired jurisdiction of the subject matter in controversy, by the service of its process on one or more of the principal defendants, to order and direct that any subpoena, subpoenas or other process to be had in such suit, be served upon any defendant or defendants therein, then residing or being out of the jurisdiction of such court, wherever he, she or they may reside or be found; and upon affidavit of such service had, to proceed as fully and effectually as if the same had been made within the jurisdiction of such court: *Provided,* That it shall appear to such court by affidavit, affidavits or other documents applicable for the purpose, before making such order, in what place or county such defendant or defendants reside, or are or probably may be found; and if such place be without the United States, whether there are any officers of the United States residing thereat or near thereto, and by what means such service may be authenticated: *And provided,* That such order limit a time, depending on the place where such process is to be served, after the service thereof, within which compliance with the requirements thereof must be made by such defendant or defendants; such process to be returnable at such time after the service thereof, as such court shall by special order direct: *And provided further,* That when such process shall be served, such defendant or defendants shall also be served with a copy of the order authorizing the service thereof, and a copy of the bill or petition, if such process be a subpoena thereon; but if not, a statement of the substance and object of the proceeding whereon the same is founded: *And Provided also,* That the affidavit of such service of process, and copies or statements aforesaid, if such service be had within the United States, may be made and taken before any officer of the United States, or of any of the States or Territories thereof, authorized to administer an oath; and if such service be had without the United States, the same shall be authenticated as such court shall by special order direct.

Sec. 2. That whenever it shall appear to the satisfaction of such court, by affidavit, affidavits or other documents, applicable for the purpose, that any defendant or defendants in any such suit as is hereinbefore mentioned, cannot upon diligent inquiry be found, so as to be personally served with any process to be had therein, it shall be lawful for such court upon special motion, to make an order upon such defendant or defendants similar to the requirements of such process, specifying the time when compliance therewith must be made; and upon the expiration of such specified time, to proceed as fully and effectually as if such process had been duly served within the jurisdiction of such court: *Provided,* That a statement of the substance and object of the bill, petition or other proceeding whereon such order is founded, and a copy of such order, be published in such one or more newspapers, and at such times as such court shall by special order direct.

Sec. 3. That no order or process of contempt shall be made or issued under this act; and nothing herein shall make it compulsory on the plaintiff or plaintiffs in any such suit as hereinbefore mentioned, to serve with process or



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

80.

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bring before such court, or proceed against any party or parties, person or persons, further or otherwise, than such plaintiff or plaintiffs are now by law, or the practice of such court, required to do.

W. C. A. LAWRENCE,  
*Speaker of the House of Representatives.*  
JNO. CRESSWELL, Jr.,  
*Speaker of the Senate.*

Approved the sixth day of April, Anno Domini, one thousand eight hundred and fifty-nine.

WM. F. PACKER.

AN ACT to provide for the ordinary expenses of the Government, and other general and special appropriations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the following sums be and the same are hereby specifically appropriated to the several objects hereinafter mentioned, for the year commencing on the first day of June, Anno Domini one thousand eight hundred and fifty-nine, to be paid out of any money in the treasury not otherwise appropriated.

SEC. 2. For the salary of the Governor of the Commonwealth, four thousand dollars.

For the salary of the Secretary of the Commonwealth, seventeen hundred dollars.

For the salary of the Deputy Secretary of the Commonwealth, one thousand five hundred dollars.

For the salary of the Auditor General, one thousand seven hundred dollars.

For the salary of the Surveyor General, one thousand six hundred dollars.

For the salary of the Attorney General, three thousand dollars.

For the salary of the Adjutant General, six hundred dollars.

For the salary of the Superintendent of

Common Schools, one thousand five hundred dollars.

For the salary of the State Librarian, eight hundred dollars.

For the salary of the State Treasurer, one thousand seven hundred dollars: *Provided,* That the foregoing salaries shall be paid quarterly, at the office of the State Treasurer.

SEC. 3. For clerk and messenger hire in the Executive and State departments, six thousand dollars.

For contingent expenses, in the Executive and State departments, as follows: postage and telegraphic despatches, one thousand seven hundred dollars; stationery, four hundred and fifty dollars; fuel and lights, one hundred and twenty-five dollars; cleaning offices, one hundred dollars; blank books, fifty dollars; repairs, fifty dollars; geological survey, freights and packages, one hundred and fifty dollars; new carpets in Executive chamber, two hundred dollars; miscellaneous expenses, one hundred and fifty dollars.

For clerk and messenger hire in the Auditor General's office, eight thousand six hundred dollars, or so much thereof as may be necessary.

For contingent expenses, as follows: postage and telegraphic despatches, five hundred dollars; stationery, three hundred and fifty dollars; fuel, seventy-five dollars; miscellaneous, seventy-five dollars.

For clerk and message hire in the Surveyor General's office, eight thousand seven hundred dollars.

For contingent expenses as follows: postage, four hundred dollars; stationery, two hundred dollars; fuel, seventy dollars; stove and repairs, sixty dollars; white-washing and scrubbing, fifty dollars; miscellaneous, fifty dollars; and for stationery furnished in one thousand eight hundred and fifty-seven by George Bergner, not heretofore provided for, fifty-seven dollars and eighty-six cents.

For clerk hire in the Attorney General's office, eight hundred dollars; and hereafter the Attorney General shall be allowed eight hundred dollars annually, for clerk hire.

For clerk and message hire in the School Department, one thousand nine hundred dollars.

For contingent expenses, as follows: stationery and blank books, three hundred and fifty dollars; postage, including telegraphic despatches, one thousand two hundred dollars; fuel, light and cleaning office, sixty dollars; packing and distributing blank forms, laws and decisions, reports, et cetera, to the several districts, six hundred dollars; miscellaneous, fifty dollars.

For clerks, messenger and night-watch in the Treasurer's office, including compensation of clerk to commissioners of the sinking fund, six thousand four hundred dollars.

For contingent expenses, as follows: postage and telegraphic despatches, four hundred and seventy-five dollars; express charges, one hundred dollars; stationery and blank books, two hundred and fifty dollars; fuel and light, seventy-five dollars; miscellaneous, one hundred and fifty dollars.

For miscellaneous expenses of the State Library, as follows: repairing telescope, forty dollars; making fires, postage, freight, stationery, expenses of purchasing books, cleaning and whitewashing library room, two hundred and

fifty dollars; binding and lettering books, one hundred dollars; purchasing law books, including English and Irish reports, elementary books and civil law books, one thousand dollars; miscellaneous books, three hundred dollars; for exchanges, three hundred and twenty dollars; and assistant, one hundred dollars.

SEC. 4. For the payment of the expenses of the Legislature, including the pay and mileage of the members, clerks and officers thereof, and the amount authorized by law for stationery, newspapers and lights, the sum of one hundred and fifty thousand dollars.

SEC. 5. For packing and distributing the laws and journals of the Legislature, to be performed under the direction of the Secretary of the Commonwealth, seven hundred dollars; or so much thereof as may be necessary.

SEC. 6. For the public printing, folding, stitching and binding, thirty thousand dollars; or so much thereof, as may be necessary on the settlement of the account of the contractor, under his contract entered into in pursuance of the act, approved the ninth day of April, Anno Domini one thousand eight hundred and fifty-six, entitled "An Act in relation to public printing."

SEC. 7. For the payment to the borough of Harrisburg for supplying the public buildings with water, as per act of twenty-eighth day of April, Anno Domini one thousand eight hundred and forty, six hundred dollars.

For the payment to the Harrisburg gas company, for gas for public buildings or walks, two thousand dollars; or so much thereof as shall be found due by the Auditor General, under the contract with the company, in pursuance of the charter of said company and its supplement, to be paid on the warrant of the Governor.

SEC. 8. For miscellaneous expenses, to be accounted for in the usual manner, three thousand dollars.

SEC. 9. For the support of the common schools, to be paid on warrants drawn by the superintendent, in favor of the several school districts of the Commonwealth, in proportion to the number of taxables therein, two hundred and eighty thousand dollars, inclusive of the salaries of the county superintendents, to be accounted for in the usual manner: *Provided,* That the basis of distribution of the said sum shall be the number of taxables of the several counties respectively, as reported at the septennial enumeration to the Legislature of one thousand eight hundred and fifty-seven: *And provided further,* That the city of Philadelphia shall be entitled to a proportion on the above basis, without contributing to the salaries of the county superintendents.

SEC. 10. For the payment of pensions and gratuities, ten thousand dollars; or so much thereof as may be required.

SEC. 11. For the payment of the salaries and per diem allowance of the judges of the supreme court, eighteen thousand seven hundred dollars.

SEC. 12. For the payment of the salaries of the judges of the district court, and the president and associate law judges of the court of common pleas of the city of Philadelphia, sixteen thousand eight hundred dollars.

SEC. 13. For the payment of the salaries of the judges of the district court, and the president and assistant law judge of the court of



common pleas of Allegheny county, ten thousand two hundred dollars.

SEC. 14. For the payment of the salaries and mileage of the president and associate law judges of the several courts of common pleas in this Commonwealth, except in the city of Philadelphia and the county of Allegheny, fifty-five thousand dollars, or so much thereof as may be necessary.

SEC. 15. For the payment of the salaries and mileage of the associate judges of the several courts of this Commonwealth, twenty-five thousand dollars.

SEC. 16. For the payment of the interest on the funded debt of the Commonwealth, that will fall due on the first days of July and August next, and the first days of January and February, one thousand eight hundred and sixty-two millions of dollars; or so much thereof as may be necessary.

SEC. 17. For the payment of the guaranty of interest, for the Dauphin and Pottsville railroad company, by the act of eighth of April, one thousand eight hundred and thirty-four, and the act of twelfth of April, one thousand eight hundred and fifty-one, eight thousand five hundred and seventeen dollars and fifty cents; being the interest in full, on said guaranty, up to the first day of August, Anno Domini one thousand eight hundred and fifty-nine; to the Bald Eagle and Spring Creek navigation company, by the act of seventh of April, Anno Domini one thousand eight hundred and thirty-five, ten thousand dollars: *Provided*, That said companies are hereby required to make it appear satisfactorily to the Attorney General that the said appropriations are due from the Commonwealth; and it shall be the duty of the Attorney General so to certify to the treasurer, before any of the moneys herein appropriated are paid.

SEC. 18. For the payment of the salaries of the officers of the Western penitentiary, ten thousand one hundred and fifty dollars; also, for gratuities paid to discharged convicts for the year one thousand eight hundred and fifty-eight, agreeably to the eighth section of the act of twenty-second of April, one thousand eight hundred and twenty-nine, and the several supplements thereto, three hundred and eight dollars; and for paving in front of the prison under the compulsory paving law of Allegheny city, the further sum of three thousand one hundred and eighteen dollars; and for the purpose of removing the walls and extending the buildings, and increasing the number of cells, twelve thousand dollars.

SEC. 19. For the payment of the salaries of the officers of the Eastern penitentiary, twelve thousand eight hundred and ninety-five dollars; for the necessary repairs to the building, the sum of two thousand four hundred and twenty-three dollars; which sum for salaries of officers may be drawn from the Treasury in equal quarterly portions, on or after the fifteenth day of the months of June, September and December of the present year, and March of next year.

SEC. 20. For the house of refuge of Philadelphia, the sum of twenty thousand dollars.

SEC. 21. For the house of refuge of Western Pennsylvania, in the county of Allegheny, eighteen thousand and five hundred dollars, to be applied, as follows: for the salaries of officers, eight thousand and five hundred dollars; additions and repairs, four thousand dollars, and for the payment of debts, six thousand dollars.

SEC. 22. For the Western Pennsylvania hospital, five thousand dollars, and for the purpose of erecting suitable buildings, the further sum of twenty thousand dollars.

SEC. 23. For the Pennsylvania State Innatic hospital, the sum of twenty thousand dollars; to be applied to the payment of salaries, the support of the house, the renewal of furniture and fix-

tures, and to such repairs and improvements as may be required.

SEC. 24. For the Pennsylvania institution for the instruction of the blind, twenty two thousand dollars.

SEC. 25. For the instruction of indigent pupils in the Pennsylvania institution for the instruction of the deaf and dumb, twenty-three thousand dollars: *Provided*, That the sums appropriated for the instruction of the blind, and deaf, and dumb, shall be paid to said institutions in proportion to the number of indigent pupils received by each from the several counties of this Commonwealth, at the rates prescribed by law; evidence of the number of pupils to be furnished to the State Treasurer.

SEC. 26. For the Pennsylvania training school for feeble minded children, such amount as said institution may be entitled to receive under the provisions of the sixth section of the act incorporating said school, approved the seventh of April, Anno Domini one thousand eight hundred and fifty-three; and for the purpose of completing the buildings now in progress, the further sum of twelve thousand five hundred dollars, upon condition that an equal amount be raised for the same purpose by private contribution; the said sum not to be paid out of the Treasury until the Auditor General shall be satisfied that said amount to be raised by private contribution has actually been subscribed and paid.

SEC. 27. For the Northern Home for friendless children, five thousand dollars: *Provided*, That the said Northern Home for friendless children shall be subject to the provisions contained in the third section of an act, entitled "A supplement to an act to incorporate the subscribers to the articles of association, for the purpose of establishing and conducting an institution for the confinement and reformation of youthful delinquents, under the title of the House of Refuge," approved March twenty-third, one thousand eight hundred and twenty-six.

SEC. 28. For the Penn Asylum for indigent widows and single women, five thousand dollars.

SEC. 29. For the Orphans' Home, at Zelienople, one thousand dollars.

SEC. 30. For the salary of the superintendent of the public printing, eight hundred dollars.

SEC. 31. To Richard J. Haldeman, publisher of the *Legislative Record*, compensation at the rate of seven dollars per page for the numbers published at the present session; the amount to be certified as due by the superintendent of public printing; and that the fortieth section of an act, entitled "An Act to provide for the ordinary expenses of government, and other general and special appropriations," approved twenty-first April, Anno Domini one thousand eight hundred and fifty-eight, so far as it relates to the continuance of the contract for the printing of a *Legislative Record* with R. J. Haldeman, be and the same is hereby repealed: *Provided*, That the repeal hereby provided for, shall not take effect until at the expiration of the present session.

SEC. 32. To each of the fire companies of Harrisburg, now organized and in operation, one hundred dollars.

SEC. 33. For the preservation and repairs of the capitol and improvement of the public grounds, the sum of three thousand seven hundred and thirty-one dollars, or so much thereof as may be necessary; to be expended for the following purposes, and no other: repairs to dome and cornice of capitol building, one hundred and twenty-five dollars; painting dome and cornice of capitol, six hundred dollars; lumber, labor, et cetera, to continue the board walk to front of capitol, two hundred and twenty-five dollars; removing privies in rear of capitol, excavating and completing trench for sewers, including cast iron pipe for same, and constructing the neces-

sary water closets in basement of capitol buildings, one thousand dollars; sewer and water closet at Governor's mansion, three hundred and seventy dollars; for brick and laying pavement on North street, including gutter, sand, et cetera, six hundred dollars; to make extraordinary repairs in and about the public buildings, keeping clean and fitting up rooms in the arsenal, to store books, documents, et cetera, eight hundred dollars: *Provided*, That all moneys expended and contracts made shall be at the direction and under the authority of the Secretary of State and the Auditor General.

For the payment of the superintendent and watchman of the public buildings and grounds, two dollars and fifty cents per day, for and during the period of his appointment.

SEC. 34. For the payment of the expenses of the committee selected to try the contested election case from the Third Representative district of Philadelphia, incurred by two sessions held in the said city, for the purpose of taking testimony with the permission of the House of Representatives, seven hundred and fifty dollars, seventy-five dollars of which shall be paid to each member of said committee, and seventy-five dollars to Charles A. Scale and Elisha McCarty, for the use of rooms at the Peletier House for the sessions of said committee.

SEC. 35. That the State Treasurer is hereby authorized to pay John A. Small for services rendered the House of Representatives, the same compensation now allowed by law for an assistant clerk; and for services performed during the last recess, in arranging the papers of last session, et cetera, and for the same services to be performed during the next recess, the further sum of three hundred dollars; and to F. M. Hutchinson the sum of one hundred dollars, for like services.

SEC. 36. That the State Treasurer is hereby authorized and directed to pay the amount necessary to pay William Basler, Geo. H. Lenhart, Jacob Hoffman, George Wiedler, Joseph Hazard, Matthias Hutman, Edward Fought and David Felty, folders for the House of Representatives, the sum of two dollars per diem, and the further sum of ten dollars each; and to the several pages employed by the Senate and House of Representatives, the sum of one dollar per diem, each, and the further sum of ten dollars each, for services at the present session of the Legislature, to be disbursed by the clerks of the respective Houses.

SEC. 37. That the State Treasurer is hereby authorized to pay George Manley at the rate of one dollar and fifty cents per day for services in cleansing and keeping in order the outbuilding of the two Houses, the actual number of days employed to be certified to by the clerk of the House.

SEC. 38. That the State Treasurer is hereby authorized and directed to pay Alvin Day nineteen dollars and twenty-five cents, being the amount of a check drawn by the State Treasurer on the Bank of Pennsylvania, in May, one thousand eight hundred and fifty-seven, and dishonored by said bank; and the State Treasurer be and he is hereby authorized and required to pay J. D. Hamilton fourteen dollars, amount due him on settlement.

SEC. 39. For transcribing for Committee of Ways and Means, to be paid on the order of the chairman, twenty dollars.

SEC. 40. For postage and stationery used in the office of the late Attorney General, sixty-seven dollars and fifty-nine cents.

SEC. 41. That the State Treasurer is hereby authorized to pay the chief Clerks of the Senate and House of Representatives for the expense of indexing journals, one hundred and twenty-five dollars each; and also the sum of one hundred and twenty-five dollars to William H. Miller, Clerk of the Senate, and to Jacob Ziegler, the late Clerk of the House of Repre-



sentatives, each, for indexing the journals for the year one thousand eight hundred and fifty-eight.

SEC. 42. For the payment of salaries of tonnage agents in full to June first, one thousand eight hundred and fifty-nine, twelve hundred dollars.

SEC. 43. That the State Treasurer is hereby authorized to pay each of the officers of the Senate and House of Representatives, except the Speakers, one hundred dollars additional compensation for services rendered during the present session: *Provided*, That such of said officers as shall be required, in conjunction with the chief clerks of the respective Houses, to remain after the close of the present session, shall, upon the presentation of a certificate from the Clerk of the proper House, stating the number of days served by such officer, be entitled to receive from the State Treasurer the same per diem allowance as they are now entitled to by existing laws. *Provided*, That the said clerks shall not retain more than two officers each, and not for a greater period than fifteen days.

SEC. 44. For the payment of the officers and privates of the first and second regiments of Pennsylvania volunteers, who served in the late war with Mexico, under the provisions of an act to provide for the payment of the first and second regiments of Pennsylvania volunteers, who served in the late war with Mexico, approved the twenty-ninth day of March, Anno Domini one thousand eight hundred and fifty-one, the sum of two hundred dollars.

SEC. 45. To William P. Brady, the sum of one hundred dollars, for filing the *Legislative Record*, and for services after the expiration of the session; and the pay of said Brady, as an officer of the Senate, shall be the same as that of a Transcribing Clerk, which shall be duly allowed, settled and paid.

SEC. 46. That there is hereby appropriated one hundred and fifty dollars, to be expended by the Clerk of the Senate in the purchase of fifteen thousand of Gavit's electrotype envelopes and the stamp for the use of the Senate; and one hundred and fifty dollars, to be expended by Clerk of the House of Representatives for similar envelopes and stamp for the use of House.

SEC. 47. For transcribing for railroad committee in Senate, to be paid on the order of the chairman, twenty-five dollars.

SEC. 48. That the State Treasurer is hereby authorized to pay to David S. Spear, the same compensation hereby allowed to the Assistant Messenger of the Senate.

SEC. 49. That the State Treasurer is hereby authorized to pay W. S. Picking, the salary of an Assistant Clerk.

SEC. 50. That the Clerks appointed according to the seventeenth section of the act, approved May seventh, one thousand eight hundred and fifty-five, shall be allowed the same rate of mileage as other officers of the Legislature, and at the same rate of compensation as is now allowed to the Transcribing Clerks by said act, in proportion to the time they shall serve as such.

SEC. 51. For the payment of the balance due Jacob Ziegler, late Clerk of the House of Representatives, twelve hundred and two dollars and thirty-six cents, as ascertained by the Auditor General on settlement.

SEC. 52. That the State Treasurer is hereby authorized to pay to each of the women regularly employed in the service of the two Houses during the present session of the Legislature, the sum of ten dollars extra for services rendered.

SEC. 53. That the Auditor General shall not allow any account presented for settlement by any of the officers of the several institutions named herein, and to which appropriations have

been made, unless the same shall be attested by the oath of the superintendent, or other principal officer, that the same is correct, and was expended for the items set out in the bill, and that the same was contracted for on the most favorable terms.

SEC. 54. That a sum not exceeding one dollar for each board of directors and controllers in the State, be and the same is hereby appropriated to enable the Superintendent of Common Schools to carry out the requirements of the ninth section of the supplement to the general school law, approved the eighth day of May, one thousand eight hundred and fifty-five.

SEC. 55. For the pay of Charles Weitzel, for attending fires, carrying wood, attending the Senate chamber at night, and other miscellaneous service, one hundred dollars.

SIMEON B. CHASE,  
*Speaker of the House, pro tem.*

JOHN CRESSWELL, JR.,  
*Speaker of the Senate.*

APPROVED—The twelfth day of April, A. D. one thousand eight hundred and fifty-nine.

WM. F. PACKER.

#### SENATE.

THURSDAY, April 14, 1859.

Senate met at the usual hour.

The SPEAKER in the Chair.

A quorum of Senators present.

The reading of the Journal of yesterday was dispensed with.

The following communication was received from the Governor:

EXECUTIVE CHAMBER,  
*Harrisburg, April 14, 1859.*

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania:*

GENTLEMEN: I have approved and signed the following acts of the General Assembly, viz:

On the 13th inst.,

"An Act for the relief of William Wilson, Jr., late collector of tolls at Northumberland."

"An Act authorizing the State Treasurer to pay the Towanda bridge company a balance remaining in the Treasury due them in pursuance of a contract made with the Board of Canal Commissioners, July 12, 1856."

"An Act declaring the Portage branch of the Sinnemahoning creek, in the counties of McKean and Potter, a public highway."

"An Act to incorporate the Moyamensing fire insurance company, to be located in the city of Philadelphia."

"An Act to authorize the Butler House hotel company to change the corporate name, and for other purposes."

"Supplement to an act to incorporate the Second and Third Street passenger railway company of Philadelphia."

"An Act to amend the fee bill of the orphans' court of the county of Allegheny."

"An Act to authorize the payment of the claim of S. Miles Green, of Huntingdon county."

"An Act relating to the settlements of registers of wills, recorders of deeds, prothonotaries and clerks of courts, with the State Treasurer."

"An Act allowing the treasurer of Beaver county a credit for certain balances of militia fines collected, and by him paid bona fide to the uniform militia, for duty done according to law."

"A supplement to the act incorporating the Mutual fire insurance company of Sinking Springs, Berks county."

"An Act to incorporate the Valley Forge military academy."

"An Act to authorize the managers of the Indiana and Elmsburg turnpike to collect tolls for certain purposes."

"An Act relative to certain accounts in Porter township school district, in the county of Jefferson."

"Supplement to an act incorporating the

Quarryville and Unicorn turnpike road company."

"An Act to legalize taxation in the borough of Washington."

"Act relative to the claim of Jas. Con-dren."

"An Act for the relief of R. J. Fleming."

"An Act to incorporate the Western library association of the city of Philadelphia."

"A supplement to an act authorizing the commissioners of Clarion county to erect a new court house, approved 18th of March, 1859."

"A further supplement to an act to incorporate the Bedford mineral spring association, approved March 17th, 1855."

"An Act to allow the government of the United States to hold certain real estate in the city of Philadelphia."

"An Act authorizing the State Treasurer to pay Nathaniel White for damages sustained by him from the Commonwealth."

"An Act changing the place of holding elections in West Manheim township, York county."

"An Act to repeal an act for the better preservation of game and insectivorous birds, so far as the same relates to the counties of Fayette, Westmoreland and Greene."

"An Act to incorporate the borough of New Washington."

"An Act to incorporate the Handel and Hay-don society of Philadelphia."

"An Act authorizing the State Treasurer to pay to S. C. Williamson for loss sustained in consequence of a collision on the Columbia and Philadelphia railroad."

"An Act authorizing the payment of the claim of Andrew Wise, of Huntingdon county."

"A further supplement to the act to incorporate the Trenton City bridge company."

"An Act to authorize the ministers, trustees, elders and deacons, of the German Reformed congregation, in the city of Philadelphia, in the province of Pennsylvania, to sell and convey certain real estate."

"A supplement to an act to divide the borough of Johnstown into wards, approved the 8th day of April, 1858."

"A further supplement to an act to incorporate the town of Ashland, partly in Schuylkill county and partly in Columbia county, into a borough, approved February 13th, 1837."

"An Act to incorporate the Philadelphia and Foreign steamship company."

"An Act relative to weighing coal in the city of Allegheny."

"An Act authorizing a State road from Du-shore, Schuylkill county, to the North Branch of Susquehanna river, at or near Wells' Ferry, Bradford county."

"An Act to incorporate the Montreal gas company."

"An Act to change the name of Chrysostom Charles Sweeny to Chrysostom Charles McLaughlin."

"An Act to incorporate the Duquesne insurance company."

"An Act to provide for the erection of a house for the employment and support of the poor in the county of Greene."

"An Act to incorporate the Franklin high school and normal institute association of the borough of Martinsburg, in the county of Blair."

"Supplement to an act to incorporate the Protestant Episcopal society for the promotion of evangelical knowledge, passed March 8th, 1848."

"An Act to incorporate the Towanda gas and water company."

"An Act relating to the time of holding the courts of Greene county."

"An Act authorizing the corporation of St. Paul's church, Erie, to sell certain real estate."

"An Act fixing the place of holding elections in South Buffalo township, Armstrong county."



"A supplement to an act authorizing Henry Wilton to construct a draw or breakwater in the Susquehanna, dated April 3, 1851."

"An Act in reference to the commissions of justices of the peace and aldermen."

"An Act to authorize the supervisors of certain townships in Lancaster county to pay a portion of the cost of erecting county bridges."

"An Act requiring the supervisors in the different townships in Cumberland county to keep the wing walls and embankments of said county bridges in repair."

"An Act repealing an act approved May 5th, 1851, authorizing the extension of Walnut street, in the borough of Blairsville, Indiana county, and to authorize the extension of said street northward."

"An Act requiring the sheriff of Cumberland county to compel all persons committed to the jail of said county for vagrancy to work."

"A supplement to the act, entitled 'An Act establishing a mode of selecting and drawing jurors in and for the city of Philadelphia.'"

"An Act to confer on Joseph Creechfield, of Somerset county, all the rights and privileges of a child born in lawful wedlock."

"An Act relative to the unadjusted claims against the public works."

"An Act authorizing the Auditor General to correct certain accounts."

"An Act to increase the fees of jurors in the rural districts of the city of Philadelphia."

"An Act to incorporate the Bald Eagle boom company in Clinton county."

"An Act relative to the city of Pittsburg."

"A supplement to an act to incorporate the Dark Hollow New Hope cemetery company."

"A supplement to an act to incorporate the city of Philadelphia."

"A supplement to the act to incorporate the West End insurance company of Philadelphia, approved May 20, 1857."

"An Act to incorporate the Odd Fellows' hall association of Thompsontown, Juniata county."

"An Act to authorize the trustees of the church of the United Brethren in Christ, of the borough of Middletown, in the county of Dauphin, to convey certain real estate."

"An Act to incorporate the Farmers' association."

"A supplement to an act to erect part of the township of Denison, in the county of Luzerne, into a separate district for road purposes."

"A supplement to the act limiting the actions against real estate."

"An Act to incorporate the New Oxford, Abbotstown and York railroad company."

"An Act repealing a certain act relating to executions against bridge companies."

"An Act empowering Sabina R. Sloan to sell certain real estate."

"An Act relating to executors, administrators and guardians."

"An Act to incorporate the Monongahela passenger railway company."

"An Act to incorporate the Laporte gas and water company."

"An Act relating to partitions in courts having equity jurisdiction in the county of Allegheny."

"A supplement to an act incorporating the Quakertown and Spinnerstown turnpike road company."

"An Act relating to the fees of county surveyors."

"An Act to incorporate the Pittsburg and Birmingham passenger railroad company."

"An Act relative to sureties of county treasurers."

"An Act to incorporate the Tylersville water company."

"An Act for the relief of Rachel Robison, widow of an old soldier of the Revolution."

"An Act to authorize the Washington hose

company of Harrisburg to sell certain real estate."

"An Act for the relief of Elizabeth Roberts, a widow of a soldier of the Indian war of 1788 to 1792." WM. F. PACKER.

#### ORIGINAL RESOLUTIONS.

Mr. GAZZAM submitted the following:

*Resolved*, That, if the House of Representatives concur, the twelfth joint rule of the Senate and House of Representatives be suspended, and that the Senate proceed to the consideration of bill, "An Act to authorize the Pennsylvania railroad company to remove their track from Liberty street, Pittsburg."

Agreed to.

Mr. PALMER submitted the following:

*Resolved*, That 3,000 copies of the Auditor General's report on the finances, and 5,000 of the public laws of this session, be printed for the use of the Senate.

Agreed to.

Mr. RANDALL offered the following:

*Resolved*, That a committee of two be appointed by the Senate, to act with a similar committee, should the House appoint such a committee, to wait upon the Governor and inform him that the Senate and House of Representatives will adjourn at 12 o'clock to-day.

The SPEAKER appointed Messrs. RANDALL and GAZZAM.

Mr. WELSH submitted the following:

*Resolved*, That a committee of two be appointed by the Senate to inform the House of Representatives that the Senate will adjourn at 12 o'clock this day.

The SPEAKER appointed Messrs. WELSH and SCOFIELD.

The Speaker, Mr. CRESSWELL, then arose and said:

SENATORS:—In transferring to your hands again the position with which you have honored me, which I now transfer, I am performing the last official act of my Senatorial career.

My aim and effort has been to discharge in a becoming manner the duties of the position, and to faithfully carry out as your presiding officer the pledge made to you when I took upon myself the trust. I congratulate the Senate upon the harmony and order which has generally prevailed during our session. I have been sustained in a manner and with a degree of liberality upon your part, gentlemen, that to me has been truly gratifying. If occasionally, from exciting causes and discussions, unpleasant or unkind feelings may have been generated, I trust and hope they have been evanescent, and will be remembered no more.

That our labors here may contribute to the common welfare, prosperity and progress of our Commonwealth is the earnest desire and wish of all of us. I trust that the results will be in accordance with our hopes—and that all we have done here may redound to the honor and interest of our country.

We are about to exchange the labors and cares of official life for the more agreeable and pleasant pursuits of private life. You will bear with you, one and all, my kindest regards for your future welfare and happiness.

For your confidence, courtesy and kindness personally, I return to you my sincere and heart-felt thanks. I will bear with me to my mountain home many fond recollections of associations formed in this hall.

With sentiments of high personal regard and esteem for you respectively, allow me to bid you "finally, brethren, farewell."

On motion of Mr. BREWER, the Senate proceeded to the election of a SPEAKER.

Messrs. Blood, Brewer, Craig, Fetter, Gregg, Keller, Marselis, Miller, Nunemacher, Randall, Schell, Schindel, Steele, Welsh, Wright and Cresswell, voted for Mr. TURNER.

Messrs. Coffey, Francis, Gazzam, Harris, Myer, Palmer, Parker, Penney, Rutherford,

Scotfield, Shaeffer, Thompson, Turney and Yardley, voted for ANDREW GREGG, JR.

Mr. TURNER was then conducted to the chair by Messrs. CRESSWELL and GREGG, when he delivered the following address:

Senators, I shall ever cherish a kind remembrance and cordial appreciation of the high honor you have conferred upon me. The duties that devolve upon me are, to some extent, a mere sinecure; yet it is not in that point of view that I advert to the honor, nor is it necessary for me to predict, in the future, the facility with which I shall attempt to discharge the duties that may devolve upon me, but the appreciation I have of the honor conferred upon me, arises from the fact of my elevation from the floor of the Senate to the chair of the SPEAKER. I shall endeavor, so far as the duties of SPEAKER may devolve upon me, to discharge them with an impartial and honest judgment, and with an eye solely to the interests that are committed to our keeping and control.

I can see that there are but two important duties that will devolve upon me as the SPEAKER of this body; that is, at the hour fixed and designated in the resolution to adjourn, and return to our homes, which will be the disruption of a social and Senatorial intercourse which, I have no doubt, every Senator on this floor will acknowledge has been of the most kindly character. The other is when we shall next be summoned to this field of labor, with such of us as shall have the happiness to meet in the service of the Commonwealth, to officially convene the Senate of Pennsylvania, and when the choice of a presiding officer shall have been determined, to resign the trust which you have have confided to me.

I am satisfied every Senator will carry home with him an impression which will be indelibly stamped upon his memory. Now, we have a right to review the history of the past session; but I know I participate in the common sentiment of the country, which accords to the present Legislature a degree of industry and efficiency, in every possible respect, which will commend, and make the session of 1859 one of mark. I heard, recently, the remark made by a close observer, that a more industrious body of men never convened at the Capital of the State, and that no body of men has ever accomplished more labor in the same length of time. The public interests have never been more consulted and subserved, I believe I can safely say. The number of bills that have been acted upon and passed, during this session, is commendatory of this Legislature; a fact which will, I know, be a source of sincere congratulation to every member of this body.

We are about to separate and return to the scenes of those labors which claim our private attention at home; and I have no doubt the feeling of congratulation I have adverted to, will be taken home by every Senator and cherished as long as he lives. To those who will meet here again, I must say, I shall hail the moment with pleasure, when the opportunity is presented of again commingling in the social relations with those members who are now in the Senate. To those whose term of office expires with the close of this session, I only express the sentiment of this body, when I say that every Senator is followed with the sincere regrets of his fellows; and I hope when they return to their homes and receive that approving voice from their constituency, they will sometimes, in their mind's eye, look back here and approve the judgment they exercised whilst here, while they receive the reward due to true and faithful public servants; that is, that they have been good and faithful in the discharge of their duties. Will the Senate designate one of their number to administer the oath?



Mr. BELL offered the following:

*Resolved*, That the thanks of the Senate be tendered to the Hon. JOHN CRESSWELL, Jr., for the dignity and impartiality with which he has presided over its deliberations.

Upon the adoption of the resolution,

The yeas and nays were required by Mr. WRIGHT and Mr. BELL, and were as follow, viz:

YEAS—Messrs. Bell, Blood, Brewer, Coffey, Craig, Fetter, Francis, Gazzam, Gregg, Harris, Keller, Marselis, Miller, Myer, Nunemacher, Palmer, Parker, Penney, Randall, Rutherford, Seofield, Shaeffer, Schindel, Steele, Thompson, Turney, Welsh, Wright and Yardley—29.

NAYS—None.

So the question was determined in the affirmative.

Mr. COFFEY offered the following:

*Resolved*, That the thanks of the Senate be, and they are hereby tendered to Gen. WM. H. MILLER, Chief Clerk, and to the Assistant and Transcribing Clerks, and other officers of the Senate, for the fidelity and efficiency which have marked the performance of their duties during the present session.

On this motion,

The yeas and nays were required by Mr. COFFEY and Mr. CRAIG, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Blood, Brewer, Coffey, Craig, Fetter, Francis, Gazzam, Gregg, Harris, Keller, Marselis, Miller, Nunemacher, Palmer, Parker, Penney, Randall, Rutherford, Seofield, Shaeffer, Schindel, Steele, Thompson, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—30.

NAYS—None.

So the question was determined in the affirmative.

Mr. SHAEFFER offered the following:

*Resolved*, That the thanks of the Senate be tendered to the clergymen who so kindly officiated during the session, in opening the sessions of the body with prayer. Agreed to.

Mr. WELSH, from the committee to inform the House of Representatives that the Senate will adjourn at 12 o'clock, reported that they had discharged their duty.

On motion of Mr. RANDALL, the Senate took a recess until 11 o'clock.

#### RECESS.

The Senate met at 11 o'clock.

A committee, from the House of Representatives, were introduced and informed the Senate that the House would adjourn at 12 o'clock.

On motion of Mr. SHAEFFER, the Senate took a further recess for half an hour.

#### SECOND RECESS.

At half-past 11 o'clock, the Senate again met. The following message was received from the Governor:

EXECUTIVE CHAMBER, }  
Harrisburg, April 14, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following acts of the General Assembly, viz:

On the 13th inst.,

"An Act to incorporate the Downingtown, Brandywine and Pequa railroad company."

"An Act to regulate the standard weight of oats."

"An Act relating to testamentary trustees."

"A further supplement to an act to incorporate the Bradford railroad and coal company, approved May 28, 1840."

"An Act to incorporate the Protection fire insurance company, to be located in the city of Philadelphia."

"An Act for the relief of the late firm of Mordwell & Longenecker."

An Act authorizing vice-presidents of banks to receive salaries for their services."

"An Act for the repeal of so much of the second section of the act, passed the 13th day of May, 1850, as relates to the Glen Hope and Little Bald Eagle turnpike company."

"An Act for the better regulation of billiard rooms, bowling saloons and ten pin alleys in the counties of Chester and Delaware."

"An Act to incorporate the Allegheny and Etna passenger railroad company in Allegheny county."

"An Act for the relief of the Somerset borough school district, in Somerset county."

"An Act in relation to the Towanda and Burlington plank road company."

"An Act in relation to the election of district attorney."

"A further supplement to an act relating to a burial ground and school lot in the borough of Pottsville."

"An Act to incorporate the Delaware Avenue market company of the city of Philadelphia."

"An Act relative to the Weecacoe and Moyamensing meadow company."

"An Act to incorporate the Jacksonville and Virginia State Line clay or turnpike road company."

"An Act fixing the place for holding the general and township elections in Lyeoming township, Lyeoming county."

"An Act to fix the place for holding elections in Union township, Union county, and to legalize an election held in said township."

"An Act to incorporate the Carbondale gas company."

"An Act for the reformation of vagrants, drunkards, and other disorderly persons in the county of Allegheny."

"An Act relative to the claim of Jackson Fee."

"An Act authorizing the board of school directors of the borough of Uniontown, in Fayette county, to borrow money."

"An Act to incorporate the Byberry and Andalusia turnpike road company."

"An Act to authorize the town council of the borough of Chambersburg to increase the rate of tax."

"An Act to incorporate the Mount Joy gas company."

"Supplement to an act to incorporate the Pennsylvania fire insurance company."

"An Act to confer on Edward E. Lutz the rights of a child born in lawful wedlock."

"An Act to confer on Horace G. Lutz the rights of a child born in lawful wedlock."

"An Act to authorize the State Treasurer to pay Robert Young, for loss sustained by fire on the line of the Columbia and Philadelphia railroad."

"An Act to abolish the office of sealer of weights and measures in certain counties of this Commonwealth."

"An Act to incorporate the Washington Monument association of the First school district of Pennsylvania."

WM. F. PACKER.

Messrs RANDALL and GAZZAM, committee appointed to wait upon the Governor and inform him that the Senate would adjourn at twelve o'clock, reported, that they had performed the duty assigned them, and that the Executive had requested to express to the Senate, his kind wishes for their health and happiness, and that he had no further communication to make.

Mr. GREGG submitted the following:

*Resolved*, That the thanks of the Senate are due, and they are hereby extended to the reporters of the Senate, for their full, accurate and impartial reports of debates and proceedings during the session.

Adopted unanimously.

On motion of Mr. WRIGHT, the Senate do now adjourn *sine die*.

Upon which,

The yeas and nays were required by Mr.

WRIGHT and Mr. BELL, and were as follow, viz:

YEAS—Messrs. Baldwin, Bell, Blood, Brewer, Coffey, Craig, Fetter, Francis, Gazzam, Gregg, Parris, Keller, Marselis, Miller, Nunemacher, Palmer, Parker, Randall, Rutherford, Schell, Shaeffer, Schindel, Steele, Thompson, Turney, Welsh, Wright, Yardley and Cresswell, *Speaker*—29.

NAYS—None.

So the question was determined in the affirmative.

So the SPEAKER adjourned the Senate *sine die*.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, April 14, 1859.

The House was called to order at 9 o'clock, by the SPEAKER.

The Clerk read the Journal of yesterday.

#### BILL RE-CONSIDERED.

Messrs. WILLIAMS, (Bucks,) and WAGEN-SELLER, moved that the vote by which the act, entitled "Supplement to the act to incorporate St. Paul's church, and for other purposes," was indefinitely postponed, be re considered.

And on the motion,

The yeas and nays were required by Mr. EVANS and Mr. WALEORN, and were as follow, viz:

YEAS—Messrs. Barnsley, Barlow, Bayard, Boyer, (Clearfield,) Boyer, (Schuylkill,) Burley, Campbell, Church, Durboraw, Ellmaker, Fearon, Galley, Glatz, Goepf, Good, Gratz, Harding, Hill, Hottenstine, Irish, Jackson, Ketchum, Kinney, Laird, Mann, Mehaffey, Matthews, M'Curdy, Neall, Patterson, Pinkerton, Pughe, Quigley, Ramsdell, Shafer, Sheppard, Styer, Thompson, Walborn Walker, Witman, Wigton, Wiley, Williams, (Bucks,) Williston, Wilson, Withrow, Wolf, Woodring and Lawrence, *Speaker*—50.

NAYS—Messrs. Acker, Custer, Evans, Fisher, Foster, Graham, Green, Kepeagy, Nill, Oaks, Proudfoot, Rohrer, Rouse, Smith, (Berks,) Stephens, Stoneback, Stuart, Thorn and Williams, (Bedford,)—19.

So the question was determined in the affirmative.

And on the final passage of the bill,

The yeas and nays were required by Mr. THORN and Mr. WILLIAMS, (Bucks,) and were as follow, viz:

YEAS—Messrs. Abbott, Barnsley, Barlow, Bayard, Boyer, (Schuylkill,) Brodhead, Bryson, Campbell, Church, Dodds, Durboraw, Eckman, Ellmaker, Fearon, Glatz, Good, Gratz, Gray, Harding, Hill, Hottenstine, Ketchum, Lawrence, (Washington,) Mann, Mehaffey, Matthews, Miller, Neall, Patterson, Pinkerton, Price, Pughe, Sheppard, Smcad, Styer, Wagenseller, Walborn, Walker, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Wolf, Woodring, Zoller and Lawrence, *Speaker*—49.

NAYS—Messrs. Acker, Boyer, (Clearfield,) Custer, Dismant, Evans Foster, Graham, Hamersly, Jackson, Keneagy, Nill, Oaks, Proudfoot, Rohrer, Smith, (Berks,) Stephens, Stoneback, Stuart, Thompson, Thorn and Warden—21.

So the question was determined in the affirmative.

And the bill passed.

On motion of Mr. GRATZ, the joint rule relative to the transmission of bills was dispensed with in this case.

Mr. HAMERSLY said—

Mr. SPEAKER:—I arise to a personal explanation. When the bill to divorce Emily L. Fry from her husband, Horace B. Fry, was before this House, in common with a number of other friends of the bill, I voted against proceeding to its second reading and consideration, because I deemed it unadvisable at the time, and because I did not then believe that the House was pre-



pared to consider it. As chairman of the Committee on Divorees, I reported the bill some three weeks ago, because at the time my judgment approved it, and because I believed that the happiness of the parties and the interests of society would be promoted by its passage. I have had no reason to change the views which I then entertained. On the contrary, all that I have seen—all that I have heard—has tended to strengthen the opinions which I originally formed, and if the question had come up on the passage of the bill, I have no hesitation in saying that I should have cheerfully voted for it. I deem this much due to myself—due to the House—as well as to a lady who has excited my deepest sympathies.

Mr. LAWRENCE, (Washington,) said that the impression had gone abroad that out of all the members of the House only eight or ten men had been willing to hear any argument on the Fry divorce case. He, for one, had voted "no" when the bill was before the House, because there was not then time, in the press of business, to consider it properly. If the members had made the acquaintance of the lady their sympathy would most probably have induced them to espouse her cause. The vote on that occasion was not, under any circumstances, to be considered as a test vote.

Mr. MILLER rose to correct an erroneous impression which had gone abroad in regard to himself. He had voted against proceeding to a second reading, because he thought that on the succeeding Monday the matter would be again brought up, and ample time and opportunity afforded for its discussion. He favored the divorce, and thought that the allegation of Mr. Fry himself in the reply to the petition of his wife, was sufficient to satisfy any one that it was both a moral and a legal duty for the Legislature to have passed the bill divorcing these parties. He, (Mr. MILLER,) had always, since he became acquainted with the facts in the case, been in favor of the passage of the bill, and embraced this opportunity of placing himself right before the public on this subject. He was not influenced by anything but a consciousness of right. He had never had the pleasure of seeing either Mrs. Fry or her father.

Mr. NILL said he had no regrets for the vote which he had cast on that occasion.

Mr. PRICE moved that the House proceed to the consideration of Senate bill No. 768, "Supplement to an act relating to the common schools of Lancaster city, passed January 7, 1850." And on the motion,

The yeas and nays were required by Mr. PRICE and Mr. ELLMAKER, and were as follow, viz :

YEAS—Messrs. Boyer, (Clearfield,) Brodhead, Bryson, Campbell, Church, Dodds, Durboraw, Eckman, Ellmaker, Fearon, Fisher, Foster, Glatz, Goepf, Green, Hamersly, Hill, Hottentstine, Irish, Keneagy, Ketchum, Laird, Mann, Mcchaffey, Matthews, McCurdy, Neall, Oaks, Patterson, Pinkerton, Price, Proudfoot, Pughe, Ramsdell, Shafer, Sheppard, Styer, Walborn, Warden, Wiley, Williston, Zoller and Lawrence, *Speaker*—43.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Bertolet, Burley, Custer, Dismant, Evans, Galley, Good, Graham, Gray, Nill, Peirce, Smith, (Berks,) Stoneback, Stuart, Thompson, Thorn, Wagenseller, Witman, Williams, (Bedford,) Williams, (Bucks,) Withrow and Wolf—26.

So the question was determined in the negative, two thirds not voting affirmatively.

An extract from the Journal of the Senate relative to the messaging to the Governor of the act relative to the removal of the tracks of the Pennsylvania railroad from a portion of Liberty street, Pittsburg, was read,

And on the question,

Will the House agree to the suspension of the joint rule?

The yeas and nays were required by Mr. THORN and Mr. FOSTER, and were as follow, viz :

YEAS—Messrs. Abbott, Acker, Barlow, Bayard, Boyer, (Clearfield,) Burley, Campbell, Church, Ellmaker, Glatz, Gratz, Gray, Green, Hamersly, Harding, Hill, Irish, Keneagy, Lawrence, (Washington,) Matthews, Miller, Neall, Nill, Patterson, Pughe, Rohrer, Rouse, Sheppard, Shields, Styer, Wagenseller, Walborn, Walker, Wiley, Williams, (Bedford,) Zoller and Lawrence, *Speaker*—37.

NAYS—Messrs. Barnsley, Bertolet, Brodhead, Custer, Dismant, Durboraw, Eckman, Fisher, Foster, Goepf, Good, Graham, Hottentstine, Jackson, Kinney, Laird, Mann, Mahaffey, McCurdy, Oaks, Pennell, Peirce, Price, Proudfoot, Quigley, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thompson, Thorn, Warden, Witman, Williams, (Bucks,) Williston, Withrow, Wolf and Woodring—39.

So the question was determined in the negative.

Messrs. WELSH and SCOFIELD, a committee from the Senate, were introduced, and informed the House that the Senate were ready to adjourn *sine die*, at 12 o'clock M. to-day.

Messages from the Governor, signing bills, were received and read, as follows:

EXECUTIVE CHAMBER,  
Harrisburg, April 14, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania :

GENELEMEN:—I have approved and signed the following acts of the General Assembly, viz:

On the 13th inst.,

"An Act for the relief of William Wilson, Jr., late collector of tolls at Northumberland."

"An Act authorizing the State Treasurer to pay the Towanda bridge company a balance remaining in the Treasury due them in pursuance of a contract made with the Board of Canal Commissioners, July 12, 1856."

"An Act declaring the Portage branch of the Sineamahoning creek, in the counties of McKean and Potter, a public highway."

"An Act to incorporate the Moyamensing fire insurance company, to be located in the city of Philadelphia."

"An Act to authorize the Butler House hotel company to change the corporate name, and for other purposes."

"Supplement to an act to incorporate the Second and Third Street passenger railway company of Philadelphia."

"An Act to amend the fee bill of the orphans' court of the county of Allegheny."

"An Act to authorize the payment of the claim of S. Miles Green, of Huntingdon county."

"An Act relating to the settlements of registers of wills, recorders of deeds, prothonotaries and clerks of courts, with the State Treasurer."

"An Act allowing the treasurer of Beaver county a credit for certain balances of militia fines collected, and by him paid bona fide to the uniform militia, for duty done according to law."

"A supplement to the act incorporating the Mutual fire insurance company of Sinking Springs, Berks county."

"An Act to incorporate the Valley Forge military academy."

"An Act to authorize the managers of the Indiana and Elmsburg turnpike to collect tolls for certain purposes."

"An Act relative to certain accounts in Porter township school district, in the county of Jefferson."

"Supplement to an act incorporating the Quarryville and Unicorn turnpike road company."

"An Act to legalize taxation in the borough of Washington."

"An Act relative to the claim of Jas. Condra."

"An Act for the relief of R. J. Fleming."

"An Act to incorporate the Western library association of the city of Philadelphia."

"A supplement to an act authorizing the commissioners of Clarion county to erect a new court house, approved 18th March, 1859."

"A further supplement to an act to incorporate the Bedford mineral spring association, approved March 17th, 1855."

"An Act to allow the government of the United States to hold certain real estate in the city of Philadelphia."

"An Act authorizing the State Treasurer to pay Nathaniel White for damages sustained by him from the Commonwealth."

"An Act changing the place of holding elections in West Manheim township, York county."

"An Act to repeal an act for the better preservation of game and insectivorous birds, so far as the same relates to the counties of Fayette, Westmoreland and Greene."

"An Act to incorporate the borough of New Washington."

"An Act to incorporate the Handel and Hayden society of Philadelphia."

"An Act authorizing the State Treasurer to pay S. C. Williamson for loss sustained in consequence of a collision on the Columbia and Philadelphia railroad."

"An Act authorizing the payment of the claim of Andrew Wise, of Huntingdon county."

"A further supplement to the act to incorporate the Trenton City bridge company."

"An Act to authorize the ministers, trustees, elders and deacons, of the German Reformed congregation, in the city of Philadelphia, in the province of Pennsylvania, to sell and convey certain real estate."

"A supplement to an act to divide the borough of Johnstown into wards, approved the 8th day of April, 1858."

"A further supplement to an act to incorporate the town of Ashland, partly in Schuylkill county and partly in Columbia county, into a borough, approved February 13th, 1837."

"An Act to incorporate the Philadelphia and Foreign steamship company."

"An Act relative to weighing coal in the city of Allegheny."

"An Act authorizing a State road from Dushore, Schuylkill county, to the North Branch of the Susquehanna river, at or near Wells' Ferry, Bradford county."

"An Act to incorporate the Montreal gas company."

"An Act to change the name of Chrysostom Charles Sweeny to Chrysostom Charles McLaughlin."

"An Act to incorporate the Duquesne insurance company."

"An Act to provide for the erection of a house for the employment and support of the poor in the county of Greene."

"An Act to incorporate the Franklin high school and normal institute association of the borough of Martinsburg, in the county of Blair."

"Supplement to an act to incorporate the Protestant Episcopal society for the promotion of evangelical knowledge, passed March 8th, 1848."

"An Act to incorporate the Towanda gas and water company."

"An Act relating to the time of holding the courts of Greene county."

"An Act authorizing the corporation of St. Paul's church, Erie, to sell certain real estate."

"An Act fixing the place of holding elections in South Buffalo township, Armstrong county."

"A supplement to an act authorizing Henry



Wilson to construct a draw or breakwater in the Susquehanna, dated April 3, 1851."

"An Act in reference to the commissions of justices of the peace and aldermen."

"An Act to authorize the supervisors of certain townships in Lancaster county to pay a portion of the cost of erecting county bridges."

"An Act requiring the supervisors in the different townships in Cumberland county to keep the wing walls and embankments of said county bridges in repair."

"An Act repealing an act approved May 5th, 1854, authorizing the extension of Walnut street, in the borough of Blairsville, Indiana county, and to authorize the extension of said street northward."

"An Act requiring the sheriff of Cumberland county to compel all persons committed to the jail of said county for vagrancy to work."

"A supplement to the act, entitled 'An Act establishing a mode of selecting and drawing jurors in and for the city of Philadelphia.'"

"An Act to confer on Joseph Creechfield, of Somerset county, all the rights and privileges of a child born in lawful wedlock."

"An Act relative to the unadjusted claims against the public works."

"An Act authorizing the Auditor General to correct certain accounts."

"An Act to increase the fees of jurors in the rural districts of the city of Philadelphia."

"An Act to incorporate the Bald Eagle boom company in Clinton county."

"An Act relative to the city of Pittsburg."

"A supplement to an act to incorporate the Dark Hollow New Hope cemetery company."

"A supplement to an act to incorporate the city of Philadelphia."

"A supplement to the act to incorporate the West End insurance company of Philadelphia, approved May 20, 1857."

"An Act to incorporate the Odd Fellows hall association of Thompsettown, Juniata county."

"An Act to authorize the trustees of the church of the United Brethren in Christ, of the borough of Middletown, in the county of Dauphin, to convey certain real estate."

"An Act to incorporate the Farmers' association."

"A supplement to an act to erect part of the township of Denison, in the county of Luzerne, into a separate district for road purposes."

"A supplement to the act limiting the actions against real estate."

"An Act to incorporate the New Oxford, Abbottstown and York railroad company."

"An Act repealing a certain act relating to executions against bridge companies."

"An Act empowering Sabina R. Sloan to sell certain real estate."

"An Act relating to executors, administrators and guardians."

"An Act to incorporate the Monongahela passenger railway company."

"An Act to incorporate the Laporte gas and water company."

"An Act relating to partitions in courtshaving equity jurisdiction in the county of Allegheny."

"A supplement to an act incorporating the Quakertown and Spinnerstown turnpike road company."

"An Act relating to the fees of county surveyors."

"An Act to incorporate the Pittsburg and Birmingham passenger railroad company."

"An Act relative to sureties of county treasurers."

"An Act to incorporate the Tylerville water company."

"An Act for the relief of Rachel Robison, widow of an old soldier of the Revolution."

"An Act to authorize the Washinton hose company of Harrisburg to sell certain real estate."

"An Act for the relief of Elizabeth Roberts, a widow of a soldier of the Indian war of 1788 to 1792."

WM. F. PACKER.

EXECUTIVE CHAMBER,  
Harrisburg, April 14, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following acts of the General Assembly, viz: On the 13th inst.,

"An Act to incorporate the Downingtown, Brandywine and Pequa railroad company."

"An Act to regulate the standard weight of oats."

"An Act relating to testamentary trustees."

"A further supplement to an act to incorporate the Bradford railroad and coal company, approved May 28, 1840."

"An Act to incorporate the Protection fire insurance company, to be located in the city of Philadelphia."

"A further supplement to an act to encourage the manufacture of iron with coke or mineral coal, and for other purposes, passed 16th June, 1836."

"An Act incorporating the First Presbyterian church cemetery in the borough of Strasburg."

"An Act to restrict sales by auction in the counties of Northampton, Dauphin and Lehigh."

"An Act to correct a clerical error in an act, entitled 'An Act to incorporate the trustees of the Young Men's christian building association of Philadelphia, approved 18th February, 1859.'"

"An Act authorizing the sheriff of Philadelphia county to sell certain real estate in lots, parcels and sub-divisions."

"An Act to authorize the auditors of Sullivan county to re-audit the account of James Taylor, late treasurer of said county, with the Commonwealth."

"An Act to incorporate the Eastern iron company."

"An Act to incorporate the Mont Alto iron company."

"A supplement to an act to incorporate the city of Carbondale, passed March 15, 1851."

"An Act to incorporate the Montour improvement company."

"A further supplement to the act incorporating the city of Philadelphia."

"An Act to confer on certain associations of the citizens of this Commonwealth the powers and immunities of corporations and bodies politic in law, and to confirm charters heretofore granted."

"An Act to provide for the ordinary expenses of the government, and other general and special appropriations."

"An Act to incorporate the Peun steam engine, steamship and steam boiler manufacturing company."

"An Act to authorize the appointment of an additional notary public in the county of Erie."

WM. F. PACKER.

The Clerk of the Senate, being introduced, informed the House that a committee had been appointed by the Senate to inform the Governor that that body would be ready to adjourn at 12 o'clock, *M. sine die*.

Mr. NILL offered the following resolution:

Resolved, That we most cordially tender the thanks of this body to the Hon. WM. C. A. LAWRENCE, for the able, courteous, impartial and faithful manner with which he has discharged the duties of his highly responsible office.

Mr. SMITH, (Berks,) seconded the resolution in a few appropriate remarks.

And on the question,  
Shall the resolution pass?

The yeas and nays were required by Mr. ROUSE and Mr. WALBORN, and were as follows, viz:

YEAS—Messrs. Abbott, Ackel, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Church Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Galley, Glatz, Goepp, Good, Graham, Gray, Green, Hamersly, Harding, Hill, Irish, Jackson, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Curdy, M'Dowell, Miller, Nill, Oaks, Patterson, Pennell, Peirce, Pinkerton, Price, Proudfoot, Pughe, Quigley, Ramsdell, Rohrer, Rouse, Shafer, Sheppard, Shields, Smcad, Smith, (Berks,) Stoneback, Stuart, Styer, Taylor, Thompson, Wagenseller, Walborn, Walker, Wadren, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf, Woodring and Zoller—79.

NAYS—Messrs. Fisher, Stephens and Thorn—3.

So the question was determined in the affirmative.

Upon resuming the chair, Mr. Speaker LAWRENCE addressed the House, as follows:

I congratulate you, gentlemen, upon this honorable conclusion of your labors. We are now in the last hour of a busy and fatiguing session, in which, though it has scarcely reached the limit formerly fixed by the laws of the Commonwealth, we have been in session a greater number of hours, and considered—but not passed—more bills than any body which has preceded us. The fruits of our labors must be discovered in the future. Whether they have been dictated by prudence and patriotism, and whether they will be productive of good, is a problem for solution at our homes and among our constituents. This I may say, however, with safety—that in all our intercourse, whether official or private, the members of this House have distinguished themselves by a degree of kindness and courtesy in all respects honorable and manly. Gathered together as we were, nearly all strangers, few of us having had experience in legislation, the harmony of action and great success of the session have been remarkable. And I am sure we will separate now with a sincerity of regret which is rarely engendered by a conflict of interest and opinion.

For myself, gentlemen, I have to thank you for your uniform kindness and courtesy to me. At times when great excitement prevailed by reason of contending interests—when the outside pressure was almost irresistible, and when legislation had been almost stopped—your support of the Chair was constant, undeviating and firm. There was no faltering; and to your firmness, in a very great measure, is it due that we now terminate our labors in this harmonious quiet. I am, also, indebted to the officers of the House for many acts of kindness. For the most part, they have been scrupulously attentive and industrious. If I have won your confidence and respect I am content. I have desired to do my duty. In doing so, I am sure I have incurred the enmity of some whose interests were in conflict with my sworn duty; but I shall not regard their displeasure as of serious consequence. There are men so constituted in their natures, that their hostility is more honorable and pleasant than their friendship. I am not dependent upon the approbation of such for one iota of my happiness or self-respect. [Loud applause.]

And now, gentlemen, it is my fervent desire that you may all be speedily restored to the comforts and joys of your families; that prosperity and happiness may go with you through life, and that in the end you may merit and receive that peace which passeth all understanding, eternal in the Heavens. [Loud applause.]

"An Act to incorporate the City building association," was returned with the objections of the Governor.

And on the question,



Shall the same become a law, notwithstanding the objections of the Governor? agreeably to the provisions of the Constitution, the yeas and nays were called, as follows:

YEAS—Messrs. Abbott, Neall, Sheppard and Styer—4.

NAYS—Messrs. Acker, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Brodhead, Bryson, Burley, Campbell, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Foster, Galley, Glatz, Goepp, Good, Graham, Gratz, Gray, Green, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Keneagy, Kinney, Laird, Mann, Mahaffey, Matthews, M'Curdy, Miller, Oaks, Patterson, Pennell, Peirce, Pinkerton, Proudfoot, Pughe, Quigley, Ramsdell, Shafer, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thompson, Wagenseller, Walborn, Walker, Warden, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Wolf, Woodring, Zoller and Lawrence, *Speaker*—73.

So the question was determined in the negative, and the bill fell.

Mr. WALBORN moved that a committee of two be appointed to act in conjunction with a similar committee of the Senate, to wait upon and inform the Governor that the Legislature is ready to adjourn at 12 o'clock, M., to-day.

The SPEAKER appointed Messrs. WALBORN and GLATZ said committee.

Mr. WILLIAMS, (Bucks,) moved that a committee of two be appointed to inform the Senate that the House is ready to adjourn at 12 o'clock, M.

"An Act to incorporate the Union school district of Wattsburg, Erie county," was returned with the objection of the Governor.

And on the question,

Shall the bill pass, notwithstanding the objections of the Governor?

Agreeably to the provision of the Constitution, the yeas and nays were called as follow, viz:

YEA—Mr. Harding.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Brodhead, Bryson, Burley, Campbell, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Foster, Goepp, Good, Gratz, Green, Hamersly, Hill, Hottenstine, Jackson, Ketchum, Kinney, Mann, Mahaffey, Matthews, M'Curdy, Neall, Patterson, Pennell, Peirce, Pinkerton, Proudfoot, Pughe, Quigley, Ramsdell, Rohrer, Ronse, Shields, Smith, (Berks,) Stephens, Stoneback, Stuart, Styer, Taylor, Thompson, Wagenseller, Walker, Warden, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wilson, Withrow, Wolf, Woodring and Lawrence, *Speaker*—67.

So the question was determined in the negative, and the bill fell.

House bill No. 240, "An Act to incorporate the California seminary of Washington county," was returned with the objections of the Governor.

And on the question,

Shall the bill pass notwithstanding the same?

Agreeably to the provisions of the Constitution, the yeas and nays were called, as follow:

YEAS—Messrs. Bayard, Graham, Lawrence, (Washington,) and Zoller—4.

NAYS—Messrs. Abbott, Acker, Barnsley, Barlow, Bertolet, Boyer, (Clearfield,) Brodhead, Burley, Campbell, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Foster, Galley, Goepp, Good, Gratz, Gray, Hamersly, Hill, Hottenstine, Irish, Keneagy, Ketchum, Kinney, Laird, Mann, Mahaffey, M'Curdy, M'Dowell, Miller, Neall, Oaks, Patterson, Pennell, Pinkerton, Proudfoot, Quigley, Ramsdell, Rohrer, Rouse, Shafer, Shields, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Taylor, Thompson, Wagenseller, Walker, Warden, Wit-

man, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Wolf, Woodring and Lawrence, *Speaker*—67.

So the question was determined in the negative, and the bill fell.

#### ORIGINAL RESOLUTIONS.

Mr. NEALL offered the following resolution: *Resolved*, That the committee appointed to examine the affairs of the Shamokin Bank be authorized to report to the next Legislature; which was read the second time.

Mr. NEALL moved to amend, as follows:

And that said committee be requested to sit during the recess; which was not agreed to.

Mr. NEALL said that he offered the resolution for the purpose of either giving the committee power to sit during the recess, or having them discharged. He had no knowledge of the language of the original resolution, until within ten minutes of his offering this one; or he would not have allowed his name to have been associated with it. The original resolution reads, that the "committee shall report to this House at as early a day as possible," and he was not going away and leave the business of his constituency for the purpose of investigating any bank, and he hoped his resolution would be adopted, or the committee discharged from all further consideration of the subject.

The resolution was not agreed to.

Mr. HAMERSLY moved that said committee be discharged from the consideration of said resolution; which was agreed to.

Mr. ROHRER offered the following resolution:

*Resolved*, That the thanks of this House be tendered to S. J. REA, Esq., Chief Clerk of the House, for the able, energetic, efficient and courteous manner in which he has fulfilled the duties of his position.

The resolution was read the second time.

And on the final passage of the same,

The yeas and nays were required by Mr. SMITH, (Berks,) and Mr. MANN, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Church, Custer, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Galley, Glatz, Goepp, Good, Gratz, Gray, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Keneagy, Ketchum, Laird, Lawrence, (Washington,) Mann, Mahaffey, Matthews, M'Curdy, M'Dowell, Miller, Nill, Patterson, Pennell, Peirce, Pinkerton, Proudfoot, Pughe, Quigley, Ramsdell, Rohrer, Shafer, Sheppard, Smead, Smith, (Berks,) Stephens, Stuart, Styer, Taylor, Thompson, Wagenseller, Walborn, Walker, Warden, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wolf, Woodring, Zoller and Lawrence, *Speaker*—83.

NAYS—None.

So the question was determined in the affirmative.

Mr. WALBORN, chairman of the committee appointed to wait on the Governor and inform him that the House would be ready to adjourn at 12 o'clock, M., informed the House that they had performed that duty.

Mr. KETCHUM offered the following resolution:

*Resolved*, That we consider it eminently due to JOHN A. SMULL, assistant clerk, that our thanks be tendered him for his unwearied exertion in facilitating the business of the session; which was read the second time.

And on the question,

Shall the resolution pass?

The yeas and nays were required by Mr. GRATZ and Mr. M'DOWELL, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer,

(Schuylkill,) Brodhead, Bryson, Burley, Campbell, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Fearon, Fleming, Foster, Galley, Glatz, Goepp, Good, Graham, Glatz, Gray, Green, Hamersly, Harding, Hill, Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mahaffey, Matthews, M'Curdy, M'Dowell, Miller, Nill, Oaks, Patterson, Pennell, Peirce, Pinkerton, Price, Proudfoot, Pughe, Quigley, Ramsdell, Rohrer, Rouse, Shafer, Shields, Smead, Smith, (Berks,) Stephens, Stoneback, Stuart, Styer, Taylor, Thompson, Wagenseller, Walborn, Walker, Warden, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wolf, Woodring, Zoller and Lawrence, *Speaker*—85.

NAYS—None.

So the question was determined in the affirmative.

Mr. JACKSON offered a resolution that a vote of thanks be tendered to Judson Hilecomb, Esq., chief assistant clerk, for the courteous, able and efficient manner with which he has discharged the arduous duties of his position; which was read the second time; and,

On the final passage of the resolution,

The yeas and nays were required by Mr. MILLER and Mr. JACKSON, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Ellmaker, Evans, Fearon, Galley, Glatz, Goepp, Good, Graham, Gratz, Gray, Green, Hamersly, Hill, Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mahaffey, Matthews, M'Curdy, M'Dowell, Miller, Nill, Oaks, Patterson, Pennell, Peirce, Pinkerton, Price, Proudfoot, Pughe, Quigley, Ramsdell, Rohrer, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Stuart, Styer, Taylor, Thompson, Wagenseller, Walborn, Walker, Warden, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wolf, Woodring, Zoller and Lawrence, *Speaker*—80.

NAYS—None.

So the question was determined in the affirmative.

Mr. RAMSDELL offered the following resolution:

*Resolved*, That the thanks of the House be tendered to E. H. Rauch, John Picking, C. W. Gilfillan and Lucius Rogers, Transcribing Clerks, for the faithful and courteous manner in which they have discharged their duties.

Which was read the second time.

Mr. LAWRENCE, (Washington,) moved to include the name of the Postmaster, S. C. Stewart, and other officers of the House; which was agreed to.

And on the question,

Shall the resolution pass?

The yeas and nays were required by Mr. RAMSDELL and Mr. CHURCH, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Church, Custer, Dodds, Durboraw, Eckman, Evans, Fearon, Galley, Glatz, Goepp, Good, Graham, Gratz, Gray, Green, Hamersly, Harding, Hill, Irish, Jackson, Keneagy, Ketchum, Kinney, Laird, Lawrence, (Washington,) Mann, Mahaffey, Matthews, M'Curdy, Miller, Nill, Oaks, Patterson, Pennell, Peirce, Pinkerton, Price, Proudfoot, Quigley, Ramsdell, Rohrer, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Stuart, Styer, Thompson, Wagenseller, Walborn, Walker, Warden, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Withrow, Wolf, Woodring, Zoller and Lawrence, *Speaker*—77.



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

81.

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NAYS—None.

So the question was determined in the affirmative.

Mr. DODDS offered a resolution, that a vote of thanks be tendered to the clergymen who have so kindly officiated during the present session; which was read and adopted.

Mr. QUIGLEY offered a resolution, that our thanks are due to Jacob Zeigler, Esq., for the efficient aid he has rendered to this House, for services rendered in facilitating the business devolving on the Clerk of this House, which passed to second reading.

And on the final passage of the same,

The yeas and nays were required by Mr. QUIGLEY and Mr. WOLF, and were as follow, viz:

YEAS—Messrs. Abbott, Acker, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Fearon, Galley, Glatz, Goepf, Good, Graham, Gratz, Gray, Green, Hamersly, Harding, Hill, Irish, Jackson, Keneagy, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Curdy, M'Dowell, Miller, Nill, Oaks, Patterson, Peirce, Price, Proudfoot, Quigley, Ramsdell, Rohrer, Rouse, Shafer, Sheppard, Smith, (Berks,) Stuart, Taylor, Thompson, Wagenseller, Walborn, Walker, Warden, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Wolf, Woodring, Zoller and Lawrence, *Speaker*—73. NAYS—None.

So the question was determined in the affirmative.

The business of the session having all been gone through with,

Mr. NILL moved that this House do now adjourn.

Whereupon agreeably to the provisions of the Constitution, the yeas and nays were called as follow, viz:

YEAS—Messrs. Abbott, Acker, Barnsley, Barlow, Bayard, Bertolet, Boyer, (Clearfield,) Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Church, Custer, Dismant, Dodds, Durboraw, Eckman, Fearon, Galley, Glatz, Goepf, Good, Graham, Gratz, Gray, Green, Hamersly, Harding, Hill, Irish, Jackson, Keneagy, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Curdy, M'Dowell, Miller, Nill, Oaks, Patterson, Peirce, Price, Proudfoot, Quigley, Ramsdell, Rohrer, Rouse, Shafer, Sheppard, Smith, (Berks,) Stuart, Taylor, Thompson, Wagenseller, Walborn, Walker, Warden, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Wolf, Woodring, Zoller and Lawrence, *Speaker*—73. NAYS—None.

Boyer, (Schuylkill,) Brodhead, Bryson, Burley, Campbell, Church, Custer, Dismant, Dodds, Fearon, Foster, Galley, Glatz, Goepf, Good, Graham, Gratz, Gray, Green, Hamersly, Harding, Hill, Hottenstine, Irish, Jackson, Keneagy, Kinney, Laird, Lawrence, (Washington,) Mann, Mehaffey, Matthews, M'Curdy, M'Dowell, Miller, Neall, Nill, Oaks, Patterson, Peirce, Pinkerton, Price, Proudfoot, Quigley, Ramsdell, Rohrer, Rouse, Shafer, Sheppard, Smead, Smith, (Berks,) Stuart, Taylor, Thompson, Wagenseller, Walborn, Walker, Warden, Witman, Wigton, Wiley, Williams, (Bedford,) Williams, (Bucks,) Williston, Wilson, Wolf, Woodring, Zoller and Lawrence, *Speaker*—76.

NAYS—None.

So the question was determined in the affirmative, and the SPEAKER adjourned the House *sine die*.

## LAWS OF PENNSYLVANIA.

### SESSION OF 1859.

AN ACT relating to the granting of licenses to hotel, inn or tavern keepers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for the several courts of quarter sessions of this Commonwealth to hear petitions, in addition to that of the applicant, in favor of and remonstrances against the application of any person applying to either of them for a license to keep a hotel, inn or tavern, and thereupon refuse the same, whenever, in the opinion of said court, such inn, hotel or tavern is not necessary for the accommodation of the public and entertainment of strangers and travelers; and so much of the sixth section of the act of Assembly, relating to the sale of intoxicating liquors, passed the twentieth day of April, 1858, as is inconsistent herewith, is hereby repealed: Provided, That the several courts of quarter sessions empowered to grant licenses shall have and exercise such discretion, and no other, in regard to the necessity of inns or taverns, as is given to said courts by the act relative to inns and taverns, approved 11th March, 1834: Provided further, That nothing in this act shall apply to the city of Philadelphia.*

W. C. A. LAWRENCE,

*Speaker of the House of Representatives.*

JNO. CRESSWELL, JR.,

*Speaker of the Senate.*

Approved the fourteenth day of April, Anno Domini one thousand eight hundred and fifty-nine.

WM. F. PACKER.

AN ACT relative to the exemption of three hundred dollars, and to the widows and children of decedents.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the widow or children of any decedent entitled to retain three hundred dollars out of such decedent's estate by the law of this Commonwealth, and every person entitled to the exemption provided for in the act, entitled "An Act to exempt property to the value of three hundred dollars from levy and sale on execution or*

*distress for rent, approved the ninth day of April Anno Domini one thousand eight hundred and forty-nine," may elect to retain the same, or any part thereof, out of any bank notes, money, stocks, judgments, or other indebtedness to such person; and that in all cases hereafter where property shall be set apart for the widow and children of any decedent, the same shall be appraised and set apart to said widow and children by the appraisers of the other personal estate of said decedent.*

W. C. A. LAWRENCE,

*Speaker of the House of Representatives.*

JNO. CRESSWELL, JR.

*Speaker of the Senate.*

Approved the eighth day of April, Anno Domini one thousand eight hundred and fifty-nine.

WM. F. PACKER.

## STATEMENT

Showing the condition of such Foreign Insurance, Trust and Annuity companies as have obtained License since the twenty-first day of April, A. D. 1858, to transact business in the State of Pennsylvania, under the provisions of the Act of April 9th, 1856.

INTERNATIONAL LIFE INSURANCE SOCIETY OF LONDON.

Capital stock.....	\$2,500,000 00
Number of shares of stock subscribed.....	20,412
Amount of assessments or instalments on stock paid in in cash,	408,250 00
Amount of cash on hand.....	48,169 50
Amount of cash deposited in banks specifying in what bank the same is deposited. See sched. A.	
Amount of cash in hands of agents in course of transmission.....	116,121 00
Amount of loans secured by bonds and mortgages constituting the first lien on the real estate on which there is less than one yr's interest due and owing.....	140,785 00
Amount of stocks owned by the company, whether of any State of the United States, or of any incorporated city of the United States, or of any other description, specifying the number of shares and the par market value of the same. See schedule B.	
Amount of assessments on the stock of the company called in, due and unpaid.....	5,865 00
Amount of the claims for losses which are in suit or contested by the company.....	15,000 00
Amount of losses during the year which have been paid.....	157,875 00
Amount of losses during the year which are contested.....	5,000 00
Amount of dividends declared.....	17,540 00
Amount of cash premiums rec'd...	295,474 00
Amount of premium notes taken by the company.....	98,491 00
Amount of interest money received from the investments of the company.....	37,855 00
Amount of income of the company from any other sources.....	1,590 00
Amount of losses paid during the year.....	157,875 00
Amount paid and owing for re-insurance premiums.....	9,620 00



Amount of return premiums whether paid or unpaid.....	1,375 00	Amount of loans secured by bonds and mortgages constituting the first lien on the real estate on which there is less than one year's interest due and owing...	219,400 00	from the investments of the company.....	4,298 79
Amount of dividends paid during the year.....	17,540 00	Amount of stock held by the company as collateral security for loans, with the amount loaned on each kind of stock, its par market value. See schedule E.		Amount of losses paid during the year.....	28,008 28
Amount of expenses paid during the year, including commissions and fees paid to agents and officers of the company.....	70,915 00	Amount of assessments on the stock of the company called in, due and unpaid.....	200,000 00	Amount of dividends paid during the year.....	15,000 00
Amount of taxes paid by the company.....	6,220 00	Amount of losses during the year which have been paid.....	13,373 36	Amount of expenses paid during the year, including commissions and fees paid to agents and officers of the company.....	11,141 78
Amount of all other expenses and expenditures of the company....	64,695 00	Amount of losses during the year which have not been settled....	626 19	Amount of promissory notes originally forming the capital of the company.....	270,000 00
LIVERPOOL AND LONDON FIRE AND LIFE ASSURANCE COMPANY.		Amount of dividends declared....	14,000 00	Amount of said notes held by the company as part or the whole of the capital thereof,.....	180,000 00
Capital stock.....	10,000,000	Amount of dividends declared due and unpaid.....	70 00	CONNECTICUT MUTUAL LIFE INSURANCE COMPANY OF HARTFORD.	
Number of shares of stock subscribed.....	94,211	Amount of cash premiums received	68,655 40	Amount of cash on hand,.....	\$28,6811 64
Amount of assessments or instalments on stock paid in in cash...	942,110 00	Amount of premiums earned.....	34,533 88	Amount of cash deposited in bank specifying in what bank, the same is deposited,.....	78,984 78
The value or as nearly as may be of the real estate held by the company.....	600,000 00	Amount of interest money received from the investments of the company.....	15,049 49	Amount of cash in hands of agents in course of transmission,.....	14,253 66
Amount of cash in hand. See schedule C.		Amount of losses paid during the year.....	13,373 36	Amount of loans secured by bond and mortgages, constituting the first lien on the real estate, on which there is less than one year's interest due and owing,.....	1,042,171 24
Amount of cash in hands of agents in course of transmission.....	65,031 00	Amount of losses paid during the year which accrued prior to the year.....	3,410 26	Amount of loans on which interest has not been paid within one year,.....	190,105 00
Amount of loans secured by bonds and mortgages constituting the first lien on the real estate on which there is less than one yr's interest due and owing.....	473,850 00	Amount at which the losses were estimated in former statement which were paid during the year	2,300 00	Amount of stock owned by the company, whether of any State of the United States, or of any incorporated city of the United States, or of any other description, specifying the number of shares and the par market value of the same. See schedule I.	
Amount of loans on which interest has not been paid within one year.....	14,600 00	Amount paid and owing for reinsurance premiums.....	1,746 74	Amount of stock held by the company as collateral security for loans, with the amount loaned on each kind of stock, its par market value. See schedule J.	
Amount of stocks owned by the company, whether of any State of the United States, or of any incorporated city of the United States, or of any other description, specifying the number of shares and the par market value of the same.....	153,000 00	Amount of return premiums whether paid or unpaid.....	4,119 79	Amount of premium notes due and unpaid,.....	1,081,558 19
Amount of stock held by the company as collateral security for loans, with the amount loaned on each kind of stock, its par market value.....	50,000 00	Amount of dividends paid during the year.....	14,000 00	Amount of interest on investments made by the company, due and unpaid,.....	39,747 00
Amount of losses during the year which have been paid.....	292,777 00	Amount of expenses paid during the year including commissions and fees paid to agents and officers of the company.....	1,304 49	Amount of losses due and unpaid,.....	1,000 00
Amount of losses during the year which have not been settled....	10,000 00	Amount of taxes paid by the company.....	3,079 79	Amount of losses during the year which have been paid,.....	143,550 00
Amount of dividends declared 30 per cent.		Amount of all other expenses and expenditures of the company...	19,899 52	Amount of losses during the year which have not been settled,.....	61,500 00
Amount of cash premiums rec'd...	619,187 63	NORTH AMERICAN FIRE INSURANCE COMPANY OF HARTFORD, CONNECTICUT.		Amount of losses during the year which are contested,.....	500 00
Amount of premiums earned.....	474,037 24	Capital stock.....	\$300,000 00	Amount of losses during the year reported to the company and not acted upon,.....	17,500 00
Amount of interest money received from the investments of the company.....	33,525 20	Number of shares of stock subscribed.....	3,000 00	Amount of dividends declared.....	241,600 00
Amount paid and owing for reinsurance premiums.....	6,273 93	Amount of assessments or instalments on stock paid in, in cash,	120,000 00	Amount of dividends, either cash or scrip, declared and not yet due,	739,361 00
Amount of return premiums whether paid or unpaid.....	28,607 43	Amount of cash on hand. See schedule F.		Amount of cash premiums received,.....	228,436 01
Amount of expenses paid during the year, including commissions and fees paid to agents and officers of the company.....	45,618 06	Amount of cash in hands of agents in course of transmission.....	9,200 00	Amount of premium notes taken by the company,.....	209,170 46
Amount of taxes paid by the company.....	5,750 69	Amount of loans secured by bonds and mortgages constituting the first lien on the real estate on which there is less than one year's interest due and owing...	6,275 00	Amount of interest money rec'd from the investments of the company,.....	118,356 53
Amount of all other expenses and expenditures of the company...	41,414 05	Amount of stocks owned by the company, whether of any State of the United States, or of any incorporated city of the United States, or of any other description, specifying the number of shares and the par market value of the same. See schedule G.		Amount of losses paid during the year,.....	190,225 00
SECURITY FIRE INSURANCE COMPANY OF NEW YORK.		Amount of stock held by the company as collateral security for loans with the amount loaned on each kind of stock, its par market value. See schedule H.		Amount of losses paid during the year which occurred prior to the year,.....	46,675 00
Capital stock.....	200,000 00	Amount of losses during the year which have been paid.....	25,008 28	Amount of dividends paid during the year,.....	161,680 00
Number of shares of stock subscribed.....	4,000 00	Amount of losses during the year which have not been paid.....	1,649 93	Amount of expenses paid during the year, including commission and fees paid to agents and officers of the company,.....	39,166 50
Amount of assessments or instalments on stock paid in, in cash,	200,000 00	Amount of dividends declared.....	15,000 00	Amount of taxes paid by the company,.....	4,937 74
Amount of cash on hands.....	302 80	Amount of cash premiums received.....	87,130 12	Amount of all other expenses	
Amount of cash deposited in banks specifying in what bank the same is deposited. See schedule D.		Amount of premiums earned.....	56,648 96		
Amount of cash in hands of agents in course of transmission.....	104 49	Amount of interest money received			



and expenditures of the company, 1,711 08	in course of transmission,..... 278,442 38	company,..... 54,221 31
SPRINGFIELD FIRE AND MARINE INSURANCE COM- PANY, MASSACHUSETTS.	Amount of interest on invest- ments made by the company, due and unpaid..... 11,342 46	Amount of income of the company from any other sources,..... 981 40
Capital Stock,..... \$150,000 00	Amount of losses during the year which have been paid..... 342,350 00	Amount of losses paid during the year,..... 248,975 70
Number of shares of stock sub- scribed, ..... 1,500	Amount of dividends declared due and unpaid..... 3,291 00	Amount of losses paid during the year which accrued prior to the year, ..... 24,606 91
Amount of assessments or instal- ments on stock paid in, in cash,.. 150,000 00	Amount of premiums earned..... 845,217 00	Amount at which the losses were estimated in former statements, which were paid during the year, ..... 29,395 48
The value, or as nearly as may be of the real estate held by the Co., 16,772 95	Amount of interest money receiv- ed from the investments of the company..... 83,182 00	Amount of dividends paid during year,..... 173,400 00
Amount of cash on hand,..... 3,172 36	Amount of the income of the com- pany from any other sources... 5,333 00	Amount of expenses paid during year, including commissions and fees of agents and officers of the company,..... 72,201 60
Amount of cash deposited in bank, specifying in what bank the same is deposited. See schedule K.	Amount of losses paid during the year..... 342,353 00	Amount of taxes paid by the com- pany, ..... 12,073 75
Amount of cash in hands of agents, in course of transmission, 25,498 72	Amount of losses paid during the year which accrued prior to the year ..... 183,329 00	Amount of all other expenses and expenditures of the company,... 23,693 94
Amount of loans secured by bonds and mortgages, constituting the first lien on the real estate on which there is less than one year's interest due and owing,..... 96,409 54	Amount of dividends paid during the year..... 23,382 00	ROYAL INSURANCE COMPANY, LIVERPOOL, EN- GLAND.
Amount of stocks owned by the company, whether of any State of the United States, or of any incor- porated city of the United States, or of any other description, spec- ifying the number of shares and the par market value of the same. See schedule L.	Amount of expenses paid during the year, including commissions and fees paid to agents and offi- cers of the company..... 167,282 00	Capital stock,..... £2,000,000
Amount of stock held by the com- pany as collateral security for loans, with the amount loaned on each kind of stock, its par mar- ket value. See schedule M.	Amount of all other expenses and expenditures of the company... 245,383 00	Number of shares of stock sub- scribed, ..... 92,805
Amount of interest on invest- ments made by the company, due and unpaid,..... 92 50	HOME INSURANCE COMPANY OF THE CITY OF NEW YORK.	Amount of assessments on instal- ments on stock paid in in cash, The value or as nearly as may be of the real estate held by the company,..... 22,851
Amount of the claims for losses which are in suit, or contested by the company,..... 1,000 00	Capital stock..... 500,000 00	Amount of cash on hand,..... 434
Amount of losses during the year which have been paid..... 99,345 84	Number of shares of stock sub- scribed..... 5,000	Amount of cash deposited in bank, specifying in what bank the same is deposited. See sched- ule Q.
Amount of losses during the year which have not been settled,... 8,562 50	Amount of assessments or instal- ments on stock paid in, in cash, 500,000 00	Amount of cash in hands of agents in course of transmission,..... 14,919
Amount of losses during the year which are contested..... 4,000 00	The value, or as nearly as may be of the real estate held by the company..... 67,604 72	Amount of loans secured by bonds and mortgages constituting the first lien on the real estate, on which there is less than one year's interest due and owing... 86,701
Amount of dividends declared..... 39,000 00	Amount of cash deposited in bank, specifying in what bank the same is deposited. See sched. N.	Amount of stocks owned by the company, whether of any State of the United States, or of any incorporated city of the United States, or of any other descrip- tion, specifying the number of shares and the par market value of same. See schedule R.
Amount of cash premiums rec'd... 229,503 78	Amount of cash in hands of agents in course of transmission..... 24,684 75	Amount of stock held by the com- pany as collateral security, for loans, with the amount loaned on each kind of stock, its par market value,..... 385,167
Amount of premium notes taken by the company,..... 7,886 94	Amount of loans secured by bonds and mortgages, constituting the first lien on the real estate, on which there is less than one year's interest due and owing,.. 435,600 00	Amount of losses due and unpaid, Amount of losses during the year which have been paid,..... 90,584
Amount of interest money receiv- ed from the investments of the company..... 11,708 10	Amount of interest has not been paid within one year..... 25,000 00	Amount of losses during the year which have not been settled,... 3,594
Amount of income of the company from any other sources..... 9,515 08	Amount of stocks owned by the company, whether of any State, of the United States, or of any incorporated city of the United States, or of any other description, specifying the num- ber of shares, and the par mar- ket value of the same. See schedule O.	Amount of dividends declared..... 27,841
Amount of losses paid during the year..... 125,509 10	Amount of stock held by the com- pany as collateral security for loans, with the amount loaned on each kind of stock, its par market value. See schedule P.	Amount of dividends declared due and unpaid,..... 317
Amount of losses paid during the year, which accrued prior to the year..... 26,163 26	Amount of interest on invest- ments made by the company, due and unpaid..... 14,375 93	Amount of all other existing claims against the company contested or otherwise,..... 10,370
Amount at which the losses were estimated in former statements, which were paid during the year ..... 28,537 33	Amount of the claims for losses which are in suit, or contested by the company..... 14,373 79	Amount of cash premiums receiv- ed, ..... 175,049
Amount of dividends paid during the year..... 39,000 00	Amount of losses during the year which have been paid..... 248,975 70	Amount of interest money receiv- ed from the investments of the company,..... 19,647
Amount of expenses paid during the year, including commissions and fees paid to agents and offi- cers of the company..... 23,251 20	Amount of losses during the year which are contested, ..... 1,609 14	Amount of the income of the com- pany from any other sources,... 1,713
Amount of taxes paid by the com- pany..... 1,530 19	Amount of losses during the year, reported to the company and not acted upon..... 8,264 25	Amount of losses paid during the year,..... 94,179
Amount of all other expenses and expenditures of the company.... 16,048 34	Amount of dividends declared..... 175,000 00	Amount of dividends paid during the year,..... 27,695
NORTHERN INSURANCE COMPANY OF LONDON.	Amount of dividends declared due and unpaid,..... 1,700 00	Amount of expenses paid during the year, including commis- sions and fees paid to agents and officers of the company,..... 44,788
Capital stock..... \$6,298,800 00	Amount of cash premiums receiv- ed, ..... 468,494 24	Amount of taxes paid by the com- pany, ..... 812
Number of shares of stock subscri- bed..... 62,988 00	Amount of premium earned..... 456,887 21	
Amount of assessments or instal- ments on stock paid in, in cash, 312,015 00	Amount of interest money receiv- ed from the investments of the	
Amount of cash deposited in bank, specifying in what bank the same is deposited..... 161,510 62		
Amount of cash in hands of agents		



## METROPOLITAN FIRE INSURANCE COMPANY, NEW YORK.

Capital stock,.....	\$300,000 00
Number of shares subscribed,.....	3,000 00
Amount of assessments or instalments on stock paid in, in cash,.....	300,000 00
Amount of cash on hand,.....	2,292 09
Amount of cash deposited in bank, specifying in what bank the same is deposited. See schedule S.	
Amount of cash in hands of agents in course of transmission,.....	3,000 00
Amount of loans secured by bonds and mortgages, constituting the first lien on the real estate on which there is less than one year's interest due and owing,.....	293,890 24
Amount of loans on which interest has not been paid within one year,.....	9,150 00
Amount of stock held by the company as collateral security for loans, with the amount loaned on each kind of stock, its par market value. See schedule T.	
Amount of interest on investments made by the company due and unpaid,.....	4,922 39
Amount of the claims for losses which are in suit or contested by the company,.....	5,500 00
Amount of losses during the year which have been paid,.....	60,727 06
Amount of dividends declared,.....	36,000 00
Amount of dividends declared due and unpaid,.....	500 00
Amount of cash premiums received,.....	113,708 78
Amount of premiums earned,.....	68,225 22
Amount of interest money received from the investments of the company,.....	25,624 07
Amount of income of the company from any other sources,.....	1,250 00
Amount of losses paid during the year,.....	72,681 75
Amount of losses paid during the year which accrued prior to the year,.....	11,954 69
Amount at which the losses were estimated in former statements which were paid during the year,.....	12,520 00
Amount paid and owing for re-insurance premiums,.....	815 90
Amount of return premiums whether paid or unpaid,.....	3,274 91
Amount of dividends paid during the year,.....	36,500 00
Amount of expenses paid during the year, including commissions and fees paid to agents and officers of the company,.....	32,374 19
Amount of taxes paid by the company,.....	4,891 14

## PHENIX INSURANCE COMPANY OF HARTFORD, CONNECTICUT.

Capital stock,.....	\$200,000 00
Number of shares of stock subscribed,.....	2,000 00
Amount of assessments or instalments on stock paid in, in cash,.....	200,000 00
The value, or as nearly as may be, of the real estate held by the company,.....	6,466 71
Amount of cash on hand,.....	53,461 11
Amount of cash in hands of agents in course of transmission,.....	35,174 76
Amount of loans secured by bonds and mortgages constituting the first lien on the real estate on which there is less than one year's interest due and owing,.....	39,200 00
Amount of stocks owned by the company, whether of any State	

of the United States, or of any incorporated city of the United States, or of any other description, specifying the number of shares and the par market value of the same. See schedule U.	
Amount of stock held by the company as collateral security for loans, with the amount loaned on each kind of stock, its par market value. See schedule V.	
Amount of interest on investments made by the company due and unpaid,.....	3,359 58
Amount of the claims for losses which are in suit or contested by the company,.....	8,331 00
Amount of losses during the year which have been paid,.....	100,233 58
Amount of losses during the year which have not been settled,.....	18,862 00
Amount of losses during the year which are contested,.....	5,000 00
Amount of losses during the year reported to the company and not acted upon,.....	3,150 00
Amount of dividends declared,.....	60,000 00
Amount of dividends declared due and unpaid,.....	100 00
Amount of all other existing claims against the company, contested or otherwise,.....	900 00
Amount of cash premiums received,.....	312,936 18
Amount of premiums earned,.....	200,279 16
Amount of interest money received from the investments of the company,.....	18,035 98
Amount of losses paid during the year,.....	131,425 95
Amount of losses paid during the year which accrued prior to the year,.....	31,092 37
Amount at which the losses were estimated in former statements, which were paid during the year,.....	28,532 85
Amount of dividends paid during the year,.....	59,900 00
Amount of expenses paid during the year, including commissions and fees paid to agents and officers of the company,.....	72,376 86
Amount of taxes paid by the company,.....	3,920 37

## HUMBOLDT FIRE INSURANCE COMPANY OF NEW YORK.

Capital Stock,.....	200,000 00
No. of shares of stock subscribed,.....	2,000
Amount of assessments on instalments on stock paid in, in cash,.....	200,000 00
Amount of cash on hand,.....	515 61
Amount of cash deposited in bank specifying in what bank the same is deposited. See schedule W.	
Amount of cash in hands of agents, in course of transmission,.....	1,111 75
Amount of loans secured by bonds and mortgages, constituting the first lien on the real estate on which there is less than one year's interest due and owing,.....	163,945 00
Amount of stocks owned by the company, whether of any State of the United States, or of any incorporated city of the United States, or of any other description, specifying the number of shares and the par market value of the same. See schedule X.	
Amount of stocks held by the company as collateral security for loans, with the amount loaned on each kind of stock, its par market value. See schedule Y.	
Amount of interest on invest-	

ments made by the company, due and unpaid,.....	5,198 83
Amount of all other existing claims against the company, whether contested or otherwise,.....	59 15
Amount of cash premiums rec'd,.....	28,490 37
Amount of interest money rec'd from the investments of the company,.....	4,280 80
Amount of losses paid during the year,.....	9,318 32
Amount of return premiums, whether paid or unpaid,.....	1,461 50
Amount of expenses paid during the year, including commissions and fees paid to agents and officers of the company,.....	15,578 98
Amount of taxes paid by the Co.,.....	2,075 23
Amount of all other expenses and expenditures of the company,.....	1,068 57

## MERCANTILE FIRE INSURANCE COMPANY OF THE CITY AND COUNTY OF NEW YORK.

Capital stock,.....	200,000 00
No. of shares of stock subscribed,.....	4,000
Amount of assessments or instalments on stock paid in, in cash,.....	200,000 00
Amount of cash on hand,.....	18,912 31
Amount of cash deposited in bank, specifying in what bank the same is deposited. See schedule Z.	
Amount of loans secured by bond and mortgages, constituting the first lien on the real estate on which there is less than one year's interest due and owing,.....	196,750 00
Amount of stocks owned by the company, whether of any State of the United States, or of any incorporated city of the United States, or of any other description, specifying the number of shares and the par market value of the same. See schedule A.A.	
Amount of stocks held by the Co. as collateral security for loans, with the amounts loaned on each kind of stock, its par market value. See schedule B.B.	
Amount of interest on investments made by the company due and unpaid,.....	105 00
Amount of the claims for losses which are in suit or contested by the company,.....	6,250 00
Amount of losses during the year which have been paid,.....	2,061 05
Amount of dividends declared,.....	32,000 00
Amount of dividends (either cash or scrip,) declared and not yet due,.....	16,000 00
Amount of cash premiums rec'd,.....	39,811 40
Amount of premiums earned,.....	23,811 40
Amount of interest money rec'd from the investments of the Co.,.....	16,069 42
Amount of losses paid during the year,.....	2,061 05
Amount paid and owing for re-insurance premiums,.....	594 37
Amount of return premiums, whether paid or unpaid,.....	2,278 28
Amount of dividends paid during the year,.....	32,000 00
Amount of expenses paid during the year, including commissions and fees paid to agents and officers of the company,.....	17,579 59
Amount of taxes paid by the Co.,.....	3,260 76

## ARCTIC FIRE INSURANCE COMPANY OF NEW YORK.

Capital stock,.....	\$250,000 00
Number of shares of stock subscribed,.....	5,000
Amount of assessments or instal-	



ments on stock, paid in in cash, 250,000 00	market value..... 2,500 00	reported to the company and not acted upon..... 7,116 13
The value, or as nearly as may be, of the real estate held by the company..... 9,522 78	Amount of premium notes due and unpaid ..... 1,741 27	Amount of dividends declared..... 25,000 00
Amount of cash on hand..... 26,625 22	Amount of interest on investments made by the company, due and unpaid..... 1,859 50	Amount of all other existing claims against the company, contested or otherwise..... 16,465 11
Amount of loans secured by bonds and mortgages, constituting the first lien on the real estate, on which there is less than one year's interest due and owing... 239,500 00	Amount of losses during the year which have been paid..... 73,375 53	Amount of cash premiums received ..... 142,212 33
Amount due company on which judgments have been obtained, 1,620 63	Amount of losses during the year which have not been settled..... 15,585 27	Amount of premiums earned..... 89,557 49
Amount of stocks held by the company as collateral security for loans, with the amount loaned on each kind of stock, its par market value. See sched. C. C.	Amount of dividends declared..... 17,950 00	Amount of interest money received from the investments of the company ..... 12,354 30
Amount of premium notes due and unpaid..... 9,425 86	Amount of cash premium received..... 115,106 23	Amount of losses paid during the year..... 72,670 71
Amount of the claims for losses which are in suit or contested by the company..... 5,000 00	Amount of premium notes taken by the company..... 732 14	Amount of losses paid during the year which accrued prior to the year..... 8,034 74
Amount of losses during the year which have been paid..... 18,132 17	Amount of premiums earned. 60 per cent.	Amount at which the losses were estimated in former statements which were paid during the year..... 10,170 00
Amount of dividends declared..... 25,000 00	Amount of interest money received from the investments of the company..... 10,655 99	Amount paid and owing for re-insurance premiums..... 300 00
Amount of cash premiums received..... 68,386 98	Amount of income of the company from any other sources..... 593 03	Amount of return premiums whether paid or unpaid..... 3,874 29
Amount of premiums earned..... 53,166 98	Amount of losses paid during the year..... 87,921 49	Amount of dividends paid during the year..... 25,018 00
Amount of interest money received from the investments of the company..... 20,905 67	Amount of losses paid during the year, which accrued prior to the year..... 14,545 96	Amount of expenses paid during the year, including commissions and fees paid to agents and officers of the company..... 21,293 73
Amount of losses paid during the year..... 12,547 46	Amount at which the losses were estimated in former statements, which were paid during the year ..... 13,124 04	Amount of taxes paid by the company..... 312 50
Amount of losses paid during the year, which accrued prior to the year..... 5,584 71	Amount of dividends paid during the year..... 17,950 00	Amount of all other expenses and expenditures of the company... 11,785 58
Amount at which the losses were estimated in former statements which were paid during the year..... 9,300 00	Amount of expenses paid during the year, including commissions and fees paid to agents and officers of the company..... 11,947 15	ETNA INSURANCE COMPANY OF HARTFORD, CONNECTICUT.
Amount of return premiums whether paid or unpaid..... 8,226 83	Amount of taxes paid by the company..... 618 82	Capital stock..... \$1,000,000 00
Amount of dividends paid during the year..... 25,000 00	Amount of all other expenses and expenditures of the company... 8,524 28	Number of shares of stock subscribed .... 10,000
Amount of expenses paid during the year, including commissions and fees paid to agents and officers of the company..... 15,504 19	CITY FIRE INSURANCE COMPANY OF HARTFORD, CONNECTICUT.	Amount of assessments or installments on stock paid in, in cash, 1,000,000 00
Amount of taxes paid by the company..... 3,392 49	Capital stock..... \$250,000 00	The value or as nearly as may be of the real estate held by the company..... 65,538 26
HAMPDEN FIRE INSURANCE COMPANY OF SPRINGFIELD, MASS.	Number of shares of stock subscribed..... 2 500	Amount of cash on hand..... 3,277 59
Capital stock..... 222,480 18	Amount of assessments or installments on stock paid in, in cash, 250,000 00	Amount of cash deposited in bank, specifying in what bank the same is deposited. See schedule I. I.
Number of shares of stock subscribed..... 1500	Amount of cash on hand..... 566 10	Amount of cash in hands of agents in course of transmission..... 122,812 82
Amount of assessments or installments on stock paid in, in cash, 222,480 18	Amount of cash deposited in banks, specifying in what bank the same is deposited. See schedule F. F.	Amount of loans secured by bonds and mortgages constituting the first lien on the real estate on which there is less than one year's interest due and owing... 4,212 15
The value, or as nearly as may be of the real estate held by the company..... 13,000 00	Amount of cash in hands of agents in course of transmission..... 13,381 47	Amount of stocks owned by the company, whether of any State of the United States, or of any incorporated city of the United States, or of any other description, specifying the number of shares and the par market value of the same. See schedule J. J.
Amount of cash on hand..... 1,778 65	Amount of loans secured by bonds and mortgages constituting the first lien on the real estate in which there is less than one year's interest due and owing..... 43,734 61	Amount of losses during the year which have been paid..... 612,329 45
Amount of cash deposited in bank, specifying in what bank the same is deposited. See schedule D. D.....	Amount of stocks owned by the company, whether of any State of the United States, or of any incorporated city of the United States, or of any other description, specifying the number of shares, and the par market value of the same. See schedule G. G.	Amount of losses during the year which have not been settled..... 20,013 34
Amount of cash in hands of agents in course of transmission..... 10,636 74	Amount of interest on investments made by the company due and unpaid..... 4,001 84	Amount of losses during the year reported to the company and not acted upon ..... 90,963 20
Amount of loans secured by bonds and mortgages, constituting the first lien on the real estate, on which there is less than one year's interest due and owing.. 69,020 00	Amount of the claims for losses which are in suit or contested by the company..... 600 00	Amount of dividends declared..... 250,000 00
Amount of stocks owned by the company, whether of any State of the United States, or of any incorporated city of the United States, or of any other description, specifying the number of shares and the par market value of the same. See schedule E. E.	Amount of losses during the year which have been paid ..... 80,501 08	Amount of cash premiums received..... 1,563,864 96
Amount of stocks held by the company as collateral security for loans, with the amount loaned on each kind of stock, its par market value. See schedule H. H.	Amount of losses during the year which have not been settled..... 8,748 98	Amount of interest money received from the investments of the company..... 88,390 45
Amount of interest on investments made by the company due and unpaid..... 4,001 84	Amount of losses during the year	Amount of the income of the company from any other sources... 608 34
Amount of the claims for losses which are in suit or contested by the company..... 600 00		Amount of losses paid during the year..... 773,601 11
Amount of losses during the year which have been paid ..... 80,501 08		Amount of losses paid during the year which accrued prior to the year..... 161,271 66
Amount of losses during the year which have not been settled..... 8,748 98		
Amount of losses during the year		



Amount at which the losses were estimated in former statements, which were paid during the year..	173,926 81	Amount of taxes paid by the company .....	10,212 34	Amount of loans secured by bonds and mortgages constituting the first lien on the real estate on which there is less than one year's interest due and owing...	208,950 00
Amount of dividends paid during the year.....	250,000 00	Amount of all other expenses and expenditures of the company...	22,720 50	Amount of stock held by the company as collateral security for loans, with the amount loaned on each kind of stock, its par market value. See schedule Q. Q.	
Amount of expenses paid during the year, including commissions and fees paid to agents and officers of the company.....	211,006 84	HARTFORD FIRE INSURANCE COMPANY, HARTFORD CONNECTICUT.		Amount of interest on investments made by the company due and unpaid.....	2,029 87
Amount of taxes paid by company.....	16,771 10	Capital stock.....	500,000 00	Amount of the claims of losses which are in suit or contested by the company.....	3,315 50
Amount of all other expenses and expenditures of the company...	97,275 78	Number of shares of stock subscribed.....	5,000	Amount of losses during the year which have been paid.....	26,143 10
CONTINENTAL INSURANCE COMPANY OF THE CITY OF NEW YORK.		Amount of assessments or installments on stock paid in in cash..	500,000 00	Amount of losses during the year which have not been settled.....	4,189 08
Capital stock.....	500,000 00	The value or as nearly as may be of the real estate of the company .....	15,000 00	Amount of dividends declared.....	28,000 00
Number of shares of stock subscribed.....	5,000	Amount of cash on hand.....	43,455 22	Amount of cash premiums received	64,639 83
Amount of assessments or installments on stock paid in in cash..	500,000 00	Amount of cash in hands of agents in course of transmission.....	49,317,19	Amount of interest money received from the investments of the company.....	15,868 46
Amount of cash on hand.....	190 13	Amount of stocks owned by the company, whether of any State of the United States, or of any incorporated city of the United States, or of any other description, specifying the number of shares and par market value of the same. See sched. N. N.		Amount of losses paid during the year.....	26,143 10
Amount of cash deposited in bank, specifying in what bank the same was deposited. See sched. K. K.		Amount of the claims for losses which are in suit or contested by the company.....	16,600 00	Amount of losses paid during the year which accrued prior to the year.....	7,312 13
Amount of loans secured by bonds and mortgages constituting the first lien on the real estate on which there is less than one yr's interest due and owing.....	557,800 00	Amount of losses during the year which have been paid.....	174,219 93	Amount at which the losses were estimated in former statement, which have been paid during the year.....	9,827 56
Amount of stocks owned by the company, whether of any State of the United States, or of any incorporated city of the United States, or of any other description, specifying the number of shares and the par market value of the same. See sched. L. L.		Amount of losses during the year which have not been settled....	33,946 65	Amount of dividends paid during the year.....	28,000 00
Amount of stock held by the company as collateral security for loans, with the amount loaned on each kind of stock, its par market value. See sched. M. M.		Amount of losses during the year which are contested.....	4,000 00	Amount of expenses paid during the year, including commissions and fees paid to agents and officers of the company.....	19,313 63
Amount of premium notes due and unpaid .....	5,968 65	Amount of losses during the year reported to the company and not acted upon.....	15,351 87	Amount of taxes paid by the company.....	3,260 76
Amount of interest on investments made by the company due and unpaid .....	16,078 50	Amount of dividends declared.....	100,000 00	NORTH AMERICAN FIRE INSURANCE COMPANY OF THE CITY OF NEW YORK.	
Amount of the claims for losses which are in suit or contested by the company.....	9,946 62	Amount of dividends declared, due and unpaid.....	2,050 00	Capital stock.....	\$250,000 00
Amount of losses during the year which have not been settled....	1,443 40	Amount of all other existing claims against the company, contested or otherwise.....	7,483 60	Number of shares of stock subscribed.....	5,000
Amount of losses during the year reported to the company and not acted upon.....	43 40	Amount of cash premiums received	485,529 32	Amount of assessments or installments on stock paid in, in cash	250,000 00
Amount of dividends declared.....	56,406 76	Amount of premiums earned.....	299,136 11	Amount of cash on hand.....	562 02
Amount of dividends, (either cash or scrip,) declared and not yet due .....	1,136 02	Amount of interest money received from the investments of the company.....	39,362 16	Amount of cash deposited in bank, specifying in what bank the same was deposited. See schedule R. R.	
Amount of all other existing claims against the company contested or otherwise.....	6,220 07	Amount of losses paid during the year.....	200,895 46	Amount of cash in hands of agents in course of transmission.....	3,731 12
Amount of cash premiums rec'd...	218,446,40	Amount of losses paid during the year which accrued prior to the year.....	26,675 53	Amount of loans secured by bonds and mortgages constituting the first lien on the real estate on which there is less than one year's interest due and owing...	281,808 11
Amount of premiums earned.....	190,000 00	Amount at which the losses were estimated in former statements which were paid during the year.....	29,308 62	Amount of stocks owned by the company, whether of any State of the United States, or of any incorporated city of the United States, or of any other description, specifying the number of shares, and the par market value of the same. See schedule S. S.	
Amount of interest money rec'd from the investments of the company .....	52,918 45	Amount of dividends paid during the year.....	98,364 00	Amount of stock held by the company as collateral security for loans, with the amount loaned on each kind of stock, its par market value. See schedule T. T.	
Amount of the income of the company from any other sources...	137 98	Amount of expenses paid during the year, including commissions and fees paid to agents and officers of the company.....	62,344 78	Amount of interest on investments made by the company, due and unpaid.....	3,784 44
Amount of losses paid during the year.....	38,097 99	Amount of taxes paid by the company.....	7,050 40	Amount of losses during the year which have been paid.....	8,972 24
Amount of losses paid during the year which accrued prior to the year.....	4,922 95	Amount of all other expenses and expenditures of the company...	19,610 59	Amount of losses during the year which have not been settled.....	5,000 00
Amount at which the losses were estimated in former statement, which were paid during the year .....	4,875 58	IRVING FIRE INSURANCE COMPANY OF THE CITY OF NEW YORK.		Amount of dividends declared.....	40,000 00
Amount of dividends paid during the year.....	55,270 74	Capital stock.....	\$200,000 00	Amount of dividends declared, due	
Amount of expenses paid during the year, including commissions and fees paid to agents and officers of the company.....	11,163 06	Number of shares of stock subscribed.....	8,000		
		Amount of assessments or installments on stock paid in, in cash	200,000 00		
		Amount of cash on hand.....	1,518 35		
		Amount of cash deposited in banks, specifying in what bank the same is deposited. See schedule P. P.			



and unpaid.....	2,218 00	in course of transmission,.....	22,460 14	Amount of dividends declared.....	10,000 00
Amount of cash premiums received,.....	75,192 65	Amount of loans secured by bonds and mortgages, constituting the first lien on the real estate, on which there is less than one year's interest due and owing,.....	1,694,831 18	Amount of cash premiums received	51,013 56
Amount of premiums earned,.....	49,369 43	Amount of stock held by the company as collateral security for loans, with the amount loaned on each kind of stock, its par market value,.....	6,513 93	Amount of interest money received from the investments of the company.....	12,624 26
Amount of interest money received from the investments of the company,.....	19,865 10	Amount of the claims for losses which are in suit or contested by the company.....	7,000 00	Amount of losses paid during the year.....	8,458 16
Amount of income of company from any other sources.....	1,859 16	Amount of losses during the year which have been paid,.....	242,150 00	Amount paid and owing for re-insurance premiums.....	64 00
Amount of losses paid during the year,.....	8,772 24	Amount of losses during the year which have not been settled,...	72,850 00	Amount of return premiums whether paid or unpaid.....	736 58
Amount of dividends paid during the year,.....	39,149 50	Amount of dividends declared, due and unpaid,.....	21,718 43	Amount of dividends paid during the year.....	10,000 00
Amount of expenses paid during the year, including commission and fees paid to agents and officers of the company,.....	13,610 97	Amount of dividends, (either in cash or scrip,) declared and not yet due,.....	532,297 86	Amount of expenses paid during the year, including commissions and fees paid to agents and officers of the company.....	13,376 47
Amount of taxes paid by the company,.....	4,039 22	Amount of all other existing claims against the company, contested or otherwise,.....	2,365,409 94	Amount of taxes paid by the company.....	671 32
Amount of all other expenses and expenditures of the company,...	7,984 99	Amount of cash premiums rec'd, by the company,.....	54,464 15	Amount of all other expenses and expenditures of the company....	7,097 77
MANHATTAN FIRE INSURANCE COMPANY OF NEW YORK.		Amount of interest money rec'd from the investments of the Co.,	170,987 27	Amount of promissory notes originally forming the capital of the company.....	178,000 00
Capital stock,.....	\$250,000 00	Amount of income of company from any other sources,.....	5,000 00	Amount of said notes held by the company as par or the whole of the capital thereof.....	100,000 00
Number of shares of stock subscribed,.....	5,000	Amount paid and owing for re-insurance premiums,.....	35,083 31	CHARTER OAK FIRE AND MARINE INSURANCE COMPANY OF HARTFORD, CONNECTICUT.	
Amount of cash on hand,.....	5,352 98	Amount of dividends paid during the year,.....	154,928 55	Capital stock.....	300,000 00
Amount of cash deposited in bank, specifying in what bank the same is deposited,.....	81 93	Amount of expenses paid during the year, including commissions and fees paid to agents and officers of the company,...	68,936 05	Number of shares of stock subscribed.....	3,000
Amount of loans secured by bonds and mortgages constituting the first lien on the real estate, on which there is less than one year's interest due and owing,...	299,800 00	Amount of all other expenses and expenditures of the company...	161 27	Amount of cash on hand.....	1,891 44
Amount of stock held by the company as collateral security for loans, the amount loaned on each kind of stock, its par market value. See schedule U. U.		MERCHANTS' INSURANCE COMPANY OF HARTFORD, CONNECTICUT.		Amount of cash deposited in banks, specifying in what bank the same is deposited. See schedule Y. Y.	
Amount of premium notes due and unpaid,.....	4,259 11	Capital stock.....	\$200,000 00	Amount of cash in hands of agents in course of transmission.....	8,100 41
Amount of interest on investments made by the company due and unpaid,.....	3,751 00	Number of shares of stock subscribed.....	2,000	Amount of loans secured by bonds and mortgages constituting the first lien on the real estate on which there is less than one year's interest due and owing...	9,090 00
Amount of losses during the year which have been paid,.....	21,307 94	Amount of assessments or installments on stock paid in, in cash,	100,000 00	Amount of stocks owned by the company, whether of any State of the United States, or of any incorporated city of the United States, or of any other description, specifying the number of shares, and the par market value of the same. See schedule Z. Z.	
Amount of losses during the year which have not been settled,...	5,000 00	Amount of cash on hand.....	273 17	Amount of stock held by the company as collateral security for loans, with the amount loaned of each kind of stock, its par market value. See schedule A. A. A.	
Amount of dividends declared,....	75,000 00	Amount of cash deposited in banks, specifying in what bank the same is deposited. See schedule V. V.		Amount of losses during the year which have been paid.....	73,788 91
Amount of dividends declared due and unpaid,.....	4,500 00	Amount of cash in hands of agents in course of transmission.....	5,775 39	Amount of losses during the year which have not been settled....	11,957 00
Amount of cash premiums received,.....	139,491 72	Amount of loans secured by bonds and mortgages constituting the first lien on the real estate on which less than one year's interest is due and owing.....	13,000 00	Amount of dividends declared.....	42,750 00
Amount of premiums earned,.....	89,000 00	Amount of stocks owned by the company, whether of any State of the United States, or of any incorporated city of the United States, or of any other description, specifying the number of shares, and the par market value of the same. See schedule W. W.		Amount of cash premiums received from the investments of the company.....	151,110 45
Amount of interest money received from the investments of the company,.....	22,825 03	Amount of interest on investments made by the company due and unpaid.....	1,534 33	Amount of losses paid during the year.....	16,491 35
Amount of losses paid during the year,.....	36,122 14	Amount of losses during the year which have been paid.....	8,458 16	Amount of losses paid during the year which accrued prior to the year.....	81,214 91
Amount of losses paid during the year, which accrued prior to the year,.....	14,812 20	Amount of losses during the year which have not been settled,...	8,700 00	Amount of losses paid during the year which accrued prior to the year.....	7,426 00
Amount at which losses were estimated in former statement, which were paid during the year,.....	14,293 02			Amount at which the losses were estimated in former statements which were paid during the year.....	10,642 00
Amount paid and owing for re-insurance premiums,.....	3,736 06			Amount paid and owing for re-insurance premiums.....	36 00
Amount of dividends paid during the year,.....	71,585 00			Amount of return premiums whether paid or unpaid.....	7,200 50
Amount of expenses paid during the year, including commissions and fees paid to agents and officers of the company,.....	9,100 31			Amount of dividends paid during the year.....	42,750 00
Amount of taxes paid by the Co.,	4,213 90			Amount of expenses paid during the year, including commissions	
Amount of all other expenses and expenditures of the company,...	14,312 25				
MUTUAL BENEFIT LIFE INSURANCE COMPANY OF NEWARK, NEW JERSEY.					
The value, or as nearly as may be, of the real estate of the company,.....	48,969 27				
Amount of cash on hand,.....	67,677 01				
Amount of cash in hands of ag'ts,					



and fees paid to agents and officers of the company.....	29,667 58
Amount of taxes paid by the company.....	3,000 00
Amount of promissory notes originally forming the capital of the company.....	270,000 00
<b>GOODHUE FIRE INSURANCE COMPANY OF THE CITY AND STATE OF NEW YORK.</b>	
Capital stock.....	\$200,000 00
Number of shares of stock subscribed.....	2,000
Amount of assessments or instalments on stock paid in, in cash,	200,000 00
Amount of cash on hand.....	509 74
Amount of cash deposited in bank, specifying in what bank the same is deposited. Union Bank.	11,816 11
Amount of cash in hands of agents in course of transmission.....	301 88
Amount of loans secured by bonds and mortgages constituting the first lien on the real estate on which there is less than one year's interest due and owing...	203,050 00
Amount of losses during the year which have been paid.....	2,646 22
Amount of losses during the year reported to the company and not acted upon.....	2,500 00
Amount of dividends declared, six per cent.	
Amount of cash premiums received.....	33,349 04
Amount of premiums earned.....	22,229 32
Amount of interest money received from the investments of the company.....	12,540 50
Amount of losses paid during the year.....	2,646 22
Amount of losses paid during the year which accrued prior to the year.....	800 00
Amount at which the losses were estimated in former statement which were paid during the year.....	2,306 20
Amount of dividends paid during the year.....	12,000 00
Amount of expenses paid during the year, including commissions and fees paid to agents and officers of the company.....	13,935 78
Amount of taxes paid by the company.....	2,313 85

**SCHEDULE A.**

Cash paid in bank by the International life assurance society of London.  
\$15,000 with Glyn & Co., London.  
\$33,160 in London Bank.

**SCHEDULE B.**

Amount of stocks owned by the International life assurance society of London.  
\$37,945 3 per cent. Bristol consols. Par value, £100; market value, £95.18,0.  
\$10,000 New York State 5 per cent; par value \$100.00; market value \$100.00.

**SCHEDULE C.**

Amount of cash deposited in banks by the Liverpool and London fire and life insurance company.  
Phoenix Bank and Caunnaun & Co. \$42 050,-93.

**SCHEDULE D.**

Cash deposited in banks by the Security fire insurance company of New York, viz:  
Continental Bank, \$487,190.

**SCHEDULE E.**

Stocks held by the Security fire insurance

company of New York.

Par value, \$36,025; market value, \$32,625; amount loaned, \$21,150.

**SCHEDULE G.**

List of Stocks owned by the North American Fire Insurance Company.

Sh's.	Par val.	Market val.
Ohio State C's,	\$10,000	\$10,600
Michigan C's,	5,000	5,150
Missouri C's,	20,000	17,800
Hartford City C's,	20,000	20,400
75 Phoenix Bank Stock Hartford,	7,500	7,500
135 Merchants' and Manufacturers' Bank, Hartford,	13,500	13,905
107 Charter Oak Bank, Hartford,	10,700	10,807
35 Mercantile Bank, "	3,500	3,325
68 Exchange " "	3,400	2,992
80 Farmers' and Mechan's B'k, Hartford, new stock,	4,000	4,960
21 Farmers' and Mechan's B'k, Hartford, old stock,	2,100	2,352
30 City Bank, Hartford,	3,000	3,420
60 Aetna Bank, Hartford,	6,000	6,120
32 Hartford Bank, Hartford,	3,200	4,096
250 Phoenix Bank, Hartford, New York,	5,000	5,650
50 Continental Bank, Hartford, New York,	5,000	5,000
50 Bank of America, Hartford, New York,	5,000	655,0
50 Metropolitan Bank, Hartford, New York,	5,000	5,550
50 Merchants' Bank, Hartford, New York,	2,500	2,850
25 Hartford and New Haven, R. R. stock, New York,	2,500	3,000
Total,	136,900	141,077

**SCHEDULE H.**

List of Stocks held as collateral security herein referred to.

Sh's.	Par val.	Market val.	Am't.
16 Phoenix Bank Stock,	\$1,600 00	\$1,600 00	\$1,550
5 Far. and Mer. Bank,	500 00	560 00	500
17 Charter Oak B'k,	1,700 00	1,717 00	1,375
10 Mer. and Man. Bank,	1,000 00	1,030 00	500
10 State Bank,	1,000 00	1,150 00	1,000
27 Mercantile B'k,	2,700 00	2,565 00	2,250
15 Mer. Sav. B'k,	1,107 60	1,107 60	400
8 Hartford Carpet Co.,	800 00	856 00	750
5 Hartford New Haven R. R. Co. Stock,	500 00	610 00	250
	10,907 60	11,195 60	8,575

**SCHEDULE I.**

Stock owned by the Connecticut mutual life insurance company of Hartford, viz:

100 shares City Bank of Hartford, par; market value 100 per cent.	
15 shares Phoenix Bank of Hartford, par; market value 100 per cent.	
10 shares State Bank of Hartford, par; market value 100 per cent.	
25 shares Aetna Bank of Hartford, par; market value 100 per cent.	
100 shares Mech. Man'g. Bank of Hartford, par; market value 100 per cent.	
100 shares Merchants' Bank of New Haven, par; market value 100 per cent.	
100 shares Hartford and New Haven railroad company, \$1,300; market value \$1,300.	

**SCHEDULE J.**

Stocks held by the Connecticut mutual life insurance company of Hartford, viz:

633 shares bank stock; par value \$55,550;	
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market value, loaned, \$42,790.

**SCHEDULE K.**

Cash deposited in banks by the Springfield fire and marine insurance company of Massachusetts, viz:  
Agawam Bank, \$10,147 21

**SCHEDULE L.**

Stocks owned by the Springfield fire and marine insurance company of Massachusetts:

	Par value.	Cost.
71 shares Western Bank, Springfield, stock	\$7,100 00	\$5,950
106 shares Agawam Bank, Springfield, stock	10,600 00	10,600
10 shares Springfield Bank, Springfield, stock	1,200 00	1,254
50 shares Pyncheon Bank, Springfield, stock	5,000 00	5,000
50 shares Hampshire Manufacturers' Bank, Ware, stock	5,000 00	5,383
67 shares Hadley Falls Bank, Holyoke, stock	6,700 00	6,700
25 shares Holyoke Bank, Northampton,	2,500 00	2,500
10 shares Mason Bank, Mason, stock	1,000 00	1,000
50 shares Eliot Bank, Boston, stock	5,000 00	5,016
58 shares Bank of Commerce, Boston, stock	5,800 00	5,957
105 shares Merchants' Bank, Boston, stock	10,500 00	11,066
30 shares Atlas Bank, Boston, stock	3,000 00	3,127
92 shares Howard banking company, Boston, stock	9,200 00	9,099
100 shares Webster Bank, Boston, stock	10,000 00	10,395
22 shares Boylston Bank, Boston, stock	2,200 00	2,200
5 shares Shawmut Bank, Boston, stock	500 00	500
121 shares Elm City Bank, New Haven, stock	12,100 00	12,100
29 shares Elm City Scrip Bank, New Haven, stock	7,420 00	742
100 shares Continental Bank, New York, stock	10,000 00	10,514
100 shares American Exchange Bank, New York, stock	10,000 00	11,215
100 shares Metropolitan B'k, New York, stock	10,000 00	10,442
150 shares Importers' and Traders' Bank, New York, stock	15,000 00	15,016
75 shares St. Nicholas Bank, New York, stock	7,500 00	7,406
50 shares Bank of Commerce, New York, stock	5,000 00	5,218
220 shares Western railroad (four per cent. dividends on) stock,	22,000 00	22 000
120 shares Connecticut River railroad stock,	12,000 00	5,750
53 shares Worcester and Nashua railroad stock,	5,300 00	2,375
55 shares Watertown and Rome railroad stock,	5,500 00	3,300
5 first mortgage, Buffalo, New York and Erie railroad 7 per cent.	6,000 00	4,750
2 Illinois Central railroad bonds, 7 per cent.,	1,000 00	860
1 first mortgage, Watertown and Rome railroad, 7 per cent.,	1,000 00	930
Aggregate,		\$198,371

**SCHEDULE M.**

Stock held by the Springfield Fire and Marine



# LEGISLATIVE RECORD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF PENNSYLVANIA.

FOR THE SESSION OF 1859.

82.

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insurance company, of Springfield, Massachusetts, as collateral security for loans, viz:

	Par value.	Market value.
50 shares Milford, Mass., gas light company, stock	\$5,000	\$3,750
10 shares Watertown and Rome railroad stock,	1,000	600
10 First Mortgage Bonds, Buffalo, New York and Erie 7 per cent.	12,000	9,500
4 shares, Pottsdam and Watertown, 7 per cent.	3,500	2,100
1 Second Mortgage on Terre Haute and Alton 8 per cent.	1,000	410
Bond and Mortgage on improved real estate in Springfield	5,000	5,000

Total amount loaned on the above stocks, \$13,982

## SCHEDULE N

By the Home insurance company of New York. Amount of cash deposited in banks, specifying in what banks the same is deposited. In Continental Bank and Importers' and Traders' Bank \$37,000 56

## SCHEDULE O.

Amount of stocks owned by the Home insurance company of New York, whether of any State, or of the United States, or of any incorporated city of the United States, or of any other description specifying the number of shares, and the par and market value of the same.

950 shares of bank stocks of banks in New York city, par value, \$80,000—market value on first January, 1858, \$77,000.

## SCHEDULE P.

Amount of stock held by the Home insurance company of New York as collateral security for loans, with the amount loaned on each kind of stock, its par and market value—par value, \$260,525—market value, \$253,667.

Amount loaned thereon, \$150,859 85

## SCHEDULE Q.

Money deposited in banks by the Royal insurance company of Liverpool. Bank of Liverpool, £6,450 0s. 5d.

## SCHEDULE R.

Stocks owned by the Royal insurance company of Liverpool.

	£.	s.	d.
South Easton A. stock,	20,720	12	1
Bonds of the corporation of Liverpool,	4,197	14	4
U. S. 6 per cent. stock, 1862,	752	11	1
do. 6 per cent. stock, 1867,	16,371	1	48
do. 6 per cent. stock, 1868,	17,266	12	6

Other stocks held by the company in the United States, viz:

New York 6 per cent. stock, 1872,	\$10,000	\$2,203
New York 6 per cent. stock, 1873,	32,500	6,951
New York 6 per cent. stock, 1874,	14,500	2,786

## SCHEDULE S.

Amount of cash deposited in bank by the Metropolitan fire insurance company, on the 31st day of December, 1858, specifying in what banks the same is deposited.

Metropolitan,	\$6,578 60
Merchant's Exchange, 5,409 92	\$11,988 52

## SCHEDULE T.

Amount of stocks held by the Metropolitan fire insurance company, as collateral security for loans, with the amount loaned on each kind of stock, its par and market value.

	par and market value.	amount loaned.
1842 shares firemen's fund insurance Co. stock,	\$13,420	\$10,750

## SCHEDULE U.

Stocks owned by the Phoenix Insurance Company of Hartford, Connecticut, showing its condition on the 31st day of December, 1858.

	Par.	Mar. val.
50 shares U. S. Trust Company's stock, New York,	\$5,000	\$5,700
200 shares American Exchange Bank stock,	20,000	21,200
200 shares Metropolitan Bank stock,	20,000	22,400
200 shares Bank of Commerce bank stock,	20,700	20,700
200 shares Merchants' Exchange bank stock,	10,000	10,400
150 shares Continental b'k stock,	15,000	15,600
282 shares Mechanics' bank stock,	7,050	8,389
100 shares Ocean bank stock,	5,000	4,850
105 shares Phoenix b'k stock,	2,100	2,394
200 " Phoenix b'k stock, Hartford,	20,000	20,200
200 shares Merchants' & Manuf. bank stock,	20,000	21,200
200 shares Aetna b'k stock,	20,000	21,000
150 shares Mercantile b'k stock,	15,000	14,250
110 shares State b'k stock,	11,000	12,980

105 " City " "	10,500	12,075
50 shares Farmers' & Mechanics' Bank stock,	5,000	5,750
25 shares Hartford Bank stock,	2,500	3,400
50 shares Conn. River B'k stock,	2,500	3,250
10 shares Hartford County Bank stock,	500	500
60 shares Citizens' Bank stock, Waterbury,	6,000	6,360
38 shares Waterbury B'k stock, Waterbury,	1,900	2,014
4 shares Stafford Bank stock, Stafford,	400	412
20 Water Bonds of the town of New Britain, Ct.,	10,000	10,500
10 C. P. & I. R. R. Bonds, guaranteed, (Ct.)	10,000	7,500
Total,	\$252,924	

## SCHEDULE V.

Amount of Stocks held by the Phoenix Insurance Company of Hartford, Conn., as collateral security for Loans, are as follow:

	Par val.	Mar val.	Loan'd.
23 shares H. & N. H. R. R. stock,	\$2,300	\$2,760	650
52 shares Hartford Carpet Co's. stock,	5,200	5,460	4,000
7 shares Hartford Bank stock,	700	924	100
50 shares Merchants' & Manf's Bk. stock,	5,000	5,360	5,000
19 shares City Bank stock,	1,900	2,185	990
45 shares Mercantile Bank stock,	4,500	4,275	2,850
35 shares Exchange Bank stock,	1,750	1,505	450
45 shares Hartford Co. Bank stock,	2,250	2,250	700
			14,650

## SCHEDULE W.

Money deposited in banks by the Humboldt Fire Insurance Company of New York, viz: St. Nicholas Bank, \$10,267 36

## SCHEDULE X.

Stock owned by the Humboldt Fire Insurance Company of New York, viz:

	Par val.	Mar. val.
New York State Stock,	\$20,000	\$21,120

## SCHEDULE Y.

Stock held by the Humboldt Fire Insurance Company of New York, as collateral security for loans:

	Par val.	Mar. val.	Loaned.
70 shares Park Bank stock,	\$7,000	\$6,300	\$4,000
10 shares St. Nicholas Bank stock,	1,000	750	2,100
60 shares Broadway Bank stock,	1,500	1,680	
50 shares Ocean Bank stock,	2,500	2,000	1,325
20 shares Niagara Bk. stock,	1,000	1,500	820
50 shares New Amsterdam Bk. stock,	1,250	1,300	200
	14,250	13,530	8,440



## SCHEDULE Z.

Money deposited in bank by the Mercantile fire insurance company of the city and county of New York.

Mercantile Bank, \$18,723 32

## SCHEDULE A A.

Stocks owned by the Mercantile fire insurance company of the city and county of New York, viz:

One restored bond of the city of New York, \$95,500

## SCHEDULE B B.

Stocks held by the Mercantile fire insurance company of the city and county of New York as collateral security for loans.

	P. val.	M. val.	A'mt l.
3 N. Y. & E. R. R. 1839, bonds,	\$3,000	\$2,700	\$2,000
200 shares Manhattan Bank,	10,000	13,000	10,000
60 shares Montreal Bank,	3,000	3,900	1,000
50 shares Hudson River R. R. Co.	5,000	1,700	1,100
170 shares Merchants Exchange Bk,	8,500	9,000	5,000
350 shares Greenwich Bank,	8,700	13,125	9,000
	38,150	43,425	28,100

## SCHEDULE C C.

Amount of stock held by the Arctic fire insurance company of New York, as collateral security for loans, with the amount loaned on each kind of stock. Its par value.

Amount loaned, \$15,400

## SCHEDULE D D.

Cash deposited in bank by the Hampden fire insurance company of Springfield, Massachusetts, viz:

Pynchon Bank of Springfield, \$4,539 48

## SCHEDULE E E.

Stock owned by the Hampden fire insurance company of Springfield, Massachusetts, viz:

216 sh Pynchon B'k, Springfield,	\$21,600	\$22,680
150 sh John Hancock B'k, Springfield,	15,000	15,000
75 sh Springfield Bank, Springfield,	7,500	7,725
63 sh Agawam B'k, Springfield,	6,300	6,615
42 sh Chicopee B'k, Springfield,	4,200	4,620
50 sh City Bank, Worcester,	5,000	5,250
20 sh Hamp. Manufacturing Bank, Ware,	2,000	2,160
15 sh Hampden Bank, Westfield,	1,500	1,740
15 shares Blackstone Bank, Uxbridge,	1,500	1,650
15 sh Monson B'k, Monson,	1,500	1,500
8 sh Leicester Bank, Leicester,	800	832
5 shares Lee Bank, Lee,	500	500
55 sh Bank of Commerce, Boston,	5,500	5,747
32 sh Howard Banking Co., Boston,	3,200	3,288
15 sh National B'k, Boston,	1,500	1,537
8 " Atlas " "	300	327
2 " Eliot " "	200	210
65 " Continental B'k, New York,	6,500	6,760
30 sh American Exchange Bank, New York,	3,000	3,180
5 sh Hartford & New Haven Bank,	500	600
5 sh Western R. R.	500	540
33 sh Connecticut River,	3,300	1,980
22 sh Watertown & Rome,	2,200	1,320

20 sh Cleveland & Toledo,	1,000	340
30 sh Southern Michigan,	3,000	600
15 sh Springfield Bridge,	1,500	1,800
BONDS.		
2 Interest Watertown and Rome, 7s,	2,000	2,000
1 Int. Providence, Warren and Bristol, 6s,	1,000	800
3 Int. Union County Bonds, 7s,	3,000	3,000
		104,302

## SCHEDULE F F.

City fire insurance company of Hartford, in the State of Connecticut, Cash in bank of Hartford county, \$26,069 68

## SCHEDULE G G.

Amount of stocks owned by the City fire insurance company of Hartford, in the State of Connecticut, to wit:

	Par value.	Mar. va.
100 sh, Park Bank, N. Y.,	\$10,000	\$10,900
50 " Continental b'k. "	5,000	5,200
50 " Metropolitan b'k. "	5,000	5,600
50 " Importers and Traders, New York,	5,000	5,625
50 " Bank of Republic, New York,	5,000	6,100
30 " Market Bank, N. York,	3,000	3,270
50 " Bank of Commerce, Boston,	5,000	5,200
50 " Merchants' Bank, Boston,	5,000	5,200
50 " Hide and Leather b'k., Boston,	5,000	5,250
104 " Mercantile b'k., Hartford,	10,400	9,880
100 " Charter Oak Bank, Hartford,	10,000	10,400
50 " Phoenix Bank, Hartford,	5,000	5,050
50 " Aetna Bank, Hartford,	5,000	5,225
50 " Merchants' and Manufacturers' Bank, Hartford,	5,000	5,250
25 " City Bank, Hartford,	2,500	2,875
100 " Bank of Hartford county, Hartford,	5,000	5,350
55 " Exchange Bank, Hartford,	2,750	2,475
10 " Brooklyn City Water Bonds, 1,000 ea.	10,000	10,200
2 " Hartford City Bonds, 1,000 ea.	2,000	2,080
10 " Indiana Central, 2nd Mortgage Bonds, 1,000 ea.	10,000	10,000
1 " Certificate Ohio State Stock	5,000	5,175
		\$126,305

## SCHEDULE H H.

Amount of Stocks held by the City fire insurance company of Hartford, in the State of Connecticut, to wit: As collateral security for loans.

	Par value.	Market value.	Amount loaned.
193 sh. Bank of Hartford co.,	\$9,650	\$10,325 50*	\$12,431 64
7 sh. City b'k.	700	805 00	409 10
52 sh. Aetna	4,070	4,245 00	3,850 00
93 sh. Merc'ntile	9,300	8,835 00	8,360 00
45 sh. Aetna insurance co.,	4,500	9,000 00	3,000 00
67 sh. Char. Oak Bank	6,700	6,968 00	6,540 00
10 sh. Hartford	1,000	1,320 00	900 00
20 sh. Phoenix,	2,000	2,020 00	1,800 00
25 sh. Merch'ts. and Manufactur-ers' Bank,	2,300	2,625 00	2,080 00
10 sh. Exchange			

Bank,	500	450 00	400 00
5 sh. Homeb'k.	500	510 00	420 00
200 sh. Williman-tic Linen co.,	5,000	5,000 00	3,800 00
34 sh. Hartford Carpet comp'y.	3,400	3,672 00	2,500 00
8 sh. Hartford and New Haven Railroad	800	960 00	600 00
2 sh. Milwaukee City Bonds, 1,-000 ea.	2,000	2,000 00	1,500 00
3 sh. Crawford and Wahash, 1,-000 ea.	3,000	2,400 00	2,400 00
1 sh. City of Pe-oria, 1,000 ea.	1,000	900 00	800 00
22 sh. Ind., and Centrl Railroad, 100 ea.	2,200	2,200 00	400 00
3 sh. Davenport City Bonds, 500 ea.	1,500	1,500 00	800 00
	60,120	65,735 00	52,990 74

\* Two thousand five hundred of this amount is secured by an endorsed note, in addition to Bank Stock.

## SCHEDULE I I.

Cash deposited in banks by the Aetna insurance company of Hartford, Connecticut:

Phoenix Bank, Hartford \$159,527 79  
State Bank, 25,275 00  
United States Trust company, New York 20,000

## SCHEDULE J J.

Stocks owned by the Aetna insurance company of Hartford Connecticut.

	Par.	Market
25 Jersey City water bonds,	\$25,000	\$25,000
30 Hartford,	30,000	30,000
10 Brooklyn,	10,000	10,000
25 Rochester,	25,000	25,000
5 Milwaukee,	5,000	5,000
1 Dubuque,	220	110
U. S. treasury notes 4½ and 5 per ct. with accrued in't.,	56,500	57,502
50 United States stock,	50,000	52,375
State of Tennessee,	10,000	9,100
" Kentucky,	10,000	10,200
" Missouri,	50,000	43,500
" New York,	25,000	28,000
" Ohio, (1860,)	50,000	50,000
" Ohio, (1886,)	25,000	26,500
500 " Hartford and New Haven R. R. co's. stock,	50,000	60,000
107 " Boston and Worcester R. R. co's. stock,	10,700	10,272
250 " Connecticut river R. R. co's. stock,	25,000	12,500
50 " Connecticut River co's. stock,	5,000	1,250
50 " Citizens' Bank stock, Waterbury, Ct.	5,000	5,250
50 " Stafford Bank stock, Stafford Spa,	5,000	5,250
36 " Eagle Bank stock, Providence, R. I.,	1,800	1,872
300 " Phoenix Bank stock, Hartford,	30,000	30,000
400 " Farmers and Mechanics B'k. stock, Hartford,	40,000	45,600
300 " Exchange B'k. stock, Hartford,	15,000	13,500
240 " State B'k. stock, Hartford,	24,000	28,080
100 " City B'k. stock, Hartford,	10,000	11,400
100 " County Bank stock, Hartford,	5,000	5,400



150	" Connecticut River B'k. stock, Hartford,	7,500	9,600
465	" Hartford Bank stock, Hartford,	46,500	60,450
100	" Charter Oak B'k. stock, Hartford,	10,000	10,300
100	" Merchants and Manufacturers Bank stock, Hartford,	10,000	10,500
100	" Aetna B'k. stock, Hartford,	10,000	10,400
15	" Mechanics and Traders B'k. stock, Jersey city,	1,500	1,500
200	" State of Missouri B'k. stock, St. Louis,	20,000	20,600
200	" Merchants Ex. Bank stock, New York,	10,000	10,400
200	" North River B'k. stock, New York,	10,000	10,000
1200	" Mechanics B'k. stock, New York,	30,000	36,000
200	" North America Bank stock, New York,	20,000	22,400
300	" Nassau Bank stock, N. York,	30,000	30,600
300	" America Bank stock, New York,	30,000	34,200
800	" Broadway B'k. stock, New York,	20,000	27,000
400	" Peoples' Bank stock, New York,	10,000	10,400
200	" Republic Bank stock, New York,	20,000	24,400
100	" City Bank stock, New York,	10,000	12,200
400	" Union Bank stock, N. York,	20,000	22,400
100	" Hanover Bank stock, New York,	10,000	8,900
100	" Commonwealth Bank stock, New York,	10,000	10,000
500	" Phoenix Bank stock, N. York,	10,000	11,200
400	" Manhattan Bank stock, New York,	20,000	27,600
300	" New York, Bank stock, New York,	30,000	33,000
200	" Market Bank stock, N. York,	20,000	22,000
400	" Ocean Bank stock, N. York,	20,000	19,600
400	" Metropolitan B'k stock, New York,	40,000	44,400
800	" Butchers and Drovers Bank stock, N. Y.,	20,000	23,600
300	" Importers and Traders Bank stock, N. Y.,	30,000	33,600
400	" American Ex. Bank stock, N. Y.,	40,000	42,400
820	" Merchants B'k. stock, N. Y.,	41,000	45,100
100	" United States trust co. stock, N. Y.,	10,000	11,300
150	" U. S. L. Ins. & T. co.	15,000	24,750
\$1,323,461			

## SCHEDULE K. K.

Amount of cash deposited in banks by the Continental insurance company of the city of New York, specifying in what banks the same is deposited.

St. Nicholas Bank, New York, \$73,277 81.

## SCHEDULE L. L.

Amount of stock owned by the Continental insurance company of the city of New York, whether of any State, or of the United States, or of any incorporated city of the United States, or of any other description, specifying the number of shares, and the par and market value of the same.

	Market value.	Par value.
100 shares of the National Bank, N. Y.,	\$5,000	\$5,400

50 sh of the Importers and Traders Bank, N. Y.,	5,000	5,350
50 sh of the Bank of America, N. Y.,	5,000	5,500
100 sh of the Union Bank, N. Y.,	5,000	5,500
100 sh of the Merchants' Bank, N. Y.,	5,000	5,500
50 sh of the Mercantile Bank, N. Y.,	5,000	6,250
50 sh of the Bank of North America, N. Y.,	5,000	5,500
100 sh of the Metropolitan Bank, N. Y.,	10,000	10,800
150 sh of the American Exchange Bank, N. Y.,	15,000	15,900
200 sh of the Broadway Exchange Bank, N. Y.,	5,000	6,500
100 sh of the St. Nicholas Exchange Bank, N. Y.,	10,000	10,000
5 sh N. Y. Central Railroad bonds,	5,000	4,537 50
4 sh N. Y. City railroad bonds,	3,400	3,175
	83,400	89,912 50

## SCHEDULE M. M.

Amount of stock held by the Continental insurance company of the city of New York, as collateral security for loans, with the amount loaned on each kind of stock, its par and value market, to wit:

	par val	mar val	am't in'd
100 sh's Delaware and Hudson Canal Co.,	\$10,000	9,900	8,000
31 sh U. S. trust co.,	3,100	3,565	2,500
30 sh Pacific mail steamship co.,	3,000	2,700	2,300
168 sh Metropolitan B'k.	16,800	18,144	15,200
26 sh Long Island "	1,300	1,820	1,000
20 sh B'k of America,	2,600	2,200	1,600
20 sh Nassau Bank,	2,000	2,040	1,600
36 sh Artisans' "	3,600	3,276	2,700
5 sh Atlantic "	500	415	300
96 sh Shoe and Leather,	9,700	11,155	8,000
106 sh American Ex.,	10,600	11,236	8,500
50 sh Great Western marine ins. co.,	5,000	7,250	5,250
50 sh Merchants' ins co.	2,500	4,000	2,000
94 sh Home "	9,400	18,800	8,700
57 sh Howard "	2,850	4,845	2,600
15 sh Lamar "	1,500	1,740	1,100
32 sh Commerce'l "	1,600	1,840	1,100
19 sh Eagle "	760	1,216	700
21 sh Security "	1,050	1,281	800
12 sh Panama railroad company,	1,200	1,404	800
78 sh Watert'n & Rome railroad co.,	7,800	3,900	2,500
500 sh Brooklyn City railroad company,	5,000	5,700	4,000
45 sh Manhattan gas co.	2,250	3,375	2,500
50 sh Union Ferry "	5,000	5,000	3,750
1 sh Mo. State bond co.	1,000	900	500
1 sh New York & Harlem rail'd co.'s b'nd,	6,000	5,580	4,000
	115,510	133,282	92,000

## SCHEDULE N. N.

Stocks owned by the Hartford fire insurance company, of Hartford, in the State of Connecticut.

	Par value.	Market val.
511 sh Hartford B'k stock,	\$51,000	\$67,452
400 sh Phoenix Bank "	40,000	40,000
100 sh Coun. River Banking company stock,	5,000	6,400
200 sh Far. and Mechun. B'k stock,	20,000	22,800
200 sh Exchange B'k stock,	10,000	8,800
124 sh City Bank stock,	12,400	14,260
150 sh B'k of Hartford county stock,	7,500	8,025

200 sh Charter Oak Bank stock,	20,000	20,400
150 sh Mercantile B'k stock,	15,000	14,100
132 sh Mer. and Man. Bank stock,	13,200	13,860
137 sh Aetna Bank stock,	13,700	14,316
200 sh American Exchange Bank, New York stock,	20,000	21,250
300 sh Bank of America, New York stock,	30,000	33,000
200 sh Bank of Commerce, New York stock,	20,000	20,700
300 sh Importers and Traders Bank, New York stock,	30,000	33,000
200 sh Manhattan Company Bank, New York stock,	10,000	13,800
200 sh Merchants Bank, New York stock,	10,000	10,050
200 sh Union Bank, New York stock,	10,000	10,900
200 sh Ocean Bank, New York stock,	10,000	9,600
100 sh Bank of North America, New York stock,	10,000	11,000
300 sh Metropolitan Bank, New York stock,	30,000	33,450
100 Blackstone Bank, Boston stock,	10,000	10,500
100 sh Bank of Commerce, Boston stock,	10,000	10,375
10 sh Suffolk Bank, Boston stock,	1,000	1,270
100 sh Hide and Leather B'k, Boston stock,	10,000	10,500
100 sh Granite Bank, Boston stock,	10,000	10,300
100 sh Webster Bank, Boston stock,	10,000	10,750
100 sh National Bank, Boston stock,	10,000	10,300
100 sh Atlantic Bank, Boston stock,	10,000	10,625
100 sh Bank of the State of Missouri,	10,000	10,000
100 sh Hartford and New Haven R. R. Co., stock,	10,000	12,250
20 sh Conn. River stock,	2,000	1,000
120 " Connecticut River company stock,	12,000	3,000
24 sh Hartford city bonds, 6 per cent. payable 1876,	24,000	24,720
2 sh Ohio State bonds, 6 per cent., payable 1860,	10,000	10,075
20 sh Michigan State bonds, 6 per cent., payable 1863,	20,000	20,600
20 sh Tenn. State bonds, 6 per cent., payable 1892,	20,000	18,850
U. S. Treasury notes, (4½ per cent.,)	14,000	14,035
	580,900	617,133

## SCHEDULE O. O.

Stock held by the Hartford fire insurance company of Hartford, in the State of Connecticut. 60 shares Hartford fire insurance company stock, par \$6000; market value \$9,000; loaned \$2,000.

## SCHEDULE P. P.

Cash deposited in Bank by the Irving Fire Insurance Company of the city of New York. Irving Bank, \$9,916 59

## SCHEDULE Q. Q.

Stock held by the Irving Fire Insurance Company of the city of New York, as collateral security for loans.

	Par val.	Mar. val.	Loaned.
50 sh. Merch'ts' Exchange Bk. stock,	\$2,500	\$2,575	\$1,000
30 sh. Merch'ts' Exchange Bk. stock,	1,500	1,545	1,200
110 sh. Irving Bank stock,	5,500	5,500	4,000



20 sh. Irving Bank stock,	1,000	1,000	700
120 sh. People's Bank stock,	3,000	3,060	2,100
40 sh. People's Fire Ins. Co. stock,	2,000	2,120	
20 sh. People's Bank stock,	500	510	700
10 sh. People's Fire Ins. Co. stock,	500	520	
5 sh. House Fire Insurance Co. stock,	500	1,025	
4 sh. House Fire Ins. Co. stock,	400	820	400
20 sh. U. S. Fire Insurance Co. stock,	500	600	500
60 sh. Louillard's Insurance Co. stock,	1,500	1,950	2,500
10 sh. Parke's Insurance Co. stock,	1,000	1,300	
18 sh. Exchange Insurance Co. stock,	540	600	
12 sh. Arctic Insurance Co. stock,	600	650	400
5 sh. Market Insurance Co. stock,	500	650	450
10 sh. Gt. West. Ma. Ins. Co. stock, N. Y.,	1,000	1,450	4,500
50 sh. 2d Avenue R. Co., N. Y., st'k.	5,000	5,100	
1 Bond N. Y., Central R. R. Co. stock,	1,000	915	
	\$29,040	\$31,900	\$19,450

## SCHEDULE R R.

Amount of cash deposited in banks by the North American fire insurance company of the City of New York, specifying in what banks the same is deposited—Phoenix Bank, \$6,655 67.

## SCHEDULE S S.

Amount of stocks owned by the North American fire insurance company of the City of New York, whether of any State or of the United States, or of any incorporated city of the United States, or of any other description, specifying the number of shares and the par and market value of the same—New York city 67c stock, due 1865—Par value, \$12,000; market value, \$12,360.

## SCHEDULE T T.

Amount of stock held by the North American fire insurance company of the City New York, as collateral security for loans, with the amount loaned on each kind of stock, its par and market value, to wit—Forty shares North American fire insurance company—Par value, \$2,000; market value, \$2,250.

## SCHEDULE U. U.

Stocks held by the Manhattan fire insurance company of New York, as collateral security for loans, viz:

5 \$1000 coupon bonds of Hamilton county, Ohio, 8s.	\$5,000	\$5,100	\$4,500
10 \$1000 coupon bonds of Hamilton county, Ohio, 8s.	10,000	10,200	9,000
2 \$1000 Harlam railroad coupon bonds,	2,000	1,700	1,500
1 \$1000 State of Missouri bonds,	1,000	860	800
25 shares Peoples insurance company's stock, \$50 each	1,250	1,325	1,000
10 sh Bank of Commerce, \$100 each,	1,000	1,010	
10 sh American Exchange Bank, \$100 each,	1,000	1,060	1,826
15 sh Park Bank, \$100 each,	1,500	1,575	750

20 sh Irving Bank, \$50 each,	1,000	1,000	700
26 sh Ocean Bank, \$50 each,	1,300	1,274	1,600
13 sh Bank of Commerce, \$100 each,	1,300	1,310	1,000
10 sh Park Bank, \$100 each,	1,000	1,050	700
100 sh Galena and Chicago Union railroad stock,	10,000	7,150	
2 \$1000 bonds of Galena and Chicago R. R.	2,000	1,960	7,000
40 sh Irving insurance company's stock,	1,000	1,360	800
65 sh St. Nicholas Bank stock,	6,500	6,500	5,000
6 \$1000 coupon sinking fund bonds of Southern Michigan and Northern Indiana railroad,	7,000	6,160	3,300
	54,850	51,594	39,476

## SCHEDULE V. V.

Amount of cash deposited in banks by the Merchants insurance company of Hartford, Connecticut, specifying in what banks the same is deposited.

Charter Oak Bank, Hartford, Conn., \$8,371 94

## SCHEDULE W. W.

Amount of stocks owned by the Merchants insurance company of Hartford Connecticut, whether of any State or of the United States, or of any incorporated city of the United States, or of any other description, specifying the number of shares, and the par and market value of the same.

	Par val.	Mar. val.
50 sh. American Ex. B'k. New York, N. Y.	\$ 5,000 00	\$5,300 00
50 " Metropolitan Bank, New York, N. Y.,	5,000 00	5,600 00
50 " Charter Oak Bank, Hartford, Conn.,	5,000 00	5,150 00
50 " Exchange B'k. Hartford, Conn.,	2,500 00	2,250 00
100 " Aetna Bank, Hartford, Conn.,	10,000 00	10,500 00
50 " Farmers and Mechanics B'k. Hartford, Conn.,	5,000 00	5,700 00
60 " Phoenix B'k. Hartford, Conn.,	6,00 00	6,060 00
50 " Hide and Leather B'k. Boston, Mass.,	5,000 00	5,250 00
10 bonds \$1000 each State of Mo., 6 per cent.	10,000 00	8,700 00
15 bonds \$1,000 each State Michigan,	15,000 00	15,158 00
Ohio State Stock,	5,000 00	5,050 00
15 bonds \$1,000 each city of Hartford, (R. R. loan,) 6 p ct.	15,000 00	15,450 00
5 bonds \$1,000 each city of Hartford, (R. R. loan,) Park, 6 p. ct.	5,000 00	5,200 00
	93,500 00	95,360 00

## SCHEDULE X X.

Amount of stock held by the Merchants insurance company of Hartford, Connecticut, as collateral security for loans, with the amount loaned on each kind of stock, its par and market value.

	P. val.	M. val.	Am't l.
104 sh Bank of Hartford County, Hartford, Conn.,	\$5,200	\$5,512	\$4,250
7 sh Mercantile B'k, Hartford, Conn.,	700	644	500
15 sh Merchants and			

Manufacturers B'k, Hartford, Conn.,	750	825	540
75 sh Rockville B'k, Rockville,	7,500	7,500	5,200
15 sh Irving Bank, New York, N. Y.,	750	795	500
2 bonds \$1,000 each, State Missouri,	2,000	1,740	775
	\$16,900	17,016	11,765

## SCHEDULE Y. Y.

Amount of cash in banks by the Charter Oak fire and marine insurance company of Hartford, Connecticut, specifying in what banks the same is deposited, to wit:

Exchange Bank,	\$10,279 30
Bank of Taylor, Richards & Burden,	448 82
	10,728 12

## SCHEDULE Z. Z.

Amount of stock owned by the Charter Oak and Marine insurance company of Hartford, Connecticut, whether of any State, or of the United States, or of any incorporated city of the United States, or of any other description, specifying the number of shares and the par and market value of the same.

	Par val.	Mar. val.
100 sh. Aetna Bank of Hartford,	\$10,000 00	\$10,500 00
100 " Mercantile and Manufacturers,	10,000 00	10,600 00
70 " Exchange,	3,560 00	3,150 00
253 " Mercantile,	25,300 00	24,035 00
65 " Charter Oak,	6,500 00	6,825 00
31 " City,	1,000 00	3,565 00
187 " County,	9,350 00	10,285 00
12 " State,	1,200 00	1,416 00
24 " Phoenix,	2,400 00	2,424 00
10 " Atlantic, Boston,	1,000 00	1,080 00
100 " Hide and Leather, Boston,	10,000 00	10,550 00
100 " Amer. and Ex., New York,	10,000 00	10,650 00
100 " B'k. of Com. N. Y.,	10,000 00	10,100 00
7 " Hartford and New Haven R. R. co.	700 00	840 00
3 bonds Ind. & Cin. R. R. co.	3,000 00	3,000 00
1 bond Cleve. and Toledo R. R. co.	1,000 00	500 00
20 " Chicago & Galena R. R. co.,	2,000 00	1,450 00
40 " Erie and N. East R. R. co.,	2,000 00	2,000 00
20 " Milw. and Miss. R. R. co.,	2,000 00	280 00
6 bonds Mis. State 6 p. stock co.,	5,000 00	5,395 00
1 10½ bond Du-buque city stock co.	500 00	400 00
		\$119,345 00

## SCHEDULE A A A.

Amount of stocks held by the Charter Oak fire and marine insurance company of Hartford, Conn., as collateral security for loans, with the amount loaned on each kind of stock, its par and market value, to wit:

	P. val.	M. val.	Am't l.
10 shares Mer. & Man. Bank,	\$1,000 00	1,050 00	1,000 00
16 sh Phoenix ins co of Hartford, 16 shares Aetna,	3,000 00	6,000 00	5,500 00
20 sh County bk and others,	4,100 00	7,000 00	6,000 00
6 sh Boton gas light com'y,			
600 sh Hart-			



ford coal co.	30,000 00	30,000 00	26,550 00
10 sh Mer. B'k and personal guarantee,	1,000 00	30,950 00	1,000 00
1 Bond Ind. & Cin. R. R. co.	3,500 00	3,000 00	2,950 00
2 Bond Ind'a Cen. R. R. co.			
1 Bond Terre Haute & Alton			
Other loans on collaterals,			3,496 87
			\$46,496 89

## LAWS OF PENNSYLVANIA.

## SESSION OF 1859.

## AN ACT relative to orphans' courts.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all sales of real estate under the order of the orphans' court, authorized by the laws of this Commonwealth, the court decreeing the sale shall have power to direct the terms thereof for cash, not less than one-fourth of the purchase money at the time of the confirmation of the sale, and the balance in such instalments, and at such times as in the opinion of the court shall be for the interest and advantage of those interested therein, requiring security, to be approved by the court, in at least double the value of the interest proposed to be sold, before such sale shall be ordered or made: *Provided,* That the purchase money shall be a lien on the premises sold until fully paid, according to the decree of the court.

SEC. 2. That all sales of real estate heretofore ordered by the orphans' court as aforesaid, wherein a longer time than one year shall have been directed for the final payment of the purchase money, shall be taken and deemed to have the same force and effect, and be as valid and binding, as if the purchase money therein had been ordered and directed to have been paid within one year from the time of any such sale or sales: *Provided,* That this act shall not apply to the city of Philadelphia.

W. C. A. LAWRENCE,  
*Speaker of the House of Representatives.*  
JOHN CRESSWELL, JR.,  
*Speaker of the Senate.*

APPROVED—The twenty-second day of March, Anno Domini one thousand eight hundred and fifty-nine.

WM. F. PACKER.

A SUPPLEMENT to an act, entitled "An Act relating to the authentication of letters of attorney, protests of notaries public, and assignments made out of the State, and to the acknowledgment of deeds," approved the fourteenth day of December, one thousand eight hundred and fifty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all ambassadors, ministers plenipotentiary, charges d'affairs, or other persons exercising public ministerial functions, duly appointed by the United States of America, shall have full power and authority to take all acknowledgments and proofs of any deeds, conveyances, settlements, mortgages, agreements, powers of attorney or other instruments under seal relating to real or personal estate, made or executed in any foreign country or State, by any person or persons, or by husband and wife, in the manner and according to the forms required by the laws of this Commonwealth, and to administer all oaths or affirmations necessary or re-

quired for the purposes aforesaid; and that all acknowledgments and proofs heretofore made by any or either of the persons aforesaid before any of the officers aforesaid in the manner and according to the forms aforesaid, are hereby ratified and confirmed, and the same, and the records of the instruments aforesaid, if the said instruments have been heretofore recorded, are declared to be as valid and effectual as if the said acknowledgments, proofs and records had been respectively made, taken and recorded under the provisions hereof.

W. C. A. LAWRENCE,  
*Speaker of the House of Representatives.*  
JOHN CRESSWELL, JR.,  
*Speaker of the Senate.*

APPROVED—The second day of April, Anno Domini one thousand eight hundred and fifty-nine.

WM. F. PACKER.

## AN ACT to establish the Penn Industrial reform school.

WHEREAS, A number of citizens of this Commonwealth have associated themselves together for the purpose of establishing an industrial reform school for the physical, mental and moral instruction and reform of destitute, ignorant, idle and vicious, and criminal, and weak, and such as may be fit subjects of education in labor and improvement in the arts, and desire the Legislature to grant them a charter to that effect; therefore

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Ellis Lewis, Mordecai L. Dawson, William D. Kelly, J. J. Barclay, Cornelius S. Smith, Joseph R. Flanigen, Robert Morris, John Mason, William F. Murphy, Daniel L. Miller, John C. Murphy, James Tyson, A. L. Kennedy, Elijah Dallett, C. H. Rogers, Philip M. Price, John Reynolds, Alfred Huidekooper, John Barker, Gordon F. Mason, John Wilson, C. M. Reed, George A. Lyon, James Miles, John Galbraith, R. C. Boileau, D. C. Wright, Wm. Himrod, Judah C. Spencer, Alfred King, Thos. Stewart, S. P. Johnson, Chapin Hall, Strange N. Palmer, Lewis Brenner, E. D. Gazzam, Geo. W. Jackson, Wm. N. Shimer, Arnold Plumer, B. Gillott, C. H. P. Kinney, Thos. White, John Graff, Jos. Buffington, Darwin Phelps, Henry D. Foster, Edgar Cowen, Richard Coulter, Cyrus Blood, Thos. H. Burrowes, A. C. Thomas, C. Collins, Moses Boileau, Daniel Lott, J. D. Williamson, J. E. Forester, K. McArthur, John Greer, G. W. Harris, D. Himrod, J. Y. James, W. M. Meredith, Henry D. Moore, Samuel M. Lane, George Griscom, G. J. Ball and their successors, and all who may become members, agreeably to the by-laws, are hereby incorporated as a body politic, known by the name, style and title of the Penn Industrial reform school; and by that style and title may sue and be sued, have a common seal, purchase, receive, hold and convey any estate, real or personal, for the use and purposes of the said corporation; and to institute, erect and maintain a school or schools, embracing the departments of common school education, agriculture, the mechanic arts and labor, with such buildings, workshops and such appurtenances, auxiliaries and instrumentalities as in the judgment of the managers may best contribute to the safe keeping, instruction and reformation of those committed to their custody and guardianship.

SEC. 2. That until otherwise directed by the by-laws, the officers shall be a president, six vice presidents, a secretary, a treasurer, and twelve managers, who shall conduct the affairs of the corporation; and for the purpose of electing said officers, the corporators may meet at such time and place as five or more thereof may designate and appoint, in the city of Philadel-

phia, at any time after the passage of this act.

SEC. 3. That the time and manner of admitting and continuing members, the amounts payable by members annually or for life, the manner of calling special meetings, the duties of the officers, the time and place of the annual meeting for the election of officers, the manner of electing the same, and such other matters as may be necessary to carry out the provisions of this act and its true object and intent, may be provided by the by-laws: *Provided,* They do not conflict with the true intent and meaning of this act, or of the Constitution or any other law of this Commonwealth: *And provided further,* That the annual election shall be held before or as early as the first day of November in each year.

SEC. 4. That it shall and may be lawful for the board of managers, at their discretion, to receive into their care and guardianship all such as may be committed to their custody, in the same manner, to the same extent and on the same conditions as are provided for in the acts incorporating the houses of refuge, and the accounts to be kept and settled in the same manner; and in addition thereto, they may receive, at their discretion, any person charged with crime in any of the courts mentioned in the said acts, incorporating the houses of refuge, without regard to age, who may be adjudged by the court trying the cause to be a fit subject of reform; and on that question, the said court shall bear the statement of the defendant, if requested, detailing the circumstances under which the offence was committed, together with the birth and parentage, place of birth and former residence, education, course of life, and such other matters as they may judge necessary to decide the question of fitness, for the care and guardianship of the managers, which shall be substantially taken down in writing and transmitted with the commitment to the managers; when such affirmative decision is made, the said court designating the sentence of the law, and may take recognizance conditioned for the good behaviour of the defendant, and compliance with all the rules and orders of the managers; and in case the managers on personal examination and investigation of the case, or by reason of his or her conduct, upon further trial, shall ascertain the defendant not to be a fit subject for their care and management, then and in that case they shall have power to return the defendant to the sheriff of the proper county, to be committed according to the sentence so designated by the court as aforesaid; if found by the said managers to be a fit subject for their care and guardianship, and the defendant should so prove throughout the period of their control and instruction, then the managers shall furnish a certificate to the defendant, setting forth the facts in as full a manner as they may adjudge right and proper as deserved, and forward a copy thereof to the clerk of the court in which the trial was had.

SEC. 5. That the managers may receive, in the same manner, such persons as the legal authorities of the houses of refuge may determine to be fit subjects for their care and guardianship, for the purposes of education, culture and reformation.

SEC. 6. That they may receive such as may be committed as vagrants, idlers, intemperate and disorderly persons, as may be committed to their care, under authority of any of the courts or magistrates, under the examination of said commitment by the president judge of the proper district; and also, all such persons as may have fallen into the habits of intemperance or other vices or errors, who may themselves or by their friends without compulsion commit themselves to the care and guardianship of the managers, as may be provided by the by-laws and as may be stipulated.



Sec. 7. That it shall be the duty of the managers on or before the first day of December in each and every year, to forward to the Governor and to each of the departments of State, a full detailed report of their proceedings during the year, up to the first day of November, with their views on the causes of crime within the State, the most efficient means in their opinion of preventing and reforming it, and such other matters as they may deem of importance in furnishing information on that subject; and as soon thereafter as practicable, transmit a copy of said report to each of the judges of the several courts of record, to the president of each of the colleges, academies, and high schools, and to each member of the Legislature.

Sec. 8. That the Governor, Attorney General, Superintendent of Common Schools, and the president of the Agricultural high school, for the time being, and the judges of the several courts, shall be entitled to visit freely all departments under the control and guardianship of the managers; and that the friends and relatives of the inmates may at all times have free admission for the purpose of mutual conversation; subject to such regulations and restrictions compatible with the safe-keeping of the inmates, as may be from time to time prescribed in the by-laws.

W. C. A. LAWRENCE,  
*Speaker of the House of Representatives.*  
JNO. CLESSWELL, Jr.,  
*Speaker of the Senate.*

APPROVED—The sixth day of April, Anno Domini one thousand eight hundred and fifty-nine.  
WM. F. PACKER.

#### GOVERNOR'S MESSAGES.

EXECUTIVE CHAMBER,  
Harrisburg, April 14, 1859. }

To the Senate and House of Representatives of the Commonwealth of Pennsylvania :

GENELEMEN:—I have approved and signed the following acts of the General Assembly, viz: On the 13th inst.,

"An Act for the relief of William Wilson, Jr., late collector of tolls at Northumberland."

"An Act authorizing the State Treasurer to pay the Towanda bridge company a balance remaining in the Treasury due them in pursuance of a contract made with the Board of Canal Commissioners, July 12, 1856."

"An Act declaring the Portage branch of the Sinoemahoning creek, in the counties of McKean and Potter, a public highway."

"An Act to incorporate the Moyamensing fire insurance company, to be located in the city of Philadelphia."

"An Act to authorize the Butler House hotel company to change the corporate name, and for other purposes."

"Supplement to an act to incorporate the Second and Third Street passenger railway company of Philadelphia."

"An Act to amend the fee bill of the orphans' court of the county of Allegheny."

"An Act to authorize the payment of the claim of S. Miles Green, of Huntingdon county."

"An Act relating to the settlements of registers of wills, recorders of deeds, prothonotaries and clerks of courts, with the State Treasurer."

"An Act allowing the treasurer of Beaver county a credit for certain balances of militia fines collected, and by him paid bona fide to the uniform militia, for duty done according to law."

"A supplement to the act incorporating the Mutual fire insurance company of Sinking Springs, Berks county."

"An Act to incorporate the Valley Forge military academy."

"An Act to authorize the managers of the Indiana and Elmsburg turnpike to collect tolls for certain purposes."

"An Act relative to certain accounts in Porter township school district, in the county of Jefferson."

"Supplement to an act incorporating the Quarryville and Unicorn turnpike road company."

"An Act to legalize taxation in the borough of Washington."

"An Act relative to the claim of Jas. Condran."

"An Act for the relief of R. J. Fleming."

"An Act to incorporate the Western library association of the city of Philadelphia."

"A supplement to an act authorizing the commissioners of Clarion county to erect a new court house, approved 18th March, 1859."

"A further supplement to an act to incorporate the Bedford mineral spring association, approved March 17th, 1855."

"An Act to allow the government of the United States to hold certain real estate in the city of Philadelphia."

"An Act authorizing the State Treasurer to pay Nathaniel White for damages sustained by him from the Commonwealth."

"An Act changing the place of holding elections in West Manheim township, York county."

"An Act to repeal an act for the better preservation of game and insectivorous birds, so far as the same relates to the counties of Fayette, Westmoreland and Greencastle."

"An Act to incorporate the borough of New Washington."

"An Act to incorporate the Handel and Hayden society of Philadelphia."

"An Act authorizing the State Treasurer to pay S. C. Williamson for loss sustained in consequence of a collision on the Columbia and Philadelphia railroad."

"An Act authorizing the payment of the claim of Andrew Wise, of Huntingdon county."

"A further supplement to the act to incorporate the Trenton City bridge company."

"An Act to authorize the ministers, trustees, elders and deacons, of the German Reformed congregation, in the city of Philadelphia, in the province of Pennsylvania, to sell and convey certain real estate."

"A supplement to an act to divide the borough of Johnstown into wards, approved the 8th day of April, 1858."

"A further supplement to an act to incorporate the town of Ashland, partly in Schuylkill county and partly in Columbia county, into a borough, approved February 13th, 1837."

"An Act to incorporate the Philadelphia and Foreign steamship company."

"An Act relative to weighing coal in the city of Allegheny."

"An Act authorizing a State road from Du-shore, Schuylkill county, to the North Branch of the Susquehanna river, at or near Wells' Ferry, Bradford county."

"An Act to incorporate the Montreal gas company."

"An Act to change the name of Chrysostom Charles Sweeny to Chrysostom Charles McLaughlin."

"An Act to incorporate the Duquesne insurance company."

"An Act to provide for the erection of a house for the employment and support of the poor in the county of Greencastle."

"An Act to incorporate the Franklin high school and normal institute association of the borough of Martinsburg, in the county of Blair."

"Supplement to an act to incorporate the Protestant Episcopal society for the promotion of evangelical knowledge, passed March 8th, 1848."

"An Act to incorporate the Towanda gas and water company."

"An Act relating to the time of holding the courts of Greene county."

"An Act authorizing the corporation of St. Paul's church, Erie, to sell certain real estate."

"An Act fixing the place of holding elections in South Buffalo township, Armstrong county."

"A supplement to an act authorizing Henry Wilson to construct a draw or breakwater in the Susquehanna, dated April 3, 1851."

"An Act in reference to the commissions of justices of the peace and aldermen."

"An Act to authorize the supervisors of certain townships in Lancaster county to pay a portion of the cost of erecting county bridges."

"An Act requiring the supervisors in the different townships in Cumberland county to keep the wing walls and embankments of said county bridges in repair."

"An Act repealing an act approved May 5th, 1854, authorizing the extension of Walnut street, in the borough of Blairsville, Indiana county, and to authorize the extension of said street northward."

"An Act requiring the sheriff of Cumberland county to compel all persons committed to the jail of said county for vagrancy to work."

"A supplement to the act, entitled 'An Act establishing a mode of selecting and drawing jurors in and for the city of Philadelphia.'"

"An Act to confer on Joseph Creechfield, of Somerset county, all the rights and privileges of a child born in lawful wedlock."

"An Act relative to the unadjusted claims against the public works."

"An Act authorizing the Auditor General to correct certain accounts."

"An Act to increase the fees of jurors in the rural districts of the city of Philadelphia."

"An Act to incorporate the Bald Eagle boom company in Clinton county."

"An Act relative to the city of Pittsburg."

"A supplement to an act to incorporate the Dark Hollow New Hope cemetery company."

"A supplement to an act to incorporate the city of Philadelphia."

"A supplement to the act to incorporate the West End insurance company of Philadelphia, approved May 20, 1857."

"An Act to incorporate the Odd Fellows hall association of Thompston, Juniata county."

"An Act to authorize the trustees of the church of the United Brethren in Christ, of the borough of Middletown, in the county of Dauphin, to convey certain real estate."

"An Act to incorporate the Farmers' association."

"A supplement to an act to erect part of the township of Denison, in the county of Luzerne, into a separate district for road purposes."

"A supplement to the act limiting the actions against real estate."

"An Act to incorporate the New Oxford, Abbottstown and York railroad company."

"An Act repealing a certain act relating to executions against bridge companies."

"An Act empowering Sabina R. Sloan to sell certain real estate."

"An Act relating to executors, administrators and guardians."

"An Act to incorporate the Monongahela passenger railway company."

"An Act to incorporate the Laporte gas and water company."

"An Act relating to partitions in courtshaving equity jurisdiction in the county of Allegheny."

"A supplement to an act incorporating the Quakertown and Spinnerstown turnpike road company."

"An Act relating to the fees of county surveyors."

"An Act to incorporate the Pittsburg and Birmingham passenger railroad company."



"An Act relative to sureties of county treasurers."

"An Act to incorporate the Tylerville water company."

"An Act for the relief of Rachel Robison, widow of an old soldier of the Revolution."

"An Act to authorize the Washinton hose company of Harrisburg to sell certain real estate."

"An Act for the relief of Elizabeth Roberts, a widow of a soldier of the Indian war of 1788 to 1792."

WM. F. PACKER.

EXECUTIVE CHAMBER,  
Harrisburg, April 14, 1859.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following Acts of the General Assembly, viz:

On the 13th inst.:

"An Act to incorporate the Downingtown, Brandywine and Pequa railroad company."

"An Act to regulate the standard weight of oats."

"An Act relating to testamentary trustees."

"A further supplement to an act to incorporate the Bradford railroad and coal company, approved May 28, 1840."

"An Act to incorporate the Protection fire insurance company, to be located in the city of Philadelphia."

"An Act for the relief of the late firm of Moderwell & Longenecker."

"An Act authorizing vice presidents of banks to receive salaries for their services."

"An Act for the repeal of so much of the second section of the act, passed the 13th day of May, 1850, as relates to the Glen Hope and Little Bald Eagle turnpike company."

"An Act for the better regulation of billiard rooms, bowling saloons, and ten pin alleys, in the counties of Chester and Delaware."

"An Act to incorporate the Allegheny and Etna railroad company, in Allegheny county."

"An Act for the relief of the Somerset borough school district, in Somerset county."

"An Act in relation to the Towanda and Burlington plank railroad company."

"An Act relative to the election of district attorneys."

"A further supplement to an act relating to a burial ground and school lot in the borough of Pottsville."

"An Act to incorporate the Delaware Avenue market company of the city of Philadelphia."

"An Act relative to the Weccacoe and Moyamensing Moadow company."

"An Act to incorporate the Jacksonville and Virginia State Line clay or turnpike road company."

"An Act fixing the place for holding the general and township elections in Lycoming township, Lycoming county."

"An Act to fix the place for holding elections in Union township, Union county, and to legalize an election held in said township."

"An Act to incorporate the Carbondale gas company."

"An Act for the reformation and employment of vagrants, drunkards, and other disorderly persons, in the county of Allegheny."

"An Act relative to the claim of Jackson Fer."

"An Act authorizing the board of school directors of the borough of Uniontown, in Fayette county, to borrow money."

On the 14th inst.,

"An Act to incorporate the Byberry and Andalusia turnpike road company."

"An Act to authorize the town council of the borough of Chambersburg to increase the rate of tax."

"An Act to incorporate the Mt. Joy gas company."

"Supplement to an act to incorporate the Penn fire insurance company."

"An Act to confer on Edward G. Lutz, the rights of a child born in lawful wedlock."

"An Act to confer on Horace G. Lutz, the rights of a child born in lawful wedlock."

"An Act to authorize the State Treasurer to pay Robert Young, for loss sustained by fire, on the line of the Columbia and Philadelphia railroad."

"An Act to abolish the office of sealer of weights and measures in certain counties of this Commonwealth."

"An Act to incorporate the Washington Monument association of the first school district of Pennsylvania."

"An Act to incorporate the Warren hose company of the city of Philadelphia."

"An Act to authorize the State Treasurer to pay Messrs. A. K. and A. L. Witmer, for loss sustained in consequence of a collision on the Columbia and Philadelphia railroad."

"An Act, entitled 'An Act to authorize the borough of Mechanicsburg, in the county of Cumberland, to borrow money.'"

"An Act to incorporate the town of Middleport, Schuylkill county, into a borough."

"Supplement to an act to consolidate and amend the road laws of the counties of Tioga, Potter, M'Kean and Elk, approved 14th April, 1855."

"A further supplement to an act authorizing the Governor to incorporate the Bear Mountain railroad company, and for other purposes, passed 13th July, 1842."

"An Act to incorporate the Home and Foreign Bible society of Western Pennsylvania."

"A supplement to the act incorporating the Tuckahoe and Mt. Pleasant plank road company."

"An Act to incorporate the Mount Vernon hook and ladder company, independent No. 1, of Harrisburg."

"A supplement to an act supplementary to the act to incorporate the St. Paul's church, and for other purposes, approved March 31, 1837."

"An Act to authorize the payment of the claim of John W. Geary and Israel Painter."

"An Act to incorporate the Wilkesbarre and Kingstou passenger railway company."

"An Act to authorize the payment of the claim of Emanuel Will, of Lancaster county."

"A supplement to the act to incorporate the Exchange mutual insurance company, approved 16th March, 1855."

"An Act to incorporate the Spring Garden fire engine company of the city of Philadelphia."

"An Act to incorporate the Pittston gas company."

"A supplement to an act for the better preservation of game, approved April 21, 1858."

"An Act to authorize the Auditor General and State Treasurer to re-examine the accounts of the Bustleton and Feasterville turnpike road company."

"An Act for the relief of Catharine Keller, widow of Conrad Keller, a soldier of the Revolutionary war."

"An Act relative to supervisors of public highways, in Jenner township, Somerset county."

"An Act to run and define a part of the boundary line between the counties of Millin and Huntingdon."

"An Act relative to the duties of Port Warden of Philadelphia."

"An Act relative to the vacation of certain streets in the city of Philadelphia."

"An Act to incorporate the Norristown and Minersville railroad."

"An Act to prevent the hunting of deer with dogs in certain counties of this Commonwealth."

"An Act to incorporate the South Western market company."

"An Act for the relief of Elizabeth Nicely,

widow of an old soldier in the Indian wars of 1790 and 1795."

"An Act to incorporate the Elm Tree fire insurance company, to be located in the city of Philadelphia."

"An Act relating to void marriages."

"An Act to incorporate the Pittsburg Gymnastic association."

"An Act to authorize the erection of a Lock-up house in the borough of Wellshurg, Somerset county."

"A further supplement to an act, entitled 'An Act to incorporate the North Philadelphia plank road company.'"

"An Act to incorporate the Cameron House Hotel company."

"An Act for the relief of Elizabeth Murphy, widow of an old soldier."

"An Act to incorporate the Harrisburg Park association, in Dauphin county."

"An Act to increase the pay of Supervisors in Schuylkill county."

"An Act to authorize the State Treasurer to pay Thomas and Henry Bomgardner for loss sustained in consequence of collision on the Columbia and Philadelphia railroad."

"A further supplement to the act incorporating the borough of West Chester and its several supplements, passed the 3d March, 1788."

"An Act to establish a Ferry on the Allegheny river at Freeport, in Westmoreland county."

"An Act to incorporate the Farmers' and Citizens' hay and straw market company."

"An Act extending the provisions of the fifteenth section of the act of April 2, 1853, entitled 'An Act to incorporate the Rosemont Cemetery company; relative to judicial proceedings, assessments and jurors in Columbia and Montour; to a certain State road; to the bounty upon fox scalps in Luzerne county; to limiting in certain counties, et cetera, to Wyoming county.'"

"An Act relating to the granting of licenses to hotel, inn or tavern keepers."

"A supplement to an act for the better regulation of the militia of this Commonwealth, approved 21st April, 1858."

"A supplement to an act to improve the navigation of the Lehigh river, in the counties of Monroe and Luzerne."

"An Act relative to the claims of Roger C. McGill, and McGill & Cross."

"An Act relating to the widening of Virgin alley, in the city of Pittsburg."

"An Act to divide the township of Wilkesbarre, in the county of Luzerne, into two wards."

"Supplement to an act to incorporate the City bank of Philadelphia."

"An Act relative to the claim of Burk & Gonder."

"An Act to make George William Eshelman au heir of J. Middleton Whitehill and his wife, Elizabeth S. Whitehill, and to confer on him the name of George William Whitehill."

"An Act authorizing the Auditor General to issue a certificate for the amount of the claim due to Barbara Hileman's estate."

"An Act in relation to the election of trustees, et cetera, of the proprietor's school fund in the township of Plains, in Luzerne county."

"An Act requiring Supervisors of roads and Overseers of the poor, in the county of Northumberland, to give security."

On the 13th inst.,

"Resolution for the pay of L. Rogers, clerk in the contested election case of Mathews vs. McLeau."

"Resolution to pay George H. Lenhart and Jacob P. Hoffmann, folders in the House."

On the 14th inst.,

"Joint resolution relative to the pay of pastors and folders of the House."

WM. F. PACKER.



EXECUTIVE CHAMBER,  
Harrisburg, April 13, 1859 }

To the Senate and House of Representatives of the  
Commonwealth of Pennsylvania:

GENTLEMEN:—I return herewith, without the Executive approval, to the House of Representatives, in which it originated, the bill, entitled "An Act authorizing the collection of taxes for the support of the poor in the counties of Tioga, Potter and Northumberland, from unseated lands."

The bill proposes to authorize the poormasters of the several townships in the above named counties, to levy in their respective townships a poor tax on unseated lands, and to collect the same as other taxes are now collected from such lands.

I cannot approve this bill, because, should it become a law, it will introduce into three of the counties of this Commonwealth, a species of taxation unknown to the remainder of the State. Our tax laws should, as far as practicable, be uniform, general and equal. Like property should be taxable for like purposes in all the counties of the State. Bills general in their character, thus imposing burdens on any class of the community, will then receive such attention from the law-making power as their importance demands. Considering this bill an innovation in our system of taxation, calculated as a precedent to prove injurious in the future, in my opinion, it ought not to become a law. It is, moreover, by no means clear that any additional taxes should be imposed upon unseated, and therefore unproductive property. It is believed that the unseated lands in the several counties, already pay their full proportion of the expenses of the local governments.

WM. F. PACKER.

EXECUTIVE CHAMBER,  
Harrisburg, April 14, 1859 }

To the Senate and House of Representatives of the  
Commonwealth of Pennsylvania:

GENTLEMEN:—I have approved and signed the following acts of the General Assembly, viz: On the 13th inst.,

"An Act to incorporate the Downingtown, Brandywine and Piqua railroad company."

"An Act to regulate the standard weight of oats."

"An Act relating to testamentary trustees."

"A further supplement to an act to incorporate the Bradford railroad and coal company, approved May 28, 1840.

"An Act to incorporate the Protection fire insurance company, to be located in the city of Philadelphia."

"An Act for the relief of the late firm of Mordwell & Longenecker."

An Act authorizing vice-presidents of banks to receive salaries for their services."

"An Act for the repeal of so much of the second section of the act, passed the 13th day of May, 1850, as relates to the Glen Hope and Little Bald Eagle turnpike company."

"An Act for the better regulation of billiard rooms, bowling saloons and ten pin alleys in the counties of Chester and Delaware."

"An Act to incorporate the Allegheny and Etna passenger railroad company in Allegheny county."

"An Act for the relief of the Somerset borough school district, in Somerset county."

"An Act in relation to the Towanda and Burlington plank road company."

"An Act in relation to the election of district attorney."

"A further supplement to an act relating to a burial ground and school lot in the borough of Pottsville."

"An Act to incorporate the Delaware Avenue market company of the city of Philadelphia."

"An Act relative to the Weccacoe and Moyamensing meadow company."

"An Act to incorporate the Jacksonville and Virginia State Lime clay or turnpike road company."

"An Act fixing the place for holding the general and township elections in Lycoming township, Lycoming county."

"An Act to fix the place for holding elections in Union township, Union county, and to legalize an election held in said township."

"An Act to incorporate the Carbondale gas company."

"An Act for the reformation of vagrants, drunkards, and other disorderly persons in the county of Allegheny."

"An Act relative to the claim of Jackson Fee."

"An Act authorizing the board of school directors of the borough of Uniontown, in Fayette county, to borrow money."

"An Act to incorporate the Byberry and Andalusia turnpike road company."

"An Act to authorize the town council of the borough of Chambersburg to increase the rate of tax."

"An Act to incorporate the Mount Joy gas company."

"Supplement to an act to incorporate the Pennsylvania fire insurance company."

"An Act to confer on Edward E. Lutz the rights of a child born in lawful wedlock."

"An Act to confer on Horace G. Lutz the rights of a child born in lawful wedlock."

"An Act to authorize the State Treasurer to pay Robert Young, for loss sustained by fire on the line of the Columbia and Philadelphia railroad."

"An Act to abolish the office of sealer of weights and measures in certain counties of this Commonwealth."

"An Act to incorporate the Washington Monument association of the First school district of Pennsylvania."

WM. F. PACKER.

AN ACT relative to the manner of payment of coupons.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all coupons heretofore issued by any county, city, borough or other municipal corporation within this Commonwealth, for interest due or to become due on any railroad bonds issued to any railroad company, or for any other purpose under the laws of this Commonwealth, or in payment of subscriptions to the capital stock of any such railroad company, shall as they become due and payable, be a legal tender in payment of taxes due or to become due to such county, city, borough or other municipal corporation which may have issued, or authorized the issue of such coupons or bonds; and it shall be the duty of the collectors of such taxes, and the treasurers of said county, city, borough or other municipal corporations, to receive said coupons in payment of such taxes, and to receipt for the same in like manner as if said taxes were paid in cash.

SEC. 2. That in all cases when the sum of money mentioned in said coupons, shall exceed the sum or amount of taxes due and payable by the person or persons holding and tendering such coupons in payment of taxes as aforesaid, then and in such cases, it shall be the duty of collectors and treasurers aforesaid, to receive such coupon or coupons in payment of taxes due, and for the excess or amount overpaid, to execute and deliver as such collector or treasurer in behalf of such corporation to the holder of such coupon or coupons, a warrant stating the sum or amount so overpaid and due thereon; which warrant so executed shall be a lawful tender *pro tanto* for the payment of any future taxes which may become due and payable by

the holder thereof, to any such municipal corporation.

SEC. 3. That all coupons so redeemed and received in payment of taxes, shall be returned by the collectors to the proper treasurer of such county, city, borough or other municipal corporation; and in all cases where warrants shall be issued as aforesaid, such warrants shall be noted and designated by number, date and amount endorsed on the coupon or coupons for which they may have been given or exchanged, by the proper collector or treasurer who issued the same.

SEC. 4. That all coupons aforesaid, shall be a legal tender in payment of any and all debts due by the holder or holders thereof to any such city, county, borough or other municipal corporation which may have issued or authorized the issue of the same: *Provided however,* That nothing herein contained shall be construed to deprive any city, county, borough or other municipal corporation, of any right which they now possess, to obtain the decree of a court of equity declaring any such bond in whole or in part void, by reason of fraud or illegality in the issue thereof.

AN ACT to authorize certified copies of records of insurance companies to be admitted as evidence.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases of litigation in any of the courts of common pleas or quarter sessions of this Commonwealth, where a mutual fire insurance company chartered by the Legislature of this State shall be a party, a copy of the record or records of such company, certified by the seal of the company and the affidavit of the proper officer, that such is a true copy of the record, as the same may purport to be, shall be admitted as evidence before such courts, and be received as of equal weight with the original record; also, that such fire insurance companies so chartered, shall not be compelled to produce their books of record before any of the courts of this Commonwealth, but in lieu thereof, shall on sufficient notice, furnish a copy of a designated record or part thereof, at the proper cost of the party requiring such evidence, which, certified as before mentioned, may be read in evidence on trial.

AN ACT supplementary to an act relating to counties and townships, and county and township officers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the terms and provisions of the fifth and sixth sections of the act relating to counties and townships, and county and township officers, approved the fifteenth day of April, Anno Domini one thousand eight hundred and thirty-four, be and the same are hereby extended to cities and boroughs.

SEC. 2. That in no case shall any county, city, township or borough, be compelled by any judicial proceeding to pay any claim against the same, or any alleged debt thereof, nor shall any such county, city, township or borough, be compelled by any legal or judicial process whatsoever, to make provision therefor, until a judgment has been first obtained against such county, city, township or borough, by suit or action at common law, in accordance with existing regulations; and then only by execution issued upon such judgment, in accordance with the provisions of the said sixth section of the said act.







